

Fitness to Study and Practice Policy

Policy Details			
Policy Owner	Assistant Principal Learner Experience & Support		
CE Sponsor	Deputy Principal		
Date created this year	31 August 2020		
Version:	Approved by:	Date approved:	To be reviewed:
1	College Executive	01 September 2021	September 2024
2	College Executive	12 September 2023	September 2024
3	College Executive	27 September 2024	September 2027

Version Control	
Version Number	Changes from previous 12 months policy
1	
2	Expanded the scope to include Fitness to Practice
3	Update to reflect changes to job titles and management nomenclature Textual revisions to include UCC

Equality Impact Assessment Tool

		Yes/No	Comments
1	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	Race or ethnicity	No	
	Disability	No	
	Gender	No	
	Religion or belief	No	
	Sexual orientation	No	
	Age	No	
	Marriage and Civil Partnership	No	
	Maternity and Pregnancy	No	
	Gender Reassignment	No	
2	Is there any evidence that some groups are affected differently?	No	
3	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4	Is the impact of the policy/guidance likely to be negative?	No	
5	If so, can the impact be avoided?	N/A	
6	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7	Can we reduce the impact by taking different action?	N/A	

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1. Introduction

- 1.1 Colchester Institute is committed to high quality advice, guidance, and support for all of its learners to support successful completion, achievement, and progression.
- 1.2 Where situations are linked to the attitude and behaviour of a learner the **Learner Professional Standards and Conduct Policy** should be referred to.
- 1.3 Colchester Institute recognises the importance of all learners' health and wellbeing in relation to their academic progress and educational experience. Learners are expected to take a proactive part in the process, by managing their own health and wellbeing and engaging with any necessary support, in order to fulfil their academic potential.
- 1.4 Colchester Institute is committed to promoting equal opportunities and fair and consistent treatment of all. All actions within the College are taken with full regard to the Equality and Diversity Policy.

2. Scope and Purpose

- 2.1 This Policy applies to any Colchester Institute learner admitted or enrolled on a full-time or part-time study programme, Further and Higher Education or apprenticeship at Colchester Institute, including those studying on an undergraduate or postgraduate course with University Centre Colchester (UCC). It does not directly apply to sub-contracted provision; the policy may be used as a guideline for dealing with these learners who may need to have their fitness to study reviewed.
- 2.2 There may be occasions where the health or wellbeing of a learner deteriorates to the point where it raises questions about their fitness, ability, and suitability to continue their studies, or where it may impact adversely on those around the learner.
- 2.3 This Policy will be used to support staff in all areas of the College to deal with instances where concerns have been expressed over an applicant's/learner's health or wellbeing, which have led to:
 - concern from staff at pre-application or pre-enrolment stage about an applicant's fitness to study at the College and/or ability to meet the learning outcomes of the course, notwithstanding reasonable adjustments;
 - concern from staff about a learner's fitness to study at the College and/or ability to meet the learning outcomes of the course, whilst enrolled on a Colchester Institute programme, notwithstanding reasonable adjustments;

- a negative impact on the health, safety, wellbeing and/or learning of the learner and/or others with whom s/he has contact, including staff;
 - a negative impact on the learner's ability to attend College and fully engage in their studies due to extended absence on health or mental ill health grounds, including being an in-patient in hospital or other residential facility.
- 2.4 It provides a supportive framework within which health and wellbeing issues are hoped to be resolved.
- 2.5 Problems may manifest themselves in a variety of different forms including for example long-term damage to the learner's health; disruption of the studies of other learners; unsustainable demands being made of staff; detention under the Mental Health Act.
- 2.6 This Policy will normally be applied in relation to concerns which arise on the College premises or whilst engaged in a course activity whether at the College, an approved partner organisation and/or placement provider. However, incidents which occur outside the College and/or prior to enrolment which raise concerns about a learner's fitness to study and where it is considered necessary to protect the safety, interests and reputation of the individual, the College, its staff, or learners, may also be considered under this Policy.
- 2.7 This Policy will also address concerns about a learner's 'Fitness to Practice' in an employment sector and/or profession, with the exception of UCC learners, where a separate UCC Fitness to Practice policy exists. These concerns will be about a learner's performance and/or conduct in relation to meeting the expectations defined by the professional standards required for placements leading to progression and employment in the professional area. These will be contextualised within the related profession or sector, and guidance relating to each sector will be sought from the course team, teacher, trainer or assessor.
- 2.8 This Policy will apply where learners/applicants present with difficulties due to their physical or mental health or wellbeing. However, the College reserves the right at any stage in the Policy to alternatively refer to the Learner Disciplinary Procedure, where a learner's attitude or behaviour poses a risk of harm to either themselves or others, or where learners do not engage positively with supportive interventions.
- 2.9 This Policy has four stages, based on the level of support needed by the learner and/or the seriousness of risk posed by the health or behaviour of a learner. Depending on the concern raised, it may be appropriate to move straight to level 2, or level 3, or level 4. Learners are encouraged to engage with the College and access all support available to them, if they choose not to do so, then this Policy may continue without their involvement.

- 2.10 For learners under the age of 18 (or who turn 18 within the academic year) communication with parents/guardians/ carers should be made at each stage of the policy unless contra-indication to do so. Other relevant authority/agency/employer contact may be made as required in order to safeguard the wellbeing of the learner. Consent to discuss concerns with relevant agencies will be gained from the learner/parents/carers (if under 18 years). If consent is not given but the learner or others are considered at risk from harm, agencies may still be contacted. This will also apply to learners aged 19 or over who have an Education Health and Care Plan (EHCP) or who are considered to be adults at risk of harm.
- 2.11 This Policy will be reviewed every three years. This should be done in conjunction with the Learner Disciplinary Policy.

3. Stage 1 – Emerging Concerns

- 3.1 When a concern about an applicant's or enrolled learner's health, safety or mental wellbeing is raised by a member of staff they should approach the learner in a supportive manner. The member of staff may seek advice and guidance from the Head of Area, the Head of Learner Additional Learning Support Manager.
- 3.2 The nature of the concern should be explained to the learner in a meeting, and they should be encouraged to discuss the issues, (it is possible that they will not have realised the impact of their actions). If appropriate, this is an opportunity to remind the learner about the: Learner Professional Standards and Conduct Policy, College Expectations; any other relevant College Policy; and the support that is available within and external to the College, such as: Counselling or Additional Learning Support. It should also be explained that a continuation of the same or any additional concerns could result in an escalation to Stage 2.
- 3.3 It is anticipated that the learner will respond positively, co-operate, and access the available support or, where appropriate, modify their behaviour, if possible.
- 3.4 Where applicants/learners are already working with and engaging with external agencies, but there is still concern from the College regarding their physical, mental health or wellbeing that may pose a risk of harm to either themselves or others, this policy will still be followed.
- 3.5 The stage 1 discussion with the learner should be followed up with password protected notes held in a secure document on Pro-Monitor (for UCC learners this should be logged with UCC Academic Services) that includes any agreed actions. Standard on-going monitoring should continue with the learner by the Course Tutor.

3.6 If the learner is unwilling or unable to respond positively, the member of staff should discuss the situation with the Head of Area. Further advice from the Head of Learner Services or the Head of ALS Manager is available if needed. The College may then decide to invoke Stage 2 of the Policy.

4. Stage 2 – Serious and/or Continuing Concerns

4.1 Where continuing or serious concerns about an individual applicant's or enrolled learner's health, safety, actions, or mental wellbeing are raised, the member of staff should contact the Head of Area to arrange a meeting with the learner. The learner's parents/guardians should be invited if the learner is under 18 years old or under 25 years old with SEND. A representative from Learner Welfare and Safeguarding Team may be asked to attend.

4.2 Together they can assess the applicant's or enrolled learner's perception of the impact that their health, actions and/or behaviour is having upon them and/or the wider College community, and ensure the learner understands the College's expectations regarding an individual's fitness to study.

4.3 If the learner is on a professionally regulated course, there will be consideration of any implications for professional practice.

4.4 An action plan will be drawn up and, where necessary, a risk assessment undertaken by the Head of Area. The action plan will set out any reasonable support measures and any conditions that the learner is required to adhere to, which may relate to their physical, mental health or wellbeing. The risk assessment will assess the risk relating to the learner, fellow learners, the College and/or staff. See Appendix 1.

4.5 The action plan will include a review date, and it will be made clear that failure to adhere to the action plan may result in Stage 3 being invoked. A copy of the agreed action plan will be saved securely (password protected) on Pro-Monitor (for UCC learners this should be logged with UCC Academic Services) and a copy given to the learner.

4.6 The action plan will be reviewed. It is expected that the learner will respond positively to the action plan and co-operate fully, access the outlined support and/or modify his/her behaviour accordingly.

4.7 If the learner does not engage positively or fails to adhere to the action plan, or if the meeting gives rise to more serious concerns about the applicant's/learner's capacity to adhere to the fitness to study policy, the matter should be referred to the Head of Area. It is then likely that Stage 3 will be invoked.

4.8 If a learner is not willing or able to attend the Stage 2 meeting, they may wish to nominate a representative to attend on their behalf. The policy will continue in their absence, and they will be informed in writing of the outcome of the meeting, and any enhanced action plan agreed.

5. Stage 3 – Significant and/or Persistent Concerns

5.1 This stage will be invoked when significant and/or persistent concerns are raised about an individual applicant's/learner's fitness to study that is putting the health, safety, wellbeing or academic progress of him/herself or other members of the College community at significant risk.

5.2 The Head of Area will hold a Stage 3 panel meeting to establish the facts, review submitted information (medical/other) and discuss an appropriate course of action.

5.3 The Stage 3 panel meeting will normally comprise:

- Head of Area or Assistant Head of Area;
- Course tutor or personal tutor and/or another member of staff, as appropriate
- Head of Learner Services

5.4 The following staff and specialist advisors may also be invited to attend, as appropriate:

- Welfare and Safeguarding Officer;
- Lead EHCP and HN Funding Manager;
- Head of ALS;
- Head of UCC Academic Services;
- Other relevant College staff.

5.5 The outcome of the Stage 3 panel meeting may be one of the following:

- that no further action is required; or
- to agree an Enhanced Action Plan (see 5.9); or
- to recommend a suspension of the learner's studies to enable a full assessment of the circumstances with regard to the learner and his/her course of study to be carried out (see 7);
- to recommend a different course of study;
- to recommend that the learner is not fit to study and should either not be enrolled or withdrawn from their course of study.

5.6 If the learner is on a professionally regulated course, the Stage 3 panel meeting will also consider whether there are implications for professional practice. Based on the seriousness of the case, and/or any perception of future professional implications, the Stage 3 panel may deem it necessary to notify the professional regulatory body, if appropriate.

- 5.7 The recommended outcome of the meeting (5.5) will be presented to the Deputy Principal and Assistant Principal for Learner Information and Services for approval. If approval is granted it will be noted securely on Pro-Monitor (for UCC learners this should be logged with UCC Academic Services) and the learner will be notified. If the recommendation is not approved a further meeting will take place to establish next steps.
- 5.8 Enhanced Action Plan. If the agreed action is an Enhanced Action Plan, the plan will have a review date and actions which have timely deadlines. This may include a risk assessment outlining risk and control measures.
- 5.9 It will be made clear that if the learner does not adhere to the Enhanced Action Plan, this could result in further action under this policy, including a suspension of studies or withdrawal. An enhanced action plan could include any of the following requirements:
- The learner temporarily undertakes studies at home instead of attending College (if the course content allows)
 - The learner making and attending an appointment with their GP;
 - Accepting a referral to a support agency i.e. Mental Health Services;
 - Utilising support within College, for example Learning Support;
 - Attending counselling, as appropriate;
 - Obtaining a report from recognised health professionals evidencing fitness to study or establishing a programme of support.
- 5.10 Furthermore, the College may require evidence that the learner has accessed support as directed in the Enhanced Action Plan.

6. Stage 4 – Demonstrable risk to self and others

- 6.1 In exceptional circumstances, the behaviour and/or impact of a learner's actions may result in stage 4 of the policy, a temporary suspension, being applied immediately. For this to happen, the events considered would be deemed to represent gross misconduct, as set out in the Colleges' Disciplinary Policies.
- 6.2 Any such decision should be taken jointly by the Head of Area, and the Assistant Principal Learner Experience and Support, or their appointed representatives. Following the issuing of a temporary suspension notice, point 8 of this policy document applies.

7. Suspension of Studies (Stages 1-3)

- 7.1 If the agreed action is a suspension of studies, the terms of the suspension will be specified, including any arrangements relating to access to support services, or whether the learner can continue with their studies and/or assessments, and if so in what form.

- 7.2 The suspension of studies will be carried out by the Head of Area or their deputy. The Vice Principal Learner and Information Services, Head of Learner Services and, for UCC learners, Head of UCC Academic Services must be informed.
- 7.3 It should be understood that a suspension of studies is not a disciplinary sanction.
- 7.4 If the learner is also a member of Colchester Institute staff, and the suspension of studies relates to reasons which may impact on their job role within the college, the Head of Area can request the member of staff's line manager to consider whether or not any further action is required in supporting the member of staff in their role.

8. Actions following a Suspension of Studies (Stages 1-4)

- 8.1 A suspension of studies will be reviewed by a Suspension of Studies Panel, in the light of developments or upon receipt of documentary evidence or information received. The review panel will not normally involve a hearing or submissions made in person. The evidence and information received will be discussed amongst the members of the panel.
- 8.2 Membership of the Suspension of Studies Panel will normally be:
- Head of Area or Assistant Head of Area;
 - Course tutor or personal tutor and/or another member of staff, as appropriate;
 - Assistant Principal Learner Experience and Support.
- 8.3 The following staff and specialist advisors may also be invited to attend, as appropriate:
- Deputy Principal
 - Safeguarding and Welfare Officer;
 - Head of ALS;
 - Head of UCC Academic Services;
 - Other relevant College staff.
- 8.4 The learner will be required to provide or co-operate with the College in obtaining independent, professional, and satisfactory evidence that the original concerns are overcome or are being managed effectively, before being permitted to return to study. The panel is entitled to determine the evidence required in order for the College to consider the learner's potential continuation of studies. Any failure to co-operate with the College may result in the learner being withdrawn from the course.
- 8.5 The panel will review the circumstances and any evidence and will consult with relevant staff. It may decide:

- a) that the learner is fit to study and should be permitted to resume the course, subject to an Enhanced Action Plan identifying relevant support measures and any conditions. Regular review meetings will be arranged to ensure that the learner's progress can be monitored, and on-going support modified if necessary (please see section 10: Returning to Study).
- b) that the learner remains unfit to continue and should be suspended for a further specified period. Their return to study will be subject to confirmation by the Head of Area and an Enhanced Action Plan;
- c) to determine that the learner is not fit to study and should be withdrawn from the course and the College from immediate effect.

- 8.6 The decision and associated reasons will be presented to the Deputy Principal and Assistant Principal Further Education for approval. If approval is granted it will be noted securely on Pro-Monitor (for UCC learners this should be logged with UCC Academic Services) and the learner will be notified. If the recommendation is not approved a further meeting will take place to establish next steps.
- 8.7 It may only be possible for a learner to return to study at certain points in the academic calendar, depending on the particular circumstances of the learner and the course of study.
- 8.8 If a learner decides to voluntarily withdraw from their studies at any stage of the procedure, the College will be entitled to request satisfactory evidence that the original concerns have been overcome or under control, before the learner can be re-admitted in that or any following academic year.

9. Long Term Unavoidable Absence on Health or Mental Ill Health Grounds

- 9.1 On some occasions learners may be unable to attend College, or fully engage in their studies, due to medical, health or mental ill health reasons. This could be as a result of a serious accident; surgical procedure; long term health condition or voluntary or mandatory admission to hospital or other residential support unit. This can also result in a suspension of studies.
- 9.2 Wherever possible learners should be supported in engaging with their College work, although it is recognised that this may only be on a part time and temporary basis. A supportive conversation should take place with the learner about what they can reasonably do whilst absent from College, with an action plan agreed and access to online course materials set up, work sent home, or equivalent depending on the circumstances. This may not be sustainable as a long term option as many courses require face to face delivery.

- 9.3 Where it is appropriate and possible to do so, the programme leader or Head of Area should maintain regular contact with the learner to discuss the length of absence and monitor the likelihood of a return to study and the potential impact on their ability to successfully complete their course of study. If this is deemed unlikely, consideration may be given to intermitting or withdrawing from the programme with the opportunity to resume at a more appropriate point.
- 9.4 If a learner chooses to withdraw from their programme (s)he will be required to produce a fitness to study certificate from their GP which for Further Education Learners and apprentices will be considered at an Admissions Review Panel (ARP) prior to being allowed to recommence their studies.
- 9.5 If a learner discloses information for an approved extenuating circumstances claim which insinuates, they have not been fit to study in the past academic year the learner will be required to produce a fitness to study certificate prior to being permitted to re-enrol for the following academic year.
- 9.6 Fitness to study certificates referenced in sections 9.4 and 9.5 are required to be approved by the Area Head or the Head of UCC Academic Services in consultation with the Assistant Principal Learner Experience and Support. Where a learner is unable to provide a fitness to study certificate, or the document received is deemed to be unacceptable, the learner's enrolment will be discussed at an Admissions Review Panel.

10. Returning to Study – From Suspension of Studies

- 10.1 Where satisfactory evidence is obtained to indicate that the original concerns are overcome or under control and that the learner is fit to study and is permitted to resume the course, returning to study may be subject to an action plan identifying relevant support measures and any conditions.
- 10.2 A return to study/college meeting must take place with the learner in which discussion must include reference to his/her resilience to cope with the demands of returning to College, and the level and intensity of study. Support from in-house departments should be explored and a further risk assessment carried out, where necessary.
- 10.3 Regular review meetings will be arranged to ensure that the learner's progress and can be monitored and on-going support modified if necessary.

11. Register Marks – Suspension of Studies

- 11.1 Where a suspension of studies is agreed the registers will be marked depending on:

- a) If the learner is fit to continue with studies and work from home or is being educated in a residential placement (Hospital Education Team) and this can be clearly evidenced - the learner will be marked as O – Offsite Course Related.
- b) Where it is not possible for a learner to work from home/offsite or there is not enough evidence to satisfy that they are working from home then they could be temporarily removed from the timetables. This would result in a neutral mark that will not have a detrimental effect on their overall attendance percentage. This mark can only be sanctioned by the Director of Funding and Information, the Vice Principal Learner and Information Services or member of the College Executive.

11.2 Where a suspension of studies is agreed, the learner must be given the option of keeping in touch with the course area by phone call and/or email. This is entirely optional as the learner may not wish to hear from the College whilst absent.

12. Admission Review Panels (Fitness to Study)

12.1 When a concern about an applicant's health, safety or mental wellbeing is raised by a member of staff they should approach the applicant in a supportive manner to discuss concerns and to explore support which can be put in place or is already in place.

12.2 The member of staff may seek advice and guidance from the Head of Area, Head of Learner Services or Head of Additional Learning Support (Stage 1)

12.3 If, after an initial discussion, concerns still exist, an Admissions Review Panel will be called. This will include:

- Deputy Principal;
- Head of Area;
- Assistant Principal Learner Experience and Support;
- Course Leader/ Tutor/ Head of ALS/Welfare and Safeguarding Officer/Head of UCC Academic Services/ALS Co-ordinator may be co-opted, as required.

12.4 The panel will discuss concerns and consider evidence and information from medical professionals (if required), school, the applicant or other services relating to the applicant and explore whether concerns can be reduced by an action plan being put in place to offer further support. The panel may decide:

- The applicant can enrol if he/she agrees to an action plan for support (Stage 2/Stage 3 above).
- The applicant is not fit to study and should not be enrolled on the course or at College.

12.5 If the applicant applies later in the academic year or in another academic year, the applicant will be required to provide or co-operate with the College in obtaining satisfactory evidence that the original concerns are overcome or under control before being permitted to enrol, for example: a report from health professionals stating that learner/application is fit to study and poses no risk to self/others. Any failure to co-operate with the College will result in an applicant not being able to enrol.

13. Appeals

13.1 A learner may appeal against decisions made within this Policy by writing to the Principal and Chief Executive within 10 working days of receiving notification of the decision. Appeals received later than 10 working days will not be considered. The letter must outline the grounds of the appeal. The appeal will normally be heard within 10 working days of receipt of the written appeal.

13.2 The Principal, a member of the College Executive and one member of the Senior Leadership Team will meet to consider the appeal. No member of the original panel shall have any part in the appeals process. The decision of the appeals committee is final.

13.3 For learners studying on a University Centre Colchester undergraduate or postgraduate course a Completion of Procedures letter will be issued when the Colleges' internal procedures for dealing with appeals has been exhausted. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of learner complaints or appeals. Learners wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures letter.

14. Confidentiality and Disclosure

14.1. There may be occasions where the College judges that it would be in the best interests of the learner to disclose sensitive information e.g., to the learner's designated emergency contact or to an external agency such as the Community Mental Health Team. In these circumstances, the learner's informed consent should be obtained where possible.

14.2. If the learner chooses not to provide consent, the implications of non-disclosure should be made clear. However, there may be rare occasions where if the learner's consent is withheld or it is impracticable to obtain it, when confidentiality may be broken, if the learner is deemed to:

- Put their life at risk;
- Put the life of someone else at risk;
- To have experienced a deterioration in mental health to a serious level such being unable to maintain daily living routines and relationships;
- Be at risk of serious exploitation or abuse;
- Display behaviour that is adversely affecting the rights of others;
- Place staff in a position in which their professional integrity may be compromised.

15. Emergency Situations

- 15.1 In cases of emergency requiring immediate suspension of studies, staff or learners should contact their Head of Area, a member of the Senior Leadership Team (SLT) or a member of the College Leadership and Management Group (CLMG).
- 15.2 In cases of emergency, the contacted member of CLMG shall be empowered to:
- Suspend studies of a learner with immediate effect;
 - Contact parents, guardians and/or next of kin as appropriate;
 - Contact emergency services as application to the situation.

16. Monitoring of the Procedure

- 16.1 The College will collect aggregated data about Fitness to Study cases and will include a summary in the Annual Safeguarding Report submitted to the relevant Corporation Sub-committee for the purpose of quality assurance and enhancement.
- 16.2 The effectiveness of the Fitness to Study Procedure will be reviewed every three years by the College Executive and where appropriate, changes recommended.

17. Related Policies

This document should be read in conjunction with the following related policies:

- Learner Professional Standards and Conduct Policy
- Learner Attendance and Punctuality Policy
- Equality and Diversity Policy
- UCC Attendance, Engagement and Progress Policy
- UCC Learner Disciplinary Procedure
- UCC Fitness to Practice Policy

18. Changes implemented in this version

None.

Appendix 1 - FITNESS TO STUDY RISK ASSESSMENT

A learner fitness to study risk assessment should be considered where a learner's health, actions and/or wellbeing poses a demonstrable and on-going risk to the health, safety, and wellbeing to others at the College and also presents a risk to their own safety.

A learner fitness to study risk assessment should:

- Involve the learner where possible;
- Involve all staff who work with the learner;
- Be conducted by a competent person;
- Involve outside agencies, where appropriate.

A risk assessment must:

(a) Identify and assess impact of the risk

One way in which one can identify the risks is to gather evidence that can be used in the risk assessment. This should include:

The actual behaviour which brings into question the learner's health and wellbeing, including previous behaviour;

- The potential of harm (no harm, harm, serious);
- Pre-existing medical conditions, Additional Learning Support plan (e.g. Learner Support Plan);
- The occurrence of risk (time of day, trigger points, pattern to behaviour);
- Who is likely to be injured or harmed;
- What kinds of harm, injuries are likely to occur.

(b) Manage the risk

From this evidence one should be able to devise a risk assessment detailing control measures to remove / reduce the risk.

The outcome of the risk assessment should be disseminated to all appropriate staff.

The risk assessment should be reviewed regularly taking into account the views of the learner, staff and recognised medical professionals.

LEARNER FITNESS TO STUDY RISK ASSESSMENT

Learner's Name:		
Course:		
Risk assessment undertaken by:	Name:	Signature:

Describe issues/behaviours that have the potential to cause harm	Who could be harmed	Risk level before controls are in place			Initial control measures used to date	New / further control measures required	Risk level with controls in place		
		L	M	H			L	M	H

List any activities which cannot be safely managed, as far as it is possible to foresee:

Learner Name:

Learner Signature:

Date of assessment:

Review date: