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## Alternative format of Fitness to Study Policy

If you require this document in an alternative format, please contact the Student Support team via [Contact us](#) (phone +44 (0)300 303 5303), or via [StudentHome](#) if you are a current Open University student.

For requests relating to postgraduate research student policies, please contact the Research Degrees Team via [research-degrees-office@open.ac.uk](mailto:research-degrees-office@open.ac.uk).

## Summary of policy

The Open University is committed to helping students achieve their study goals and to providing support throughout the student journey, in accordance with the [OU Student Charter](#). We recognise that studying can contribute towards positive wellbeing in many cases.

The Open University is more than just a place of learning – it's a community. As members of the OU community, everyone has responsibilities to behave in ways that enables all members to achieve their full potential and for the University to flourish. The University and Students Association jointly developed the [Student Charter](#) setting out what we can all expect of each other. Both The University and the Students Association take the values expressed in the Charter very seriously and are committed to upholding them.

Our aim is to support students to engage positively in all aspects of the student experience, including academic studies and student life. The Open [University's Accessibility Policy](#) sets out our commitment to supporting all of our students in ways that effectively meet their needs. We recognise however that some students may face difficult circumstances during their studies, and may act or [behave in ways that are contrary to the Student Charter](#) as a result of these difficult circumstances. This policy may be used to support students in such cases where their behaviour raises concerns within The Open University about their health, safety or wellbeing, and where this behaviour in turn impacts on their academic progress or engagement with study. This policy will also be used where a student's behaviour adversely impacts on other members of our community including other students and staff or impacts on the teaching and administrative processes of The Open University. The policy also sets out the role of an [advocate](#) (if appointed by the student) in the process.

This policy sets out how we will work with students where there are concerns about their behaviour and their ability to engage and continue with their studies,

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to either put a personalised support plan in place, reach agreement that the student should take a break in study or stop studying completely, as appropriate to their circumstances.

If this policy is applied to you, we hope that you will agree to work with us to plan a way forward that is in the best interests of yourself and the University. If you do not work with us, we may need to follow the procedure outlined in this policy without your agreement. You do not need to declare or have declared a disability or diagnosed health condition for this policy to apply to you.

## Scope

### What this policy covers

The policy applies to all [students of The Open University](#) and learners studying credit-bearing courses on Apprenticeships, Vocational Qualifications or Microcredentials offered by The Open University, which includes

- Undergraduate taught students
- Postgraduate taught students
- Postgraduate Research (PGR) Students
- PGCE (Wales) students
- Students on a work-based placement (e.g. nursing or social work qualifications)
- Microcredential Learners
- Apprenticeship Learners
- Vocational Qualification (VQ) Learners.

This policy covers behaviours at, on or during:

- Contact with staff by telephone, email, webform, in online meetings or in person
- Tutorials
- Day schools and residential schools
- Open University hosted online forums
- Open University monitored social media sites, however where The Open University does not monitor a social media site, we can only act if concerns are brought to our attention by students or staff
- other Open University online or in person events

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## What this policy does not cover

This policy does not apply to individuals who are not yet students of The Open University (enquirers), or to learners studying a short course, OpenLearn or FutureLearn materials or other courses that have no credit, or to Learners studying a Microcredential on FutureLearn where the course content is not provided by The Open University.

Students studying with partner or validated institutions are covered by the policies of the institution with which they are studying.

Students studying certain disciplines (e.g. Nursing, Social Work or teaching which are subject to the requirements of Professional, Statutory and Regulatory Bodies) may be subject to separate and over-riding obligations to declare significant health issues that may impact their ability to practise. Where there is a fitness to practise issue, the Fitness to Practise Policy or the regulations of the relevant Professional, Statutory and Regulatory Bodies, as applicable, will take precedence. Further information can be found in the [Fitness to Practise Policy](#).

If you are uncertain whether this policy applies to you, please talk to the appropriate contact for your qualification or course (see [Further Clarification](#)).

The policy does not cover complaints from students about the behaviour of staff. Such complaints should be made via the [Complaints and Appeals Procedure](#) or via Report + Support, the Open University's [Safe Space Reporting](#) tool, to report any form of discrimination, bullying or harassment.

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## The Open University Student Charter Values

The [Student Charter](#) was developed jointly by The Open University and the OU Students Association. It is a declaration of our shared values and the commitments we make to each other. This document has been developed with the Student Charter values as its foundation.

This document specifically aligns with the following Open University Student Charter Values:

- 1 We treat each other with courtesy and respect, respecting the rights of individuals to hold different beliefs and views and to express them appropriately.

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- 2 We value diversity, anticipate and challenge inequalities, and commit to being an anti-racist, anti-discriminatory, accessible and inclusive university, so all feel a sense of belonging.
- 4 We communicate with each other in ways which are clear, relevant, accurate and timely.
- 7 We act ethically and transparently, providing and making use of fair and open means to deal with our concerns and grievances, learning from them.
- 8 We challenge bullying and harassment and are committed to supporting the mental health and wellbeing of all members of our University community.
- 9 As students, we share the responsibility for learning and make a commitment to study and research using the resources and support services available, upholding the highest standards of academic integrity.
- 11 We work to maintain and enhance the standards and reputation of our University recognising the contributions that all members make to its success.

## Policy

### 1. Purpose

- 1.1 The purpose of this policy is to set out how we will work with you to help you participate positively with your studies, during and/or after a period of concern about your health, safety, and wellbeing, which has affected your academic progress or engagement with your study.
- 1.2 The objectives of this policy are:
  - 1.2.1 To encourage early intervention and active collaboration between you, any Advocate you appoint, and staff members, in addressing the impact of any physical, emotional or wellbeing difficulties you are facing on your fitness to study.
  - 1.2.2 To help you to pursue your study plans in the most appropriate way for your circumstances.
  - 1.2.3 Where appropriate, to agree an Action Plan with you that will help you continue with your studies or determine whether you might benefit from taking a break from studying.

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- 1.2.4 To ensure a smooth transition back to studying after an agreed break in study.
- 1.2.5 To provide an alternative, supportive approach where a more formal, disciplinary approach is not appropriate.

## 2. Policy principles

- 2.1 The Open University recognises that mental and physical health conditions are classed as disabilities under the Equality Act 2010 for England, Scotland and Wales, and the Disability Discrimination Act 1995 for Northern Ireland. This policy helps to ensure we avoid discrimination on the grounds of disability. We recognise that when going through difficult times, whether mentally, physically or emotionally, it can become harder to fully participate in study, or meet the expectations The Open University community places on you as set out in the [Student Charter](#).
- 2.2 If you act or behave in ways that are contrary to the Student Charter, we will advise you of our concerns and offer support, whilst also protecting other students and members of staff who may be impacted. Examples of the type of behaviour that might be considered contrary to the Student Charter are given in the [Glossary](#). Where contrary behaviour continues over a period of time, we will use this policy to advise you of our concerns and will put appropriate actions in place that can support you to address and resolve these concerns so that you can continue to study and achieve your academic goals.
- 2.3 We will also act under this policy if we believe that your behaviour or decisions relating to your study are not in the best interests of your health and wellbeing.
- 2.4 Where staff have evidence of significant Fitness to Study related concerns, they will use this policy to support you to rectify these concerns. Please note that staff may identify behaviours that you yourself are not aware of.
- 2.5 If this policy is applied to you, we hope you will agree to work with us to plan a way forward that is in the best interests of yourself and the University. If you are unable or choose not to work with us, we may need to follow the procedure outlined in this policy without your agreement.

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2.6 The policy is implemented through a three-stage procedure. We will commence with the Stage that is appropriate to the level of support you require, rather than necessarily starting at Stage 1.

2.7 In exceptional circumstances we may need to consider suspending your studies at any point during the Fitness to Study procedure. This may be where:

- we have serious concerns about your health, safety and wellbeing or the safety and wellbeing of other students or members of staff, as a consequence of your behaviour.
- your behaviour is severely impacting our teaching, support or administrative processes.

In such circumstances, the Director, Student Support Services (for all undergraduate and postgraduate taught students, and all learners), or the Graduate School Director (for postgraduate research students) may suspend your studies until a [Case Conference Panel](#) can be convened, and a decision reached at Stage 3 of the Fitness to Study procedure. This action will only be taken if the relevant authority believes it is urgent and necessary to do so given the nature of the concerns. Written reasons for the decision will be recorded and communicated to you.

2.8 Throughout all three Stages of the Fitness to Study process, you can nominate someone to be your Advocate, and to speak and deal directly with The Open University on your behalf. More information about using an Advocate is given within our [Advocacy: guidelines and procedure](#).

2.9 In some circumstances, it may become apparent that you need more support than The Open University can reasonably provide. If this is the case, we may suggest you seek external support, such as from your General Practitioner (GP) or other professional services/bodies, alongside following the procedures set out below.

2.10 If your behaviour continues to cause concern despite the provision of Fitness to Study support, or if you are abusive towards Open University staff or students, The Open University may need to follow alternative policies such as the [Code of Practice for Student Discipline](#).

2.11 Whilst The Open University will always seek to work collaboratively with you in a way that feels comfortable, if your health or behaviour presents a serious and

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immediate risk to you or to others, we will be required to invoke emergency actions such as contacting the emergency services. These emergency actions may be undertaken without your consent or agreement. When taking such actions, we will seek to ensure that they are relevant and proportionate according to the circumstances.

- 2.12 We may have a statutory obligation to inform other internal departments such as the Safeguarding Referrals Team or the Prevent Coordinator of specific behaviours of concern and may also need to share relevant information with external parties. For more information about how we might need to share your data and the provisions of the Data Protection Act 2018 see section 4 – [Confidentiality and Sharing Information](#).
- 2.13 If you would like to raise or discuss any concerns about the way The Open University is applying this policy to you, or someone you are advocating for, please use the [Student Complaints and Appeals procedure](#).

## Procedure

### 3. Implementation and application of procedure

- 3.1 When implementing this policy, we will follow these overarching principles:
- 3.1.1 We will ensure you are aware of this Fitness to Study Policy and any other relevant policies and will support you to understand the procedures we will be following.
  - 3.1.2 We will discuss our concerns with you and give you the opportunity to respond to this, as well as an opportunity to address the behaviours causing these concerns.
  - 3.1.3 We will endeavour to act in a timely manner, keeping you informed of anticipated timescales of further actions that may need to be taken.
  - 3.1.4 We will set clear timeframes for each of our actions and your responses, including timeframes for improvement and review.
  - 3.1.5 You will be given a copy of any support or action plans that are agreed at each stage, as well as a written summary of all meetings held with you.

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- 3.1.6 Any record made during this process will be held on your student record in accordance with our [Student Privacy Notice](#). It will be treated in strict confidence and only made available to those who have a role in the Fitness to Study process.
- 3.1.8 We will endeavour to act in what we believe to be your best interests whilst safeguarding the wellbeing of other students and our staff.
- 3.2 If you are undertaking a work placement as part of your studies and you, another student, or a staff member raises concerns about your behaviour and ability to engage appropriately with your study or with others, The Open University may follow the [Fitness to Practise Policy](#) as primary guidance where appropriate but may also refer to this policy alongside or instead of the Fitness to Practise Policy.
- 3.3 If you are registered for the PGCE in Wales, this policy may be used alongside or instead of the Student Support Framework, as considered appropriate by the PGCE Programme Team.
- 3.4 Throughout all three Stages of the Fitness to Study process, you can appoint an Advocate to represent you in any discussion with The Open University. You may wish to do this if you are finding it difficult to speak for yourself or to understand the process that is being applied. Information about how to appoint an Advocate is given in [Advocacy: guidelines and procedure](#).
- 3.5 You can also be accompanied by a [friend or representative](#), to provide you with some personal support if you do not have an Advocate in place.
- 3.6 If you choose not to engage with the Fitness to Study process, we may follow the policy without your agreement. However, if you refuse to undertake the actions we set to help you address the concerns about your behaviour, The Open University may need to follow alternative policies such as the [Code of Practice for Student Discipline](#).
- 3.7 Stage 1 - Emerging Concerns**
- 3.7.1 We hope that by taking early action, most concerns can be resolved at Stage 1.
- 3.7.2 If concerns are raised about the impact your mental, physical or emotional wellbeing is having on your studies or learning, or that your behaviour is impacting the wellbeing of other students, staff or the administrative

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processes of The Open University an [appropriate person familiar with providing support](#) related to physical, mental and emotional health difficulties will contact you.

- 3.7.3 The member of staff who contacts you will explain why we are concerned about your behaviour. If relevant, they will ask for your consent for us to use and store any [special category data](#) you share with us in relation to this policy. You do not have to share any additional information with us, however the more information The Open University has, the more help, assistance and support we may be able to provide.
- 3.7.4 The member of staff will work with you to agree what actions should be taken to address the concerns raised, including identifying any appropriate sources of support and agreeing a timescale for review. You will be sent a record of this discussion and the actions and review timescales agreed. This information will be kept on your student record.
- 3.7.5 We will advise members of staff involved in supporting you and your studies, who need to know that an action plan is in place. If you are studying as part of an Apprenticeship Programme, on the pre-registration nursing programme or the social work programme, for a Vocational Qualification or a PGCE in Wales your employer may also be advised of the concerns that have been raised about your mental, physical or emotional wellbeing and how this is impacting your studies or learning.
- 3.7.6 When the time for review has been reached, you will be contacted by an appropriate member of staff who will discuss the progress you have made. If the agreed actions have been followed and The Open University no longer has any concerns, the matter will be closed. You will be sent a record of the review discussion, including confirmation that the Fitness to Study process has been concluded. This information will be kept on your student record.
- 3.7.7 If however, you or The Open University continue to have concerns about your behaviour, the member of staff carrying out the review will discuss the concerns with a relevant [Senior Authority](#) to agree what actions should be taken to further support you.

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Where the Senior Authority has continuing or serious concerns about your health, or mental or emotional wellbeing, we will proceed to Stage 2.

### 3.8 Stage 2 – Continuing or Heightened Concerns

- 3.8.1 When concerns are raised at Stage 2, a [Senior Authority](#) will contact you and advise you that we either have serious concerns about the impact of behaviour caused by your mental, emotional or physical health or wellbeing, or that previous arrangements to resolve concerns about your behaviour have not been successful and further supportive action is required.
- 3.8.2 If you are studying as part of an Apprenticeship Programme, on the pre-registration nursing programme or the social work programme, for a Vocational Qualification or a PGCE in Wales your employer will be advised and asked to be involved in supporting you through this stage.
- 3.8.3 You will be invited to attend a formal meeting. This will usually be conducted by telephone but can also be by online meeting or in person, and will explore the impact your behaviour is having on you and/or on other Open University students or staff. The meeting will be attended by the Senior Authority and other members of staff as appropriate to your qualification.
- 3.8.4 You may be accompanied at this meeting by your Advocate, if you have appointed one, and/or a [friend or representative](#), if you wish, to provide additional personal support.
- 3.8.5 To help you prepare for this meeting, we will tell you if there is any information that would be helpful for you to provide, that will help the Senior Authority and other members of staff understand whether it is in your best interests to continue with your studies. You are not obliged to disclose any personal or private information, however the more information The Open University has, the more help, assistance and support we may be able to provide.

You may be asked prior to this meeting to provide the University with medical or other evidence from a suitably qualified professional which outlines their opinion on your fitness to study.

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If you fail to do so, the Senior Authority and other members of staff will request your consent to enable us to obtain such evidence. If you do not give consent for us to obtain this supporting evidence, the Senior Authority may proceed to consider your case on the basis of the existing evidence available to them. Please be aware that without the requested supporting medical or professional evidence, it will be difficult for the Senior Authority to fully consider your case.

3.8.6 There are two outcomes of this Stage 2 meeting:

i) Development of an Action Plan. If the discussion at the formal meeting indicates that it is in your interest to continue studying, we will work with you to develop and agree an Action Plan for improvement. The Action Plan will outline the conditions under which you can continue to study, the improvements required, what The Open University will do to support you and will have a review date. It will also outline what will happen if you do not follow the Action Plan or achieve the improvements expected.

We will notify you of the name and contact details of the member of staff who will be supporting you throughout the Action Plan period and work with you to monitor your progress with the plan. We will send you a copy of the Action Plan along with a summary of the Stage 2 meeting and keep a copy of both on your student record.

ii) Proceed to Stage 3 Significant Concerns. If the discussion at the Stage 2 meeting indicates it would be best for you to take have a break in study for a specified period of time to give you the opportunity to seek further external or professional support, we will proceed to [Stage 3](#).

We will send you a written summary of the meeting within 10 working days of the date of the meeting. A copy will be kept on your student records.

## 3.9 Stage 2 Review

3.9.1 Once you have completed the Stage 2 Action Plan or the agreed period for improvement has lapsed, you will be invited to a review meeting, with the member(s) of staff who has been supporting you throughout this process,

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to assess your progress. Your Advocate may also attend this meeting if you have appointed one, and you may also have a [friend or representative](#) at this meeting to support you.

- 3.9.2 If there are no outstanding concerns from your perspective or ours, this will be recorded, and the Action Plan will be closed. A note will remain on your student record to indicate that this decision has been made jointly. You will be sent a written summary of this meeting, confirming all actions have been met and the Fitness to Study process has been concluded. A copy of this summary and the completed action plan will be kept on your student record.
- 3.9.3 If you have not been able to follow the agreed Action Plan and/or concerns remain, your case will be escalated to [Stage 3](#). Stage 3 may also be used if you have agreed it would be more appropriate for you to take a break in your studies for a period of time.

### 3.10 Stage 3 – Significant Concerns

- 3.10.1 At Stage 3, a [Case Conference Panel](#) is convened, with this panel comprising relevant academic and student support staff. Additional panel members will also attend for Postgraduate Research students (comprising a member of the Research Degrees team), Apprentices or those on a Vocational Qualification (comprising a representative from their Employer), and for PGCE (Wales) students (comprising a member of staff from their Employer School).

The Case Conference Panel will convene a meeting, which may be held by telephone, by online meeting, or in person. You will be invited to attend this meeting with your Advocate (if you have appointed one), and a [friend or representative](#) nominated by you for personal support.

- 3.10.2 In advance of the meeting, you will be asked to provide medical or other evidence from a suitably qualified professional which sets out their opinion on your fitness to study with The Open University. If you are unable to provide this evidence, we will request your consent to us to obtain such evidence. If you do not agree to provide this evidence or give consent to us obtaining such evidence, the Panel may proceed to consider your case on the basis of the existing evidence available to them.

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Please be aware that without supporting medical or professional evidence, it will be difficult for the Panel to fully consider your case.

3.10.3 The Panel will discuss your case with you to determine which of the three options below applies:

- i) Development of an Enhanced Action Plan: This Plan will be based on any existing Action Plan and will be developed with you.
- ii) Break in Study/Learning: A break in study or learning is designed to allow you time to address your physical, mental health or wellbeing issues. A break in study or learning may not be available to all students or learners. The Case Conference Panel will therefore discuss your circumstances and options with you when considering this recommendation. They will also specify the conditions you must meet before re-registering to complete your studies.

When the Panel determines this is an appropriate action to take, they will make a recommendation to the appropriate Senior Officer and specify the duration over which the break in study or learning should occur. For undergraduate and postgraduate taught students and all categories of learner, a recommendation will be made to the Director, Student Support Services. For Apprentices or Vocational Qualification learners, a recommendation to take a break in learning will also be made to the learner's employer. For PGCE (Wales) students, a recommendation for a break in study will be made to the student's Employer School. For Postgraduate Research students, a recommendation for a temporary suspension will be made to the Graduate School Director.

- iii) Further Action: Where there are continuing concerns about your fitness to study, and this is not likely to change in the foreseeable future, the Panel may make a recommendation to the relevant Authority that you are withdrawn completely from studying with The Open University.

### 3.11 Stage 3 Review meeting

3.11.1 A Stage 3 review meeting only applies if you have been following an Enhanced Action Plan.

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The Case Conference Panel will reconvene for this meeting at the agreed Stage 3 review date. The Panel will consider to what extent the concerns covered by the Enhanced Action Plan have been addressed, and will determine which of the following outcomes apply:

- i) You are fit to study and your case can be closed. In this case, you will be given a report summarising:
  - the original concerns raised
  - the actions that were followed
  - the improvements or changes made
  - guidance about ongoing expected behaviours and when fitness to study may be used in future
  - details of any support in place going forward.
- ii) You are fit to study, as long as a new or revised Enhanced Action Plan is implemented, and that progress with this new plan is reviewed at an agreed date to determine whether concerns have been addressed at that point.
- iii) You are currently not fit to study, but there is an expectation that you will be able to continue studying after a taking a break in study, if applicable (see section 3.12).
- iv) You are deemed not to be fit to study, and this outcome is unlikely to change in the foreseeable future. The Panel may either require you to take a break in study, if applicable (see section 3.12) prior to a further Stage 3 Review meeting, or recommend that you are withdrawn from studying with The Open University.

## 3.12 Breaks in Study

3.12.1 Where possible, we will support you to take a break in your studies or learning if this is deemed best for your health, safety or wellbeing, or for the protection and wellbeing of other students or staff. Taking a break in study allows you to stop studying for up to a year at a time. A break in study may be renewed annually up to a maximum of two years break, subject to certain conditions. If you are a student on an undergraduate or

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postgraduate taught qualification or module, further information about breaks in study is available in the [Changing Your Study Plans Policy](#).

- 3.12.2 Taking a break in study or learning or extending a current break may not always be possible depending upon your registered qualification and your particular circumstances. You will have the opportunity to discuss your individual circumstances with an appropriate member of staff should this be the case.

### **3.13 Re-registering after a Break in Study**

- 3.13.1 At the end of a break in study, you cannot automatically register for any course, qualification or module. Instead, the Stage 3 Case Conference Panel will reconvene to determine if you are fit to re-register, and you may need to provide evidence to support your request to return to study. We expect that you will provide the evidence we ask for, so that we can facilitate your return to study. If you do not provide the evidence requested, and do not give consent to us to obtain this evidence, the Panel will review your request to return to study based on the existing evidence available to them. Please be aware that without supporting medical or professional evidence, it will be difficult for the Panel to fully consider your request to return to study.
- 3.13.2 Where the Case Conference Panel agrees that you can return to study, we will arrange for you to have a discussion with an Educational Adviser, or relevant staff member for your qualification or programme of study, to ensure your return to study is as smooth as possible. They will advise you of the steps you will need to take to complete your re-registration and support you through this process.

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## **4. Confidentiality and the sharing of information**

- 4.1 Processing data relating to this Policy is part of our public task of delivering Higher Education qualifications, with regard to the wellbeing of students. This section provides more detail about how we process data. Further information about how we use, store and share data can be found in the [Student Privacy Notices](#).

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- 4.2 If during our discussions, you disclose disability information to us, we will record this on your student record. You will be asked if you wish this information to be shared with relevant staff members who can talk with you about additional support that may be available. This information will only be shared if you agree.
- 4.3 You may feel that disclosing personal data (formally referred to as special category data) such as information about your physical or mental health, will help explain your circumstances as part of the Fitness to Study procedures. We need to have your consent to record and use this type of data as part of this Policy. We will ask you before we record any [special category data](#) on your student record, and you can withdraw consent for us to use this special category data at any time.
- 4.4 You can ask for any [special category data](#) collected under this Policy to be removed from our systems if you withdraw your consent. In such cases, we will remove the information from our records.
- 4.5 If you take a break in your studies or learning as part of this Policy, irrespective of whether the break was voluntary or enforced by The Open University, we will usually specify some conditions before you can re-register. This is likely to be the provision of evidence (specified by us) that you are well enough to return to study.
- 4.6 Under normal circumstances, your data will not be shared with third parties outside of The Open University unless specified in the [Student Privacy Notice](#) relevant to your study. If your data does need to be shared, we will seek your consent. The only circumstances under which we could share your data with other organisations without your consent, are in line with Data Protection Act 2018 Schedule 1 paragraphs 1, 10 and 18. See [Glossary](#).
- 4.7 There may be circumstances, for example if we were concerned about the risk of harm to you or others, when The Open University may need to contact a third party such as a Police Force, hospital, psychiatric services, a case worker, Social Services (or equivalent service) or a nominated Advocate about your behaviour. In such cases, we do not need your consent to contact these authorities.
- 4.8 Data relating to Fitness to Study will be kept on your student record for the duration of your qualification and as set out in the [Student Privacy Notice](#).

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## Methods of appeal

- 5.1 If you wish to appeal against the decision of the Stage 3 Case Conference Panel or any element of how this Policy has been applied, please consult the [Complaints and Appeals Procedure](#).
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## Welsh Language Standards

**Mae fersiwn Gymraeg o'r polisi hwn ar gael.**

**A Welsh language version of this Policy is also available.**

- 6.1 Students living in Wales have the right to communicate with The Open University through the medium of Welsh. This includes:
- Correspondence – you have the right to write to us or email us in Welsh, and we will respond to you in Welsh if that is your wish.
  - Meetings - When we invite you to a meeting as part of the Policy, either in person or on the telephone or online, we will ask you if you wish to use Welsh at the meeting. If you choose to use Welsh at a meeting and not all attendees are Welsh speakers, we will arrange a simultaneous translator.
- 6.2 Any Advocate you choose to represent you may also use Welsh in any meeting or correspondence.
- 6.3 The Open University also has a specific complaints procedure for complaints relating to Welsh Language Standards. Details on this procedure are available in the document [Welsh Language Standards – Dealing with Complaints and Comments](#).

<b>Commitment to Equality, Diversity and Inclusion at The Open University</b>	
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Policies are inclusive of all Open University Students and Learners, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

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## Safe Space Reporting

The Open University is committed to creating a diverse and inclusive environment in which everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University will not be tolerated. Safe Space Reporting is available through [an online tool](#) through which staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment. It also provides information about what you can do if these incidents happen to you, or to someone you know, and where you can find support.

## Glossary

### Action Plan

An Action Plan is a personalised support plan which sets out the conditions and timescales under which you will be permitted to continue to study. We will work with you to explain why it is in your interest to satisfy particular academic requirements or engage with specified types of support and/or fulfil conduct-related expectations, and to gain your agreement to do so. The Action Plan will have a specified review date, and we will agree what will happen if you do not follow the plan or meet the expected improvements. We will notify you of the name and contact details of the member of staff who will support you work with the Action Plan and monitor your progress with the Plan.

### Advocate

An Advocate is any person who is appointed by a student to speak and/or otherwise act on their behalf. The Advocate's role is to empower the student to communicate independently and make informed decisions regarding their studies. Information about using an advocate and how to appoint one is can be found in the [Advocacy Policy](#).

### Appropriate person familiar with providing support

If you are registered for an undergraduate degree, taught postgraduate degree (with the exception of the PGCE in Wales), or apprenticeship, the person who contacts you to discuss your fitness to study at Stage 1 will be an Educational Adviser.

If you are a Postgraduate Research Student, you will be contacted by the Senior Manager, Postgraduate Research Students.

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If you are registered for a PGCE in Wales, you will be contacted by your curriculum tutor or the Module Team Chair.

If you are registered for a Vocational Qualification, you will be contacted by the Centre Manager (Vocational Qualifications Assessment Centre).

If you are registered on a Microcredential on FutureLearn, you will be contacted by the FutureLearn Support Team.

## **Behaviour Contrary to the Principles of the Student Charter**

Behaviour contrary to the principles of the Student Charter may include, but is not limited to, some or all of the following:

- where your behaviour during your attendance at teaching, learning or support events (in person or online) prevents the effective delivery of the objectives of the learning experience. This aligns to Student Charter Values 1 and 9.
- where staff have reason to believe the behaviours contrary to the Student Charter are influenced by a physical or mental health issue and were attempting to meet your needs requires support beyond the reasonable adjustment defined in the Equality Act 2010, or where you do not engage with us to help meet your needs. This aligns to Student Charter Value 2.
- where you are not able or willing to engage with study, as shown by not responding to communications from staff and/or not submitting your assignments and assessment tasks. This aligns to Student Charter Value 10.
- where the frequency, timing or nature of your contact with Open University staff is impacting on student or staff wellbeing or detracting from the support of other students or from the administrative or teaching processes of the University. This aligns to Student Charter Value 2. Examples of inappropriate contact include (but are not limited to) the following:
  - Persistent late-night contact with tutors outside of their available hours
  - Persistent contact not study-related e.g. trying to engage staff in conversations about their or your personal life
  - Lengthy content of message
  - Forum content that causes distress to others or makes you vulnerable

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- Expecting answers to correspondence outside staff published response times.

Please note that any behaviours with safeguarding implications will be immediately referred to the Safeguarding Referrals Team. Any behaviours that are counter to Prevent (Counter-terrorism) Duty, will be immediately referred to the University's Prevent Coordinator.

## **Case Conference Panel**

The Stage 3 Case Conference panel will comprise academic and student support staff (including disability support specialists where appropriate), appropriate to your qualification and the nation in which you are studying. For PGR students, the Panel will include a member of the Research Degrees team. For Students in secure environments the Panel will include the Assistant Director, Student Additional Support, Academic Services.

## **Data Protection Act 2018**

These are the circumstances under which we can store and share your personal data (including special category data) without your consent:

- When your mental health threatens your personal safety (Data Protection Act 2018 schedule 1 (para 18) Safeguarding of children and individuals at risk)
- When your behaviour is adversely affecting the rights and health and safety of others (Data Protection Act 2018 schedule 1 (para 1) for social protection/ health and safety)
- When a member of staff would be liable to criminal procedures if the information was not disclosed (i.e. a crime had been committed) Data Protection Act schedule 1 (para 10) prevention/detection of crime

## **Employer School**

School with a PGCE student teacher employed within their school. Student teachers are employed at the unqualified teacher rate as set by the national pay structure for teachers in Wales.

## **External Parties**

In this policy, we refer to external parties in relation to agencies with whom we may be obligated to share information.

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Examples of this include Safeguarding Referrals and Prevent cases, referred through Child and Adult Protection Services and Channel/ Prevent Multi-Agency Panels (PMAP). Channel/PMAP is a programme run by local authorities which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. Channel refers to panels operating in England and Wales, while PMAP operates in Scotland.

## **Friend or Representative**

The student may nominate a friend or representative to support them during the Fitness to Study process. Any friend or representative nominated may not attend in their role as a solicitor or a barrister. The Open University reserves the right to defer the hearing and to ask the student to nominate an alternative friend or representative if it considers the person originally nominated is obstructing the proceedings.

## **Microcredentials**

Microcredentials are professional development short courses designed to upskill individuals within the workplace in rapidly growing industries, without the time and cost commitment of a full degree. They include academic credit which may be used towards a degree, or they can be studied as a standalone course. Each microcredential includes a formal online assessment and meets the standards set by the [Common Microcredential Framework](#).

## **Senior Authority**

The Senior Authority is the person who will decide whether to progress a Fitness to Study case to Stage 2 and will manage that Stage. The Senior Authority will usually work in the same area as and be senior to the appropriate person who has managed Stage 1. They will be familiar with student support needs and the application of this Policy.

If you are registered for an undergraduate or postgraduate taught degree (with the exception of the PGCE in Wales), apprenticeship or vocational qualification, the senior authority will be a Senior Manager in the Student Support Team.

If you are a postgraduate research student, the Senior Authority will be the Head of Research Degrees.

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If you are registered for the PGCE in Wales, the Senior Authority will be the Module Team Chair or the Director of the PGCE Programme in Wales (depending on who was involved at Stage 1).

If you are registered for a microcredential the Senior Authority will be the Head of Operations for Microcredentials.

If you are under the care of the Students in Secure Environments Team at The Open University while you are studying, the senior authority will be the Senior Manager of the Students in Secure Environments Team.

## Special Category Data

The General Data Protection Regulation sets out special categories of data which have to be given additional protection. These comprise your racial or ethnic origin, religious beliefs, political opinions, trade union membership, genetics, biometrics (where used for identification purposes) physical or mental health, sex life and sexual orientation. Information about criminal offences or criminal proceedings are treated similarly.

## Student of The Open University

For the purposes of this Policy, you are a student of The Open University if you are currently registered for a qualification or a module, or you have studied a module in either of the previous two academic years.

## Vulnerable or Protected Adult

A vulnerable adult is a person aged 18 or over (or aged 16 or over in Scotland and referred to as a “protected adult”) and who is, or may be, in need of services by reason of mental or other disability, age or illness, and who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm, abuse or exploitation, including being drawn into terrorism.

## Related Documentation

Refer to the following documentation in conjunction with this document:

- Related internal student policies or procedures:

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- [Accessibility Policy](#)
- [Advocacy](#): guidelines and procedure
- [Changing your Study Plans Policy](#)
- [Code of Practice for Student Discipline](#)
- [Complaints and Appeals Procedure](#)
- [Conditions of Registration](#)
- [Conditions of Registration for Postgraduate Research Students](#)
- [Fitness to Practise Policy](#)
- [Research Degrees Handbook](#)
- [Student Charter](#)
- [Student Privacy Notice](#)
- Relevant legislation:
  - [Equality Act 2010](#) in England, Scotland and Wales
  - [Northern Ireland Act 1998](#)
  - [Data Protection Act 2018](#)
  - [Disability Discrimination Act 1995](#) (Amendment) Regulations (Northern Ireland) 2004

## Further clarification

If you have any queries around the content provided within this document and how to interpret it and you are a current Open University student on an undergraduate or postgraduate taught course you can contact your Student Support Team through the 'Contact Us' option on the [Help Centre](#).

Alternatively, please contact the relevant office listed below. The staff there will be able to advise on the implementation of this policy for your specific qualification:

- Undergraduate, taught postgraduate – [Contact us](#) (phone +44 (0)300 303 5303) or contact your Student Support Team through the 'Contact Us' option on the [Help Centre](#)
- Postgraduate Research Students – [research-degrees-office@open.ac.uk](mailto:research-degrees-office@open.ac.uk).
- Apprenticeship Learners – Apprenticeship Enrolment and Support Team (AEST) [apprentice-support@open.ac.uk](mailto:apprentice-support@open.ac.uk) or phone: 0300 3034121

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- PGCE Students in Wales – on 029 2047 1170 or email [Wales-PGCE@open.ac.uk](mailto:Wales-PGCE@open.ac.uk) or [TAR-Cymru@open.ac.uk](mailto:TAR-Cymru@open.ac.uk)
- Vocational Qualification Learners – Vocational Qualification Assessment Centre on 01908 653774 or by email at [vq-enquiries@open.ac.uk](mailto:vq-enquiries@open.ac.uk)
- Microcredential Learners studying via FutureLearn – email [mc.support@futurelearn.com](mailto:mc.support@futurelearn.com).
- Microcredential Learners studying via The Open University Virtual Learning Environment (VLE) – [Contact Us](#) via the Help Centre

## Feedback

Comments and feedback about this policy and how it might be improved are welcomed. Please submit these to [SPR-Policy-Team@open.ac.uk](mailto:SPR-Policy-Team@open.ac.uk).

## Summary of Significant Changes

- The wording of the Policy has been revised throughout to enhance clarity.
- A new phrase is used within the Summary of Policy, 'Behaviour contrary to the Student Charter' and this is fully defined within the glossary. Example behaviours are given in the definition. The phrase 'unacceptable behaviour' has been removed from the Summary and throughout.
- The related documentation section has been updated.
- [Student Charter](#) Values 9 and 11 have been identified as being closely aligned with this Policy.
- Provision has been made via paragraph 2.7 to enable us to suspend Students and Learners in serious cases pending a Case Conference Panel being convened if there are significant concerns that the safety or wellbeing of students, learners or staff is at risk or there is a severe impact on the teaching, support or administrative process of the Open University.
- Students and Learners may have a friend or representative to support them at the meetings in Stages 2 and 3. This wording matches the similar provision in the Code of Practice for Student Discipline.

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- g) Paragraph 3.1 has been added to describe the overarching principles which apply if The Open University implements this Policy.
- h) It has been clarified throughout, and in particular in paragraph 3.6, that The Open University can follow this Policy without the agreement of the Student or Learner.
- i) Paragraph 3.3 clarifies that this Policy may be used alongside or instead of the Student Support Framework for students registered on the PGCE in Wales.
- j) It has been clarified throughout, first referred to in paragraph 3.7.2, who will contact a Student or Learner to discuss their case. The phrase, appropriate person familiar with providing support, has been adopted and is fully described in the glossary.
- k) The term Senior Authority, first referred to in paragraph 3.7.7, has been fully described for each separate study programme. The definitions are found in the glossary.
- l) Section 3.8, Stage 2 of the Fitness to Study Procedure has been renamed, 'Continuing or Heightened Concerns'.
- m) The glossary has been updated and improved with definitions for more of the key terms used in the Policy.
- n) The Further clarification section has been revised, and now gives appropriate contact points for all study programmes in scope of this Policy.

## **Policies superseded by this document**

This document replaces the previous version of the Fitness to Study Policy dated September 2022. A summary of significant changes from the previous version of the Fitness to Study Policy can be found in the section headed [Summary of significant changes](#).

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