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Version number: 2.1  Approved by: Delegate of Director, Academic Services
Effective from: September 2022  Date for review: March 2023

The Open University is incorporated by Royal Charter (RC 000391), an exempt charity in England & Wales and a charity registered in Scotland (SC 038302). The Open University is authorised and regulated by the Financial Conduct Authority in relation to its secondary activity of credit broking.
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Summary of policy

The Open University is committed to helping you achieve your study goals. We recognise that studying can be very helpful to positive mental wellbeing in many cases. This policy covers circumstances where, despite extensive support from us, you display unacceptable behaviour caused by a mental, emotional or physical disability (declared or otherwise) that is impacting on your ability to study, on other’s ability to study or on the teaching and administrative processes of the Open University. It sets out how we can support you to continue your studies, to take a break or to stop studying completely in such circumstances. It aims to do so in a supportive way rather than with recourse to the Disciplinary procedures.

Emotional Health and Wellbeing resources

If you would like further support with any issues surrounding your physical, mental or emotional wellbeing, or the wellbeing of another student, please talk to us. For students studying our standard curriculum please refer to your Student Support Team (SST). You can find contact details in the Help Centre in StudentHome. Members of this team who are familiar with support issues related to physical and mental health difficulties will be happy to talk to you about any concerns you have.

Further support information is available if you are studying:

i) as part of an Apprenticeship Programme in Appendix A

ii) an OU Microcredential on FutureLearn in Appendix B

iii) a Postgraduate Certificate in Education (PGCE) in Wales in Appendix C

iv) a Vocational Qualification (VQ) in Appendix D

The Open University aims to improve the wellbeing of all members of its community in a culture which values diversity, where stigma about mental health is not tolerated and where everyone recognises the value of a positive approach to working with any form of ill-health or disability. The Open University (OU) Students Association, of which you are automatically a member as a student, offers wellbeing support including peer support and mental health resources.

There are also online mental health, wellbeing and welfare resources and help available in our Student Help Centre. This includes free access to Talk Campus, an online mental health and wellbeing support community that is external to The Open University.
If you are experiencing or believe yourself to be at risk of abuse, or are concerned for a vulnerable / protected adult or young person under the age of 18, please contact the Safeguarding Referrals Team. Students who display abusive behaviour may be dealt with under the Code of Practice for Student Discipline.

If you have concerns that you or another student are/is at risk of being drawn into terrorism or extremism, please contact the Prevent Coordinator by emailing prevent-coordinator@open.ac.uk.

Please be assured that all information you submit to us is treated with the utmost confidentiality, in line with our Student Privacy Notices, and shared only in circumstances listed within your Conditions of Registration or Terms and Conditions.

Summary of significant changes since last version

a) Replacement of reference to Togetherall to new provider Talk Campus

Scope

What this document covers

The policy applies to all students of The Open University. It includes Postgraduate Research (PGR) students, those studying towards the PGCE (Wales), students on a work-based placement (e.g. nursing or social work qualifications), Microcredential students and Apprenticeship and Vocational Qualification (VQ) learners.

This policy covers unacceptable behaviour (see Glossary for definition) at tutorials, day schools and residential schools, contact with staff by telephone, Skype, email or webchat or in person, Open University monitored social media sites and Open University hosted online forums. Where The Open University does not monitor a social media site, it can only take action if concerns are brought to its attention by students or staff.

You do not need to declare a disability for this policy to apply to you.
What this document does not cover

This policy does not apply to individuals who are not yet students of The Open University (enquirers), or to learners studying OpenLearn or FutureLearn materials or courses that have no credit, or to students 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. 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 your Student Support Team (SST).

Contact details for further clarification are available if you are studying:

i) as part of an Apprenticeship Programme in Appendix A
ii) an OU Microcredential on FutureLearn in Appendix B
iii) a Postgraduate Certificate in Education (PGCE) in Wales in Appendix C
iv) a Vocational Qualification (VQ) in Appendix D
Related Documentation

Refer to the following documentation in conjunction with this document:

Documents that govern your study:

- Academic Regulations
- Academic Progress Policy
- Changing Your Study Plans
- Code of Practice for Student Discipline
- Fee Rules
- Fitness to Practise Policy

Information and Guidance:

- Advocacy: guidelines and procedure
- Prevent Principles
- Safeguarding Policy
- Student Complaints and Appeals Procedure
- Student Privacy Notices
- Social Media Policy
The Open University Student Charter Values

This policy aligns specifically 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.

2. We value diversity and challenge inequalities and we are stronger for doing so.

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.

Introduction

The Open University is committed to helping you achieve your study goals. We recognise that during study, you may face adverse circumstances including poor mental, emotional or physical health and wellbeing. We have resources and staff who are familiar with support issues related to physical and mental health difficulties to support you at such times. These are signposted throughout this document. We recognise that studying can be very helpful to positive mental wellbeing in many cases.

However, on rare occasions, and potentially as a result of adverse circumstances in your life, you may act or behave in ways that have a negative impact on you, on other students or on The Open University, despite extensive support and advice from us. When this happens, irrespective of whether or not you realise and/or accept that you are having an adverse effect on others, we call this “unacceptable behaviour” (see the Glossary for a full definition).

This policy sets out what will happen and how we can support you to either continue with your studies, take a break or to stop studying completely, if you display unacceptable behaviour caused by a mental or physical disability (declared or otherwise) that is impacting on your ability to study, on other’s ability to study and/or on the teaching and administrative processes of The Open University. It aims to do so in a supportive way rather than with recourse to disciplinary procedures. We hope that you will work with us if this policy seems appropriate. If you do not agree to this, we may follow the policy without your agreement.
If you would like help understanding this policy and are studying:

i) our standard curriculum, please talk with your Student Support Team.

ii) as part of an Apprenticeship Programme please refer to Appendix A

iii) an OU Microcredential on FutureLearn please refer to Appendix B

iv) a Postgraduate Certificate in Education (PGCE) in Wales please refer to Appendix C

v) a Vocational Qualification (VQ) please refer to Appendix D

If you would benefit from someone to communicate on your behalf – what we term an Advocate - more information about this is available in the Advocacy: guidelines and procedure. An Advocate’s role is to help you to communicate independently and to make informed decisions regarding your studies. An Advocate could, for example, be a relative, a friend, a support worker employed by you or a member of an advocacy organisation.

Policy

1. Purpose

1.1 The purpose of this policy is to work with you to help you participate in academic study during and after a period of physical or mental ill-health (declared or undeclared) that has had an impact on your behaviour. The Open University recognises that mental and physical health conditions are classed as disabilities under the Equality Act 2010. This policy helps to ensure we avoid discrimination on the grounds of disability.

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 any staff member, in addressing the behavioural impact of any physical, emotional or mental 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. This recognises that underlying mental, physical or emotional issues can impact negatively on your learning, on other students or on the administrative and teaching processes of The Open University.
1.2.3 Where appropriate, to agree an Action Plan with you that will help you continue with your studies, or to help you decide whether you might benefit from taking a break from studying. This could be for your physical or mental wellbeing, or to alleviate any negative impact on other students or on the administrative and teaching processes of the Open University.

1.2.4 To ensure a smooth transition back to studying once you are well enough to continue your studies after a study break.

1.2.5 To provide an alternative, supportive approach to working with behavioural issues where a more formal, disciplinary approach is not appropriate.

1.3 Any Action Plans made with you will consider implications on your academic progress. For more information, please consult the Academic Progress Policy or talk to your Student Support Team.

2. Policy principles

2.1 On occasion, any individual may experience health or mental wellbeing issues that impact on their behaviour. If this happens when you are studying with The Open University, behavioural difficulties can have implications for you, for other students or for The Open University. We fully recognise that this may be out of your control. We will seek to take an understanding approach to any difficulties you are facing, and to offer ongoing support and advice. Wherever possible, we would not wish to take a formal disciplinary route under such circumstances.

2.2 Where unacceptable behaviour continues as a pattern over a period of time, we will use this policy to help structure a suitable support plan to allow you to continue to study without impacting on your wellbeing, on the study experience of your fellow students or on The Open University.

2.3 We believe that the most effective way to address behaviour concerns related to your physical, emotional or mental wellbeing is to work with you using this policy to decide your best course of action.
2.4 Where staff have concerns that your unacceptable behaviour is caused by underlying medical, behavioural or personal difficulties, they will invite you to follow the Fitness to Study Policy (the policy) to identify the best way to support your studies. Please note that staff may identify behaviours that you yourself are not aware of, including frequent and/or inappropriate contact, that are of concern to other students or to Open University staff.

2.5 The aim of the policy is to give you the best outcome to continue to study, while managing your behaviour, and we hope that you will work with us to implement the policy. If you do not or are not able to work with us, we reserve the right to follow the policy without your active participation.

2.6 The policy is implemented through a three-stage procedure. We may work with you at any of the three stages, depending on the level of support you require, not necessarily starting at Stage 1. The steps in the policy are designed to help decide the most appropriate course of action for your circumstances.

2.7 At all times, we will treat you with respect and courtesy, fully recognising that you may be in a very difficult situation personally and possibly feeling vulnerable. If you require further support in understanding or using this policy, your Student Support Team or a relevant staff member for your programme of study will be happy to help you. Alternatively, you can nominate someone to speak on your behalf and deal directly with The Open University (an Advocate). More information about using an Advocate is given within our Advocacy: guidelines and procedure.

2.8 In some circumstances you may 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, alongside following the procedures set out below.

2.9 If, despite the provision of support throughout the procedure, your behaviour continues to give concern, The Open University may need to follow alternative policies such as the Code of Practice for Student Discipline.
2.10 If your health or behaviour presents a serious and immediate risk to you or to others, The Open University may be required to invoke emergency action(s) such as contacting the emergency services. We may also have a statutory obligation to inform other internal departments such as the Safeguarding Referrals Team or the Prevent Coordinator, and share relevant information with external parties (for example Child and Adult Protection Services or Channel).

2.11 If you are unhappy about the way in which we are applying this policy, you may use the Student Complaints and Appeals procedure to make a complaint.

**Procedure**

3. **Implementation and enforcement of procedure**

3.1 **Stage 1 - Emerging Concerns**

3.1.1 Circumstances which might raise concerns amongst students or staff about the impact that studying with The Open University is having on your mental, physical or emotional wellbeing may include, but are 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. Please see the Glossary for a definition of unacceptable behaviour;

- where attempting to meet your needs requires support beyond the reasonable adjustment defined in the Equality Act 2010;

- 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;

- where the frequency 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;
• where your actions or opinions give staff concerns that you may have underlying physical or mental health issues;

• where your behaviour is persistently in breach of the Student Charter and/or the Code of Practice for Student Discipline but seems to be caused by an underlying physical or mental health problem.

3.1.2 If we decide that you might benefit from additional support, and you are studying our standard curriculum, you will be contacted by an Educational Advisor (EA). EAs are familiar with support issues related to physical and mental health difficulties, have knowledge of the internal and external resources available to support you and will be experienced in conducting discussions in a sensitive and supportive manner. You could also be contacted by a member of staff at Residential School, a Careers and Employability Service consultant or a member of the Graduate School. Any contact will be confidential and supportive.

3.1.3 If you are studying as part of an Apprenticeship Programme you will be contacted by your Apprenticeship Programme Delivery Manager (APDM). Your Employer may also be advised.

3.1.4 If you are studying an OU Microcredential on FutureLearn you will be contacted by a member of the FutureLearn team and/or a member of staff from The Open University.

3.1.5 If you are studying a PGCE in Wales you will be contacted by a member of the PGCE (Wales) team. Your Employer School may also be advised.

3.1.6 If you are studying a Vocational Qualification you will be contacted by a member of the VQ Assessment Centre team.

3.1.7 If you are studying on a postgraduate research programme you will be contacted by a member of the Graduate School.

3.1.8 The member of staff who contacts you will explain the nature of the concerns about your behaviour and explore with you possible reasons and ways forward. They will ask you if you consent to letting us use and store any “special category” data you share with us in relation to the Fitness to Study policy. You do not have to share any additional information with us. The member of staff will direct you to the policy and answer any questions that you may have.
3.1.9 The member of staff will agree with you what actions can be taken to address the concerns about your unacceptable behaviour, including identifying any appropriate sources of support and agreeing a timescale for review. The staff member will send you a summary of what you have jointly agreed. The information will be kept on your student record in line with our Student Privacy Notice. It will be treated in strict confidence and made available only to those who have a role in making sure your requirements are met. Further information is provided in Section 4 Confidentiality and the sharing of information below.

3.1.10 You will be contacted by a member of staff when the time for review has been reached. If the agreed actions have been followed, and you and The Open University no longer have any concerns, the matter will be closed. We expect that most concerns will be resolved at Stage 1. The member of staff will send you a record of the event and this information will be kept with your student record.

3.1.11 If however, after this review time period you or The Open University continue to have concerns about your behaviour, the member of staff will discuss the concerns with a Senior Authority. Where the Senior Authority has continuing or serious concerns about your health, or mental wellbeing, we will proceed to Stage 2.

3.1.12 If you prefer, you can appoint an Advocate to represent you in any discussion with The Open University. You may like to do this if you are finding it difficult to speak for yourself or to understand the process that is being used. Information about how to appoint an Advocate is given in Advocacy: guidelines and procedure.

3.1.13 If you are undertaking a work placement as part of your studies and you, another student, or a staff member raises concerns, The Open University will follow the Fitness to Practise Policy as primary guidance, but may refer to the Fitness to Study Policy instead of, or alongside, the Fitness to Practice Policy.

3.1.14 If you choose not to engage with the Stage 1 process or the agreed actions, The Open University may need to follow alternative policies such as the Code of Practice for Student Discipline.
3.2 Stage 2 – Continuing Concerns

3.2.1 If you are studying our standard curriculum, you will be contacted by a Senior Authority when concerns are raised at Stage 2. If you have previously completed Stage 1 of the policy, contact will be made within five working days of the agreed Stage 1 review date. The Senior Authority will advise you that either we have serious concerns about unacceptable behaviour caused by your mental, physical health or wellbeing, or previous arrangements we have made jointly to resolve concerns about your behaviour have not been successful.

3.2.2 If you are studying as part of an Apprenticeship Programme you will be contacted by your APDM within five working days of the agreed Stage 1 review date. Your employer will also be advised and involved in supporting you through this stage.

3.2.3 If you are studying a Microcredential you will be contacted by a member of the FutureLearn team and/or a member of staff from The Open University within five working days of the agreed Stage 1 review date.

3.2.4 If you are studying a PGCE in Wales you will be contacted by a member of the PGCE (Wales) team. Your Employer School will also be advised and involved in supporting you through this stage.

3.2.5 If you are studying a Vocational Qualification you will be contacted by a member of the VQ Assessment Centre team.

3.2.6 If you are studying on a postgraduate research programme you will be contacted by a member of the Graduate School.

3.2.7 You will be invited to attend a formal meeting (usually by telephone) within ten working days of the review date from Stage 1. In exceptional circumstances, and with the agreement of The Open University, this can be extended. If you believe you have exceptional reasons for not being able to meet this deadline, you should discuss this with your Student Support Team, or other member of staff as appropriate. The meeting will be attended by the Senior Authority and other staff members or representatives as appropriate, to explore the impact of your behaviour upon you and/or Open University students and staff.
3.2.8 We will tell you if there is any information that would be helpful for you to prepare ahead of the meeting such as evidence about whether it is currently in your best interests to continue your studies. If you do not provide the University with medical or other evidence from a suitably qualified professional, which gives a qualified opinion on your fitness to study, the University may request that you do so. You can also bring other information you believe is relevant. 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. If you wish to provide evidence that is classed as “special category” data, we will need your permission to use and store it.

3.2.9 An Advocate can speak on your behalf if you would like. More information about authorising an Advocate is given within our Advocacy: guidelines and procedure.

3.2.10 If the discussion at the formal meeting indicates that it is in your interest to continue studying, we will agree an Action Plan setting out the conditions and timescales under which you will continue to study. Examples of our Action Plans are attached at Appendix E and Appendix F. We may agree with you that it is in your interest to satisfy particular academic requirements, to engage with particular types of medical, study related or other support and/or fulfil conduct-related expectations to enable you to continue to study without detriment to you or to others. The Action Plan will take account of student policy and regulations that might apply such as the Progression Rules.

3.2.11 We will notify you of the name and contact details of the member of staff who will be supporting you and monitoring your progress against the Action Plan. The Action Plan will have a review date and we will agree what will happen if you do not follow the Plan.

3.2.12 If the discussion at the meeting indicates that it would be in your best interests to stop studying for a period of time to give you the opportunity to seek further support, we will proceed to Stage 3.
3.2.13 We will send you a written summary of the meeting and the Action Plan that you agreed with us within 10 working days of the date of the meeting. We will keep a copy of the summary and Action Plan with your student record. This information will be stored in line with the Student Privacy Notice. The information will be treated in strict confidence and made available only to those who have a role in making sure your requirements are met. We will keep this information on your student record.

3.2.14 Once you have completed the Action Plan, you will be invited to a review meeting with the nominated member of staff to assess progress within 10 working days.

3.2.15 If there are no outstanding concerns, you and your nominated member of staff will record this, and the Action Plan will be closed. A note will remain on your student record to indicate the decisions that we have made jointly.

3.2.16 If you are not able to follow the agreed Action Plan or do not experience the expected improvement to your behaviour, your case may be escalated to Stage 3. This stage may also be used if you have agreed it would be more appropriate for you to stop studying for a period of time.

3.2.17 If you choose not to engage with the Stage 2 process, The Open University may need to follow alternative policies such as the Code of Practice for Student Discipline.

3.3 Stage 3 – Significant Concerns

3.3.1 Stage 3 will commence when a Case Conference Panel is convened. This will be within 10 working days of the Stage 2 review date. The meeting can happen by telephone or online; it does not have to happen in person. In addition to you and any Advocate nominated by you, this panel will comprise academic and student support staff appropriate for the nation in which you are studying. For Postgraduate Research students, it will include a member of the Research Degrees team. For Apprentices this will include your Employer, and for PGCE (Wales) students a member of staff from your Employer School.
You will be asked to provide medical or other evidence from a suitably qualified professional in advance of the meeting which sets out a qualified opinion on your fitness to study with The Open University. If you are unable to provide this evidence, the University will request your consent to enable the University to procure such evidence. If you do not agree to provide this evidence or consent to the University procuring such evidence, the Panel may proceed to consider your case on the basis of the existing evidence available to it. Please be aware that without the requisite evidence it will be difficult for the Panel to consider your case effectively.

The Panel will discuss your case with you to decide 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. It will include actions that you have agreed to address any concerns, will have a review date, and indicate what happens if concerns remain at the review date. Implications of any student policy that applies such as Academic Progress Policy will be taken into account when the Enhanced Action Plan is drawn up. Members of the Case Conference Panel will reconvene to review progress at the end of the period over which the Enhanced Action Plan has been agreed and implemented. This review should take place at the time indicated on the plan. A copy of the agreed Enhanced Action Plan will be placed on your records.

ii) Break in Study: We will make a recommendation to the Director, Student Support (or Delegated Authority), or your employer in the case of an apprentice, that you should take a break in study to allow time to address your physical or mental health or wellbeing. For Postgraduate Research students we will make a recommendation to the Graduate School Director. The procedure to follow for a study break is set out in the Changing Your Study Plans Policy. Study breaks are not available to Microcredential students, Short Course students or PGCE (Wales) students enrolled on the Salaried pathway and are not normally available to learners studying a Vocational Qualification.
iii) Further Action: Where there are continuing concerns about your behaviour, we will be obliged to take disciplinary action, following the procedure set out in the Code of Practice for Student Discipline. This information will be kept on your student record.

3.4 Review meeting

3.4.1 If you have been following an Enhanced Action Plan, the Case Conference Panel will reconvene 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. The Panel shall 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 concerns raised, the actions that were followed, the improvements or changes made and guidance and any support in place going forward. This report will be kept on your student record.

ii) You are fit to study, if supported by a new or revised Enhanced Action Plan which will be reviewed at an agreed date. The Case Conference Panel will liaise with a senior manager of the relevant SST to ensure that the requirements of the enhanced Action Plan are adhered to.

iii) You are currently not well enough to study but expect to be able to continue your studies after a study break, if available (see section 3.5).

iv) You are currently not well enough to study, and this is not likely to change in the foreseeable future. Your options are either to take a study break, if available (see section 3.5), or to withdraw completely from studying with The Open University. Your SST or a relevant staff member for your programme of study will advise you further on these options.
3.5 Breaks in Study

3.5.1 Taking a study break allows you to stop studying for up to a year at a time, whilst keeping the benefits of being a student of The Open University and receiving updates relevant to your circumstances. A study break can be renewed annually, subject to certain conditions.

3.5.2 For further information, please see the Changing Your Study Plans Policy. You will need to talk to your SST or a relevant staff member for your programme of study to be able to take a study break. If you are studying as part of an Apprenticeship Programme, in addition to talking with your APDM, you will need to talk with your employer before taking a break in learning, as this may affect your employment.

3.5.3 Study breaks are not available to Microcredential or Short Course students, or PGCE (Wales) students enrolled on the Salaried pathway, and are not normally available to learners studying a Vocational Qualification.

3.6 Re-registering after a Break in Study

3.6.1 At the end of a break in study, you will need to satisfy the Case Conference Panel that you are fit to re-register for study. You may need to provide evidence to support this.

3.6.2 You will also need to have a discussion with an Educational Advisor, or relevant staff member for your programme of study, to ensure your return to study is as smooth as possible.

If you are a Postgraduate Research student, we expect you to meet your supervisors and complete a Return to Study form. There is more information on the Graduate School Network.

3.6.3 We expect that you will provide the evidence we ask for, so that we can facilitate your return to study. You will not be able to register for any courses, qualifications or modules until you provide this information.

3.6.4 You will need to re-register after a period of absence, whether you are a taught student or Post Graduate Research (PGR) student. To re-register, follow the normal procedure as outlined in the Conditions of Registration for taught students or the Research Handbook for PGR students.
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.

4.2 You may feel that disclosing personal, or “special category” data such as information about physical or mental health, will help explain your circumstances. We need to have your consent to use such data as part of the policy. You can withdraw your consent for us to use this “special category” data at any time.

4.3 You can ask for any “special category” data collected under the policy to be removed from our systems if you withdraw your consent.

4.4 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 to you about additional support that may be available. This information will only be shared if you agree.

4.5 More information about how your data is used, stored and shared is given in the Student Privacy Notices.

4.6 If you take a study break as part of this policy, whether that 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 evidence (specified by us) that you are well enough to return to study. We do not need your consent to store and share this information even if it includes special category data, for example about your physical or mental health, if we deem you or other students or staff to be at risk of harm because of your behaviour, or if there is a Safeguarding or Prevent concern (Data Protection Act 2018, Schedule 1, paragraphs 1 and 18. See Glossary).

4.7 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 the data does need to be shared, we will seek your consent. The only circumstances under which we could share the data with other organisations without your consent, are in line with Data Protection Act 2018 Schedule 1 paragraphs 1, 10 and 18. See Glossary.
4.8 If any of the circumstances outlined in the definition of ‘unacceptable behaviour’ in the Glossary occur, The Open University may contact the police force, a hospital, psychiatric services, a case worker, psychiatric nurse, Social Services or a nominated Advocate to speak on your behalf (for Open University purposes or court appointed).

4.9 Data relating to Fitness to Study will be kept on your record for the duration of your qualification or for as long as you remain a student of The Open University.

5. Non-compliance

If your actions contravene an Open University policy or procedure, we reserve the right to follow alternative appropriate policies such as the Code of Practice for Student Discipline or the Fitness to Practice Policy or another policy. You will be advised of any additional action which may be taken to respond to your case. This is so we can ensure that you and other members of the Open University community are kept safe.

6. Methods of appeal

If you wish to appeal against the decision of the Case Conference Panel or any element of how this policy has been applied, please consult the Students Complaint and Appeals Procedure.

7. Welsh Language Standards

7.1 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.

7.2 Advocates - Any advocate you choose to represent you may also use Welsh in any meeting or correspondence.
Appendices

- A     Apprentices
- B     OU Microcredential on FutureLearn
- C     Postgraduate Certificate in Education (Wales)
- D     Vocational Qualifications
- E     Action Plan Template (Standard)
- F     Action Plan Template (Apprentice)
Glossary of terms

Action Plan

An Action Plan sets out the conditions and timescales under which you will continue to study. We will agree with you that it is in your interest to satisfy particular academic requirements or engage with particular types of support and/or fulfil conduct-related expectations. The Action Plan will have a review date from the outset, and we will agree what will happen if you do not follow the plan. We will notify you of the name and contact details of the member of staff who will be supporting you in monitoring your progress against the Action Plan.

Apprenticeship Programme Delivery Manager (APDM)

APDMs support Apprentices and Employers throughout their Apprenticeship Programme. They offer support and advice on recruitment, registration and eligibility; act as the conduit between the Employer and The Open University; and provide support to line managers/workplace mentors and Apprentices.

APDMs also review, track and respond to Apprentice progression by working with the Employer, the Apprentice and The Open University to achieve successful completion. They collect and act upon feedback from the Employer and the Apprentice to continually enhance this process.

Case Conference Panel

In addition to you and any Advocate nominated by you, this panel will comprise academic and student support staff (including disability support specialists where appropriate), appropriate to the nation in which you are studying. For PGR students, the Panel will include a member of the Research Degrees team.
Data Protection Act 2018

These are the circumstances under which we can store and share your sensitive 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.

Microcredentials

Microcredentials are 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.

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 ID 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 these Regulations, you are a student of The Open University if you are currently registered for a qualification or a module, or if you have studied a module in either of the previous two academic years.

Unacceptable Behaviour

For the purposes of the Fitness to Study policy, unacceptable behaviour is defined as similar to, but not limited by, the offences set out in the Code of Practice for Student Discipline. Please note that any behaviours with safeguarding implications will additionally also be immediately referred to the Safeguarding Referrals Team.

Code of Practice for Student Discipline SD 1.3: Conduct that disrupts or interferes with the teaching, learning, research or administration of The Open University, whether on University premises, elsewhere, or in virtual environments such as forums, social networks or electronic correspondence including, but not limited to, the following:

a) conduct that obstructs or improperly interferes with the functions, duties or activities of any student, member of staff or other employee of The Open University, agent or associate acting on behalf of The Open University, or any authorised visitor to The Open University and which is:

i) contrary to Principle 1 of the Student Charter “treating each other with dignity and respect” or;

ii) violent, indecent, disorderly, discriminatory or threatening, or involves behaviour or language that is intended to or has the effect of creating an intimidating or hostile environment for others during any Open University activity or on Open University premises or;

iii) likely to cause injury or jeopardise safety during any Open University activity or on Open University premises

b) conduct that breaches the Open University’s policy on Safeguarding and Protecting Children and Young People at The Open University or that breaches the Open University’s duty to provide a safe environment for vulnerable adults, including grooming and/or sexual exploitation. This also includes conduct that amounts to bullying or harassment.
c) conduct that involves misuse or abuse of equipment, materials or services that The Open University has provided to students, including:

i) conduct that contravenes instructions relating to use of this equipment or these materials or services

ii) conduct that breaks a software licensing agreement signed by the student.

iii) conduct that involves unauthorised use of The Open University's computing or network resources

iv) abusing copyright: this specifically includes, but is not limited to, any breach or infringement of copyright or licence, whether owned or controlled by The Open University or by a third party, by copying, distributing or offering for sale module or assessment materials

v) conduct on premises provided by another institution for the use of Open University students that breaks the regulations of that institution, including health and safety matters. These premises include any that are used for a tutorial, residential or day school, or as a study or examination centre, or as the location for a graduation ceremony. They also include any library, laboratory, research or other facility

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”) 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.
Further clarification

For specific guidance on how this policy may relate to your personal circumstances, please contact your Student Support Team via StudentHome. For PGR students, please contact the Research Degrees Team via research-degrees-office@open.ac.uk. These staff are specially trained to advise on the implementation of policy.

If you are studying as part of an Apprenticeship Programme and need guidance, please refer to Appendix A, if you are studying an OU Microcredential through FutureLearn please refer to Appendix B, if you are studying a PGCE in Wales please refer to Appendix C and if you are studying a Vocational Qualification please refer to Appendix D.

Alternative format

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 PGR student policies, please contact the Research Degrees Team via research-degrees-office@open.ac.uk.
Appendix A: Apprentices

For learners studying an Open University qualification as part of an Apprenticeship Programme

1. **Contact Us**

   Please contact your Apprenticeship Programme Delivery Manager (APDM) or equivalent contact for support with:
   
   - any issues surrounding your physical or mental wellbeing
   - help understanding this policy
   - information on whether this policy or the [Fitness to Practice](#) policy applies to you
   - breaks in learning

2. **Stage 2 – Continuing Concerns**

   2.1 If your case is referred to Stage 2, your Employer will be advised.

   2.2 Your APDM will discuss any impact that the issues surrounding your physical or mental wellbeing are having on your academic progress with your Employer.

   2.3 Your Employer will be invited to attend the formal meeting to explore the impact of your behaviour upon you and/or The Open University community and to agree an Action Plan.
Appendix B: OU Microcredentials on FutureLearn

For Students studying an OU Microcredential through FutureLearn

1. Contact Us:

Please refer to the information shown on the FutureLearn website or email support@futurelearn.com for support with:

- any issues surrounding your physical or mental wellbeing
- help understanding this policy
- information on whether this policy or the Fitness to Practice policy applies to you
Appendix C: PGCE (Wales)

For Students studying a PGCE in Wales

1. Contact Us:

Please contact the PGCE team on 029 2047 1170 or email Wales-PGCE@open.ac.uk or TAR-Cymru@open.ac.uk for support with:

- any issues surrounding your physical or mental wellbeing
- help understanding this policy
- information on whether this policy or the Fitness to Practice policy applies to you
- withdrawals, deferrals or breaks in study

2. Students living in Wales:

- You can speak to a student support advisor in Welsh by phoning 029 2047 1170

3. Stage 2 – Continuing Concerns

3.1 If your case is referred to Stage 2, your Employer School will be advised

3.2 Your Mentor will discuss any impact that the issues surrounding your physical or mental wellbeing are having on your academic progress with your Employer School

3.3 A member of staff from your School Employer will be invited to attend the formal meeting to explore the impact of your behaviour upon you and/or The Open University students and staff and to agree an Action Plan.
Appendix D: Vocational Qualifications

For learners studying a Vocational Qualification

1. **Contact Us**

Please contact the Vocational Qualification Assessment Centre on 01908 653774 or by email at vq-enquiries@open.ac.uk for support with:

- any issues surrounding your physical or mental wellbeing
- help understanding this policy
- information on whether this policy or the [Fitness to Practice](#) policy applies to you
- withdrawals, deferrals or Changing your Assessment Plans

2. **Stage 2 – Continuing Concerns**

2.1 If your case is referred to Stage 2, your Employer will be advised.

2.2 The VQ Assessment Centre team will discuss any impact that the issues surrounding your physical or mental wellbeing are having on your academic progress with your Employer.

2.3 Your Employer will be invited to attend the formal meeting to explore the impact of your behaviour upon you and/or The Open University community and to agree an Action Plan.
Appendix E

Action Plan Template (Standard for taught students and PGR students)

Student’s name: ________________________________

Personal Identifier: ________________________________

Staff Name: ________________________________

Staff Title: ________________________________

Date of Meeting: ________________________________

Method of conversation (Please choose one):

☐ By Phone

☐ Face to Face

☐ Online

Summary of the nature of the concerns (discussed with the student):

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________

Student explanation for their behaviour:

______________________________________________________________________________________

______________________________________________________________________________________

______________________________________________________________________________________
What actions need to be taken to resolve:

Expectations for the student to observe:

Actions to be taken by student, and by when:

Support, if any, to be put in place to assist the student to adhere to the above:

Actions to be taken by OU staff (name) and date when this will be done:

Consequences of failing to adhere to the Action Plan:

Date for review:
Appendix F

Action Plan Template (Apprentices, VQ learners and PGCE (Wales) students)

Student’s Name: 

Personal Identifier: 

Staff Name: 

Staff Title: 

Employing organisation: 

Name of Employer staff member: 

Date of Meeting: 

Method of conversation (Please choose one):

☐ By phone:

☐ Face to face:

☐ Online:

Summary of the nature of the concerns (discussed with the student): 


Student explanation for their behaviour:

Employer's comments:

What actions need to be taken to resolve the concerns?

Expectations for the student to observe:

Actions to be taken by student, by when:

Support, if any, to be put in place by OU to assist the student to adhere to the above:

Actions to be taken by OU staff (name) and date when this will be done:
Support, if any, to be put in place by the Employer:


Actions to be taken by Employer and date when this will be done:


Consequences of failing to adhere to the Action Plan:


Date for review: