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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 or mental wellbeing, you are welcome to talk to your Student Support Team. You can find contact details on your [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.

There are online wellbeing and mindfulness resources and help available from our [Wellbeing and mindfulness](#) article on the Student Help Centre. This includes free access to [The Big White Wall](#), an online mental health and wellbeing support community, external to The Open University.

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](#). The Open University is also developing a mental health and wellbeing strategy in collaboration with The OU Students Association to set out how 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.

Further information about seeking support can be found on [The Mental Health Foundation's Getting help article](#).

If you are concerned about the physical, mental or emotional health of another student, raise this with your tutor, Student Support Team (SST) via [Student Home](#) or other member of staff with whom you are in contact.

If you are a student who is experiencing, or believe yourself to be at risk of, abuse as a 'vulnerable adult' or 'protected adult', or are concerned for someone else who is a vulnerable person/protected adult/young person under the age of 18, please refer this to the [Safeguarding Referrals Team](#). Students who display abusive behaviour may be dealt with under the [Code of Practice for Student Discipline](#).

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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 on [prevent-coordinator@open.ac.uk](mailto:prevent-coordinator@open.ac.uk).

Please be assured all information that you submit to us is treated with the utmost confidentiality, in line with the [Student Privacy Notice](#).

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## Summary of significant changes since last version

Inclusion of Microcredential students within Scope section.

## Scope

### What this document covers

The policy applies to all students of The Open University. It includes Postgraduate Research (PGR) students, Microcredential students, students on a work-based placement and Apprenticeship Students.

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 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.

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### What this document does not cover

The policy does not apply to individuals who are not yet students of The Open University (enquirers). Curriculum partnership students are covered by the policies of the institution with which they are studying.

Students in certain disciplines (e.g. Nursing or Social Work 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 procedure](#) 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 procedure](#). If you are uncertain whether this applies to you, please talk to your Student Support Team.

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## Related Documentation

[Academic Regulations](#)

[Academic Progress Policy](#)

[Advocacy: guidelines and procedure](#)

[Changing Your Study Plans](#)

[Code of Practice for Student Discipline](#)

[Data privacy statements](#)

[Fee Rules](#)

[Fitness to Practise Procedure](#)

[Prevent Principles](#)

[Safeguarding Policy](#)

[Student Complaints and Appeals Procedure](#)

[Student Privacy Notice](#)

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## The Open University Student Charter Principles

This policy aligns with the following [Open University Student Charter](#) Principles:

- Principle 1: We treat each other with dignity and respect
- Principle 2: We aim to inspire and enable learning
- Principle 3: We share the responsibility of learning

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# 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 below. We recognise that studying can be very helpful to positive mental wellbeing in many cases.

However, on rare occasions, 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. We call this “unacceptable behaviour” (see [Glossary](#) for a full definition). This policy sets out what will happen and how we can support you to continue your studies, to 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 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, please talk to your Student Support Team. Alternatively, you can appoint someone to speak and/or otherwise act on your behalf, also called an advocate. An advocate could, for example, be a relative, a friend, a support worker employed by you or a member of an advocacy organisation. An advocate's role is to help you to communicate independently and to make informed decisions regarding your studies. More information about advocates is given within [Advocacy: guidelines and procedure](#).

# 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 staff in addressing the behavioural impact of any physical, emotional or mental wellbeing difficulties you are facing on your fitness to study.

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- 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 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.
- 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 plans made with you will take into account implications on your academic progress. However, if you are concerned, consult the [Academic Progress Policy](#) or talk to your Student Support Team.
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## 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, to offer ongoing support and advice and 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 endeavour to use this policy to help you continue to study without a negative impact 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, but which are causing concern to other students or to OU staff.

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- 2.5 The aim of the policy is to give you the best outcome 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 may still decide it is appropriate 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 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.
- 2.11 If you are unhappy about the way in which we are applying this policy at any point, please raise this with us. If we are not able to address your concerns, you may use the [Student Complaints and Appeals procedure](#) to make a complaint.

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# Procedure

## 3. Implementation and enforcement of procedure

### 3.1 Stage 1 - Initial 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 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;
  - 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, you will be contacted by an educational adviser (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 School Director at Residential School, a Careers and Employability Service consultant or a Postgraduate Research students' supervisor. Any contact will be confidential and supportive.
- 3.1.3 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 policy. You do not have to share any additional information with us. The Educational Advisor will answer any questions that you have about the policy and send you a copy if you request.

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- 3.1.4 The member of staff will agree with you what actions you and we can take 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.
- 3.1.5 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.
- 3.1.6 However, if after this review time period, you or The Open University, continue to have concerns about your behaviour, the EA 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](#).
- 3.1.7 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](#). Alternatively, ask for advice about working with an advocate from your Student Support Team.
- 3.1.8 If you or another student or staff member raise concerns whilst you are on placement, The Open University will follow the [Fitness to Practise Procedure](#) as primary guidance, supported by the policy.
- 3.1.9 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 You will be contacted by a Senior Authority. If you have previously completed [Stage 1](#) of the policy, contact will be 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 You will be invited to attend a formal meeting (usually by telephone) within ten working days of review date from [Stage 1](#). In exceptional circumstances, and with agreement of The Open University, this can be extended. If you believe you have exceptional reasons for not being able to meet this deadline, discuss this with your

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SST. 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 the Open University community. We will tell you if there is any information that would be helpful for the meeting such as evidence about whether it is currently in your best interests to continue your studies. 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.

- 3.2.3 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](#).
- 3.2.4 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. An example of the format of an Action Plan is attached at [Appendix A](#). We may agree with you that it is in your interest to satisfy particular academic requirements, or to engage with particular types of 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.
- 3.2.5 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.
- 3.2.6 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](#).
- 3.2.7 At the end of the discussion, we will send you a written summary of the meeting and the Action Plan that you agreed with us. 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. If you are a Post Graduate Research (PGR) student, we will keep this on your student's record.
- 3.2.8 Once you have completed the Action Plan, you will be invited to a meeting with the nominated member of staff to assess progress.
- 3.2.9 If there are no outstanding concerns, you and your nominated member of staff will record this. The Action Plan will be closed. A note will remain on your record to indicate the decisions that we have made jointly.

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- 3.2.10 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.
- 3.2.11 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 – Case Conference Panel**

- 3.3.1 Stage 3 will commence when a Case Conference Panel is convened. This can happen by telephone, 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 (PGR) students, it will include a member of the Research Degrees team. 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 submitted to your Student Support Team (SST) and placed on your record.
  - ii. Approved Study Break: We will make a recommendation to the Director of Student Support, Policy and Operations (or Delegated Authority), or your employer in the case of an apprentice, that you should take an (approved) study break to allow time to address your physical or mental health or wellbeing. For Post Graduate Research (PGR) students, this will be the Graduate School Director. The procedure to follow for an (approved) study break in this case is set out in the [Changing Your Study Plans Policy](#).
  - iii. Further Action: Because of continuing concerns about your behaviour, we are 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.

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### **3.4 Review meeting**

- 3.4.1 If you have been following an Enhanced Action Plan, the Case Conference Panel will reconvene at the end of period over which the plan extends. 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 file.
  - ii. You are fit to study, supported by an Enhanced Action Plan which will be reviewed at an agreed date. The Case Conference Panel will liaise with a senior manager of the relevant Student Support Team (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 an approved study break (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 an approved study break (see section 3.5) **or** to withdraw completely from studying with The Open University. Your SST will advise you further on these options.

### **3.5 Approved Study Breaks**

- 3.5.1 Taking an approved study break lets you 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 to be able to take an approved study break.

### **3.6 Re-registering to Study**

- 3.6.1 At the end of an approved study break, you will need to satisfy the Case Conference Panel that you are fit to re-register for study. If you are a taught student or an apprentice, you may need to provide the evidence that we specify for this. If you are a Post Graduate Research (PGR) student, we expect you to meet your supervisors and complete a Return to Study form. There is more information on the [Graduate School Network](#) if you are a PGR student.
- 3.6.2 You will also need to have a discussion with an Education Adviser to ensure your return to study is as smooth as possible.

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- 3.6.3 We hope 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](#).
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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 well-being 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 with you, 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 sent to the support teams 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 Notice](#).
- 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 (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 The OU. 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 Data Protection Act 2018 Schedule 1 paragraphs 1, 10 and 18. See [Glossary](#).

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- 4.8 If any of the circumstances outlined 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.
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## 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.

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## 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](#).

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# Appendix

## Appendix A: Template of an Action Plan

Student's Name	Personal Identifier
Staff Name	Staff Title
Date of Meeting	Please tick – <input type="checkbox"/> By phone <input type="checkbox"/> Face to face <input type="checkbox"/> Online
Summary of the nature of the concerns (discussed with the student)	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 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

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# 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.

## 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

## 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.

## Senior Authority

Senior Manager from a Student Registration and Support Centre (SRSC), Educational Adviser or, in the case of PGR students, the Associate Dean Research (or delegate).

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## **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.

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- 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

## 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](mailto:research-degrees-office@open.ac.uk). These staff are specially trained to advise on the implementation of policy.

## 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](mailto:research-degrees-office@open.ac.uk).

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