

Open College of the Arts (OCA)

Fitness to Study Policy and Procedure

| Version no. | Status | Owner | Approved by | Date approved | Date of Next Review |
|-------------|----------|-------------|-------------|---------------|---------------------|
| 1 | Approved | Craig Dewis | OCA Board | 7 June 2022 | June 2024 |

1. The purpose of this policy

- 1.1. As an educational charity, the Open College of the Arts (OCA) mission is to provide access to arts education for all in society. Both before and during studies, there may be circumstances which present challenges to students and to OCA to ongoing study. For the purposes of this policy, fitness to study is defined as the ability to study a course, with or without support, in a way that does not negatively affect the experience of any individual or group of people.
- 1.2. This policy sets out OCA's approach to fitness to study, how we will support students to study, and provide direction to both the student and OCA where there are continued or emerging concerns about a student's health, wellbeing and / or behaviour which impact their own study, or other's ability to study, or on the teaching or administrative processes.
- 1.3. It is recognised through this policy that there may be significant crossover between this policy and [OCA's Student Code of Conduct](#), due to conduct and/or actions that would ordinarily be considered under that document. The OCA approach is to in all cases consider the best avenue to support ongoing study. Where an investigation under the [Student Code of Conduct](#) is warranted, the investigation will also consider Fitness to Study.
- 1.4. OCA recognises that student circumstances may change during the course of their studies and that this may impact upon their ability to study and progress. These changes may impinge upon your own ability to progress, and/or be detrimental to the experience of other students. These changes may manifest in different ways, in health, wellbeing, and behavioural outputs.

2. Wellbeing Support and Resources

- 2.1. All OCA students have access to our free app, OCA Wellbeing, which has podcasts, challenges and resources to develop wellness skills, calming techniques and build self-care routines.

- 2.2. There are mental health and wellbeing resources in the Student Handbook.
- 2.3. If you would like further support with any issues surrounding your physical, mental or emotional wellbeing please contact our Learner Support Team (learnersupport@oca.ac.uk).
- 2.4. There are also wellbeing tips and resources on the OCA Student Association website.

3. Who does this policy apply to?

- 3.1. This policy is applicable to applicants, current and re-enrolling students at OCA on short courses, foundation courses, undergraduate degrees, and postgraduate degrees. Certain clauses within this policy may only be applicable for specific students and this will be indicated where applicable.

4. Linked and other relevant policies and legislation

- 4.1. This policy is subject to [OCA's Terms and Conditions](#), and forms part of the [OCA Student Regulations](#).
- 4.2. This document should be read in conjunction with OCA's Student Code of Conduct, as there is potential crossover between the two, and the [Extenuating Circumstances Policy](#).
- 4.3. This policy also references [OCA's Admissions Policy](#), [Under 18s Admissions Policy](#), [Student Accessibility Policy](#), [Equality and Diversity Policy](#), [Wellbeing Policy](#), and [Student Complaints and Non-Academic Appeals Procedure](#).
- 4.4. This policy references the [Equality Act 2010](#), the [Care Act 2014](#), and the [Health and Social Care Act 2008](#).

5. General Principles

- 5.1. The purpose of this policy is to work with you to help you engage with your studies during and after a period where there has been an impact on your physical, and mental wellbeing and/or behaviour. This includes after a period of agreed deferral, interruption or withdrawal on health grounds.
- 5.2. 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, the Learner Support Team (learnersupport@oca.ac.uk / 01226 978618) will be happy to help you. Alternatively, you can nominate someone to speak on your behalf and deal directly with OCA (an Advocate). More information about using an Advocate is given within our [Advocacy: Guidelines and Procedure](#) document.
- 5.3. Any information provided to OCA in conjunction with the scope of this policy will be treated confidentially and shared on a strict need to know basis. Data provided by you will be securely stored on OCA's student management

system, and retained for duration of studies plus one year as set out in [OCA's Data Retention Schedule](#).

- 5.4. In some circumstances you may need more support than OCA 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. You can find information on crisis support, helplines and messaging services in the OCA Student Handbook or details of local / national support at Hub of Hope.
- 5.5. In consideration of paragraph 5.3, in reviewing your case, there are circumstances under which OCA may need to take immediate action to safeguard the physical and mental safety of you, other OCA students, staff members, and/or the general public. In such circumstances OCA reserves the right to contact emergency services and to share any relevant information with the emergency services without your consent. See paragraph 5.5 of OCA [Terms and Conditions from August 2023](#) and also refer to [OCA Safeguarding Policy](#)
- 5.6. If, despite the provision of support throughout the procedure, there are still concerns, OCA may need to follow alternative policies such as the [Student Code of Conduct](#), or the [Active Study Policy](#).
- 5.7. OCA believes 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.
- 5.8. OCA encourages applicants to discuss issues in advance of enrolment with OCA so that we can work through effective solutions to enable ongoing access to study.
- 5.9. It is expected of all students and staff to treat each other with courtesy and respect, value differences and diversity, especially of opinion, and to act fairly and transparently in dealings with others.

6. Fitness to Study

- 6.1. As referenced in paragraph 1.4, it is recognised that there may be issues (either health, physical, or mental in nature) recognised either before or during study that impact upon a person's behaviour and ability to study effectively. These may be out of an individual's control, but have an impact upon themselves, and/or others.
- 6.2. Where an applicant is aware of issues that may impact their ability to study they are encouraged to discuss these with OCA as soon as possible in order to discuss possible solutions to enable ongoing access to study.

- 6.3.** In the event that issues that may negatively impact your and/or others ability to study are identified, OCA will seek to understand the situation, any difficulties you are experiencing, how these issues impact you, and how OCA might support you.
- 6.4.** Where this is a one-off event or has limited impact to yourself and/or others, OCA, through the Learner Support team will review the situation and discuss with yourself remedial actions to regain engagement with studies, and supportive measures to ensure such occurrences do not happen again, and limit impact.
- 6.5.** Where there are ongoing behaviours which negatively impact yourself and/or others, through this policy we will develop in conjunction with you a plan of supportive measures with the aim of helping you to engage successfully with your studies.
- 6.6.** In certain circumstances, it may not be possible to provide ongoing support and access to study. This may be due to concern for the physical / mental / emotional wellbeing of yourself and/or others, and/or because OCA is unable to support you due to your particular needs and/or due to the resources required to support your learning.
- 6.7.** Issues regarding the negative impact upon yourself and/or others may be raised as a concern by yourself and/or any other member of the OCA community.

- 6.8.** If issues are raised about your behaviour by a third party, we will endeavour to discuss these issues with you and give you the opportunity to respond.
- 6.9.** Issues that cause concern for the physical/mental/emotional wellbeing of yourself and/or others include the following. Please note this list is not meant to be exhaustive:
- 6.9.1.** Where your behaviour at online group sessions prevents the effective delivery of the session, and/or inhibits the learning experience
 - 6.9.2.** Where your behaviour at a study event, either online or in person, prevents the effective delivery of the session, and or inhibits the object of the session
 - 6.9.3.** Where attempting to meet your needs requires support beyond reasonable adjustments as defined by the [Equality Act 2010](#)
 - 6.9.4.** Where you are not able or willing to engage with study as shown by not responding to communications or submitting assignments
 - 6.9.5.** Where you are not able or willing to engage in conversation with members of staff, as evidenced by communications with OCA
 - 6.9.6.** Where the frequency or nature of your communications with OCA staff is impacting on student and/or staff wellbeing or detracting or inhibiting the support offered to yourself and/or other students and/or administrative and teaching processes of OCA
 - 6.9.7.** Where your actions give concerns that you may have underlying physical or mental health issues
 - 6.9.8.** Where your behaviour is persistently in breach of the Student Code of Conduct but there is reason to believe this may be caused by an underlying physical or mental health issue
- 6.10.** Where concerns/issues are identified, this policy outlines a three-stage procedure to follow, although the procedure may be enacted in any order, not necessarily at stage one, depending on the nature of the concerns and support you may require. You may explore all stages of this policy, or just the one that is most relevant to you and your needs.
- 6.11.** The purpose of this policy is to give you the best chance of studying and succeeding, and encourage you to work with OCA in exploring solutions. If for any reason you do not work with OCA, we reserve the right to implement this policy in your absence.
- 6.12.** OCA desires to avoid disciplinary reviews where possible. However, if despite ongoing support throughout this procedure your behaviour continues to give cause for concern, OCA may consider your behaviour under the [Student Code of Conduct](#).
- 6.13.** If you have any concerns as to how this policy has been applied, you should refer to the [Student Complaints and Non-Academic Appeals Procedure](#) or the Academic Appeals Policy and Procedure for details on how to raise a complaint or administrative appeal.

7. Procedure

- 7.1. When concerns are raised as outlined in 5.10 these will initially be reviewed by a member of the Learner Support team, who will consider the risk and nature of the concerns/issues and determine the stage at which they should be reviewed.
- 7.2. In reviewing your case, the standard of proof required is 'on the balance of probabilities'. This means that in the consideration of the reviewing officer or panel, something is more likely to have happened than not based on the evidence available from all parties.
- 7.3. Stage 1
- 7.4. Where there are clear concerns for exploration at an initial stage you will be contacted in the first instance for a conversation with a member of OCA Learner Support Team. This may also include a member of academic staff depending on the concerns.
- 7.5. The member of staff who contacts you will explain the nature of the concerns and explore with you possible reasons for the behaviours and ways forward to address these concerns.
- 7.6. The member of staff will agree with you what actions can be taken to address the concerns, 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.
- 7.7. 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 OCA no longer have any concerns, the matter will be closed. You will be sent a review of the matter, and this will be kept on your student record.
- 7.8. If during the review you or OCA continue to have concerns about your behaviour, or additional concerns arise, your case will be reviewed by a nominated member of OCA's Senior Management Team (SMT). If the nominated member has concerns the case will be reviewed at Stage 2.
- 7.9. Where concerns are raised by or about an applicant, we will follow the points 7.1 to 7.6 above. Where the applicant has previously been a student of OCA and withdrawn either through this policy, or as a result of OCA's [Active Study Policy](#), or after a period of ill health, further evidence will be required as to the change in situation and evidence (either medical or otherwise provided by a suitably qualified professional) of your ongoing fitness to study.

7.10. Stage 2

- 7.10.1.** Where concerns are more advanced, where there is persistent evidence of concerning behaviour, or where there has been an escalation from Stage 1, a nominated member of SMT will review the case. The nominated member of SMT will advise the nature of the concerns and explore with you possible reasons for the behaviours and ways forward to address these concerns.
- 7.10.2.** You will be invited to attend a review meeting (either by telephone or video conference) within 20 working days of the review/escalation date. We will consider alternative reasonable adjustments to the meeting format. The meeting will be to discuss the issues and explore the impact upon yourself and other members of the OCA community, and attended by the nominated member of SMT and any other staff members as appropriate. The deadline for the meeting may be extended only in exceptional circumstances (where this can be evidenced that you are unable to attend).
- 7.10.3.** You will be informed in advance of the meeting if there is any specific information and/or evidence that would be helpful for you to prepare in advance of the meeting. For example, medical documentation, and any other relevant information that indicates your fitness to study. You may choose to prepare information which you consider to be relevant. You are not obliged to divulge any personal or sensitive information, however the more information OCA has, the more help and assistance OCA may be able to provide.
- 7.10.4.** If at the meeting it is agreed that it is in your interests to continue to study with OCA, an Action Plan will be put in place, setting out conditions and timescales for you to meet in order to continue to study. This may include meeting certain academic requirements, or engaging with medical, study or associated support in order to study without detriment to yourself or others. A copy of the Action Plan will be provided to you.
- 7.10.5.** The Action Plan will have the name of the staff member who will be supporting you and monitoring your progress against the plan. The Action Plan will also have a review date, and set out what will happen if the plan is not followed. This Action Plan will be sent to you within 10 working days of the date of the meeting, and a copy added to your student record.

- 7.10.6.** If during the meeting it is agreed that it would be in your best interests to have a break from study we will agree with you the length of the break and a proposed date of return to study. If you are currently enrolled on a unit any break will not exceed 12 months. One month before the proposed date of return to study an OCA member of staff will be in touch with you by email to check on your progress and see if you are ready to return. If you require further time off if you have not exceeded the maximum break this will be agreed with the member of staff who is supporting/monitoring your Action Plan. You will be provided with a new proposed date of return to study and the Action Plan will be updated and a new copy sent to yourself and added to your student record. If you are studying a short course, you will instead be offered a deferral to the next cohort intake.
- 7.10.7.** Once the Action Plan is completed, you will be invited to review your progress by the member of staff supporting/monitoring your case. If there are no outstanding concerns, your case will be closed. A note will remain on your student record.
- 7.10.8.** If at the review meeting there are outstanding or additional concerns your case will be escalated to Stage 3 for review by OCA's Senior Management Team.
- 7.11. Stage 3**
- 7.11.1.** Where there is evidence of significant disruption to your studies or the studies of others, or significant disruption to the administrative and/or teaching activities of OCA, or your case has been escalated to Stage 3, your case will be reviewed by OCA's Senior Management Team.
- 7.11.2.** You will be invited to attend a review meeting (either by telephone or video conference) within 20 working days of the review/escalation date. We will consider alternative reasonable adjustments to the meeting format. The meeting will be to discuss the issues and explore the impact upon yourself and other members of the OCA community, and convened by SMT and any other staff members as appropriate. The deadline for the meeting may be extended only in exceptional circumstances (where this can be evidenced that you are unable to attend).
- 7.11.3.** You will be required to submit medical or other evidence from a suitably qualified professional indicating in their professional opinion your fitness to study. You may choose to prepare information which you consider to be relevant. Where you are unable to provide this, OCA will request your consent to procure such evidence. Where you

do not provide consent, SMT will consider your case on the existing information provided. You are not obliged to divulge any personal or sensitive information, however the more information OCA has, the more help and assistance OCA may be able to provide.

- 7.11.4.** In reviewing your case at Stage 3, SMT will decide one of the following options to apply to your case:
- 7.11.4.a.** Development of an Enhanced Action Plan (EAP) including actions taken to resolve concerns, setting out conditions and timescales for you to meet in order to continue to study. This may include meeting certain academic requirements, or engaging with medical, study or associated support in order to study without detriment to yourself or others. It will also set out what will happen if the EAP is not followed. A copy of the EAP will be provided to you and added to your student record. At the end of the review period SMT will reconvene and consider your case. If no further concerns are raised the case will be closed, otherwise Stage 3 will happen again.
 - 7.11.4.b.** An agreed break in study of up to 12 months will be put in place to allow you to address your physical and/or mental wellbeing. At the end of the review period SMT will reconvene and consider your case. If no further concerns are raised the case will be closed, otherwise Stage 3 will happen again. If a break in study was previously agreed at Stage 2, the total break will not exceed 12 months, unless an exemption is approved.
 - 7.11.4.c.** Where it is decided that it is not in the best interests of either the student or OCA to continue to study, you will be removed from the programme of study in order to allow you to address your physical and/or mental wellbeing.
- 7.11.5.** You may appeal against the outcome of your review if you believe that there has been a procedural irregularity, if all evidence has not been considered, or similar. Please see OCAs [Student Complaints and Non-Academic Appeals Procedure](#) for details on how to request an administrative appeal.

8. Glossary of terms

- 8.1. Action Plan - a document setting out the conditions and timescales to enable you to continue to study.
- 8.2. Fitness to Study - the ability to study a course, with or without support, in a way that does not negatively affect the experience of any individual or group of people.
- 8.3. Unacceptable conduct - similar to behaviours set out in the [Student Code of Conduct](#), these are:
 - 8.3.1. Conduct that obstructs or interferes with the ordinary running of OCA, impairing administrative and/or teaching functions, limits, curtails, or disrupts the learning environment and/or learning experience of other students.
 - 8.3.2. Conduct contrary to [Student Code of Conduct](#) principles, including treating others with fairness and respect
 - 8.3.3. Conduct that is violent, indecent, threatening, intimidating, harassing, or behaviour that causes or intends to create a hostile environment at OCA.
 - 8.3.4. Conduct likely to cause injury or damage to persons or property
 - 8.3.5. Conduct that is in breach of OCA's policies on [Safeguarding](#) and [Prevent](#)
9. **Support for the policy**
 - 9.1. Should you need any help with this policy, or require this document in an alternative format you should contact our Learner Support Team at learnersupport@oca.ac.uk, where they will be able to answer any queries you have.
10. **Control of the policy**
 - 10.1. This policy was authored by Lia Harness, Senior Learner Support Adviser, and Craig Dewis, Head of Student Services, in consultation with OCA Staff and given approval through OCA Oversight Management Group in May 2022.
11. **Reviewing the policy**
 - 11.1. OCA will work closely with OCAs Equality and Diversity Group to gather student feedback on the outline of the policy, its intentions, the administration of the policy, and a review of all these points in practice. These will then be fed into the next review point for the policy.



- 11.2.** The next review date is June 2024. If you would like to raise any issues around this policy then you should contact learnersupport@oca.ac.uk, or if you are a student, you might also wish to raise these with the appropriate OCASA representative.