Compliance Training Policy and Procedure

Contents

Policy

1. Purpose and key principles

1.1   It is a legal and regulatory requirement for The Open University to ensure that all staff undertake regular training to enable them to act in accordance with UK law and with University policy. This training is described as 'compliance training' and is mandatory for all staff defined as including workers, volunteers, contractors, consultants, agency staff, partners and anyone working directly with OU staff, students, or data where the OU has the regulatory requirement to train them rather than their employer.

1.2   Training can help to reduce risks by making sure that all staff:

- understand the purpose of the legislation or policy,

- are aware of and understand their responsibilities,

- know how the policy or legislation relates to their role, and

- know how to act in a compliant way in their capacity as staff working for or with the OU.

1.3   The benefit of having a University policy that covers the provision of compliance training therefore ensures:

- legal compliance and the avoidance of legal penalties including fines,

- clear expectations for both University leaders and staff about what is expected of them,

- defined actions for staff who do not comply with the policy, and

- a clear framework within which training owners can operate.

2. Definitions

2.1 *Compliance Training* is required by law and is provided by the University to meet its legislative compliance obligations, to protect our students and to fulfil our duty of care. Compliance training ensures that employees have the knowledge necessary to maintain a safe and healthy working environment for not only themselves but also their coworkers. This training is relevant to all staff.

2.2 *Mandatory Training* is determined as important by the University but is not required by law. This may be specified within University policy, or it may be determined as good practice to which the University should adhere. It is concerned with minimising risk, providing assurance that policies are followed, and ensuring the University meets internal or external standards. This training may be relevant to all staff or may be role specific.

2.3 *Recommended Training* is training that is encouraged to help develop knowledge, skills and enhance performance but that is not required by law or mandated by the university.

3. Roles and responsibilities

3.1 *All staff* are responsible for making sure that they complete all compliance training courses as requested, as well as any mandatory training before any deadline is reached. All staff are responsible for applying the training to their daily work and adhering to university policy and legislation.

3.2   *Line managers* are responsible for ensuring that their direct reports have completed all compliance training courses as requested, as well as any mandatory training before any deadline is reached. Where staff are deemed non-compliant Line Managers are responsible putting measures in place to resolve this, with support from their Associate People Business Partner.

3.3   *Heads of Units* are responsible for monitoring completion of compliance training for staff within their Unit. They are also responsible for actively promoting the completion of compliance training, ensuring that time is made available for staff to undertake the training, and implementing the enforcement process as needed.

3.4   The *training owner* is accountable for providing the content of compliance training courses, as well as any mandatory and recommended training ensuring that the content is accurate and that the training is accessible, proportionate, of high quality, and with reasonable time commitment appropriate to different groups of staff.

3.5   The **Chief People Officer** (and their team) is accountable for defining a clear and fair process to ensure the completion of compliance training, setting clear expectations with appropriate sanctions for non-completion. They are also responsible for the provision of accurate Management Information (MI) about which members of staff have completed each compliance training course and the date of completion.

3.6   The **Vice-Chancellor's Executive** is responsible for approving the strategy for this Policy and the related Compliance Training Procedure, and accountable for ensuring that the Policy and Procedures are followed.

4. Non-compliance

4.1 Any deliberate or prolonged infringement of this policy will be treated seriously by the University and may result in disciplinary action for staff, or contractual action for suppliers or partners.

4.2 The responsibilities outlined in this policy do not waive personal liability for individual criminal offences resulting from the wilful non-compliance with legislation related to compliance training content. Individuals may still be held personally liable for their actions.

4.3 The approach to managing non-compliance is outlined within the Compliance Training Procedure.

5. Relevant legislation and regulatory expectations

5.1 Relevant legislation and regulatory expectations include, but are not limited to:

- Counterterrorism and Security Act 2015, the Prevent duty guidance: England and Wales (2023), the Higher Education (Freedom of Speech) Act 2023 and associated expectations from the Office for Students (OfS).

- Data Protection Act 2018 (inc. The UK General Data Protection Regulation (GDPR)).

- HM Government 2018 "Working Together to safeguard children: A guide to interagency working to safeguard and promote the welfare of children" and 2020 "Keeping children safe in education".

- Scottish Government 2014 "National Guidance for Child Protection in Scotland".

- Department of Health Social Services and Public Safety, Northern

Ireland 2017 "Cooperating to safeguard children and young people".

- Welsh Assembly Government 2007 "Safeguarding children: working together under the Children Act 2004".

- The Equality Act 2010 and Section 75 of the Northern Ireland Act 1998.

- Computer Misuse Act 1990.

- Malicious Communications Act 1988.

- Digital Economy Act 2010.

- Privacy and Electronic Communications Regulations 2003.

- The Health and Safety at Work Act 1974.

- Management of Health and Safety at Work Regulations 1999.

- Health and Safety (Display Screen Equipment) Regulations 1992.

6. Useful links

Compliance Training Procedure

Compliance Training Intranet

My Learning Centre (MLC) Compliance Training FAQs

Prevent Principles

Safeguarding Policy (Safeguarding Intranet)

Data Protection Standard (Information Rights Intranet)

Data Protection Policy (Information Rights Intranet)

Information Security Policies (Information Security Intranet)

Health and Safety Intranet

Procedure

7. Overview

7.1   All staff members (defined as including workers, volunteers, contractors, consultants, agency staff, partners and anyone working directly with OU staff, students, or data where the OU has the regulatory requirement to train them rather than their employer) are required to undertake regular training to enable them to comply with UK law and with University policy. This procedure identifies the training courses which are in scope of the Compliance Training Policy (Policy) and their completion frequency. It also outlines how completion rates will be monitored and reported as well as setting out the process for dealing with non-completion.

8. Courses in scope

8.1   Based on the definition of compliance training as outlined in the Policy, the following courses are in scope and are required to be completed by all staff members.

Course	Relevant legislation and/or regulation requirements
Prevent	Counterterrorism and Security Act 2015; Prevent duty Guidance 2023: England and Wales; Office for Students (OfS) Monitoring framework 2018-19 onwards; Higher Education (Freedom of Speech) Act 2023
Safeguarding	*England*: HM Government 2018 "Working Together to safeguard children: A guide to interagency

The Open University

	working to safeguard and promote the welfare of children"; HM Government 2021 "Keeping children safe in education" *Scotland*: Scottish Government "National Guidance for Child Protection in Scotland 2021" *Northern Ireland*: Department of Health Social Services and Public Safety, Northern Ireland 2017 "Cooperating to safeguard children and young people" *Wales*: Welsh Assembly Government 2007 "Safeguarding children: working together under the Children Act 2004".
Core Data Protection and Information Security Awareness. Refresher Data Protection and Information Security Awareness.	I. Data Protection Act 2018; Computing Misuse Act 1990. II. All staff are required to complete the full course within 14 days of starting with the University. Thereafter the refresher course must be completed annually
Equality Essentials	The Equality Act 2010 and Section 75 of the Northern Ireland Act 1998
Basic Health and Safety at the Open University.	I. All staff are required to complete the full course within 14 days of starting with the University. Thereafter the refresher course must be completed annually

The Open University

Health and Safety Essentials (refresher course).	
Healthy Working +	The Health and Safety at Work Act 1974; The Management of Health and Safety at Work Regulations 1999

9. Completion requirements

9.1 New starters should complete the training within 14 days of starting with the University. All other colleagues must complete recertification of their training within the following timescales. Reminders will be sent to colleagues, and their line manager, when recertification is due.

Course	Period of recertification
Prevent	2 years
Safeguarding	2 years
Data Protection and Information Security Awareness. Data Protection and Information Security Awareness (refresher course)	All staff are required to complete the full course within 14 days of starting with the University. Thereafter the refresher course must be completed annually. Any colleagues who have been compromised in a real-life phishing attack or who have been implicated in a cyber-attack will be required to complete the full course. Where this applies colleagues will be notified and their completion

	window will be reset.' and delete the completion requirements from the in-scope section.
Equality Essentials	2 years
Basic Health & Safety at the Open University. Health and Safety Essentials (refresher course)	All staff are required to complete the full course within 14 days of starting with the University. Thereafter the refresher course must be completed annually
Healthy Working +	3 years

10. Exceptions

10.1   All staff members should complete their training online within My Learning Centre, without exception. Alternative formats are provided on the relevant compliance training course pages in My Learning Centre.

10.2   Staff members who are absent e.g. long-term sick leave, maternity leave, career break etc are not required to complete compliance training during their absence however line managers must ensure they complete their compliance training within 5 days of returning to work, otherwise they will be considered non-compliant.

10.3   Non-core staff members, who do not have access to online training should be provided with alternative formats by their line manager. Completion requirements remain the same as for staff members, unless one of the following exceptions apply.

10.4 In some cases, exceptions may apply for non-core members of staff as follows:

- Contractors
- External Council members
- Student Interns
- Visitor
- Agency staff
- Post Graduate Research Students

11. Reporting and monitoring

11.1 A compliance training dashboard is available monthly which demonstrates completion rates at both University and Unit level. This will be made available to all Heads of Unit via the Compliance Training Intranet. A summary of completion rates will be reported to the Professional Services Leadership Team (PSLT) on quarterly basis, and to subject specific Steering Groups or governance bodies.

11.2 Accompanying this will be detailed unit-specific reports that confirm any staff members who are non-compliant. As outlined in the Policy, it is the Head of Unit's responsibility to ensure that line managers are managing non-compliance appropriately.

11.3 Compliance training completion rates will be reported to the Vice-Chancellor's Executive (VCE) and Audit Committee on an annual basis as part of their role in providing third line assurance for all areas of compliance.

12. Managing non-compliance

12.1   Non-completion of any Compliance Training courses by active University colleagues may be considered a performance management issue. Line Managers are responsible for supporting team members to enable completion as soon as possible where certification has expired.

12.2   Refusal to complete Compliance Training courses may be considered a conduct issue and will be dealt with through appropriate University policies. Associate People Business Partners will support line managers with ongoing concerns regarding non-completion of training and should be involved early in the process to help determine the correct course of action.

Compliance renewal window opens
Reminder email sent to staff member and their line manager at 3-1 months before refresher training due, 1-week and 1-day intervals.
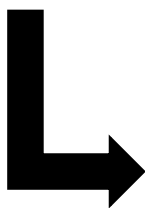
Compliance overdue
Email sent to staff member and their line manager. Line manager checks whether training record is accurate.
  - If training has been completed, line manager emails MyLearningCentre@open.ac.uk to ask that training record is updated.
  - If training has not been completed, line manager informs staff member they have 5 days to complete before further action is taken.
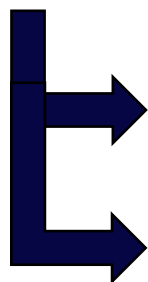
Compliance confirmed
Staff member completes course and training record is updated. No further action is required.

Compliance not confirmed
Conduct managed via performance management process. Line manager contacts Associate People Business Partner to agree appropriate steps.

The Open University

13. Version control

Version 14.0: Effective from 8 August 2024

Approved by: The Compliance Training Steering Group

Summary of revisions: Completion requirements and links added. Policy and Procedure (was Standard) has been combined. Additional information about roles and responsibilities. Additional information on non-compliance.