

## **Student Fitness to Practise Policy and Procedures**

### **1. Scope and purpose**

- 1.1 This policy and procedures are for the use of AECC University College staff and students enrolled on courses leading to professional registration on AECC University College awards.
- 1.2 This Policy uses the term 'student' or 'students' throughout. This refers to all learners at the university, including undergraduate and postgraduate students and apprentices. Where separate arrangements or rules apply, the target group or groups are named in the paragraph.
- 1.3 The University College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. The University College will seek to ensure that the consideration of matters under these procedures is conducted transparently and in a way which is fair to all parties concerned. All cases will be considered in accordance with the Equality, Diversity and Inclusion Policy. Where a student or staff member working with this policy has specific protected characteristics under the Equality Act 2010, all endeavours will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs.
- 1.4 The policy and procedures provide a framework for the University College to exercise its duty in the public interest that students following degrees leading to professional health and social care qualifications meet relevant professional standards for fitness to practise, including professional attitudes and professional behaviours.
- 1.5 This policy and procedures also provide a framework in relation to the duty of care to students, ensuring that any decision made under these procedures are in the best interests of the student and as part of the student support framework. This includes considering matters relating to current students' health, conduct and/or performance which may impact adversely upon their ability to undertake the demands of a rigorous course of study and a demanding profession.
- 1.6 This policy and procedures are not intended to consider issues that have arisen prior to admission. Consideration of fitness to practise issues within the admissions process is embodied in admissions policies and procedures.
- 1.7 This policy and procedures are not intended to deal with issues of practice competence which will be managed under the University College's assessment procedures. However, concerns about competence may be raised as a part of a fitness to practise procedure and may be considered if they are relevant to the allegations or evidence.
- 1.8 Students enrolled on courses leading to professional registration are subject to the University College's standard policy and procedures in relation to academic assessment/progress and conduct, in addition to these Fitness to Practise procedures. Students who have been found to have committed a major academic offence or major breach of conduct rules, will be referred for consideration under this Procedure. Students found to have committed minor offences under other policies may have their case referred under this procedure, if that panel considers there is good cause to do so.
- 1.9 The Fitness to Practise Policy and Procedures is an internal procedure and is not a legal process. AECC University College does not normally use legal professionals in the handling of cases, and it is not expected that students will do so either. As such the engagement of legal professionals by students in relation to

Fitness to Practise is not normally permitted, and would be allowed only in exceptional circumstances, in discussion with the Academic Registrar and the Chair of the Fitness to Practise Panel.

- 1.10 The University College's obligations with respect to safeguarding, including the Prevent Duty, are implicit to its Fitness to Practise framework.
- 1.11 This policy and procedures takes into account and is informed by the requirements of the relevant professional and regulatory bodies.

## **2. Key responsibilities**

- 2.1 Responsibility for the management and implementation of this policy and its procedures lies with the Academic Registrar.
- 2.2 The Academic Registrar provides advice to staff and co-ordinates the initial investigative and subsequent formal hearing stages of the Fitness to Practise Policy and Procedures.
- 2.3 The Deputy Vice-Chancellor is responsible for taking precautionary measures.
- 2.4 A member of the relevant School leads the Stage 1 review.
- 2.5 The Course Leader leads the Stage 2 formal investigation.
- 2.6 The University College's Appeals Panel for Student Fitness to Practise is chaired by the Deputy Vice-Chancellor.
- 2.7 The University College may have a statutory duty to inform the professional body about sanctions that have been imposed on a student by a Fitness to Practise panel.
- 2.8 Under this policy and procedures any University College or Students' Union role or officeholder may act through their appointed nominee.

## **3. Key Responsibilities for Students**

- 3.1 Students studying on courses leading to professional health and social care qualifications, should make themselves aware of the relevant codes for their future professions. These professional codes of conduct are used as the reference point in the fitness to practise process to determine if a student's fitness to practise is impaired.
- 3.2 Students are required to sign, on an annual basis, a declaration to the effect that they remain in good physical and mental health, and have neither been charged with nor convicted of criminal activity since their enhanced Disclosure and Barring Services check, or police check.
- 3.3 Students who become aware of any issues which may affect their fitness to practise, should seek advice from their personal tutor, or other relevant staff member at the earliest opportunity and inform the Academic Registrar.
- 3.4 It is recommended that students use the services of the Students' Union if they are required to appear before a Fitness to Practise Hearing.
- 3.5 It is recommended that apprentices subject to Fitness to Practise proceedings discuss this openly with their employers.
- 3.6 Students should declare any sanctions imposed by a Fitness to Practise Panel at point of registration with the relevant body if required to do so.

## Fitness to Practise Policy

### 4. Principles

- 4.1 This policy and procedures have been drafted to align in principle to the relevant professional and regulatory bodies.
- 4.2 Where a concern is raised about a student who is already registered member of a profession, the University College has a responsibility to raise those concerns with the relevant professional body, the Disclosure Barring Service and/or the student's employer.
- 4.3 Complaints and concerns about a student's conduct will initially be investigated under the relevant general procedure, i.e. Student Disciplinary Policy, Sexual Violence and Misconduct Policy, Academic Misconduct Policy, or Cause for Concern Policy. The outcome will be referred to Stage 3 of these procedures when the outcome of is determined to be a major offence, or when the panel considers a non-major offence has implications on fitness to practise.
- 4.4 Where the complaint or concern is solely about a student's professional conduct and practice, these procedures should be instigated from Stage 1. Examples include, but are not limited to:
- cases involving gross misconduct/serious incidences of unprofessional behaviour;
  - cases where a student has demonstrated unsafe practice;
  - cases where a student is using practical skills that are not included in their course or have not been authorised for use by a practice educator;
  - cases where the student has breached the relevant professional code of conduct; or
  - cases raising serious safeguarding concerns
- 4.5 When bringing a fitness to practise concern, the burden of proof lies with the University College. If the student disputes the allegation they will need to provide evidence to rebut it. Students will also need to evidence any mitigating factors that they wish to rely on.
- 4.6 As an internal policy, and not a legal process, the civil standard of proof ('on the balance of probabilities') is used. All decisions must be supported by evidence.
- 4.7 Concerns, whether originating from the outcome of another procedure or directly under these procedures, will be classified into three groups, according to the following features:

#### *Minor*

- An issue that raises concerns about fitness to practise that would best be dealt with initially through support and counselling.
- Examples would include, but not be limited to, poor attendance, appearance, or some aspects of inappropriate behaviour.

#### *Major*

- Issues that raise more significant concerns in regards to fitness to practise issues or career options.
- Examples would include dishonesty, serious health issues, serious limitations of technical competence, any behaviour considered 'non-major or major' under the Student Disciplinary, Harassment or Sexual Violence and Misconduct policies; academic misconduct.
- Normally minor concerns would escalate to this category if aggravated by repetition and/or dishonesty, or where agreed actions to remedy minor issues are not fulfilled.

#### *Critical*

- An unpredicted event giving rise to the need for immediate action because of the likelihood of significant harm to patients/clients, the University College and/or placement provider, current students, the general public, or the relevant profession, either involving a student, or resulting from the action of, a student.

- Examples would include criminal conviction, falsification of clinical records, any behaviour considered 'major' under the Academic Misconduct, Student Disciplinary, Cause for Concern or Sexual Violence and Misconduct policies; serious academic offences.
- Normally major concerns would escalate to this category if aggravated by repetition and/or dishonesty or where agreed actions to remedy issues are not fulfilled.

The Deputy Vice-Chancellor should be notified immediately of any such critical incident. If there are implications for the safety of patients, clients, staff, students or the general public, the Deputy Vice-Chancellor has delegated authority through the Vice-Chancellor from the Board of Governors to take precautionary measures, in accordance with the provisions of section 5 of the University College's Student Disciplinary policy.

## **Fitness to Practise Procedures**

### **5. Stage 1: Preliminary stage/cause for concern**

- 5.1 This cause for concern stage is to determine whether a student's fitness to practise is in question or whether the concern is about less serious competency issues. The purpose of this stage of the procedure is to give the student the opportunity to develop their skills, practice or approach to meet the required standards.
- 5.2 This review will be undertaken by relevant School staff and a brief report provided to the Head of School detailing findings and recommendation on next steps: no further action, action plan for the student (5.3), or formal investigation (6.1).
- 5.3 If the concern is determined to be about less serious competency issues, in agreement with the student, an action plan for improvement with timescales will be formulated. If a student does not comply with the action plan, the student will be referred to the formal stage of these procedures.
- 5.4 In the case of apprentices, the employer will be involved in the planning and actions that arise.
- 5.5 Stage 1 can be by-passed if:
  - a) the concern is sufficiently serious. Examples include if the student has harmed, or is at risk of harming, others, and concerns raised following a criminal conviction.
  - b) the student disputes events or behaviours giving rise to the complaint, thus ensuring the student has a fair opportunity to present their case. Proceed to Stage 2.
  - c) the facts of the case have previously been established from another procedure (see 4.3) go directly to stage 3

### **6. Stage 2: Formal Investigation Stage**

- 6.1 If the Head of School, in consultation with the Academic Registrar, considers that the concerns warrant a full review, normally the Course Leader will carry out a full investigation to establish the facts and how they apply to the professional standards; if the Course Leader has had previous involvement in the case, an alternative staff member will carry out the investigation.
- 6.2 The Course Leader is empowered to take statements and collect evidence from patients/clients, other service users, staff members (University College and placement provider) an apprentice's employer, and students as appropriate to the needs of the initial investigation. The aim will be for all investigations to be completed as soon as possible and normally within 20 working days. In particularly complex cases, the investigation may take longer and the student will be kept informed of any delays and the reasons for the delay.
- 6.3 At the end of the Investigation, the Course Leader will provide a formal report detailing the investigation findings and outcome. After considering the relevant professional Code of Conduct, the Course Leader will recommend one of the following:

- there is no case to answer, *or*
- that no further action should be taken other than the provision of advice and guidance as appropriate and a note placed on the student file referring to this, *or*
- that the case should proceed to a Fitness to Practise Hearing,

The Head of School and Academic Registrar will receive a copy of the report.

- 6.4 If the case is to proceed to a Fitness to Practise Hearing, the Academic Registrar will recommend to the Deputy Vice-Chancellor whether any precautionary measures should continue to apply pending the outcome of the Hearing, or if the facts of the case require consideration of new precautionary measures.
- 6.5 If the Course Leader considers that there is no case to answer, all records related to the case will be destroyed. If no further action is to be taken, the student should be offered advice and guidance as appropriate and a note to that effect will be placed upon the student's file.

### **7. Stage 3: The Fitness to Practise Hearing**

- 7.1 The Fitness to Practise Hearing will be arranged by the Academic Registrar as soon as is practicable after the investigation has been completed, and normally within 20 working days. The student is entitled to a minimum of 10 working days' notice for the Hearing, but this may be held earlier if the student agrees in writing. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.
- 7.2 The student will be notified in writing of the concerns/allegation(s) and the date, time and location of the Hearing. Where the learner is an apprentice, this notification will also be provided to the employer.
- 7.3 The student will be invited to submit appropriate documentation in their defence e.g. written statement and supporting evidence. If the student wishes to put forward any mitigating factors to the Panel, they should do so at this time with supporting evidence.
- 7.4 If there are a series of related concerns/allegations the Hearing may, at its discretion, deal with all these at one hearing. If two or more students are involved in related allegations of misconduct, the Hearing may at its discretion deal with their cases together.
- 7.5 If the student is unable to attend in person alternative methods of attendance, for example video link, will be offered. If this is not possible, the Hearing will normally be rescheduled. It should be noted that where reasonable effort has been made to allow the student to attend the Hearing, the Hearing may take place in the absence of the student.
- 7.6 Students may be to be accompanied by a friend or representative; (this is normally another enrolled student of the University College), or an employer in the case of apprentices, or Students' Union representative
- 7.7 It is recommended that students use the services of the Students' Union if they are required to appear before a Fitness to Practise Hearing.

### **8. The fitness to practise panel**

- 8.1 Membership of the Fitness to Practise Panel shall consist of 5 members:
- A senior academic member of staff (which may include the Head of School that the student is not studying in) who shall chair the Panel;
  - two members of senior academic staff from the School (at least one of whom should come from the same profession);
  - an external representative of the profession (with current registration);
  - a lay representative or service user (dependent on professional body requirements).
- 8.2 No member of the Fitness to Practise Panel shall be connected in a pastoral role to the student (e.g. personal tutor, clinical mentor, counsellor). Members of the Fitness to Practise Panel must remain, and be seen to remain, impartial at all times.

- 8.3 The student will be informed of the Panel membership at an early stage, and before details of their case has been circulated, to allow them to object to any members of the Panel. If the grounds for the objection are reasonable (as determined by the Chair and Academic Registrar), an alternative panel member will be sought.
- 8.4 The Academic Registrar shall act as Hearing Secretary. The role of the Secretary is to convene the Hearing, prepare and circulate papers in advance of the meeting, advise on policy and procedure and precedents, and complete all documentation post-Hearing. The Hearing Secretary is not a member of the Fitness to Practise Panel and does not participate in the discussions regarding the case in question.
- 8.5 The role of the Panel will differ depending on whether the facts of the case have already been established from another procedure, see section 12. Where the fitness to practise concerns relate to something that has not yet been proven, or the facts are contested, the Panel must establish the facts and allow the student to present their case.

## **9. Witnesses**

- 9.1 Where the facts have not been proven or are contested, witness statements relating to the concerns/allegation(s) may be provided by either party. Normally, only witness statements that are signed and dated by the witness will be accepted, and witnesses must provide contact details.
- 9.2 Any party may request that their witnesses attend in person. Requests for witnesses to attend must be submitted to the Hearing Secretary at least 7 working days in advance of the hearing. Requests will be considered by the Panel Chair in advance of the Hearing.
- 9.3 The Panel Chair may also request that witnesses attend the Hearing. Normally witnesses will be informed in advance of the hearing that they are required to attend. In exceptional cases, the hearing may be adjourned to allow witnesses to attend.
- 9.4 Witnesses shall attend only to present their evidence and to answer any questions that the Fitness to Practise Panel, or the other party, may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses must withdraw.
- 9.5 The person attending the Hearing with the student in support or as their representative, may not also act as a witness.

## **10. Documentation**

- 10.1 All documentation must be submitted to the Hearing Secretary 7 working days before the Hearing. All documentation to be considered at the Hearing will be circulated to all parties, by the Hearing Secretary, 5 working days before the Hearing.
- 10.2 Any documentation submitted after the deadline will be accepted only at the Chair's discretion.
- 10.3 The Fitness to Practise Panel shall rely only on relevant evidence presented at the Hearing, or in written format beforehand. New written evidence will not normally be accepted during the Hearing. If, exceptionally, the Chair believes it is appropriate to accept new written evidence during the Hearing, the Hearing may be adjourned for a short time to allow all parties time to consider the evidence.

## **11. Order of proceedings – for matters progressing through this policy and procedure only**

- 11.1 The agenda for the meeting of the Panel shall normally be as follows:
- a) Introduction of those present by the Chair
  - b) Declarations of conflicts of interest
  - c) The Course Leader shall set out the concerns/allegation. (The Course Leader may call witnesses in support of the allegations if facts have not already been proven.)
  - d) The student, or their representative, shall respond to the concerns/allegation(s); (The student may call witnesses in defence of the allegations.)

- e) The Fitness to Practise Panel shall have the opportunity to question the Course Leader, the student and any witnesses
- f) The student and the Course Leader shall have the opportunity to ask questions through the Chair of the other party
- g) The Course Leader shall sum up the concerns/allegations. New evidence is not admissible at this time
- h) The student will be invited to make any closing comments or remarks if they wish, but cannot add new evidence at this time.
- i) The Course Leader and the student shall withdraw whilst the Fitness to Practise Panel reach their decision in private

11.2 The agenda will be varied at the discretion of the Hearing Secretary and Chair depending on the circumstances of the case (see 8.5).

11.3 The Chair may ask for additional enquiries to be undertaken and may call for additional witnesses to attend.

11.4 At the discretion of the Chair, proceedings may be adjourned for a period not normally exceeding 20 working days in the first instance, and its findings or decision deferred accordingly. If there is a delay, the parties will be informed of the reasons for delay and kept informed of progress.

## **12. Order of proceedings – for matters referred to FtP from other policies/procedures**

12.1 The agenda for the meeting of the Panel shall normally be as follows:

- a) Introduction of those present by the Chair
- b) The outcome from the previous Panel will be read by the Chair.
- c) The student will make a statement to the Panel in relation to the findings/outcome from the previous panel.
- d) The Fitness to Practise Panel shall have the opportunity to question the student and any witnesses.
- e) The student will be invited to make any closing comments or remarks if they wish, but cannot add new evidence at this time.
- f) The student shall withdraw whilst the Fitness to Practise Panel reach their decision in private

## **13. Panel consideration, Hearing outcome and penalties**

13.1 The Fitness to Practise Panel shall find a student is unable/has failed to maintain standards appropriate to professional practice only if, on the evidence before it, it is satisfied on the balance of probability that the allegations are substantiated. If the members of the Fitness to Practise Panel do not reach a unanimous conclusion, the decision will be made by a majority.

13.2 The Panel will consider the outcomes and penalties in turn (starting with the least serious) so as to ensure the sanction is proportionate to the misconduct and protects the public or preserves public confidence in the profession. The Panel may determine:

- a) That the student is fit to practise and is permitted to continue with the course.
- b) That the student's fitness to practise is currently impaired and the student is:
  - permitted to continue with the course under supervision as defined/required by the Panel;
  - permitted to continue with the course with a variation in the pattern of study;
  - permitted to continue with the course but that a formal warning (outlined below) be placed on their student file
 and/or
  - to be subject to any measure considered appropriate by the Panel to enable the student's successful completion of the remainder of the programme, for example to undertake an occupational health assessment.
- c) That the student is not fit to practise and:
  - is required to suspend their studies for a specified period of time, following which the Panel shall review the situation and decide whether to re-admit the student to the course. The Panel may take

into account any external reports or evidence available in making this decision including, but not limited to, an occupational health assessment;

- is required to suspend their studies until such time as any undertakings, recommendations or conditions imposed by the Panel have been fully met. This is normally for a fixed period, up to a maximum of twelve months. A student who is suspended is prohibited from entering University College premises, and from participating in University College activities, including those organised by the Students' Union, on or off campus. Suspension may be subject to qualification, such as permission to take an examination. The student will be notified of the suspension in writing;
- the student's registration for the current course of study be terminated, but that the student be permitted to seek admission, possibly with recognition of their prior learning, to an alternative course within the University College;
- the student is expelled from the University College. Subject to the recommendation of a Board of Examiners, the student may be eligible to receive any exit award to which they are entitled.

- 13.3 When determining the outcome, consideration shall be given to the seriousness of misconduct and the circumstances surrounding it, and any mitigating or aggravating factors, such as the level of insight shown, evidence of good practice, personal circumstances and previous disciplinary or fitness to practise concerns or patterns of behaviour. The Panel may also consider the requirement of practice placement and whether a suitable placement is available to the student.
- 13.4 Where penalties have already been imposed under different procedures, the Fitness to Practise Panel will consider if those penalties are commensurate with the sanction they would impose. If the answer is yes, the Panel will consider any additional requirements to support the student's fitness to practise. If the answer is no, the Panel may consider a higher sanction.
- 13.5 The Panel may impose the following warnings:
- a) A first written warning. This shall detail the allegation(s), state the outcome of the Hearing and outline any recommendations. This warning shall remain on the student's file for a period of 12 months from the date of issue, or for a lesser period as specified by the Fitness to Practise Panel.
  - b) A final written warning. A final written warning may be issued after a first written warning if there is a failure to improve and conduct remains unsatisfactory. A final written warning may be issued immediately when no first written warning has been given if the misconduct is serious but does not justify expulsion/withdrawal from the course. The warning shall detail the allegation(s), state the outcome of the Hearing and outline any recommendations. This warning shall remain on the student's file until completion of their studies or for a lesser period as specified by the Fitness to Practise Panel.
  - c) Either first or final written warnings may include specific undertakings or conditions imposed upon the student. Generally, an undertaking is a specific acknowledgement on the part of the student that their fitness to practise has been impaired, and includes specific arrangements to address this issue.
- 13.6 If a written warning has been given, this will be placed on the student's file for the specified period. Providing the student complies fully with the recommendation of the Fitness to Practise Panel and demonstrates satisfactory conduct and performance during the specified period, the Warning will cease to apply on expiry. In the case of apprentices, the employer will also be informed of the written warning.
- 13.7 If, during the period of the Warning, the student is subject to more fitness to practise or disciplinary procedures the original allegations/concerns may also be taken into account when the further allegations are considered.
- 13.8 Current written warnings may be referred to in any references that the University College is required to give.
- 13.9 The decision of the Fitness to Practise Panel shall be communicated in writing to all parties, normally within 5 working days. All verbal communications regarding the decision of the Fitness to Practise Panel shall be confirmed in writing, normally within 5 working days.
- 13.10 The outcome letter will outline the reason for the Fitness to Practise Panel's decision.

- 13.11 If a penalty has been applied, the student will be notified of their right to appeal, the grounds for appeal and the process to be followed.
- 13.12 For the purposes of registration with a regulatory or professional body, details of specific fitness to practise cases may be required by the regulatory body. In such cases, the facts found by the Panel and the outcome will be disclosed to the regulatory body.
- 13.13 Except with the agreement of the Chair, the proceedings of the Hearing shall remain confidential, with the exception of its decision.

#### 14. Review hearings

- 14.1 Where imposed sanctions involve undertakings, conditions or suspension from part of the course, the Fitness to Practise Panel shall make provision for review hearings at suitable dates to determine the student's compliance with the remedial or supportive regime. Review Hearings shall normally be conducted by the original members of the Fitness to Practise Panel. Non-compliance with the requirements of such review hearings shall make the student liable for further Fitness to Practise proceedings.

#### 15. Illness

- 15.1 If it appears to those considering an allegation of misconduct that the student in question is suffering from illness, the proceedings may be adjourned for the preparation of a medical or occupational health report.
- 15.2 If there is medical evidence that the student is suffering from illness, those dealing with the case may suspend or end the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks appropriate support and/or treatment.

#### 16. Stage 4: Appeals stage

- 16.1 A student may appeal against a finding of guilt or a sanction imposed following a finding of guilt. The appeal must be made in writing to the Academic Registrar within 10 working days of the date of the written confirmation of the Fitness to Practise Panel's decision and must specify the grounds on which it is based and include supporting evidence.

- 16.2 An appeal may be made on the following grounds if the student has evidence:

- that the procedures were not followed properly;
- that the Panel reached an unreasonable decision;
- that the student has new material evidence that they were unable, **for valid reasons**, to provide earlier in the process;
- that there was bias or reasonable perception of bias during the procedure; or
- that the outcome is disproportionate, or not permitted under the procedures.

Disagreement with the professional judgement of the Disciplinary Panel is not grounds for appeal and appeals made solely on this basis will be dismissed.

- 16.3 If, on receipt of a completed appeal submission, the Academic Registrar determines that:
- a) The appeal is late without good grounds, or
  - b) There is not sufficient evidence under the specified grounds for appeal, or
  - c) The appeal is no more than a challenge to professional judgement, or
  - d) The appeal is considered to be vexatious or frivolous

the application may be rejected and the student informed in writing and a Completion of Procedures letter issued.

- 16.4 The Appeals Panel shall comprise the Deputy Vice-Chancellor, one senior academic staff member and one clinical lead. The Academic Registrar shall act as Secretary but shall not be a decision-making member. Any

person who was a member of the Fitness to Practise Panel shall take no part in the meeting of the Appeals Panel at which any appeal from the Fitness to Practise Panel' decision is considered (except for the purposes of presenting a report).

- 16.5 The Appeals Panel does not rehear a case, nor can it overturn the decision of the Fitness to Practise Panel. The Appeals Panel is non-specialist and must refer any cases back to a Panel comprised of members of the profession (see 15.12).
- 16.6 The student may present the appeal in person or in writing as they choose and may be accompanied by a friend or representative, not acting in a legal capacity.
- 16.7 The Chair of the Fitness to Practise Panel shall also be entitled to make written submissions or oral representations to the Appeals Panel.
- 16.8 Where an appeal is pending against a decision of the Fitness to Practise Panel to suspend or expel a student, the Chair of the Fitness to Practise Panel shall have power to defer the operation of the suspension or expulsion, pending the appeal.
- 16.9 The proceedings of the Appeals Panel shall take such form as the Panel considers appropriate to an investigation of the grounds for the appeal as stated in the student appeal documentation.
- 16.10 The Appeals Panel shall in its discretion have power to call witnesses and examine any evidence relevant to the subject of the appeal and may adjourn its proceedings or defer its decision for that or any other purpose.
- 16.11 The Appeals Panel can decide to:
  - a) Fully uphold the appeal
  - b) Partially uphold the appeal
  - c) Dismiss the appeal
- 16.12 The decision reached will be based on one or more of the following:
  - there is insufficient evidence to warrant taking any further action;
  - there is new and relevant evidence and the case will be referred back to the original panel for a second hearing looking at the new evidence (same panel);
  - the decision reached was unreasonable in the light of the evidence presented and the case will be referred to a new Fitness to Practise Hearing Panel for reconsideration;
  - there was a procedural error at the hearing or in the process leading up to it which had a material effect upon the Panel's decision; dependent on the nature of the error, the case will be referred back to the original panel or to a new panel;
  - the severity of the penalty imposed was unreasonable and disproportionate, the case would be referred to a new panel who would conduct a desk-based evaluation and advise the Appeal chair on a recommended penalty
- 16.13 The Appeals Panel shall consider its decision in private and shall notify the student of the outcome in writing advising the reasons for it, normally within 20 days of receipt of the appeal. The decision of the Appeals Panel shall be final and no further appeal may be permitted within the University College.
- 16.14 If the appeal is not upheld (or if the appeal is not permitted to proceed), the Academic Registrar will issue a Completion of Procedures letter within 28 days of the outcome.

## **17. Further action: Referral to the Office of the Independent Adjudicator**

- 17.1 If, after exhausting the Appeals Stages, the student still feels there to have been an error of judgement, or that due process has not been followed, they may refer their case to the Office of the Independent Adjudicator (OIA). Students wishing to make a case to the OIA must do so within 12 months of the date of the Completion of Procedures letter using the OIA complaint form. Further information is available from the OIA website <https://www.oiahe.org.uk/>. Students may also contact the OIA by post or telephone and request to be sent a form. The OIA will determine whether the student's case is eligible for consideration under its rules.

Contact details for the Independent Adjudicator are:

OIA Second Floor,  
Abbey Wharf  
57-75 Kings Road  
Reading  
RG1 3AB  
Tel: 01189 599813  
Email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk)

## 18. Monitoring and review of student fitness to practise cases

- 18.1 The Academic Registrar will prepare an annual review of student fitness to practise cases across all awards. This annual review will be considered by Academic Standards and Quality Committee and Academic Board, with a view to identifying any trends and whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

## 19. How we collect and process personal data under this policy

- 19.1 The nature of matters dealt with under this policy will often require the collection and processing of sensitive personal information. This information will be used for the purposes of implementing this policy only and will be kept in accordance to the AECC University College Records Retention Policy which requires records to be kept for 6 years after the last action on the case.

Version:	3.1
Approved by:	Academic Board
Originator/Author	Academic Registrar
Policy Owner	Academic Registrar
Reference/ source	Internal and BU, OIA Good Practice Framework: Fitness to Practise October 2019; Newcastle University Fitness to Practise procedure; University of Bedfordshire Fitness to Practise Policy and Procedure.
Date approved	29 August 2023
Effective from	1 September 2023
Review date	Spring 2025
Target	All staff and students and apprentices enrolled on courses leading to professional registration on AECC University College awards
Policy location	SIP/VLE, public website
Equality analysis	No direct impact. The policy provides for reasonable adjustments to be made, where appropriate, for students with specific protected characteristics under the Equality Act 2010. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases