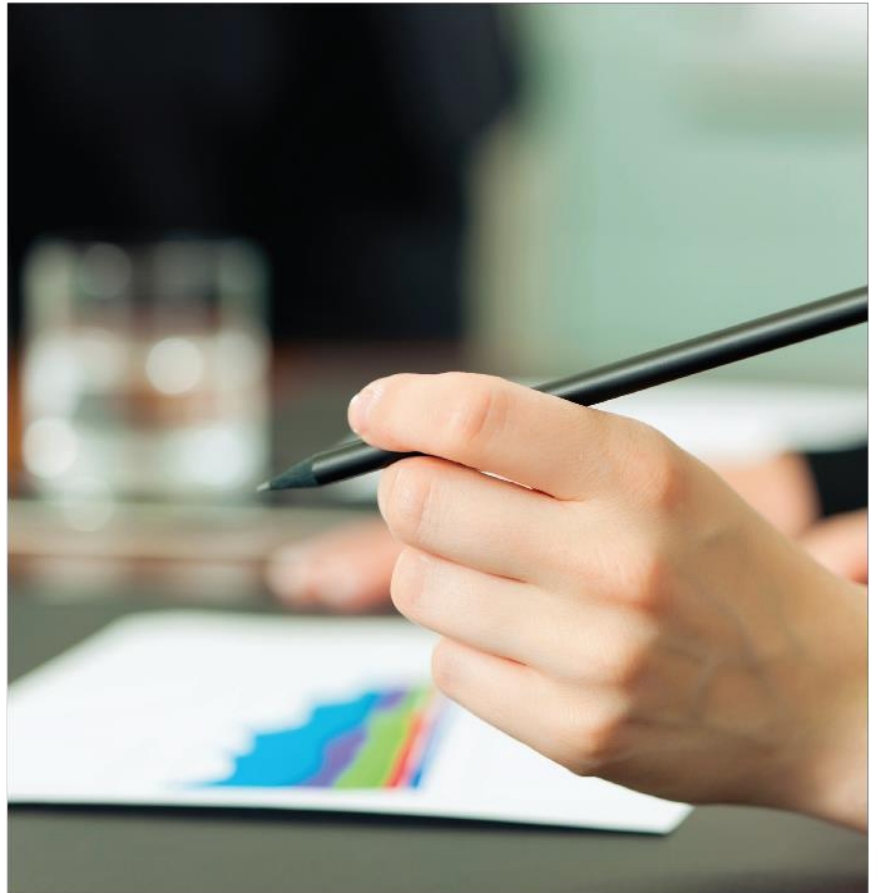
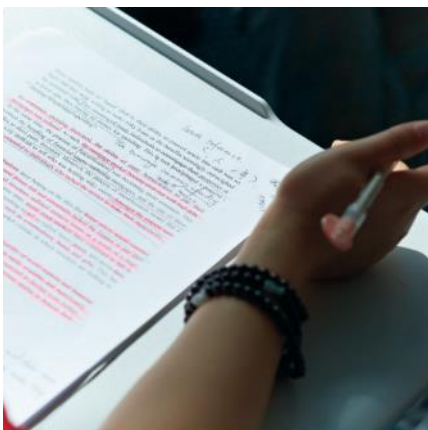


Student Casework

Student Fitness to Practise Procedure



Version Control

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Student Fitness to Practise Procedure

1. Purpose

- 1.1. The University of Bradford expects the highest standards of behaviour from students on programmes of study leading to professionally recognised qualifications. The University operates a range of programmes which require students to demonstrate that they are fit to practise in the profession they have been trained for.
- 1.2. Being fit to practise requires that a professional has the skills, knowledge, health and character to do their job safely and effectively. Students in training need to demonstrate that they are fit to practise and that they meet the professional standards of conduct required for their award. This document sets out the University's procedure for handling situations where a concern is raised about a student's fitness to practise (e.g. concerns relating to conduct, attitude, competence and health).
- 1.3. The purpose of the Procedure is to provide a safeguard for the protection and safety of the public and the staff and students in the University community and the reputation of the profession, programme of study and wider University, while treating students fairly and equitably.

2. Scope

- 2.1. This Procedure applies to all students registered on programmes of study at the University of Bradford which are recognised by a Professional, Statutory or Regulatory Body (PSRB) for the purpose of attaining a professional qualification and eligibility for future registration with the relevant body, and which are subject to fitness to practise requirements.
- 2.2. These programmes are defined in a separate document, *List of programmes subject to Fitness to Practice Procedure*. The programmes on this list are approved annually by the relevant Deans and may also be changed following the introduction of new programmes or removal of existing ones. The *List of programmes subject to Fitness to Practice Procedure* is available on the University website.
- 2.3. At enrolment, all students enter into a contract with the University and to formally accept the Ordinances, Regulations, Codes and Procedures of the University, which includes this Procedure.
- 2.4. The Procedure applies to relevant undergraduate and postgraduate students at all times throughout the period of their registration with the University. Its application covers study on campus whilst at the University but also applies to students whilst on placement or in a practice-based setting and includes the conduct of students in their personal and social life in determining their fitness to practise in their chosen profession.

3. Other Procedures and Related Regulations

- 3.1. The Student Fitness to Practise Procedure should be read in conjunction with the University's regulations and procedures for dealing with students' welfare and discipline, and academic misconduct.
- 3.2. These include, but are not limited to:
 - Regulation 5: Academic Misconduct Regulations;
 - Student Disciplinary Procedure;
 - Ordinance 16 on Conduct of Student Members of the University;
 - Health, Wellbeing and Fitness to Study Policy and Procedures;
 - Applicant and Student Criminal Conviction Policy;
 - Student Suspension and Withdrawal Policy;
- 3.3. During a fitness to practise investigation it may be appropriate for a case to be referred to another procedure. For example, if, during a fitness to practise investigation an allegation of academic misconduct is alleged, the matter may be referred for consideration under Regulation 5. Conversely, a finding under another procedure may be referred to be considered under this Procedure. For example, an investigation into an alleged breach of the Student Code of Conduct may lead to fitness to practise concerns arising and the matter may be referred to this Procedure where this is considered appropriate.

4. Fitness to Practise Concerns

- 4.1. Fitness to practise concerns will generally fall into three main categories: - Concerns about conduct, concerns about competence and concerns about capability.
- 4.2. Concerns about conduct may relate to a student during study, placement or private life and include concerns about the following (without limitation):
 - 4.2.1. Unprofessional behaviour, including breach of confidentiality, unlawful discrimination, misuse of the internet or social media and networking sites;
 - 4.2.2. Aggressive, violent or threatening behaviour, whether verbally, virtual or physical, including assault, physical violence, bullying, aggression, harassment and abuse;
 - 4.2.3. Inappropriate attitude or behaviour, including failure to accept educational advice, persistent poor timekeeping or lack of commitment to academic work, failure to observe or comply with the rules of the University, placement provider or follow educational advice, failure to demonstrate an attitude or demeanour appropriate for individuals working in the profession concerned, failure to follow health & safety requirements;
 - 4.2.4. Poor or non-attendance, at compulsory elements of a programme either at the University or in practice, such as absence from practice placement without permission;

- 4.2.5. Dishonesty, including fraudulent behaviour, falsification of records, qualifications or signatures; plagiarism, cheating or collusion, and any other form of unfair practice; failure to declare a criminal conviction or other information;
 - 4.2.6. Criminal convictions, warnings, reprimands and cautions, in particular where this related to violent or serious offences, including but not limited to theft, fraud, violence, possessing or dealing illegal substances, possession of firearms, offences under the Terrorism Act, arson, child abuse or any other abuse, and including failure to declare a criminal conviction or other relevant information to the University. It is the student's responsibility to inform the University of any criminal charge or conviction at the earliest possible opportunity, either through the Good Character Declaration Form or in writing to their Programme Leader.
 - 4.2.7. Drug or alcohol misuse, including dealing, possessing or misusing therapeutic or illicit drugs, particularly where the consumption of alcohol or drugs affects the work or study placement environment, and including driving under the influence of alcohol or misuse of drugs;
 - 4.2.8. Breaking the University's Student Code of Conduct, which might render them unfit to practise;
 - 4.2.9. Behaviour that may occur whilst the student is away from the University, which might render them unfit to practise.
- 4.3. Concerns about competence will generally relate to the inability of a student to demonstrate competency necessary to safely conduct relevant activities while on placement such that this lack of competence constitutes a risk to the health, safety and/or wellbeing of the student, placement staff, service users or others. Notwithstanding this, it is recognised that the purpose of placements is to support the training and development of students on their programmes and, as such, this procedure should not be invoked where a more appropriate course of action would be to determine, in the ordinary course, that the student has not successfully completed the placement.
- 4.4. Concerns about capability will generally relate to physical or mental health conditions or other characteristics that would mean that, notwithstanding any reasonable adjustments that can be made, the student:
- 4.4.1. cannot safely conduct relevant activities; and/or
 - 4.4.2. represents a risk to the health, safety or wellbeing of the student, placement staff, service users or others; and/or
 - 4.4.3. cannot reasonably be expected to attain the competency standards of the relevant programme
- 4.5. Fitness to practise concerns may also relate to a failure to seek or adhere to appropriate medical treatment or support in relation to a health condition or the failure to recognise limits and abilities and lack of insight into health concerns; where the health of the student may pose a risk to the student's own safety, health and wellbeing or that of others;

5. General Principles

- 5.1. The Student Fitness to Practise Procedure sets out a fair and impartial process for dealing with concerns raised relating to a student's fitness to practise, within a reasonable timescale and in accordance with the rules of natural justice and procedural fairness.
- 5.2. This Procedure adheres to the Office of the Independent Adjudicator for Higher Education key principles:
 - Accessibility
 - Clarity
 - Proportionality
 - Timeliness
 - Fairness
 - Independence
 - Confidentiality
 - Improving the student experience
- 5.3. As members of the University community, all students are expected to conduct themselves in accordance with the following agreed University values:
 - Excellence: Excellence is at the heart of everything we do.
 - Inclusion: Diversity is a source of strength and must be understood, valued, supported and leveraged.
 - Innovation: We give invention light and celebrate creativity and innovation.
 - Trust: Trust is the foundation of our relationships, underpinned by integrity in all we do.
- 5.4. This Procedure provides the following stages for consideration of concerns raised about a student's fitness to practise:
 - 5.4.1. No action to be taken. This will normally be the case where a matter reported under this Procedure does not constitute a concern under fitness to practise. A matter may, however, be referred to another University procedure where appropriate;
 - 5.4.2. Stage One (Informal resolution stage);
 - 5.4.3. Stage Two (Investigation stage);
 - 5.4.4. Stage Three (Hearing stage).
- 5.5. It is the role of the Head of School, Head of Department etc. or nominee (referred to as Head of School in this procedure) to decide whether there is action to be taken and, where this is the case, how the fitness to practise concerns will be dealt with.
- 5.6. The stage at which the Procedure will commence will depend on factors including the nature of the concern, the seriousness of any risk and the student's response to the concerns and any steps taken to manage the situation.

- 5.7. The Head of School may undertake such initial enquiries as they consider reasonable and appropriate to inform a decision as to whether or not to take action and at which stage of the Procedure action should be taken.
- 5.8. All conclusions at any level of investigation will determine whether a student's fitness to practise impaired on the balance of probabilities.
- 5.9. In the event that it is not possible for the University to meet the time period and time limits specified in this procedure, the student should be regularly updated so that they are aware of the progress so the case.

Withdrawal from placement

- 5.10. Where a fitness to practise concern arises while a student is undertaking a placement, the student may be withdrawn from the placement pending the resolution of this issue. The decision to withdraw a student from placement is at the discretion of the Head of School.
- 5.11. Withdrawal from placement in these circumstances is a neutral act to protect the interests of the student, the University, the placement provider, any service users and the public, while the matter is investigated. It is not a determination, sanction or penalty under this Procedure in relation to a student's fitness to practise.
- 5.12. Although the student may be permitted to continue to attend programme activities unrelated to the placement, withdrawal from placement may delay completion of studies and graduation.

Student-led suspension and withdrawal

- 5.13. Student-led suspension is at the discretion of the University and as set out in the Student Suspension and Withdrawal Policy. Suspension cannot be used as method to avoid fitness to practise proceedings, and any request to suspend during such proceedings will be given careful consideration.
- 5.14. Where a student is permitted to suspend their studies before fitness to practise proceedings have been completed, they will be informed that their reinstatement will be subject to the outcome of fitness to practise proceedings.
- 5.15. A student may withdraw from the University at any time. If a student withdraws before fitness to practise proceedings have been completed, they will be advised that procedures may need to continue, depending on the seriousness of the issue raised, for the purposes of reporting to a PSRB. Where fitness to practise proceedings do not continue, a student will be advised that this may impact upon any subsequent readmission to the University.

External notification of fitness to practise concerns

- 5.16. The University may be required to report fitness to practise concerns to Professional, Statutory and Regulatory Bodies, where applicable to a student's employer, and to the Disclosure and Barring Service. Where the outcome of fitness to practise proceedings determines that such disclosure is required, this should be clearly notified to the student in the outcome letter.

Fitness to practise concerns that are also a criminal offence.

- 5.17. In cases where the fitness to practise concern is also potentially a criminal offence, the action taken by the University will depend upon the nature of the concern.
- 5.18. In cases where:
- the matter is not reported to the police;
 - the police decide not to investigate; or
 - the CPS decide not to prosecute;
- the offence may be dealt with under the Student Fitness to Practise Procedure. In such cases, the University will deal with the concerns purely as a fitness to practise concern and not as criminal offences and will be based on the balance of probabilities.
- 5.19. In the case of all matters reported to the police, no action (other than suspension pending investigation as outlined in below) shall be taken until these criminal investigations and/or proceedings are completed.
- 5.20. The University may rely upon any finding of guilt or liability made against a student in any criminal and/or civil proceedings for the purpose of in fitness to practise proceedings under this procedure but only if and to the extent that the finding relates to fitness to practise.
- 5.21. Where a student has been convicted and a custodial sentence has been imposed the matter will be considered by the Vice-Chancellor who has the authority to expel the student. The Vice-Chancellor will be advised by the University Secretary, or nominee, who will report on the relevant facts including police and other reports. The student has the right to appeal such a decision by setting out in writing to the University Secretary their case for consideration. The appeal will be considered in accordance with section 12 of this Procedure. The decision of the Appeal Panel and represents a completion of procedure.

Suspension pending investigation.

- 5.22. In cases of great urgency, particularly where the safety of others is perceived to be at risk, the Vice-Chancellor, Deputy Vice Chancellors, Pro-Vice Chancellors and Deans are authorised to suspend a student with immediate effect (this includes suspension from any placement or related activities).
- 5.23. The University recognises that although suspension in such circumstances is designed to be a neutral act, it can have profound consequences and may cause disruption to a student's study. Such a step will therefore only be taken where the risk level is deemed to be high and/or where advice has been received by the police on the matter.
- 5.24. The arrangements regarding suspension are specified in section 6 of the Student Disciplinary Procedure.

Award and Graduation

- 5.25. A student may not be granted an award, obtain certification of an award, or attend a graduation ceremony where this fitness to practise procedure has been invoked and the matters raised remain outstanding.

6. Fairness and Transparency

- 6.1. The University adheres to the principles of natural justice and procedural fairness and applies all procedures fairly, equitably and with transparency and probity.
- 6.2. Where a Head of School determines that action should be taken under this Procedure, a student will have the following rights:
 - 6.2.1. to be notified of any allegation against them in writing;
 - 6.2.2. to have full opportunity to respond to any allegation;
 - 6.2.3. to be accompanied to all meetings associated with the allegation, including notification of allegation, investigation and any subsequent panel hearing, by a support, who will normally be a member of the Students' Union or the University and who will not normally act as an advocate. A student may not bring legal representation to this meeting without prior consent obtained from the University Secretary, which will be granted only in exceptional circumstances;
 - 6.2.4. To attend any panel hearing convened to consider the allegation (notwithstanding that the decision making itself will be considered in private);
 - 6.2.5. To see all evidence compiled in relation to the allegation; and to be present while any evidence is presented during a hearing or any other decision-making panel;
 - 6.2.6. To have the opportunity to challenge evidence and to ask questions of any parties giving evidence;
 - 6.2.7. To submit evidence of their own and make oral and written statements to any investigation or panel hearing;
 - 6.2.8. To receive written notification of the outcome of any proceedings under the fitness to practise proceedings, including notification if action is to be ceased;
 - 6.2.9. To have matters dealt with in a timely manner, within the timescales specified within this Procedure and where this is not possible to be notified of any delay and the reasons for such delay.

7. Student Support

- 7.1. The University will provide details of any student referred to stage two of the Procedure, to the Students' Union who are able to provide support to students going through fitness to practise proceedings.
- 7.2. If, at the initiation of a fitness to practise investigation, it appears that the student may be experiencing health difficulties that materially affect their behaviour or judgement, then the student should be advised to contact the relevant student services team.
- 7.3. At all stages of the process, the student will be directed to support services and students will be notified that if they have a disability that requires reasonable adjustments to be made during any investigation, meetings and hearings, that they may contact Disability Services for assessment or advice. Disability Services will be required to provide a written report setting out any adjustments to be made.

- 7.4. In all cases, reasonable adjustments should be made to consider the student's health or known disability. This may include, but is not limited to:
- provision of support at any meetings, or hearings, for example signer, note-taker;
 - provision for breaks in meetings or hearings;
 - provision for adjournment of meetings or hearings to another date where required.
 - provision for support from relevant student services (where a student has been suspended as a result of fitness to practise concerns, continued support will be available from student services, and any restrictions associated with this will be clearly communicated to the student).
- 7.5. Any student going through a fitness to practise case is likely to be subject to additional stresses and anxieties and so it is vital that students are aware of the support and wellbeing services available to them: students will be directed to University support services at all stages of the procedure and investigators and panels will be reminded that in cases where the student's conduct causes serious concerns about their welfare, the Health, Wellbeing and Fitness to Study Policy and Procedures may be used as an alternative to this procedure.
- 7.6. Where there is a concern about a student's health or wellbeing this may be communicated to the relevant student service.

8. Adaptations to this procedure

- 8.1. The University Secretary may permit an adaptation to this procedure at any stage of investigation as may be necessary and proportionate in the circumstances. Any such adaptation must adhere to the general principles and be the minimum required to achieve its purpose.
- 8.2. Circumstances where these procedures may be adapted are:
- 8.2.1. Where the adaptations are required as part of the wider University approach to preventing and addressing allegations of harassment and sexual misconduct;
- at the request of the student where it is reasonable to do so;
 - to ensure the University is meeting its strategic priority of embedding Equality, Diversity & Inclusion and is complying with its legal obligations under the Equality Act 2010;
 - to protect the identity or confidentiality of victims and/or witnesses, as appropriate; and
 - where, due to the nature of the case, it is otherwise pragmatic to do so provided this is not disadvantageous to the student;

The Procedure

9. Initiation of the Procedure

- 9.1. Concerns about a student's fitness to practise may be raised from any source or by any person and about any issue that may arise both on and off campus, during or out of term time.
- 9.2. Allegations or concerns should be raised with the Head of School in the first instance. These may be raised orally in the first instance but should be followed up in writing (normally within 5 working days).
- 9.3. Students have an obligation to report themselves or other students if they suspect their or others' fitness to practise may be impaired.
- 9.4. The University may not accept anonymous fitness to practise concerns except where there is clear and verifiable evidence of that concern or if that concern is submitted through its Whistleblowing (Public Interest Disclosure) Code of Practice.
- 9.5. Appropriate records for matters dealt with under any stage shall be kept by the Legal and Governance Department (Legal and Governance) for record keeping and audit purposes. Consequently, all persons acting under this Procedure should provide Legal and Governance with copies of all documentation relating to fitness to practise cases.

10. Stage One (Informal resolution stage)

- 10.1. In cases where the Head of School determines the concerns to be of a minor nature, the student will, within five (5) working days of the concerns being raised, be invited, in writing, to attend a meeting with the Head of School, the Programme Leader, Personal Academic Tutor or other relevant member of staff to discuss the allegations. The student will have the right to be accompanied as per 6.2.3. above.
- 10.2. Possible courses of action at the informal stage include (but are not limited to):
 - 10.2.1. Informal advice;
 - 10.2.2. Provision of further guidance to the student e.g., one-to-one, group sessions, direct reading or through online material;
 - 10.2.3. Requirement for the student to complete further work to demonstrate their engagement with, and understanding of, the appropriate professional code of conduct and standards. This may take the form of a reflective piece of work (written, practical or oral), action planning or other such work. Clear timescales and guidance should be set, and information should be given about where the student should access guidance and support, and who would be responsible for signing off the work as complete and satisfactory.
- 10.3. The member of staff leading the meeting should take a record of the meeting and any actions agreed. This should be kept on the student record for a time specified by the member of staff for the purposes of monitoring compliance with actions required, and consideration should further incidents occur during the student's studies.

- 10.4. If a further fitness to practise concern is raised, previous informal action can be taken into account when considering the case on that subsequent occasion, if the actions are recorded on the student's file at the time of the subsequent misconduct.
- 10.5. If a student is not satisfied with the outcome of the case at this stage, they may request that the case be considered at stage two of the Procedure.
- 10.6. Should a student fail to complete the appropriate course of action to the required standard, the Head of School may refer the case to stage two of the Procedure.

11. Stage Two (Investigation stage)

- 11.1. In the case of more serious concerns, or of further concerns after previous concerns were dealt with informally, the Head of School may consider the case at stage two of the Procedure. Where this is the case, the Head of School will inform Legal and Governance that stage two of the Procedure is being invoked.
- 11.2. In such cases the Head of School will appoint an investigator who will conduct the initial investigation and report their findings to the Head of School. The Investigating Officer will normally be a senior member of staff from the School who has not had any previous involvement with the case in hand or the student. Where it is not possible to identify an Investigating Officer within the School, an Investigating Officer may be appointed from the wider Faculty or from elsewhere in the University.
- 11.3. The Head of School will inform the student of the nature of the concerns and the identity of the investigator and provide a copy of, or a link to, this Procedure.
- 11.4. The Investigating Officer should conduct a thorough investigation into the concerns raised using appropriate methods of evidence gathering. An investigation should normally include a meeting with the student about whom the concerns have been raised.
- 11.5. The student should be advised in writing of the meeting with the Investigating Officer with reasonable notice, normally at least 5 working days, and advised they may provide a written statement in response to the concerns. The student should be reminded in the letter that they have the right to be accompanied.
- 11.6. If a student is unable to attend the meeting for good reason, which can be evidenced, and the student advises the Investigator before the meeting, the meeting may be deferred. Should a student fail to attend an investigatory meeting without good cause, and where all attempts to engage the student in the investigation have failed, the Investigating Officer will submit their report to the Head of School noting the failure of the student to engage.
- 11.7. The Investigating Officer should ensure that a written summary of discussions is kept. This summary should be shared with the student who should be given the opportunity confirm the accuracy of the record within a suitable deadline.
- 11.8. The University would normally expect an investigation to be completed within a period not exceeding forty (40) working days. Where an investigation takes longer than this, a student should be notified in writing of the delay by the Investigating Officer and the reasons for the delay.

- 11.9. The investigator should provide an investigation report determining, in light of the evidence gathered during the investigation and on the balance of probabilities, whether the student's fitness to practise is impaired and recommend an outcome to the Head of School.
- 11.10. On receipt of the Investigating Officer's report, the Head of School will decide on one of the following outcomes:
- i. that the concerns are unfounded;
 - ii. that the concerns have been addressed;
 - iii. that the matter is considered of low-level concern and can be dealt with through local resolution as set out in section 10;
 - iv. that there is a health matter which does not warrant referral to a fitness to practise Hearing, but that the student is considered under the Health, Wellbeing and Fitness to Study Policy and Procedures, referred to the relevant Student Services team for assessment or the appropriate medical advice is sought;
 - v. that the matter under investigation does not constitute a fitness to practise concern but is an alleged act of misconduct which should be considered under the Student Disciplinary Procedure and that that the matter should be referred to a student disciplinary hearing;
 - vi. that the matter should be referred to a fitness to practise hearing.
- 11.11. Where the outcome reached does not involve referring the matter to a fitness to practise hearing, the Head of School will write to the student to inform them of the outcome of the investigation, normally within ten working days of receipt setting out:
- a summary of the facts of the case,
 - the outcomes of the investigation,
 - the reasons for that outcome; and
 - the next steps if the student is not satisfied with the outcome of the case (see 11.12 below)
- 11.12. Where the case is otherwise settled at stage two, if student is not satisfied with the outcome, they may request that the case be considered at stage three of the Procedure.

12. Stage Three (Hearing stage)

- 12.1. Where the Head of School determines that a case is sufficiently serious, it may be referred to a fitness to practise hearing.
- 12.2. Where a student has been subject to a case considered at stage two of the Procedure for a previous matter during his or her time as a student, any further fitness to practise concerns may be referred by the Head of School directly to stage three of the Procedure.
- 12.3. Legal and Governance will convene a stage three disciplinary panel which shall normally aim to hear the case within thirty (30) working days of notification.

- 12.4. Legal and Governance will collect evidence, call for documents, identify and summon witnesses and conduct such other enquiries as it sees fit.
- 12.5. Legal and Governance will provide the student with a letter setting out the concerns and a copy of, or link to, this Procedure.
- 12.6. Students are expected to prepare for a hearing in a professional manner which includes observing deadlines as would be expected in professional practice. Any departure from these timescales is at the absolute discretion of the Chair of the Panel following consideration of any relevant circumstances and the importance of a fair, timely and impartial hearing.

The Panel

- 12.7. The fitness to practise panel will consist of 4 members:
 - a Dean of a Faculty other than the one with which the student is registered will act as Chair;
 - One academic member not associated with the programme of study;
 - One academic member of staff from the student's programme of study who has not been involved with the case to date; and
 - A registered practitioner with a licence to practise in the relevant subject, external to the University.
- 12.8. The University Secretary or their nominee will also be in attendance as an adviser to the Panel as will a member of Legal and Governance who will take notes of the hearing, the decision of the Panel and any sanction imposed.
- 12.9. Any request, prior to the Panel hearing, from any party for variation of the Procedure shall be referred to the University Secretary for consideration. Any such request during the hearing shall be considered by the Chair, in consultation with the University Secretary or their nominee in attendance at the meeting.

Notice to the Student

- 12.10. The student shall be given at least fifteen (15) working days' notice of the panel hearing; the notification shall include:
 - Notice of the date, time and place of the hearing;
 - Advice that the student of their right to be accompanied at the hearing as per 6.2.3 of the Procedure;
 - Sources of support available to the student;
 - The names and roles of the members of the panel.
- 12.11. The student will be given an opportunity to object to the panel members if for any reason the membership of the panel is not appropriate and required to provide any such objection within three working days.

- 12.12. Papers, together with any additional information, shall be circulated to the Panel, the student and the investigator no later than 10 working days before the hearing. These will include;
- Documentation in support of the concern, including the investigation report and any witness statements/further evidence;
 - A copy of this Procedure; and
 - A copy of the relevant professional code of conduct;
- 12.13. In these papers, the student will also be invited to provide:
- The names of any witnesses they wish to call;
 - The name of any person who will represent them and their status;
 - Any written statements or other written material they wish the panel to consider;
 - Confirmation of any documents they may require from the University; and
 - Any reasonable adjustments they may require.
- 12.14. The material/information requested should be provided to Legal and Governance, no later than five (5) working days before the hearing.
- 12.15. Where appropriate, vulnerable persons will not be asked to produce statements or attend the hearing. For example students who fear intimidation, harassment or other reasonable fear of reprisal may request that their names and addresses be removed from any statements provided to the hearing and the student and this request and the reasons given will considered and decided by the University Secretary.

The Hearing

- 12.16. The procedure for a stage 3 fitness to practise hearing shall normally be as follows:
- i. the Dean shall welcome all participants to the meeting, ensure that introductions are made and set out the agenda for the meeting;
 - ii. the investigator will then present the case in the presence of the student and their representative and may call witnesses;
 - iii. the student shall have the opportunity to ask questions of the investigator and any witnesses called on the evidence heard at the meeting;
 - iv. the Panel may ask questions of the investigator and any witnesses. The witnesses will then withdraw;
 - v. the student or their representative shall put their case in the presence of the investigator and may call witnesses;
 - vi. the Investigator shall have the opportunity to ask questions of the student and any witnesses called on the evidence heard at the meeting;
 - vii. the Panel may ask questions of the student and any witnesses. Those witnesses shall then withdraw;

- viii. The investigator and the student and their representative shall have the opportunity to sum up their respective cases if they so wish; if both parties choose to sum up, the student's statement shall be heard last;
 - ix. The investigator and the student and their representative shall withdraw;
 - x. The panel, assisted by the adviser, will then deliberate in private in order to reach a decision on the case. It will first be required to determine whether the student's fitness to practise was impaired and then determine an appropriate outcome.
- 12.17. Participants shall normally be required to attend the hearing in person. If it is impracticable to do this, participants may attend through a remote video link. The Panel may also accept written witness statements although these may carry less weight than oral evidence as the Panel will not have the opportunity to question the evidence presented.
- 12.18. The student's representative may speak on their behalf in the meeting, but it is expected that the student will normally respond to the issues of concern and answer questions put to them by the panel or investigator. This allows the student to personally describe the course of events surrounding the issues raised and present any extenuating circumstances for the hearing to consider.
- 12.19. The Panel may impose time limits on oral addresses and presentations to the hearing.
- 12.20. The Panel may adjourn proceedings for a period not normally exceeding twenty (20) working days and defer its findings or decision accordingly.

Non-attendance

- 12.21. If a student has indicated that they intend to attend the hearing but for good reason, which can be evidenced, are unable to do so, the student must advise Legal and Governance before the meeting: the hearing will then be deferred to a later date within reason.
- 12.22. If a student has indicated that they intend to attend the hearing but fails to attend and does not advise Legal and Governance team prior to the hearing, the hearing will go ahead, and a decision will be reached based on the information available to the Panel.
- 12.23. If a student fails to confirm attendance and all attempts to contact the student have failed, the hearing will go ahead, and a decision will be reached based on the information available to the Panel. Attempts to contact the student will be recorded, copy letters and emails will be held on file and receipts for recorded delivery letters will be requested.

Decision of the Panel

- 12.24. Following consideration of the case, the Panel's decision shall be one or more of the following courses of action starting with the least severe and moving to the next outcome, only if satisfied that the previous outcome is not sufficient:
- i. dismiss the case;
 - ii. refer the case back to the School for local resolution;
 - iii. the student receives a warning, as there is evidence of misconduct but the student's fitness to practise is not impaired to a point requiring a sanction;

- iv. the student's fitness to practise is judged to be impaired and they receive a sanction: beginning with the least severe, the sanctions are;
- conditions or undertakings;
 - suspension (i.e. removal for a specified period of time, not normally more than one year) from the University;
 - expulsion (i.e. permanent removal) from the programme; the decision will also cover the matter of any intermediate terminating qualification potentially due to the student;
 - other sanctions as may be considered appropriate by the panel.
- 12.25. The outcome may also include the drawing up of an action plan, to be managed by the relevant School setting out how the matter will be managed and any requirements to be placed on the student.
- 12.26. More detail on fitness to practise outcomes is provided in the *Student Fitness to Practise Outcomes* document.
- 12.27. The panel's decision will be communicated to the student (and copied to the Head of School and investigator) in writing by email to the email addresses held on the student record system within five (5) working days of the decision being reached. The communication will detail:
- a summary of the facts of the case;
 - the decision whether the panel considered the student's fitness to practise to be impaired and the reasons for that decision;
 - details of the outcome; and
 - the student's rights of appeal.
- 12.28. Where the student's fitness to practise is considered to be impaired or where a warning is issued, the outcome shall be entered on the student's record.
- 12.29. The panel should also set out in the determination, any requirement by the student or the University to inform the relevant regulatory body as required by the Health and Social Care Act 2008 (or any subsequent amendment), and any other parties such as the student's employer.
- 12.30. The outcome should also clearly state any length of time the fitness to practise proceedings records will be held within the University and whether or not the matter will be referred to in any references given about the student.

13. Appeal

- 13.1. A student may appeal against a decision made by the panel under stage three of the Procedure. Any such appeal must be submitted to the University Secretary within ten (10) working days of the notification of the decision to the student.

- 13.2. If a student does not choose to appeal within this time, a Completion of Procedures letter shall be issued.
- 13.3. A student may submit an appeal on the following grounds:
 - i. Lack of procedural fairness: this can include bias or perceived bias, procedural irregularity or other administrative error or failure which has materially disadvantaged the student;
 - ii. New evidence or evidence that was not available at the time of the hearing: this includes evidence of extenuating circumstances which, for good reason, was not available at the time the Panel made its decision; the appeal must specify the reasons why such evidence was not disclosed at earlier stages of the Procedure;
 - iii. The decision was manifestly unreasonable: this applies where there is evidence to show that the outcome reached by the Panel was so unreasonable that no reasonable decision-maker, considering the information available to the original panel, would make that decision.
- 13.4. In all cases, the onus is on the student to demonstrate, through evidence, that they have a valid ground of appeal.
- 13.5. All evidence must be presented with the appeal submission. Further evidence cannot be presented at an Appeal Panel, except where requested by the University Secretary as described in 13.7 below.
- 13.6. Disagreement with the severity of a sanction imposed by a fitness to practise panel will not of itself constitute grounds for an appeal.
- 13.7. The University Secretary will determine whether a student has demonstrated a valid ground for appeal, with evidence, that may be considered by an appeal panel. Students may be asked to submit further information or evidence to substantiate their appeal and failure to provide such information or evidence may result in rejection of the appeal.
- 13.8. If the University Secretary rejects the appeal, this decision shall be final and represent a completion of procedures.
- 13.9. In cases where the University Secretary has been involved with the case at an earlier stage or in advising the stage three panel, such determination shall be made by a Deputy Vice-Chancellor or the Vice-Chancellor.
- 13.10. Once an appeal request has been lodged and accepted, no penalty or sanction will take effect until the appeals procedure has been exhausted but where a student has been suspended from their studies, from accessing services on campus or has been removed from placement, the suspension will remain in place.
- 13.11. Where a valid appeal has been submitted, a panel will review the Appeal. Legal and Governance will submit notice of the student's appeal and a summary of the case and all other relevant documentation to the panel.
- 13.12. The appeal panel will consist of three members:
 - a Deputy Vice Chancellor or Pro-Vice-Chancellor will act as Chair;

- a senior academic member of staff from the student's programme of study who has not been involved with the case to date; and
- a registered practitioner with a licence to practise in the relevant subject, external to the University.

- 13.13. There shall be no cross-membership with the original fitness to practise panel.
- 13.14. The University Secretary or nominee will also be in attendance as an adviser to the Panel as will a member of Legal and Governance who will take notes of the hearing, the decision of the appeal panel and any sanction imposed.
- 13.15. The burden of proof at the appeal stage is on the student to demonstrate their grounds of appeal.
- 13.16. As part of the process of consideration of the appeal, the chair of the appeal panel will consider whether a hearing is required or if the evidence submitted can be considered without a hearing.
- 13.17. If a hearing is required, the appeal panel will hear evidence from the student, the investigator and, where appropriate, the chair of the stage three fitness to practise panel.
- 13.18. After considering all the evidence, the panel shall decide whether to reject or uphold the appeal.
- 13.19. The decision made by the Appeal Panel is final. The student will be informed in writing within 10 working days.
- 13.20. The decision of the appeal panel is final and represents a completion of procedure: a Completion of Procedures letter shall be issued.

14. Office of the Independent Adjudicator

- 14.1. Following the issuing of a Completion of Procedures letter by the University, a student may refer the outcome of the case to the Office of the Independent Adjudicator (OIA) for independent review.

Further details about the OIA can be obtained from the Office or from the OIA website www.oiahe.org.uk or by contacting the OIA at the following address: The Office of the Independent Adjudicator for Higher Education, Second Floor, Abbey Gate, 57-75 Kings Road, Reading RG1 3AB
Telephone 0118 959 9813.

Email: enquiries@oiahe.org.uk