



## **Fitness to Practise Policy and Procedure**

Owner:	Deputy University Secretary
Approver (Date):	Senate (23 January 2019) Council (18 March 2019)
Review due date:	18 March 2022
Current Version:	v2.0
Update history:	v1.0 approved 13 July 2016
Document Type:	Operational Policy
Classification:	Public

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# **University of Roehampton - Fitness to Practise Policy and Procedure**

## **1. Introduction**

- 1.1 The University has a responsibility to ensure that students who are admitted to, registered on and graduate from professional programmes are fit to practise and accordingly will provide students with appropriate teaching, support and guidance. However, situations or circumstances may arise where a student's fitness to practise is called into question.
- 1.2 Some University programmes are governed by professional, statutory and regulatory bodies (PSRBs). Students on these programmes will be expected to comply with a professional code of conduct, or similar, produced by the relevant PSRB or Professional Accrediting Body (PAB), as well as the University's Student Code of Conduct and the general principles set out in Section 4 of this policy and procedure. Students will be informed at the point of application if a professional code of conduct, or similar, applies to them.
- 1.3 This policy and procedure sets out how the University will respond to concerns about a student's fitness to practise.
- 1.4 This policy and procedure should be considered in conjunction with the University's Fitness to Study Policy, the Academic Regulations and the Student Disciplinary Regulations. Cases relating to a student's health should normally be considered under the Fitness to Study Policy, except in the case of nursing students where matters relating to a student's health are covered by this policy and procedure.

## **2. Delegation of Authority**

- 2.1 The University Council has delegated its authority to govern student conduct within the areas of fitness to practise to those individuals named in this policy and procedure.
- 2.2 The powers set out in this policy and procedure will be exercised in accordance with Section 16 of the University Regulations.
- 2.3 Senate and Council will receive an annual report on cases considered under this policy and procedure.
- 2.4 The Deputy University Secretary will convene a group comprised of representatives from each subject area to which this policy applies. The purpose of this group will be to share learning from cases considered and to feed this back to colleagues responsible for programme delivery. This group will meet at least annually and report to the Learning, Teaching and Quality Committee.

### **3. Purpose and Scope**

- 3.1 This policy and procedure applies to all students on programmes leading to a professional qualification or programmes associated with professional practise (“professional programmes”) as set out in Appendix 1.
- 3.2 Students have an obligation to familiarise themselves with and comply with the relevant professional code of conduct, the Student Code of Conduct and the principles set out in Section 4 of this policy and procedure. Failure to comply with these codes and meet these standards may result in a student’s fitness to practise being called in question and the procedure set out in Section 9 being invoked.
- 3.3 Whilst students may not yet be professionally qualified or registered, it is important that they conduct themselves professionally at all times. The purpose of this is to justify and maintain the trust and confidence that the public places in the profession and professional practitioners, to protect and promote public safety and wellbeing and to promote and maintain proper professional standards and conduct.
- 3.4 The policy and procedure applies at all times. It is not restricted to activities during term time or on placement, on University or placement provider premises, or in respect of University or placement activities. The policy and procedure applies from the point at which the contract between the student and the University is formed. It applies to conduct on the Internet or on social media.
- 3.5 Fitness to practise relates to matters of conduct (including behaviour at University, on placement and in students’ personal lives), professional suitability (including health and character) and performance (both academic and practice).
- 3.6 Issues relating to health and wellbeing may be addressed using the Fitness to Study policy, with the exception of Nursing students for whom issues relating to health and wellbeing will be considered under this policy and procedure. Each case is considered on an individual basis.
- 3.7 In implementing this policy and procedure the University will take into account the need to:
  - a. Protect patients, clients, pupils, children or service users
  - b. Safeguard children and other vulnerable groups
  - c. Understand and uphold appropriate standards of conduct and behaviour
  - d. Maintain public confidence in students and/or trainees and the professions they represent
  - e. Operate fairly and within the principles of natural justice
  - f. Operate with due regard to principles of diversity, equality and inclusion
  - g. Maintain confidence in the ability of the University to deal appropriately with fitness to practise issues
  - h. Respect confidentiality

- i. Promote a professional learning culture for students and for the University, where matters of concern (where appropriate) are used proactively to promote openness and learning, in the interests of students' future personal and professional development

3.8 Concerns raised about a student's fitness to practise under this policy and procedure may result in one or more the following outcomes or sanctions for the student. This list is non-exhaustive:

- a. No further action
- b. A verbal or written warning
- c. Conditions and/or undertakings
- d. Withdrawal or temporary suspension from placement
- e. Temporary suspension from the University
- f. Permanent expulsion from the University

3.9 These outcomes and sanctions are put in place for public protection and to promote students' learning and personal development.

3.10 The standard of proof required for all decisions taken under these regulations is the balance of probabilities.

#### **4. Professional Conduct Required of Students**

4.1 This section sets out a series of standards of conduct for students studying on professional programmes. As set out in Paragraph 3.2 above, students are also required to comply with the relevant professional code of conduct, or similar, and the University's Student Code of Conduct. Failure to meet these standards may result in a student's fitness to practise being called into question and the procedure set out in Section 4 being invoked.

4.2 Relationships with patients, clients, pupils, children or service users ("individuals and groups").

Students are required to:

- a. Respect these individuals and groups and treat them with dignity.
- b. Make sure that they are clearly identified as students and ensure that they do not represent themselves as professionally qualified.
- c. Dress in an appropriate and professional way and be aware that these individuals and groups will respond to their appearance, presentation and hygiene.
- d. Maintain appropriate boundaries between themselves and these individuals and groups and anyone close to them. They must not use their professional position to cause distress or to exploit these individuals and groups.
- e. Be open and honest in dealing with these individuals and groups, their carers, relatives, partners, or anyone else close to them.
- f. Be aware of ethical issues in their professional behaviour with these

- individuals and groups.
- g. Make sure they follow the advice of their appropriate professional body(s) on codes of ethics, informed consent and confidentiality.
  - h. Undertake to ensure that children and vulnerable groups are safeguarded.

#### 4.3 Probity (i.e. being honest, trustworthy, and acting with integrity)

Students are required to:

- a. Bring attention to any concerns they themselves or others may have about or errors they have identified in their clinical or teaching work. In the case of Nursing students they must demonstrate their duty of candour at all times.
- b. Be honest, authentic and original in their academic work, including when conducting research, and take effective action if they have concerns about the honesty of others.
- c. Be honest and trustworthy when writing clinical records, reports, logbooks and records and attendance registers etc., and when completing and signing forms.
- d. Be honest in all CVs and all applications and not misrepresent their qualifications, clinical experience, position or abilities.
- e. Not plagiarise others' work or use their own work that has been submitted previously.
- f. Be honest and trustworthy in any financial dealings that may be a required component of their placement, or in respect of any other financial dealings such as expenses claims or loan applications.
- g. Cooperate with any enquiry by their University Department or any other organisation into their health, behaviour or performance, or that of anybody else's.
- h. Comply with the law.
- i. Inform the Head of Department at the earliest opportunity that they have been cautioned, charged or found guilty of a criminal offence, with the exception of filtered convictions. This should be documented in writing. Students will also make an annual declaration of good health and good character.

#### 4.4 Maintaining good practice

Students are required to:

- a. not exceed their practice limitations.
- b. ask for help or seek assistance when necessary.
- c. make sure that they are appropriately supervised for any clinical or teaching task they perform, and inform their tutor and/or other relevant persons (e.g. placement providers) if they have any concerns in this area.
- d. respect the decisions and rights of patients or clients, placement coordinators.
- e. not discriminate against patients or clients by allowing their personal views to affect their professional relationship or the care they provide (this

includes their views about a patient's or client's age, culture, disability, ethnic or national origin, gender identity, lifestyle, marital or parental status, race, religion or beliefs, sex, sexual orientation, and social or economic status etc.).

- f. In the case of nursing students, be aware that treatment should be based on the patient's/client's priorities and the effectiveness of care/treatment options, and that decisions should be arrived at through assessment and discussion with the patient or client and placement provider.
- g. behave with courtesy.
- h. report any concerns they have about patient, client, child or vulnerable group safety to an appropriate person.
- i. be aware that they must acquire knowledge, competencies, skills and professional attitudes in order to eventually register or maintain registration with their appropriate professional body.
- j. attend compulsory teaching or other sessions associated with the placement or make other arrangements with the University as appropriate.

4.5 Students on Initial Teacher Training programmes are expected to abide by Part 2 of the Teacher Standards (DfE, 2012), which are quoted in paragraphs 4.5a – 4.5d:

- a. A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.
- b. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - i. treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
  - ii. having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
  - iii. showing tolerance of and respect for the rights of others
  - iv. not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
  - v. ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- c. Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- d. Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

4.6 Students will be expected to make an annual declaration of good health and good

character and inform the University immediately of anything they think may affect their fitness to practise, including conviction for committing a criminal offence. Failure to declare relevant information may in itself call into question a student's fitness to practise.

- 4.7 A non-exhaustive list of the types of concerns that may result in this policy and procedure being invoked are as follows:
- a. A referral is received from the University's Risk Management Review Group
  - b. Concerns about the student emerge from a third party (i.e. Placement Supervisor or Manager, Clients or Patients directly, or through a relative or advocate etc.) which indicate that there is a need to question their fitness to practise
  - c. The student has told a member of the University that they have a problem and/or provided information which indicates that there is a need to question their fitness to practise
  - d. The student exhibits behaviour which is inappropriate or does not comply with other standards set out in Section 4
  - e. The student is accused of intimidation of fellow students, patients, professional clients or staff
  - f. A student is accused of acting in a violent manner
  - g. A student is accused of fraudulent behaviour, including in relation to University or placement provider funds
  - h. The student is arrested on suspicion of committing or receives a conviction for committing a criminal offence
  - i. The student is accused of failing to rectify behaviour that has been subject to any other disciplinary action by the University
  - j. The student is accused of inappropriate behaviour towards others
  - k. The student is accused of falsification of patient, client or other professional records
  - l. The student is accused of failing to act in a way to ensure the safety and wellbeing of those who are vulnerable
  - m. The student is accused of breaching confidentiality
  - n. The student is accused of breaching safeguarding protocols

## **5. Reporting Concerns**

- 5.1 Concerns about a student's fitness to practise may be received from any source, including (but not limited to) University staff, students, placement partners or other partner agencies, service users, or members of the public.
- 5.2 Concerns about a student's fitness to practise should be reported immediately to the student's Programme Convenor to ensure that appropriate action is taken.
- 5.3 Where the student is an existing registrant, the University may report a fitness to practice concern to the relevant PSRB and these issues may result in a revocation of an existing registration.

5.4 Students must also be aware that they may be obliged, in accordance with the requirements of their PSRB, to declare sanctions received in pre-registration education (i.e. at University) at the point of application for or on receipt of a professional registration.

## **6. Temporary Suspension**

6.1 Where a concern is raised about a student's fitness to practise, they may be temporarily suspended from placement and/or University pending consideration of the concern under the Fitness to Practise Procedure set out in Section 9.

6.2 A student will normally only be temporarily suspended for one of the following reasons:

- a. The student poses a risk of harm to themselves, service users, other students, University staff or staff at partner organisations
- b. The allegation represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the University, its members, an external organisation or placement provider, or members of the public
- c. The allegation creates a risk to trust and confidence in or proper operation of the profession
- d. Any delay in taking action may result in a further breach of the Student Code of Conduct

6.3 Temporary Suspension is a neutral act. It will not prejudice any investigation under procedure set out in Section 9 and suspension from placement will normally only be invoked in consultation with the placement partner organisation as appropriate. Temporary Suspension is not used as a penalty in the context of this policy and procedure. The University will consider ways in which the impact of temporary suspension on the student can be mitigated.

6.4 Temporary Suspension pending consideration of a concern under the procedure set out in Section 9 may be authorised by the following persons:

- a. For temporary suspension from placement, by the Programme Convenor or Head of Department.
- b. For temporary suspension from the University, by one of the following:
  - i. The Vice-Chancellor
  - ii. The Deputy Vice-Chancellor and Provost
  - iii. The Pro Vice-Chancellor
  - iv. The University Secretary and Registrar

6.5 The student will be informed in writing of the suspension and the reasons for it, together with its terms.

6.6 In all circumstances where temporary suspension is imposed, the original decision-maker will continue to review the conditions in place on an ongoing



basis.

- 6.7 A student subject to temporary suspension is entitled to request a review of the decision:
- a. For temporary suspension from placement, the review should be conducted by the Deputy University Secretary.
  - b. For temporary suspension from the University, the request for a review should be submitted to the Deputy University Secretary, who will arrange for the review to be conducted by a senior officer as set out in Paragraph 6.4b with no prior involvement in the matter.

## **7. Allegations involving the police, external bodies or PSRBs**

- 7.1 Where a police investigation, criminal proceedings or other external investigation, including those undertaken by PSRBs, has been or may be initiated in relation to a concern raised under this policy and procedure, the University may suspend its consideration of the matter under this or any other regulation, policy or procedure (at any stage) until such investigation and/or proceedings have been concluded. The University's consideration of a matter under this policy and procedure may be resumed at any stage should the University deem it to be appropriate in the circumstances.
- 7.2 The University may take action in respect of a student under this policy and procedure notwithstanding the student's conviction or acquittal in criminal proceedings or a finding by a PSRB. The University is not bound by the outcome of any criminal prosecution or external proceedings, although the University may in its discretion take any penalty imposed by a criminal court or other authority into consideration in determining any outcome to be imposed under this policy and procedure.
- 7.3 All concerns about fitness to practise involving the police or an external agency should be reported immediately by the relevant member of staff to the Deputy University Secretary.

## **8. Sources of Support, Information and Advice**

- 8.1 A student is entitled to have a supporter present at any meeting or hearing held under this policy and procedure. The supporter should normally be a current registered student of the University, an elected officer or employee of Roehampton Students' Union, a member of the University Chaplaincy or a University Wellbeing Officer.
- 8.2 The role of the supporter is to provide advice and emotional support, but is not normally an advocacy role. Neither the University nor the student will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this policy and procedure. A supporter cannot act both as a witness and as a supporter.
- 8.3 Further advice is available to all parties through the University Secretariat,

Roehampton Students' Union, Student Wellbeing Officers and other relevant areas of the University including, where applicable, Disability Services.

- 8.4 The Deputy University Secretary will publish to staff to support the implementation of this policy and procedure.

## **9. Fitness to Practise Procedure**

- 9.1 Where a concern is raised that a student has failed to uphold the standards of the relevant professional code of conduct, the Student Code of Conduct and the principles set out in Section 4 of this policy and procedure, it should be referred for consideration under this procedure to determine whether or not the student is fit to practise.

- 9.2 There are three stages of the Fitness to Practise Procedure:

- a. Stage 1: Early Resolution
- b. Stage 2: Formal Consideration
- c. Stage 3: Fitness to Practise Panel

- 9.3 Attempts will normally be made to address fitness to practise concerns in an informal and supportive context at a local level and, wherever possible and appropriate, all efforts will be made to resolve a concern at Stage 1. However, in serious cases, the University reserves the right to proceed straight to Stage 2. Advice can be sought from the Deputy University Secretary regarding the stage of this procedure that the concern should be addressed at.

### ***Stage 1: Early Resolution***

- 9.4 At Stage 1 the Programme Convenor (or nominee) will normally meet the student to discuss the concern. The student should be given full details of the concern and will have an opportunity to respond.

- 9.5 In advance of the meeting, the student should be informed of their right to bring a supporter to the hearing in line with Section 8.

- 9.6 Following discussion with the student, the Programme Convenor will determine one of the following:

- a. That the concern does not fall within the scope of this policy and procedure and should be referred to a different University regulation, policy or procedure, such as the Fitness to Study Policy.
- b. That the student is fit to practise, in which case the concern will be dismissed and no further action will be taken.
- c. That there is an outstanding concern about the student's fitness to practice, in which case they will take one of the following actions:
  - i. Give appropriate advice and guidance, which may or may not include

an oral warning, and place a note in the student's file, which may be referred to in any future fitness to practise proceedings. The student will be informed in writing that a note has been placed but that it does not constitute a written warning

- ii. Refer the matter to Stage 2 of the Fitness to Practise Procedure

9.7 The Stage 1 meeting will normally be held within 10 working days of receipt of the concern.

9.8 The student will receive a letter setting out the decision at Stage 1 within 5 working days of the meeting, which will contain reasons for the decision.

### ***Stage 2: Formal Consideration***

9.9 The purpose of Stage 2 is to provide an open and transparent process of investigation and consideration of serious or repeated concerns relating to fitness to practise.

9.10 A concern may be referred to Stage 2 as a result of consideration at Stage 1 or if, in the view of the Programme Convenor, the concern is sufficiently serious that it should be referred straight to Stage 2.

9.11 To initiate Stage 2, the Programme Convenor will ask the Head of Department to appoint an investigator, who will normally be another Programme Convenor, or a member of staff of equivalent or greater seniority.

9.12 The investigator should gather all existing information and documentation relating to a concern, including conducting interviews with or requesting statements from any witnesses where necessary, and then invite the student to a meeting.

9.13 The invitation to the student should include the following information:

- a. Details of the allegation that has been received;
- b. That the allegation is being considered at Stage 2;
- c. A copy of any relevant documentation;
- d. That the student is entitled to bring a supporter as set out in Section 8 of these regulations; and
- e. The names of any attendees at the meeting

9.14 In the meeting, the investigator should discuss the concern and give the student an opportunity to respond and give their own perspective.

9.15 The investigator may hold additional meetings with the student or any other parties.

9.16 Further to the meeting, the investigator should recommend the following to the Head of Department:

- a. That no further action should be taken
- b. To allow the student to continue fully on the programme but recommend that appropriate advice is given as to future conduct whilst enrolled on the programme. At this stage it may be necessary, for the student's benefit, to require the student to attend an alternative placement.
- c. To recommend an oral warning is given and a note placed in the student's file, which may be referred to in any future fitness to practise proceedings.
- d. To recommend to the Head of Department that a Stage 3 Fitness to Practise Panel be convened

9.17 The Head of Department will consider the report of the investigator and either accept or vary the recommendation. The Head of Department will write to the student setting out their decision and giving reasons. A copy of the decision letter should be kept on the student's record.

9.18 The Stage 2 Formal process will be normally be completed within 20 working days from the first report of the concern. If, due to unforeseen circumstances, this timeline cannot be adhered to, the student will be informed at the earliest opportunity of the delay and the reason why.

### ***Stage 3: Fitness to Practise Panel***

9.19 Where a Head of Department considers that a Fitness to Practise Panel should be convened, they should make a request in writing to the Deputy University Secretary. The request should include copies of all the relevant information collected by the investigator at Stage 2.

9.20 At their discretion, the Deputy University Secretary may ask the Head of Department for further information or ask for the concern to be reconsidered at an earlier stage.

9.21 The Student will be informed of the date of the hearing and the composition of the Panel, as well as details of the concern and a copy of all the information to be considered by the Panel no less than 7 working days beforehand. The student will be informed of their right to bring a supporter to the hearing in line with Section 8.

9.22 The student may submit a written statement and copies of any relevant information to the Panel, but should do so no less than 2 working days beforehand.

9.23 The investigator will attend the meeting to set out the concern and relevant evidence. The investigator will not propose or comment on any outcome or penalty which might be imposed, and will not be involved in the deliberations of the Fitness to Practise Panel in any way.

9.24 The student and the investigator are entitled to call witnesses before the panel. They should provide to the Clerk the names of any witnesses they intend to call no less than 2 working days beforehand.

- 9.25 The Panel may at the discretion of the Chair adjourn a hearing and request additional evidence from either party. The Panel will normally reconvene within 7 days, and the parties will be given at least 2 days' notice of the time and date of the reconvened hearing.
- 9.26 The Fitness to Practise Panel meeting is a confidential meeting and will be held in private.
- 9.27 The student will be required to attend the meeting of the Panel in person. If the student fails to attend without 'reasonable explanation', the Panel may consider the case and reach a decision in the student's absence. The Chair will have discretion as to what constitutes a 'reasonable explanation'.

### *Panel Membership*

- 9.28 The purpose of the Fitness to Practise Panel is to hear concerns, to make a decision about whether or not a student is fit to practise and to determine an appropriate outcome.
- 9.29 The membership of the Fitness to Practise Panel is as follows:
- a. Head of Department or nominee (from a different Department to student) (Chair)
  - b. An academic member of staff who is a registrant of the PSRB that governs or regulates delivery of the student's programme
  - c. An academic member of staff who is a registrant of a different PSRB
  - d. For Nursing students, a senior practitioner from an employer partner organisation relevant to the student's programme who has experience of dealing with fitness to practise in the workplace

9.30 All members of the Panel will be impartial.

9.31 In the event of a tied decision, the Chair will have the casting vote.

9.32 The Deputy University Secretary will appoint a suitable person to act as Clerk to the Panel.

### *Panel Proceedings*

9.33 The Panel's proceedings will normally be as follows:

- a. The members of the Panel have a preliminary discussion without the student, the student's companion or the investigator being present.
- b. The student, the student's chosen companion and the investigator are invited to enter the room and the Chair introduces all those present.
- c. The Chair checks that the student and companion have received details of the case against the student and any supporting documentation, and that

they understand fully the nature of the allegation and the purpose of the Fitness to Practise Panel.

- d. The Chair explains the order of proceedings to the student.
- e. The concern and any supporting evidence is presented by the investigator, who may call witnesses.
- f. Members of the Panel and the student are invited by the Chair to ask the investigator and any witnesses questions related to the case or evidence.
- g. The Chair then invites the student to put forward verbally to the Panel their response to the concern and to call any witnesses.
- h. Members of the Panel and the investigator are invited to put questions to the student and any witnesses.
- i. At any time during the Panel hearing the student may ask the Chair for a recess.
- j. The Chair invites the investigator to make any final response or remarks.
- k. The Chair invites the student to make any final response or remarks.
- l. The Chair closes the meeting and the Panel deliberates.

9.34 The Panel will determine whether or not, on the balance of probabilities, the student is fit to practise.

9.35 If the Panel finds that the student is fit to practise, the concern will be dismissed and no further action will be taken.

9.36 If the Panel determines that there is an outstanding concern about the student's fitness to practise, or that in its view the student is unfit to practise, it may at its discretion apply one of more of the following:

- a. Permit the student to continue on the course with no sanction required. The Programme Convenor may be asked to give advice to the student on their future conduct or engagement whilst enrolled on the programme. If appropriate, the Panel can recommend that an oral warning is given and a note placed in the student's file, which may be referred to in any future fitness to practise proceedings.
- b. Permit the student to continue on the course with a formal action plan. The plan will be supportive, designed to enable the student to sustainably demonstrate they are professionally suitable and will be monitored by the Programme Convenor (or nominee). Failure by the student to adhere to the plan will be viewed as a further fitness to practise issue and the Fitness to Practise Policy and Procedure may be re-invoked at this or an earlier stage. The action plan may, where appropriate, include referral to Occupational Health or other University services. A record of the action plan will be held in the student's file, which may be referred to in any future fitness to practise proceedings.
- c. Issue a formal written warning, which will be placed in the student's file for a period of time to be determined by the Panel, including up to and after the duration of the student's course. The student will be notified that while the warning remains on the file any reference given by the University for employment or further study may will include a statement that the student

- was subject to a Fitness to Practise Panel hearing during the programme. Details of the allegation or the outcome will not be given in the reference.
- d. The Panel may require discontinuation of a placement. The University may share, as appropriate, information about a student's professional and/or academic progress with placement providers, including (but not limited to) the outcome of a Fitness to Practise Panel hearing. Whilst the University will take all reasonable steps to secure an alternative placement, placement providers may refuse to accept particular students, and this may legitimately jeopardise the student's ability to complete the course.
  - e. Suspend the student from the course for a defined period of time, with return subject to conditions to be determined or delegated by the Panel (e.g. recovery from health issues or resolution of other relevant or mitigating factors).
  - f. Require the student to transfer to another programme of study for which a professional award will not be made.
  - g. Expel the student from the University. Subject to the recommendation of a Progression and Award Board, the student may be eligible to receive any exit award to which they are entitled.

9.37 In determining whether or not to apply one or more outcomes as set out in Paragraph 9.35, the Panel will consider the seriousness of the allegation; the circumstances and context; the level of the student; personal circumstances of the student, including any mitigation; previous findings under this policy and procedure or any other University regulation, policy or procedure.

9.38 Any penalty/sanction should be proportionate to the offence(s) and individual circumstances, and due regard given to the feasibility of discharging the actions or sanctions.

9.39 The student will receive in writing the outcome of the Panel within 10 working days of the Panel, including the decision, the reason for the decision and details of any sanction to be applied or further action to be taken. The student shall be informed of the right to appeal against the decision in accordance with Section 10 of this policy and procedure.

## **10. Right of Appeal**

10.1 A student who wishes to appeal against a decision regarding Fitness to Practise Stage 3 may do so in writing to the Deputy University Secretary.

10.2 Appeals may only be based on one or more of the following grounds:

- a. That relevant material new evidence which was not reasonably available at the time of the Stage 3 Panel can be provided;
- b. That there has been a failure of due process; and/or
- c. That the decision was unreasonable and/or the outcome disproportionate.

- 10.3 A student should make a request to appeal in writing to the Deputy University Secretary within 14 working days of the date of the Stage 3 decision letter referred to at Section 9.39 above.
- 10.4 The notice of appeal must be accompanied by a concise written statement from the student that identifies precisely the grounds upon which the appeal is based, and a summary of the appeal case itself. A request to appeal submitted without this information will not be taken further.
- 10.5 The Deputy University Secretary will determine whether grounds for appeal have been disclosed and will advise the student within 14 working days of receipt of notification.
- a. If grounds for appeal have been disclosed, the Deputy University Secretary will convene an Appeal Panel.
  - b. If no grounds for appeal have been disclosed, the appeal will be dismissed and a Completion of Procedures Letter will be issued.
- 10.6 The Appeal Panel will consist of the following members:
- a. The Vice-Chancellor, Deputy Vice-Chancellor, University Secretary & Registrar or Pro Vice-Chancellor (Chair)
  - b. A Head of Department with no previous involvement in the case
  - c. An academic member of staff who is a registrant of the PSRB that governs or regulates delivery of the student's programme
  - d. For Nursing students, a senior practitioner from an employer partner organisation relevant to the student's programme who has experience of dealing with fitness to practise in the workplace
- 10.7 The Appeal Panel may at its discretion co-opt a senior practitioner from an employer partner organisation relevant to the student's programme who has experience of dealing with Fitness to Practise in the workplace and has not been involved in the case at an earlier stage.
- 10.8 A Clerk to the Appeal Panel will be appointed by the Deputy University Secretary.
- 10.9 The student and the Chair of the Stage 3 Panel will be invited to attend an appeal hearing.
- 10.10 Following its consideration of the case, the Appeal Panel will take one of the following actions:
- (i) Uphold the decision of the Stage 3 Panel in full
  - (ii) Uphold the decision of the Stage 3 Panel but substitute the original outcome or sanction for a less severe outcome of sanction
  - (iii) Set the decision aside and determine that the allegation should be



dismissed

- (iv) Set the decision aside and require the Stage 3 Panel to reconsider its decision

- 10.11 The decision of the original Panel shall remain in effect until an appeal has been considered by an Appeal Panel, and only varied if so decided by that Panel.
- 10.12 The Clerk to the Appeal Panel will notify the student in writing of the decision of the Panel within 7 days of the hearing and will issue the student with a Completion of Procedures Letter.
- 10.13 The decision of the Appeal Panel is final.

## **11. The Office of the Independent Adjudicator**

- 11.1 Decisions taken under this policy and procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints and appeals. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or [enquires@oiahe.org.uk](mailto:enquires@oiahe.org.uk).
- 11.2 Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this policy and procedure.

## **12. General Matters**

- 12.1 The University will take account of relevant legislation such as the Data Protection Act 2018 and the General Data Protection Regulation, the Equality Act 2010 and the general rights and expectations of a student to confidentiality.
- 12.2 The University will process personal data relating to fitness to practise concerns in line with its Data Protection Policy and Privacy Notice for Students.
- 12.3 In exceptional cases the University reserves the right at any stage to vary the procedures set out in this document in the interests of fairness and/or health and safety.
- 12.4 The University may withhold the award of a student who is subject to ongoing consideration under this policy and procedure.
- 12.5 The University may refuse admission, re-admission or enrolment to any programme of the University, or the provision of any other service or facility, to a student until consideration of a concern under this policy and procedure is concluded.

## **Appendix 1 – Programmes to which this policy and procedure applies**

PsychD Counselling Programme

MA Integrative Counselling and Psychotherapy

MA Integrative Counselling and Psychotherapy

MA Integrative Counselling and Psychotherapy for Children, Adolescents  
and Families

MA Art Psychotherapy

MA Dance Movement Psychotherapy

MA Dramatherapy

MA Music Therapy

MA Play Therapy

PGCE

BA Primary Education

BA Education

BA Early Childhood Studies

BSc Adult Nursing

FdSci Nursing Associate

MSc Nursing