

## University Code of Practice

### Fitness to Practise

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| <b>Application to collaborative provision:</b>   | <b>Mandatory</b>   |
| <b>Contacts:</b>   | Academic Quality and Learning Manager  |
| <b>Applications for exemptions to:</b>   | Academic Quality and Standards Committee   |
| <b>Report Exemptions to:</b>   | Academic Board   |
| <b>Summary/ Description:</b>   |  |
| <p>This Code applies only to programmes which enable students to seek to qualify to practise a particular profession and throughout which each student is expected to display the conduct, behaviour and character expected by the relevant regulatory body for the profession. This Code defines how such expectations are judged and provides for the fair and transparent investigation and determination of matters where a student's fitness to practise is in doubt.</p> <p>In all cases the University will work with the relevant regulatory body in its implementation of the Code. The Code applies specifically to the PGCE and Nursing programmes. The University will ensure that students are made aware of the expectations of the relevant profession and are supported in developing the knowledge and skills required to evidence fitness to practise.</p> <p>Where fitness is in doubt the Code provides for investigation by the Academic Quality and Learning Manager with provision for an independent Panel to hear cases, designed to ensure a fair and robust decision-making process. Students have the right of appeal as set out in the Code and in Code on Academic Appeals (Taught Programmes) (QH:C11).</p> |  |

In cases where a student is alleged to have committed academic misconduct, the University will determine whether this constitutes an issue of fitness to practise which will therefore be addressed under this Code. If not, the matter will be addressed under Code on Academic Misconduct (QH:C7).

The Code includes the power to suspend a student from their programme or part of their programme (such as a placement) either once a fitness issue has been identified and/or following the outcome of a fitness to practise Panel. If a Panel is satisfied that the student is not fit to practise penalties may include termination of programme, especially if behaviour is repeated or severe.

**Further guidance**

See the Introduction to the Quality Handbook (QH:A1) for further guidance and explanations of:

- how the Handbook is designed to work and what it covers and does not cover
- how it is structured
- the 'external reference points' and established practice which have informed each of the Codes
- key concepts and themes
- some suggestions for further reading
- a quick guide to each Code, including definitions and things to watch out for.

This university Code has been written in accordance with the approach approved by the University to enhance clarity involving the following terminology: **must** = mandatory    **should** = advisable    **may** = desirable.  
Where these terms are used they are emphasised in bold.

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## INTRODUCTION

### Authority

- 1 The Academic Quality and Standards Committee is the final arbiter of the application and interpretation of this code of practice.

### Scope of the Code

- 2 This Code applies to programmes classified by Academic Board as taught and which lead to the award of the University's higher education qualifications (as set out in the Academic Regulations: Taught Programmes (QH:C1)).
- 3 It applies to conduct falling within the definition of 'fitness to practise' as set out in the following paragraphs and to students on programmes which lead to qualification to register to practise a profession which is controlled by a regulatory body, namely PGCE and Nursing.
- 4 Proceedings cannot be taken against a student under both this Code and the Code on Academic Misconduct (QH:C7) unless they relate to entirely separate matters. Where a student is alleged to have committed Academic Misconduct, the University will determine whether the matter raises an issue of fitness to practise. If it judges that the matter is one of fitness to practise the matter will be investigated in accordance with this Code.
- 5 This Code may be supplemented by guidance specific to a programme subject to the approval of that guidance by Academic Quality and Standards Committee.
- 6 Where a programme requires that to be admitted as a student, the applicant must already be employed in the profession to which the programme relates, any fitness to practise issue notified to the University will be investigated in accordance with this Code. The University has no authority to remove a student from their employment during or following an investigation, but the University will inform the employer of any ongoing investigation and of the investigation's outcomes.
- 7 Where an employer becomes aware of a potential fitness to practise issue in relation to one of its employees who is also a student of the University, it will inform the University.
- 8 Where there is evidence that a student has been admitted to a professional practice programme based on false or misleading information an investigation will be conducted as set out in the Code on Recruitment, Selection and Admission (QH:C3). This Code empowers the University to cancel an application for admission or terminate a student's programme in the event that false or misleading information is established. In cases where the University suspects fraud – especially identity theft – it will refer the matter to the appropriate external authorities.

## Definitions

- 9 The following definitions apply throughout this Code.
- 10 'Code of Conduct' means any code of conduct, standards or equivalent (however entitled) published by the relevant regulatory body applicable to students on one of the University's professional practice programmes, and which is provided to each student in full no later than the commencement of their programme.
- 11 'Relevant regulatory body' means an organisation, whether statutory, regulatory or professional, which has the authority to oversee the training of students and their admission to, or registration for, a profession in Gibraltar either immediately following graduation from the University's programme or after a period of further training.
- 12 'Fitness to practise' relates to conduct, character and health and reflects the following general principles which will be supplemented by the Code of Conduct specific to the profession to which the programme relates. A student is responsible for:
- (a) managing their own health, including seeking and following professional advice and treatment, and disclosing circumstances which may adversely affect their ability to undertake any aspect of their programme, whether physical or mental
  - (b) understanding and upholding the fundamental values of the relevant profession
  - (c) possessing the character and behaving in a manner appropriate to the profession to which they seek entry, for example:
    - (i) prioritising the safety and interests of patients/pupils or other service users including respecting their dignity
    - (ii) developing effective and respectful working relationships with qualified professionals and other students and staff
    - (iii) engaging fully and effectively in all aspects of the programme, including maintaining sound time management, meeting deadlines and maintaining full attendance
  - (d) avoiding anything that might be classified as misconduct, for example:
    - (i) exploiting the vulnerability of patients/pupils or other service users (including to establish a sexual relationship)
    - (ii) aggressive, violent or threatening behaviour or harassment or bullying
    - (iii) falsifying, whether by commission or omission, patient/pupil or other professional records or data
    - (iv) failing to maintain confidentiality
    - (v) misusing alcohol or drugs, including developing a dependency on either
    - (vi) academic misconduct such as plagiarism or examination offences
    - (vii) any form of dishonesty whether relating to the programme or personal activities
    - (viii) any discrimination against another person whether involving race, gender, sexual orientation or other characteristic
    - (ix) failing to comply with health and safety regulations and procedures
    - (x) applying for admission to the programme using false or misleading information.

### Application to collaborative provision

- 13 Unless specified by the Academic Board, this Code applies to all provision referred to in paragraph 2 whether that provision is delivered by the University or another approved provider in accordance with a formal legal agreement.

## PRINCIPLES

- 14 The University has an obligation to ensure that all students who undertake and successfully complete a professional practice programme are at all times fit to practise. Where there is reason to believe that a student may not be fit to practise the matter will be investigated and determined in a way which is fair to the student, protects the interests of other parties including users of the professional service involved, and meets the expectations of the relevant regulatory body. All investigations and determinations will be conducted in accordance with the principles of natural justice and in accordance with the specific procedures set out in this Code.
- 15 All aspects of the investigation and determination of matters under this Code will be taken in consultation with the relevant regulatory body.
- 16 The University, working with the relevant regulatory body, will ensure that students are educated as to what constitutes the professional standards expected of the relevant profession and the applicable Code of Conduct, the reasons for those standards, and the consequences and penalties which would follow in the event of behaviour falling short of the expectations.
- 17 All students on programmes to which this University Code applies have a responsibility to engage effectively with all opportunities provided to them to understand the applicable professional standards and how to meet them.
- 18 A student who is convicted of a criminal offence or to whom a police caution is issued, is under a duty to disclose that fact both to the University and to the relevant regulatory body.

## INVESTIGATION AND DETERMINATION

### Case to Answer

- 19 All members of staff and any student on a programme to which this Code applies are under a duty to report conduct or behaviour by a student which they judge may bring into question the student's fitness to practise. Such report must be made to the Academic Quality and Learning Manager or to the Programme Coordinator (who must pass it to the Academic Quality and Learning Manager).

- 20 Where the Academic Quality and Learning Manager receives a report of potential unfitness, whether directly from a member of staff or student or via the Programme Coordinator, they **must** make, or cause to be made, such further enquiries as they consider appropriate, and thereafter determine, within 20 working days of receiving the report, whether there is clear evidence and therefore a case to answer.
- 21 If the Academic Quality and Learning Manager determines, after reviewing the report and any supporting evidence, that there is **no** case to answer, the case **must** be closed and the student, person who reported the matter and the Programme Coordinator informed in writing without delay. Details of the report and the Academic Quality and Learning Manager's finding will be retained on the student's file for the duration of their studies at the University.
- 22 If the Academic Quality and Learning Manager determines that there is a case to answer, they **must**:
- (a) inform, and consult with, the relevant regulatory body responsible for the applicable Code of Conduct
  - (b) establish a Fitness to Practise Panel
  - (c) inform the student in writing without delay (as set out in para 29).
- 23 Where the matter involves conduct that might constitute a criminal offence, the University, through the Vice-Chancellor in consultation with the Academic Quality and Learning Manager and the relevant regulatory body, will determine whether the police or other authorities should be informed.
- 24 The assessment of a student's fitness to practise will take into account as appropriate factors such as:
- (a) the seriousness of the behaviour
  - (b) the impact of the behaviour on others, especially on patients/pupils or other service users
  - (c) whether the behaviour is part of a pattern
  - (d) the extent of the student's experience (including the stage of the programme they are on at the time)
  - (e) the likelihood of a continuation or repeat of the behaviour
  - (f) the extent of the student's understanding of why their behaviour is being called into question.

## Suspension

- 25 If the Academic Quality and Learning Manager determines that there is a case to answer and that, following consultation with the relevant Programme Coordinator and the relevant regulatory body, the matter is of such a nature as to involve a risk or potential risk to the well-being of the student or another person, they **should** suspend the student with immediate effect or from a date on which they specify.

- 26 Suspension may be from the entire programme, or a specified part (such as a placement or similar activity), as appears justified given the risk or potential risk identified. Suspension will be for a period as specified by the Academic Quality and Learning Manager, provided that it will cease in the event that the Fitness to Practise Panel determines that the student is fit to practise, or otherwise varies or replaces the suspension with another decision, in accordance with paragraphs 54 onwards.
- 27 Where suspension is judged appropriate the student must be informed in writing without delay making clear:
- (a) the nature of the risk or potential risk and therefore the purpose of the suspension
  - (b) the extent of the suspension and the consequences for the student (for example in relation to attending teaching sessions, undertaking assessments, accessing learning resources and student support)
  - (c) that the suspension will be reviewed by the Fitness to Practise Panel at the hearing (as set out in para 49).
- 28 The Academic Quality and Learning Manager must also ensure that any party affected by the suspension is also informed of the suspension without delay, especially those staff responsible for delivery of the programme, for delivery of other University services (if their provision is affected by the suspension) and any affected external provider such as a placement provider.

### Student's right to respond

- 29 In informing the student that there is a case to answer, the Academic Quality and Learning Manager **must** provide the student with the following:
- (a) the details of the conduct, behaviour or other circumstances which raise concern about the student's fitness
  - (b) the evidence on which it is based
  - (c) the name and position of any person who is believed to have first-hand knowledge of the conduct in question
  - (d) the right of the student to respond in writing within 15 working days, including admitting or denying the allegation and/or providing any statement by way of explanation or mitigation.
- 30 If, on receipt of a response from the student in which the student does not accept the case against them, the Academic Quality and Learning Manager determines that the matter has been satisfactorily explained, the Academic Quality and Learning Manager **should** direct that the matter not be proceeded with, and the matter be considered closed. The student **must** be informed in writing without delay of this decision, copied to the Programme Coordinator. Details of the matter and the Academic Quality and Learning Manager's finding will be retained on the student's file for the duration of their studies at the University.



- 31 If the student indicates, or the Academic Quality and Learning Manager has reason to believe, that the student's behaviour may be the result of mental health difficulties, the Academic Quality and Learning Manager **must** consult the Student Experience Officer and the relevant regulatory body before proceeding further.

### Fitness to Practise Panels

- 32 Where the Academic Quality and Learning Manager receives a response from the student which does not meet the criteria in paragraph 30, or no response is received within 15 working days, the Academic Quality and Learning Manager **must** establish a Fitness to Practise Panel to hear the case as set out in the following paragraphs.

### Membership of Fitness to Practise Panels

- 33 Subject to paragraph 34, a Fitness to Practise Panel **must** comprise:
- (a) a Programme Coordinator or other experienced member of staff responsible for a professional practice programme (as chair)
  - (b) a further member of academic staff
  - (c) a person nominated by the relevant regulatory body who possesses no fewer than five years professional experience in the profession to which the allegation relates.
- 34 Additional members may be appointed at the discretion of the Academic Quality and Learning Manager according to the nature of the case and the issues in question.
- 35 A member of the Panel must not previously have been involved in the matter or be currently involved in the teaching or assessment of the student's programme.
- 36 Prior to the hearing, the Chair must have undertaken appropriate staff development on the University's fitness to practise procedures.
- 37 The Panel will be supported by a secretary who **should** provide advice to the Panel on the University's procedures as required, and keep a written record of the proceedings, but **must** not otherwise participate in the making of decisions by the Panel.

### Notification of the Hearing

- 38 The secretary of the Panel **must** ensure that the student is informed in writing:
- (a) of the date, time and location of the hearing, giving no fewer than 10 working days' notice
  - (b) of their right to be accompanied by a person of their choosing
  - (c) of their right to call any witness or other person who can provide first-hand knowledge of matters relevant to the case, provided that details of any witness to be called are notified in writing to the secretary of the panel in advance of the hearing
  - (d) requesting that the student confirm their attendance at the hearing.
- 39 The student must also be provided with copies of any further evidence which the Panel proposes to consider and the details of any witness who will be called.

- 40 If the student provides a legitimate reason for being unable to attend on the specified date, the hearing **must** be rearranged. If the chair of the Panel judges that the reason given is not legitimate the student **must** be informed in writing of that judgement and the hearing **should** take place on the date notified.
- 41 If the student fails to attend the hearing without providing a legitimate reason the Panel **should** proceed in the student's absence.
- 42 If the University is aware, or is notified by the student, that the student has a disability which may affect their full participation in the hearing, the secretary will liaise with the student to ensure that reasonable adjustments can be made, if necessary delaying the hearing to ensure they are put in place.

### Conducting the Panel hearing

- 43 The student **must** be permitted to be present throughout the proceedings of the Panel, other than when the Panel (attended by the Secretary) sits in private to determine the outcome and (if applicable) any penalty, unless the Panel determines that there is a compelling and exceptional reason for excluding the student; for example while a witness is providing evidence. Such reason **must** be recorded in the minutes. Where the student is excluded they must be apprised of the details of the evidence provided, and be permitted to put questions to the witness via the Panel.
- 44 The student **may** be accompanied by a supporter, being a person of their choosing such as a friend, fellow student, parent or guardian or union representative. The supporter must not act in a legal capacity and may not speak on behalf of the student unless invited to do so by the Chair of the Panel.
- 45 The student must advise the Chair at least four University working days prior to the relevant meeting of the name of any person accompanying them.
- 46 Proceedings of the Panel **should** be conducted as follows:
- (a) introductions (ensuring that the student is clear about the role of each person present at the hearing)
  - (b) presentation of the case to answer by the Academic Quality and Learning Manager
  - (c) presentation of any other supporting evidence, for example through the calling of witnesses
  - (d) the opportunity for the student to ask fair and relevant questions of any witness
  - (e) statement by the student
  - (f) calling of witnesses by the student
  - (g) questioning of the student by the Panel
  - (h) summing-up by the Chair with an opportunity for clarification by the Academic Quality and Learning Manager and student.

- 47 Where the student has admitted the facts of the case, either before or at the hearing, the Panel is responsible for hearing any statement of explanation or mitigation by the student. The Panel is thereafter responsible for determining the penalty (as set out below).
- 48 Once the Panel is satisfied that sufficient evidence has been presented and that the student has been given fair and reasonable opportunity to respond, the Panel must consider its decision in private both as to whether the allegation has been proved on a balance of probabilities and, if proven, the penalty or penalties to be imposed (as set out in paragraph 54 onwards).
- 49 Where the student was suspended in accordance with paragraphs 25-27, the Panel **must** consider any evidence presented by any party as to the nature of any risk presented to the well-being of the student or any other person.
- 50 All proceedings of the Panel **must** be minuted by the secretary, and be verified by the Panel members as an accurate record. No party may digitally record proceedings.

### Other Evidence

- 51 In determining which evidence is relevant to the investigation and determination of the matter any indication that the student succeeded in destroying or attempted to destroy evidence or otherwise made or attempted to make evidence unavailable to those investigating the matter, **should** be considered along with the matter, and the Panel may draw such inferences as appear proper.

### Notification of outcome

- 52 If requested by the student, they **should** be informed orally of the outcome of the hearing. In all cases the student **must** be informed (by the secretary) in writing within 48 hours of the outcome, including any penalty, the reasons for the decision and the right to lodge an appeal in writing within 20 working days of the notification of the outcome. The student **must** be provided with a copy of the minutes once these have been approved by the Panel and in sufficient time to enable the student to make use of the minutes in preparing an appeal (if that is the case).
- 53 The Panel's decision **must** be copied to:
- (a) the chair of the Board of Examiners
  - (b) the relevant Programme Coordinator
  - (c) the Academic Quality and Learning Manager
  - (d) the relevant regulatory body
  - (e) any affected external provider (such as a placement provider).

## Outcomes and Penalties

- 54 If the Panel determines that the student is fit to practise it must reject the case and rule that the matter is closed (and any suspension imposed under paragraphs 25-27 lifted with immediate effect). The matters investigated and findings of the Panel must be retained on the student's file for the duration of their programme.
- 55 If the Panel determines that the student is unfit to practise as a result of the matters considered it must determine the appropriate penalty or other consequence according to the facts of the case and as set out in the following paragraphs. The reasons for imposing any penalty or other outcome must be recorded in the minutes.

### Penalties for misconduct or other behaviour

- 56 Where the student is judged unfit by reason of misconduct or by reason of other behaviour judged inappropriate to the profession to which they seek entry, the Panel **must** impose:
- (a) a University Warning with or without suspension, or
  - (b) termination of the student's programme.
- 57 In determining penalty the Panel must take into account any statement by the student by way of explanation and mitigation and the student's record on the programme.

### University Warning

- 58 Where a University Warning is imposed, it must be issued by the Academic Quality and Learning Manager, and will remain on the student's record for the duration of their programme. It will be drawn to the attention of any person making enquiries of the candidate's progress during the programme (and having a legitimate right to that information in accordance with relevant legislation), or to any future Panel considering fresh allegations within the length of the programme.
- 59 The Panel may include as part of the University Warning the requirement for an action plan specifying action which must be taken by the student to ensure improvements in their conduct. The details of the action plan may be delegated to the relevant Programme Coordinator in consultation with the chair of the Panel. Non-compliance with the terms of such an action plan would justify a further hearing by the same Panel (where practicable) and the penalty of termination of programme.

### Suspension

- 60 Where the Panel considers that termination of programme is not required it **must** consider whether a period of suspension is appropriate, whether relating to the full programme or to a specific aspect of it, such as a placement. Such a decision may be based on the perceived risk to the student and/or to others or relate to other factors, such as any damage to the confidence of placement staff or service users arising from the student's conduct.

### Termination of programme

- 61 In determining whether to order termination of the student's programme the Panel must have regard to the following, evidence:

- (a) that the behaviour departs from the relevant standards as set out in the applicable Code of Conduct
  - (b) that the behaviour caused harm to patients, clients or others, either deliberately or through unsafe practise or created a continuing risk of such harm
  - (c) that the behaviour constituted an abuse of position/trust, particularly involving patients, clients or other vulnerable groups, or constituted a gross violation of their rights
  - (d) of dishonesty, especially if persistent, either as part of the behaviour in issue or during the investigation of the allegation (such as trying to cover up the behaviour)
  - (e) that the reputation of the relevant profession would be undermined if the student's programme is not terminated
  - (f) that the student does not appreciate or accept that their conduct or behaviour is inappropriate.
- 62 Where the student has previously received a University Warning, the Panel must **order** termination of the programme unless the Panel considers that there are compelling reasons for not ordering termination, taking into account paragraph 61.
- 63 Where termination of programme is imposed, the matter must be referred to the Programme Board to determine the precise award to be made according to any credits achieved as defined in the Academic Regulations: Taught Programmes (QH:C1). The student must not be awarded a qualification the title of which implies that the student is entitled to practise the profession to which the terminated programme relates. Where appropriate the Programme Board must consult with the relevant regulatory body on the wording of the title.
- 64 Where a student's programme of study is terminated under this Code, the fact of that termination and the reason for it **must** be recorded on the student's record and Official Transcript.
- 65 The University will not, other than in very exceptional circumstances, consider an application for admission to any course, certificate or programme of the University from a student who has previously had their programme terminated under this Code. The decision to admit, and the determination of whether 'very exceptional circumstances' exist, is a matter for the Vice-Chancellor on the advice of the Academic Quality and Learning Manager and Registrar. If the application for admission relates to a professional practice programme the Vice-Chancellor must also consult with the relevant regulatory body before making any decision to admit.

#### **Alternative programmes**

- 66 Where termination of programme is imposed, the Panel may consider whether it is appropriate to transfer the student to another programme being one which is not a professional practice programme. Where it considers that this may be appropriate its opinion must be referred to the Registrar for a final decision in consultation with the Programme Coordinator of the proposed programme, and subject to the student indicating their willingness and commitment to undertaking the alternative programme.
- 67 Where appropriate such a transfer would include the transfer of credit achieved from the terminated programme.

### Penalties for academic misconduct

- 68 Where the Panel determines that the student is unfit to practise by reason of conduct which constitutes Academic Misconduct as defined in the Code on Academic Misconduct (QH:C7), and further determines not to terminate the student's programme, it may apply the tariff of penalties set out in the Code on Academic Misconduct (QH:C7) as it deems appropriate.

### Other consequences

- 69 Where the Fitness to Practise Panel judges the student to be unfit to practise for reasons other than behavioural reasons – such as ill health - the Panel may determine that it is appropriate to allow the student to continue the programme subject to specific supervision and reporting with or without a period of suspension first. The specific requirements of such supervision would be determined by the chair of the Panel in consultation with the relevant Programme Coordinator and the relevant regulatory body. Non-compliance with the terms of such supervision would justify a further hearing by the same Panel (where practicable) and the penalty of termination of programme.

## FRESH EVIDENCE AND RETROSPECTIVE INVESTIGATION

### Fresh evidence

- 70 Where a student, or another person, has relevant evidence which was not considered by a Fitness to Practise Panel in determining a matter, that evidence **must** be presented to the Chair of the relevant Panel. The Chair **must** determine whether, in the light of the fresh evidence, the decision of the Panel should be reconsidered. In making this decision the Chair **must** have regard to whether there were legitimate reasons for the evidence not having been made available to the Panel at the time.
- 71 If the Chair determines that the matter should not be reconsidered, the matter will be deemed closed and the decision confirmed. The student and any other any relevant person **must** be informed in writing without delay.
- 72 If the Chair determines that the matter should be reconsidered they **must** either re-establish the Fitness to Practise Panel, or a new Panel, to consider the matter in accordance with this Code.

### Retrospective investigation

- 73 The completion of the assessment for a module, progression to the next stage of the programme, or the award or conferment of the qualification do not prevent an investigation in accordance with this Code. In investigating any matter, due regard **must** be had to the difficulties for the student of defending such a matter, especially where a significant amount of time has elapsed since the events in question.

- 74 Where the relevant qualification has been awarded or conferred, the Panel may recommend revoking the qualification where the criteria for termination of programme set out in paragraph 61 are satisfied. The revoking of a qualification is subject to the approval of the Academic Board.

## APPEALS

- 75 A student has a right to appeal against a decision of a Fitness to Practise Panel either against:
- (a) the judgement that the student is unfit to practise
  - (b) the penalty imposed.
- 76 An appeal **must** be submitted in writing (using an approved form) to the Registrar, within 20 working days of the date on which the student received written notification of the outcome of the Panel.
- 77 Appeals will be progressed as set out in the Code on Academic Appeals (QH:C11), other than as specified in the following paragraphs.

### Grounds for appeal

- 78 An appeal may be lodged on one of the following grounds, where there is evidence that there:
- (a) are or were very exceptional circumstances materially affecting the student's performance, for which supporting evidence exists, which were not known to the Panel at the time its decision was taken and for which there was a legitimate reason for the circumstances to have not been brought to the attention of the Panel
  - (b) has been a significant procedural irregularity (including administrative error) in the investigation and determination process (e.g. it has not been conducted in accordance with this Code)
  - (c) are reasonable grounds to believe that the decision was influenced by prejudice or bias or lack of proper consideration on the part of one or more members of the Panel.
- 79 There is no right of appeal against the professional judgement of the Fitness to Practise Panel other than on the above grounds.

### Outcome of the appeal

- 80 Where an Appeal Panel determines that the appeal be upheld, it **must** declare the original decision of the Fitness to Practise Panel invalid and direct that the Fitness to Practise Panel reconsider its decision in the light of the evidence presented in the appeal.
- 81 Where the Appeal Panel upholds the appeal, the Academic Quality and Learning Manager may determine that it is appropriate to impose a suspension pending the reconsideration of the allegation by the Fitness to Practise Panel. Where the Academic Quality and Learning Manager considers this appropriate, paragraphs 25-27 apply.

### Right of review

- 82 A student dissatisfied with the outcome of an appeal may seek further review of the decision only as set out in the Code on Academic Appeals (QH:C11).

## MONITORING AND REVIEW

- 83 Academic Quality and Standards Committee will receive an annual report on cases of fitness to practise under this Code including:
- (a) the number of cases upheld or rejected
  - (b) the penalties imposed
  - (c) the profile of students involved, by programme and programme stage and their individual characteristics (such as gender, ethnicity, disability).
- 84 The Committee will make recommendations for appropriate action in the light of the report, and comparison with previous years' reports (where available) regarding the effectiveness of this Code and/or the effectiveness of the University's approach to developing students' professional practise and addressing fitness to practise issues.

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