UNIVERSITY OF WESTMINSTER

Fitness for Registration and Practice Regulations

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Fitness for Registration and Practice Regulations

1. Introduction & Scope

1.1 The University has a particular responsibility in respect of students who are following a programme of study leading to a professional qualification which is registrable with a professional, or statutory or regulatory body, and where such registration is a pre-requisite to practise that profession.

1.2 In addition to conferring the appropriate qualification, the University must be satisfied that the student would be a safe and suitable entrant to the given profession, and thus would be fit for registration and fit to practise.

1.3 In order that the University may discharge these responsibilities, these regulations are specific to students following a course of study leading to specific professional qualifications. A list of these courses can be found at Appendix 1. Courses may be added or removed from this list by application to the Deputy Registrar (Quality & Standards).

1.4 These regulations do not apply to students who already hold a professional qualification which is registrable with a professional, statutory or regulatory body, unless they are also following a programme of study leading to one of the professional qualifications listed in Appendix 1. However, nothing in these regulations shall prevent the University from informing a professional, statutory or regulatory body about a student who is already registered with that body, where:

(a) the student has been found guilty of academic misconduct under the University's Academic Misconduct regulations or a disciplinary offence under the University's Student Disciplinary regulations; or

(b) the student demonstrates behaviour and/or health issues which do not constitute misconduct under the terms of the University's Academic Misconduct or Student Disciplinary regulations, but raise issues of their fitness for registration and practise; and,

(c) there is a legal obligation to inform the professional, statutory or regulatory body about the matters covered by (a) and (b), or in the judgment of the Vice-Chancellor it would be in the public interest to do so.

2. Definitions

For the purpose of these regulations:

2.1. 'Student', unless specifically qualified otherwise, is defined as any person pursuing a regulated course offered by the University, whether or not currently in attendance, suspended, interrupted, recently completed or withdrawn, or on placement. This includes students of a collaborative partner on a regulated course validated by the University, unless otherwise stated in the partnership agreement and agreed at the point of validation.

2.2. 'Regulated Course' is a course listed at Appendix 1, such courses being those that, upon successful completion, entitle the student to register with a professional, statutory or regulatory body, and where such registration is a pre-requisite to being legally permitted to practise the profession that is regulated by that body.

2.3. 'Friend' is defined as a currently registered student of the University, a sabbatical officer of the University of Westminster Students' Union, a member of University staff, or a representative from the relevant professional association (i.e. the trade union or similar for the regulated profession with which the student's course leads to registration).

2.4. 'University' shall be defined as the University of Westminster and shall encompass all activities, property and assets under the formal authority of the Court of Governors, including property occupied by the University of Westminster Students' Union and assets purchased by the Students' Union from public funds.

2.5. ‘Material irregularity’ means the University has not acted in accordance with its own regulations or procedures, or has not acted with procedural fairness, and that this failing on the part of the University is so significant that it has had a material impact on the outcome. I.e. had it not been for this failing the outcome would probably have been substantively different.

3. Definition and remit

3.1 A student shall be deemed to be unfit for registration and practise if they are found by the Fitness to Practise Panel to demonstrate any health condition, behaviour or attitude which would render that student a person not fit to be admitted to and practise the given profession.

3.2 Failings in academic performance shall not fall within the remit of these regulations, but instead should be dealt with under the provisions of the University’s academic regulations.

4. Relationship to other Policies and Procedures

4.1 Where a concern about a student’s fitness to practise relates to academic misconduct or a breach of the student code of conduct, the matter shall in the first instance be referred for action in accordance with the Academic Misconduct Regulations or Student Disciplinary Regulations, as appropriate (see paragraph 8.1 a) below).

4.2 Where, in the course of an investigation of a concern about a student’s fitness to practise, the student makes an allegation about a member of staff, this allegation shall be referred for investigation in accordance with the Student Complaints Procedure, and shall normally be dealt with as a separate matter

4.3 Where it is not clear which procedure should be used, the matter will be determined by the Academic Registrar or nominee.

5. General Principles

5.1. Students involved in fitness for registration and practice procedures shall have the right to be accompanied to any meeting or hearing by a ‘friend’, as defined above. The role of the friend is to provide moral support during a meeting or hearing. They may make representations on behalf of the student. The friend cannot be a witness to the case under consideration. Legal representation is not normally permitted at any meeting or hearing convened under the provisions of these regulations, however, in complex cases, or where the consequences for the student are potentially serious, legal representation may be permitted If a student does indicate that they will be bringing legal representation, it will be at their own expense and if this is the case, then the Panel Secretary may arrange for a legal representative of the University to be present at the Panel hearing. This may mean that the meeting or hearing date will have to be delayed. The process to be observed at all meetings and hearings convened under these regulations is inquisitorial rather than adversarial. It is not a judicial process.

5.2. The University will wherever possible seek to adhere to the time limits outlined in this procedure; however, in cases where there are special circumstances which require variance from specified time limits, students will be advised of the reasons for this by the Officer handling the investigation or hearing.

5.3. Students will be given the opportunity to attend fitness to practise hearings and meetings in person. The University reserves the right, however, to proceed with any investigation or hearing in the absence of a student, subject to the student having been properly notified of the date and time of the hearing, or in cases where criminal proceedings do not allow the student to attend in person.

5.4. The University will make these procedures available to students in accessible formats, where required. The University will also consider if reasonable adjustments are needed to the procedure to account for the individual needs of students, and these will be discussed with the student. A record of adjustments made to the procedure will be kept by the University.

5.5. The University reserves the right not to proceed with any investigation following an allegation against a student if it is considered that there are insufficient grounds or evidence to do so.

5.6. During the application of these regulations, the University reserves the right to adjourn any investigation or hearing and reconvene at a later date.

5.7. The standard of proof to be adopted during the application of these regulations will be the balance of probabilities. In proceeding with a fitness to practise case the burden of proof will be on the University to prove that on the balance of probabilities the student is unfit for registration and practice.

5.8. If it is determined, at any stage, that a false allegation has been made by a student or member of staff with vexatious or mischievous intent, the University may initiate an appropriate disciplinary process against the person or persons making that allegation.

5.9. Written communications will be sent to the student's University e-mail address. Students are expected to check regularly their University e-mail account. Written communications may also be sent to the current term-time address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that these contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these regulations, nor will it be accepted as grounds for appeal.

5.10. All references to the Academic Standards Manager include their nominees who are working under their authority, or other appropriate officer nominated by the Academic Registrar.

5.11. The University will do all in its power to limit the disclosure of information as is consistent with conducting an investigation and the provisions of the Human Rights Act, the Data Protection Act, the Freedom of Information Act and any other relevant legislation.

5.12. The purpose of the procedures described in these regulations is to obtain all relevant facts and to reach a fair decision based on the evidence available. The process to be observed at all hearings and meetings convened under these regulations is inquisitorial rather than adversarial. It is not a judicial process. The civil standard of proof that is the balance of probabilities i.e., whether it is more likely than not, the concern has been proven, is applied to these procedures.

5.13. Any student subject to proceedings in accordance with these regulations may obtain advice and guidance from the Academic Standards Manager or from the Students' Union.

6. Misconduct that is also a criminal offence

6.1 Where a police investigation or criminal proceedings have been or are likely to be initiated in relation to the alleged conduct, the University may suspend the Fitness to Practise process (at any stage) until such investigation/proceedings have been concluded. The Fitness to Practise process may be resumed at any stage should the University deem that to be necessary in the circumstances.

6.2 Where criminal proceedings have been initiated and concluded, the Head of College will make a decision whether further action under this Procedure is required (see paragraph 8.1 below).

6.3 When action is taken following a conviction that amounts to misconduct, conviction shall be taken as confirming the facts relevant to the complaint and shall not be open to challenge.

6.4 Where the student has been acquitted the University will take into account the decision of the court. However, it may be the case that it is reasonable and within the University's interests to pursue outstanding matters of concern to the University that have not been addressed.

6.5 Where, following an initial investigation, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting further investigations and/or instigating disciplinary and/or Fitness to Practise proceedings in respect of outstanding matters of concern to the University that have not been addressed.

7. Precautionary Action Pending Investigation

7.1 Circumstances may arise where a student, required as part of their teaching and learning activity to participate in activities in a professional setting (including clinics, schools and offices) demonstrates behaviour, attitudes or a health concern such that, in order to prevent harm to members of the public (including patients, pupils, clients or other service users), members of staff, fellow students or themself, or in order to protect the good order of the professional setting, the student must immediately be denied access to that professional setting.

7.2 Such circumstances may arise either as a result of a known or pre-existing behavioural, attitudinal or health issue, or as a result of an issue that presents 'on the day' in the professional setting, and may include (but will in no way be limited to) the following:

i) A student has been directly implicated in an incident with a patient, pupil, client or service user that either led or may have led to significant harm to that patient, pupil, client or service user;

ii) A student has been convicted of a crime or is being investigated in relation to a crime that brings their fitness to practice into question;

iii) A student has been directly implicated in an incident with a patient, pupil, colleague, or member of staff, client or service-user that leads to serious concerns about the student's professional behaviour;

iv) A student's health and/or behaviour is a cause for concern in terms of its impact on themselves, the care of patients or relationships with colleagues, members of staff, pupils, clients or service-users.

7.3 In such circumstances, the Head of College or nominee (in the case of a known or pre-existing issue) or the person responsible for the management of that professional setting (in the case of an issue that presents 'on the day') shall, where in their judgement the criteria stated at 7.1 above are met, be empowered to exclude the student from that professional setting.

7.4 Precautionary action in itself is not a penalty or sanction and will not form part of the case against a student. The power to exclude under this provision is to protect members of the public, members of the University community, or the good order of a professional setting, and the power shall be used only where the Head of College or the person to whom the power has been delegated is of the opinion that it is urgent and necessary to take such action.

7.5 Any exclusion enacted under these procedures shall relate only to the student's attendance at or participation in teaching and learning activities within a professional setting. Any requirement to exclude a student from other teaching and learning activities, or from the University or from their studies more generally, should be progressed in accordance with the

appropriate regulations or policy, including the Fitness to Study Procedure or the Student Disciplinary Regulations.

7.6 Where the exclusion is enacted by the person responsible for the management of the professional setting following an issue that presents 'on the day', the exclusion shall normally be for that day only and the personal responsible shall notify the student's Course Leader and Head of College as soon as is practicable. There shall be no right of appeal. The Head of College or nominee may enact a longer period of exclusion from the professional setting in accordance with paragraph 7.11.

7.7 Where the exclusion is enacted by the Head of College or nominee as a result of a known or pre-existing issue, including following notification of an 'on the day' exclusion by a person responsible for the management of the professional setting in accordance with paragraph 7.6 above, the reasons for the exclusion may be communicated orally in the first instance. Where this is the case, written confirmation outlining the reasons for this decision and the student's right to make written representation to the Head of College will be sent by the Head of College or nominee within five working days.

7.8 The Head of College shall review the exclusion every eight weeks in the light of any developments, or following any representations made by the student or anyone else on the student's behalf. The student will be responsible for informing the Head of College of any developments which may have implications for the terms of the exclusion. Such a review will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations.

7.9 Following any exclusion under these emergency powers, the Head of College or nominee will normally refer the student for consideration by the Fitness to Practise Panel Hearing. The Head of College would only not refer the student to the Fitness to Practise Panel Hearing where the Head of College is satisfied that the issue resulting in the exclusion was either an isolated or time-limited occurrence or does not otherwise present an ongoing or substantive concern that would render the student unfit to be admitted to and practise the given profession.

7.10 Where the Head of College does not refer the student to the Fitness to Practise Panel Hearing, the exclusion shall be time limited, normally to a maximum of two weeks.

7.11 The exclusion shall normally remain in place until such time as the Head of College or nominee is satisfied that there is no longer any risk of harm to any person or to the good order of the professional setting were the exclusion to be lifted, or until Fitness to Practice proceedings have been concluded with a determination that the student is not unfit for registration and practice (see paragraph 11.3), or the expiry of any time limited exclusion in accordance with paragraph 7.7, whichever is sooner.

8. Referral to the Fitness to Practise Panel Hearing

8.1 There shall be two possible routes of referral to the Fitness to Practise Panel Hearing:

(a) *Misconduct*: where a student is found guilty of misconduct under either the Academic Misconduct regulations or the Student Disciplinary regulations, or as a result of criminal proceedings, the findings of the Panel or the Court shall be notified to the appropriate Head of College. The Head of College shall consider the findings and shall determine whether the case should be referred to the Academic Standards Manager for consideration by the Fitness to Practise Panel Hearing; or

(b) *Other matters justifying referral*: where a student demonstrates behaviour and/or health issues which do not constitute misconduct under the terms of either the Academic Misconduct regulations or the Student Disciplinary regulations, but which raise issues of fitness for registration and practice, a preliminary investigation will take place in accordance with regulations 8.2 – 8.14 below.

8.2 The purpose of the preliminary investigation is to decide whether there is a case to answer. The preliminary investigation must be proportionate, weighing up the interests of patients/clients/ the public and the requirements of the relevant professional body, against those of the student.

8.3 The individual raising the concern should notify the Head of School, or nominee in writing, attaching any relevant evidence. The person raising the concern is encouraged to identify themselves to the Head of School (or nominee), as anonymously raised concerns will only be considered in exceptional circumstances. Where the Head of School, or nominee, considers that a concern raised by a University of Westminster student or member of staff is vexatious or malicious, the matter may be referred for consideration at the appropriate level under Student Disciplinary Procedures or the Staff Disciplinary procedures respectively. Employers and/or placement providers may be notified of the concern if appropriate.

8.4 On receiving the report of a concern, a preliminary investigation will be carried out by the Head of School or relevant senior staff member from the College appointed by the Head of School [the 'Case Investigator'] to ascertain whether there are grounds for concern regarding a student's fitness to practise. The Case Investigator should have had no previous involvement with the case. In order to make an informed judgement about the impact of any concern on the student's fitness to practise, the Case Investigator will normally be a member (though not necessarily a practising member) of the relevant profession.

8.5 The Investigation will be started as promptly as possible, and normally within 10 working days of the date of the referral being made. The University reserves the right to extend this period during holidays.

8.6 As part of the investigation the Case Investigator will:

- Identify any other relevant witnesses and any other individuals involved and either interview these individuals or obtain written witness statements.
- Seek documentary evidence where appropriate (e.g. emails, incident reports, logs from relevant University systems or other relevant evidence).
- Arrange a preliminary meeting with the student.

8.7 Where a preliminary meeting is required with the student, the Case Investigator will write to the student at least 5 working days before the preliminary meeting date with the following information:

- invite the student to attend a preliminary meeting, providing the date, time and place of the meeting;
- provide the student with copies of all the relevant documents related to their case. In limited circumstances (e.g. a risk of harm to the witness), a witness's identity may be kept confidential unless to do so would prejudice the fairness of the proceedings;
- set out the concern(s) against the student, the basis of the concern(s) and the possible outcomes of the preliminary investigation.
- advise the student that they may contact the Students' Union for guidance and may be accompanied at the meeting by an adviser from the Students' Union or by a friend (see definition of friend)
- the student will also be invited to submit a written statement within 3 working days of the meeting.
- advise the student if they fail to attend the meeting without reasonable explanation, the meeting may proceed in the student's absence. The Case Investigator shall decide in their absolute discretion what constitutes "reasonable explanation".

8.8 Following the completion of the investigation and after consideration of all evidence gathered, (e.g. preliminary meeting with student, meeting with witnesses, and other interested parties), the Case Investigator will provide a written outcome of their investigation within 5 working days of the preliminary meeting to the student and Head of College.

8.9 Where it is determined by the Case Investigator that there is no case to answer, no further action will be taken, the case will be closed and the individual who made the referral will be informed.

8.10 Where the Case Investigator considers that the concern raises issues of fitness for registration and practice, the Case Investigator will take one of the following actions:

a. place conditions on the student with an action plan to allow the student to improve their conduct. This may include referring the student to relevant training, Disability Services or occupational health. The conditions will be reviewed within 2 months of being issued;

b. refer the case to the Head of College with a recommendation that the matter be considered by a Fitness to Practise Panel Hearing (paragraph 9 below)

8.11 Where the Head of College determines under regulation 8.1 (a) or 8.1 (b) that a case should be referred for consideration by the Fitness to Practise Panel Hearing, the Head of College shall notify the Academic Standards Manager in writing as soon as possible.

8.12 The Academic Standards Manager may only act in those cases that have been notified to them under Regulation 8.1 (a) or 8.1 (b).

8.13 Upon receiving notification from the Head of College, the Academic Standards Manager shall convene a meeting of the Fitness to Practise Panel Hearing.

8.14 Where a case is referred to the Academic Standards Manager under Regulations 8.1 (a) and the student is appealing the findings, the Academic Standards Manager shall not take action to convene a meeting of the Fitness to Practise Panel Hearing until the appeal has been heard, and subject to the provision that the Appeal Committee has rejected the appeal.

9. Fitness to Practise Panel Hearing

9.1 The terms of reference of the Fitness to Practise Panel Hearing shall be:

(a) to consider cases referred to it by the Academic Standards Manager;
(b) to determine, on the basis of the findings and evidence presented to it, whether students referred to it are unfit for registration and practise;
(c) to make orders as set out in Regulations 9.2 and 9.3 below; and
(d) to advise Academic Council on issues relating to fitness for registration and practice.

In reaching a view with regard to fitness for registration and practice, the Panel shall take account of any relevant codes of practice or guidelines issued by the appropriate regulatory body.

9.2 The membership of the Fitness to Practise Panel Hearing shall be:

a) a Chair, who shall be appointed by the Vice-Chancellor;

b) two professional members, who shall be senior members of the given profession. The professional members may, but need not, be members of the academic staff of the University or of any other higher education institution;

c) one lay member, who shall be a member of the academic staff of the University from a College other than that in which the student is registered and shall not be a member of any profession which falls within the remit of these regulations. The role of this member is to represent the interests and perspective of the general public.

No one will serve on the Fitness to Practise Panel Hearing who has prior knowledge of the case to be considered or who has other knowledge of, or prior contact with, the student which might cause the person to be biased against the student who is before the Committee.

9.3 All members must be present for a hearing of the Fitness to Practise Panel Hearing.

9.4 Where a case has been referred to the Fitness to Practise Panel Hearing following a finding of guilt under the Academic Misconduct Regulations or the Student Disciplinary Regulations, or following criminal proceedings, it is not the role of the Fitness to Practise Panel Hearing to re-hear the original case. The Panel shall accept all findings of fact as determined through the Academic Misconduct or Disciplinary procedure, or through criminal proceedings, and shall not be empowered to revisit any such findings.

10. Fitness to practise hearing procedure

10.1 The Academic Standards Manager will convene a hearing of the Fitness to Practise Panel Hearing as soon as possible and normally within thirty working days following notification of the requirement to hold a Hearing.

10.2 The Academic Standards Manager shall write to the student, normally within five days of receipt of the notification from the Head of College. The letter shall:

- 10.2.1 advise the student of the case that has been brought by the Head of College;
- 10.2.3 advise the student that the case will be considered by a Fitness to Practise Panel Hearing;
- 10.2.4 enclose all evidence received to date;
- 10.2.5 enclose a copy of these regulations, drawing particular attention to paragraph 9.4 above;
- 10.2.6 advise the student that they will be notified of the date of the Hearing in due course;
- 10.2.7 advise the student of their right to attend the Hearing, to submit a written statement, to call witnesses[1] to attend the Hearing (and that it will be the Student's responsibility to arrange attendance), and for witnesses to submit written statements;
- 10.2.8 advise the student of their right to be accompanied at the Hearing by a Friend, and who may act as a Friend (see definition of Friend).

10.3 The Academic Standards Manager, acting as Secretary to the Panel, shall identify witnesses and other individuals who might be able to facilitate the establishment of the facts of the case. The Academic Standards Manager shall invite all such individuals to submit a written statement detailing what they know of the case, and to attend the Hearing. Such individuals cannot be compelled to attend the Hearing; however, the Head of College bringing the case would normally be expected to attend.

10.4 The student against whom the case is being brought may also invite witnesses to submit a written statement and to attend the hearing. The names of any such witnesses, along with any written statements, must be submitted to the Academic Standards Manager at least four working days before the Hearing in order to allow the Panel sufficient time to consider the documentation.

10.5 The student may also submit a written statement in support of their case. This must be submitted to the Academic Standards Manager at least four working days before the Hearing.

10.6 Once the date of the Hearing is confirmed and all evidence has been received, the Academic Standards Manager shall write to the student again, at least ten working days in advance of the hearing. This letter shall:

- 10.6.1 confirm the date, time and venue of the Hearing;
- 10.6.2 inform the student of the names of the Panel members and their right to declare their objections on grounds of potential impartiality to the Academic Standards Manager. The Academic Standards Manager will determine if the Panel membership is to be revised, in which case the hearing will be re-arranged.
- 10.6.3 set out in detail the case that has been made;

[1] Note that in accordance with paragraph 7.4, 'witnesses' would not include witnesses to a misconduct or disciplinary incident where the findings of fact in relation to that incident have already been determined, as the Fitness to Practise Hearing is not empowered to revisit those findings of fact.

10.6.4 enclose and itemise all evidence in support of the case which the Hearing will be considering
10.6.5 invite the student to submit a written statement and any other evidence in support of their case, including witness statements, and confirm the deadline for their submission;
10.6.6 remind the Student of their right to be accompanied by a Friend who may speak on their behalf (see definition of Friend);
10.6.7 invite the Student to submit the names of any and all witnesses that they will be calling to attend the Hearing, and confirm the deadline for this submission;
10.6.8 enclose a copy of these Regulations, drawing particular attention to paragraph 9.4 above;
10.6.9 advise the student that should they fail to attend without reasonable explanation, the Hearing will proceed in their absence. The Chair will have discretion as to what constitutes a 'reasonable explanation'.

10.7 Following the deadline for receipt of the student's submission of written statements, evidence, and names of witnesses, the Academic Standards Manager will collate all documentation and, at least three working days before the Hearing, circulate to Panel members and to the student, along with an agenda and an itemised list of all evidence to be considered.

10.8 The Panel shall have absolute discretion to regulate its own procedures, but will normally conduct its hearing as follows:

10.8.1 the Chair will explain the process to be followed, will detail the case that has been brought, and will summarise the evidence that has been received in support of that case;
10.8.2 the Head of College will present their case;
10.8.3 the student will present their case;
10.8.4 the Panel will ask questions of the Head of College, the Case Investigator, the student and all witnesses;
10.8.5 the Student will have the opportunity, through the Chair, to ask questions of the Head of College and any witnesses, and to make a final presentation to the Panel;
10.8.6 the Panel will deliberate in private;
10.8.7 the Chair will present the findings and the reasons for the decisions of the Panel, or advise the Student(s) that these will be forwarded to them in writing, normally within five working days of the Hearing;
10.8.8 a formal record shall be kept of the Panel meeting.

10.9 In accordance with paragraph 9.4 above, neither the student nor the Panel may challenge the findings as previously determined under the provisions of either the Academic Misconduct regulations or the Student Disciplinary regulations.

10.10 The Academic Standards Manager, or nominee, shall act as Secretary to the Panel.

10.11 The Panel may decide to adjourn taking a decision pending clarification of evidence or conduct of further internal or external investigations.

10.12 The Panel may also call upon other persons (whether members of the University or not) to provide advice on specific aspects of the case, either in person or in writing, provided that the names of any such persons have previously been made available to all parties.

10.13 All decisions of the Panel will be reached by a majority vote of the Panel members but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential. In the event of a tie, the Chair will have an additional casting vote.

11. Outcome of hearings

11.1 Based on the previously determined findings and the evidence submitted to the Panel, the Panel is required to reach one of the following decisions:

(a) that the student is unfit for registration and practise; or

(b) that the student is not unfit for registration and practise.

11.2 Where the Panel finds that the student is unfit for registration and practise, it will make one of the following orders:

(a) that the student should undergo medical treatment or other appropriate remedial action, during which the student may be suspended. In such cases a time limit must be specified, and continuation on the programme shall be at the discretion of the Head of College and the Chair of the Fitness to Practise Panel. Where the student is not permitted to continue, the studentship will be terminated.

(b) that the student is withdrawn from their programme of study leading to a professional qualification but that the student may be permitted to seek admission to a suitable alternative academic qualification;

(c) that the student's registration on the programme of study be terminated; the Panel should consider whether the student can be given an exit award in line with the University's academic regulations

11.3 Where the Panel finds that the student is not unfit for registration and practise, no further action will be taken.

11.4 The decision and order, together with reasons for the Panel's decision, will be communicated to the student and the relevant Head of College and any other interested parties within 5 working days. A copy of the findings, decision and order will be placed on the student's file, and the student advised that the findings may be taken into consideration in the event of any future hearings by the Fitness to Practise Panel. Where a student's registration has been terminated on the grounds that they are unfit for registration and practise, the findings, decision and order will be communicated to the relevant regulatory body.

12. Appeal

12.1 Following a hearing by the Fitness to Practise Panel, an appeal submitted by the student against the decision of the Panel may be allowed, subject to the discretion of the Academic Registrar as specified in Regulations 12.2 and 12.3 below.

12.2 An appeal must be requested in writing and lodged with the Academic Registrar, within 14 working days of the date of written notification of the decision which is to be the subject of the appeal. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.

12.3 The Academic Registrar will allow an appeal to be heard if they are satisfied that either or both of the following criteria apply:

(a) that there is new evidence that could not have been, or for good reason was not, made available at the time of the hearing, and sufficient evidence remains that the appeal warrants further consideration;

(b) that there has been material irregularity in the conduct of the Fitness for Registration and Practice process.

12.4 The Academic Registrar will have the discretion to take into account grounds other than those stated above in deciding whether to allow an appeal to be heard.

12.5 If the Academic Registrar decides to allow an appeal to be heard they will appoint an Appeal Committee. They will advise the student, in writing, of their decision on the appeal application, normally within 28 days of its receipt. In the event that an appeal is rejected, reasons will be given.

12.6 The Appeal Committee will have the following terms of reference:

(a) to consider appeal cases referred to it by the Academic Registrar and determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at by the original committee;
(b) to make orders as detailed in Regulation 12.18 below;
(c) to advise Academic Council on issues relating to fitness for registration and practise.

The Secretary shall be the nominee of the Deputy Registrar (Quality and Standards).

12.7 The membership of the Appeal Committee shall be:

(a) a Deputy Vice-Chancellor, or other senior staff member nominated by the Vice-Chancellor (Chair);
(b) one member, nominated by the Academic Registrar from among the senior members of the University's academic staff;
(c) One professional member, who shall be senior member of the given profession. The professional member may, but need not, be members of the academic staff of the University or of any other higher education institution;
(d) one student member nominated by the Students' Union.

No member of the Appeal Committee will be:

(e) a member of the Fitness to Practise Committee which made the decision against which the appeal is made;
(f) a member of staff or student of the same College as the student;
(g) someone who has been directly concerned with matters relating to the order; or
(h) someone who has a direct interest in the case.

12.8 The quorum for the Appeal Committee will be three.

Appeal Committee procedure

12.9 For the purpose of the hearing, a decision by the Appeal Committee on any point of procedure will be binding.

12.10 The Deputy Registrar (Quality and Standards), or nominee will send written notice of the Appeal date, together with copies of all papers to be considered by the Appeal Committee, to the student at least 14 days before the hearing date. If the student wishes to present any further evidence, this material must be supplied to the Deputy Registrar (Quality and Standards), or nominee at least seven days before the Appeal date. The Deputy Registrar (Quality and Standards), or nominee will supply the members of the Appeal Committee, at least seven days in advance of the hearing, with the grounds for appeal with supporting documentation, the papers presented at the hearing from which the appeal arises and a statement from the Head of College and/or Chair of the Fitness to Practise Committee in response to the grounds for appeal.

12.11 The student will have the right to be present during the hearing except as provided for in Regulation 12.14 below.

12.12 The student making the appeal, or their representative will present their case against the decision.

12.13 The Appeal Committee will consider the documents outlined in Regulation 12.10 above and may call persons connected with the proceedings from which the appeal arises to address the Committee, provided that the names of any such persons have previously been made available to all parties.

12.14 The Appeal Committee may, at its discretion, at any time during the hearing of an appeal order the room to be vacated or may itself move to another room for private discussion. Only the Committee and the Secretary to the hearing will be entitled to be present at such times.

12.15 The Appeal Committee will normally reach its decision without adjournment but may adjourn for a period not exceeding seven days for the purpose of deciding on the order to be made upon the appeal.

12.16 The decision of the Appeal Committee will be reached by a majority vote of the members of the Committee and will be announced as the decision of the Committee. The votes of individual Committee members will be treated as confidential.

Appeal Committee outcome

12.17 The Appeal Committee may reject the appeal or uphold the appeal.

12.18 Where the Appeal Committee upholds the appeal, the Committee may order one of the following measures:

(a) that the decision of the Fitness to Practise Panel Hearing be set aside and that the Fitness to Practise Panel Hearing re-hear the case;

(b) that the decision and/or order of the Fitness to Practise Panel Hearing be modified or reversed.

12.19 The decision and order of the Appeal Committee, together with its reasons, will be announced by the Chair and will be sent in writing normally within seven days of the appeal hearing to the student, and to the Chair of the Fitness to Practise Committee from which the appeal arose. In communicating the decision of the Appeal Committee, the Chair will indicate the grounds upon which the decision is based.

12.20 A decision of the Appeal Committee will be final.

13. The Office of the Independent Adjudicator for Higher Education (OIA)

13.1 Following the completion of the University's internal procedures, the student may be eligible to apply to the Office of the Independent Adjudicator (OIA) for an external review of the appeal. Information of the OIA's procedures are available online: www.oiahe.org.uk

Appendix 1

List of Regulated Courses

Course	Regulating PSRB
BA Architecture	Architects Registration Board (ARB) & Royal Institute of British Architects (RIBA)
MArch	Architects Registration Board (ARB) & Royal Institute of British Architects (RIBA)
PG Dip Professional Practice Architecture	Architects Registration Board (ARB) & Royal Institute of British Architects (RIBA)
MSc Chinese Herbal Medicine	Register of Chinese Herbal Medicine (CHM)
FdSc Nursing Associate FdSc Nursing Associate (Apprenticeship)	Nursing and Midwifery Council (NMC)
MSc Physician Associate Studies PGDip Physician Associate Studies PGDip Clinical Studies PGCert Clinical Studies	General Medical Council (GMC) UK
BSc Human Nutrition	Association for Nutrition (AfN)
MSc Sport & Exercise Nutrition	Association for Nutrition (AfN)

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