



Fitness to Practise Procedure

2024-25

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Fitness to Practise Procedure 2024-25

1. Introduction

Scope of the Fitness to Practise Procedure

- 1.1. All University students are required to comply with the regulations of the University regarding conduct. Students enrolled on courses where a practical professional placement is required (including health, social work and education) have additional responsibilities placed upon them regarding not only their conduct but also their professional suitability, as outlined in relevant regulatory and/or professional body codes of practice. Failure to meet these responsibilities can lead to the *Fitness to Practise Procedure* being invoked. Students will be notified on registration if their course of study is subject to the terms of this procedure.
- 1.2. The *Fitness to Practise Procedure* applies to all relevant courses leading to awards of the University of Essex, although the office holders identified in Sections 2 and 3 below may be adapted where the course is offered through a partner institution of the University.
- 1.3. The *Fitness to Practise Procedure* is not intended to replace the *Student Membership and Disclosure and Barring Service Check Policy and Procedure*, *Code of Student Conduct*, *Academic Offences Procedures*, or *the Study and Wellbeing Intervention Policy and Procedure*, though the outcome of a case raised under these procedures for a particular student might also raise issues of fitness to practise. Where a conviction, caution or reprimand comes to light as part of the DBS checking process, the matter is considered in accordance with the *Student Membership and Disclosure and Barring Service Check Policy and Procedure*. Where a student allegedly commits an act that is actionable under the University's *Code of Student Conduct* or academic offences regulations consideration will be given by the Student Progress Team, on a case by case basis, to the most appropriate route for investigation of the allegations. Whichever procedure is initially followed it will normally be completed prior to instigating any action under a second procedure, where appropriate. The University will always initiate the Fitness to Practise Procedures at the earliest opportunity and any decisions to suspend the proceedings whilst another procedure is completed will be kept under review. In all cases the student will be informed in writing of the procedural route to be followed.
- 1.4. Where a student is already a practising professional who is registered with a professional or regulatory body, and the facts of the concern have already been found proven by a Committee acting under one of the University's other disciplinary procedures (Code of Student Conduct or Academic Offences) a decision may be taken by a departmental Professional Suitability Group

to report the issue to the relevant PSRB rather than referring the case to a Fitness to Practise Committee. Such a report shall be subject to consultation with the Academic Registrar or their nominee as outlined in paragraph 2.40.

- 1.5. In the event of concerns that a student may not be suitable for engagement in the relevant profession, the University's *Fitness to Practise Procedure* shall be invoked. A student may at any time be suspended or precluded from further study by the University if a concern is raised under the *Fitness to Practise Procedure*. The procedure for temporary exclusion or suspension of a student is outlined in [appendix 1](#).
- 1.6. The University may disclose details of a case where a student has been or is currently subject to the fitness to practise procedures to third party organisations, where it is deemed to be a requirement of a professional, statutory or regulatory body; and/or required by law; and/or in the public interest to minimise risk to public safety; and/or in accordance with any information sharing agreement. This may include the disclosure of relevant information as part of references to other further or higher education providers and/or employers.
- 1.7. Students also have a duty to disclose details of any concerns considered by a Fitness to Practise Committee to third party organisations and/or professional, statutory or regulatory bodies. Concerns considered and rectified under the Early Resolution Process will not normally be reportable.
- 1.8. In the situation where the support of a designated signatory is required for a student to register with a professional or regulatory body, and a case arises following a student's graduation and where the alleged incident took place during the student's period of study, the *Fitness to Practise Procedure* will be followed and a Fitness to Practise Committee will make a recommendation as to whether the required support can be given.
- 1.9. Schools/Departments/Centres (hereafter referred to as Schools) that are running courses where students are subject to the *Fitness to Practise Procedure* will establish a School Professional Suitability Group as outlined in [appendix 2](#) of this procedure.
- 1.10. Where within the *Fitness to Practise Procedure* it states that a nominee may act on behalf of the Head of School, the nominee(s) must be members of academic staff approved by the Pro-Vice-Chancellor (Education) or nominee.

What is a Fitness to Practise concern?

- 1.11. Concerns about a student's fitness to practise may be raised from any source, including any member of staff, student, placement partner, member of the public, the Occupational Health Service or other agencies such as the Police or Social Services. Concerns about fitness to practise may involve a range of actions or omissions relating to professional conduct or professional suitability but may include any of the following:
 - a. actions that are harmful to service users, other members of the public or service providers

- b. actions that are likely to constitute an unacceptable risk to the student or others
- c. failure to disclose information about previous matters relating to their professional suitability prior to registration on the course, including health, previous convictions and cautions
- d. contravention of the relevant professional code of conduct
- e. concerns about health¹, disability, or wellbeing, including a failure to seek appropriate medical treatment or other support; unreasonable failure to follow medical advice or care plans and treatment resistant conditions which might impair fitness to practise
- f. actions that are prejudicial to the development or standing of the profession.

Timescales

- 1.12. The University will aim to complete the fitness to practise proceedings as quickly as possible and within 40 working days of the student being informed of the concerns. The University will aim to complete the appeal proceedings within 20 working days from receipt of an appeal form and supporting evidence.
- 1.13. There will occasionally be circumstances when, for good reason, the University will need to extend the timeframe. Where this is the case the University will notify the student and keep the student regularly informed of progress. While every effort will be made to comply with the time limits set out above if a time limit is exceeded it shall not invalidate the outcome of the fitness to practise proceedings and it shall not imply any right of appeal.
- 1.14. The term 'working days' used within this procedure, refers to days Monday to Friday when the University is open.

Support, Representation and Reasonable Adjustment

- 1.14. All students involved in procedures have the right to be accompanied by a fellow student, a member of staff, a representative of SU Advice or the Students' Union, or their Professional or Trade Union Representative, or equivalent in Partner institutions, at any meetings conducted as part of this Procedure. Where a Professional or Trade Union Representative is accompanying a student, the student must inform the Student Progress Team or Investigating Officer, as

¹ At 1.10e by health we are not referring to pre-existing medical conditions or disabilities that the student has already and where reasonable adjustments have been made to enable the student to access their study. Cases will be considered where disability prevents the student meeting the core competencies after adjustments have been considered or made or where this has implications for the safety of the student, patients, service users or colleagues.

appropriate, of who the representative is in advance of a Committee or investigatory meeting. Whoever accompanies the student must not be involved in the case. As the Fitness to Practise Procedure is not a criminal process, legal representatives are not permitted to be present at any stage of the process.

- 1.15 Any student involved in this Procedure who has a confirmed disability, specific learning difficulty, and/or mental health condition may be accompanied by a member of staff from the Student Wellbeing and Inclusivity Service. A student may not bring anyone to a meeting who is not a member of the University unless this has been agreed as a reasonable adjustment under the Equality Act 2010, or they are the student's Profession or Trade Union Representative. Students will be offered reasonable adjustments to assist them in any meetings. Adjustments will be relevant to the student's disability and/or their specific learning disability and may involve additional external support. A representative can speak on your behalf if you might otherwise be at a disadvantage. If you think you may need a reasonable adjustment, please contact the Student Progress Team at the earliest opportunity.

2. Procedure for dealing with concerns about a student's fitness to practise

- 2.1. Where an allegation is raised about a student's fitness to practise and immediate action is required to safeguard all relevant parties, the Course Director or Professional Lead or equivalent, in consultation with the Head of School or their nominee shall have the power to remove a student from placement with immediate effect for up to five working days, or to prevent the commencement of a placement for up to five working days from the receipt of the allegation. This action shall be taken without prejudice to the outcome of any enquiry. Any decision on further action shall be taken by the Professional Suitability Group under Section 2.4 of the *Fitness to Practise Procedure*.
- 2.2. Concerns about the fitness to practise of a student shall be made in writing to the Professional Suitability Group of the School offering the professional course.
- 2.3. It must be borne in mind that an allegation raising concerns about fitness to practise is a serious and potentially defamatory one. Consequently, it is essential that the proceedings should be conducted on a basis of strict confidentiality.
- 2.4. On receipt of a written allegation, the Professional Suitability Group, in consultation with the relevant Course Director or equivalent:
 - a. Shall take such immediate action as is deemed appropriate in the circumstances to safeguard all relevant parties, but without prejudice to the outcome of the enquiry. This may include a decision to request a temporary exclusion as outlined in appendix 1 of this procedure.

- b. On receipt of an allegation shall write promptly to the student to inform them of the nature of allegation made, the action taken under 2.4a above and the procedures for dealing with the allegation
- c. normally within fifteen working days of the receipt of the allegation either:

- decide no further action is required, or
- appoint an Investigating Officer from the list approved by the Academic Registrar, or their nominee, for this role.

2.5. The Professional Suitability Group shall consider the allegation in a timely fashion and shall:

a. Decide either

- no further action is required, or

where an issue is very minor in nature and does not require further investigation but the student might benefit from further discussion, take no further action under the Fitness to Practise Procedure but refer the student to an appropriate individual, such as their Personal Tutor or Programme Lead for advice, discussion and support, or

- to appoint an Investigating Officer from the list approved by the Academic Registrar, or their nominee, for this role or
- If the student is a practising professional, registered with a professional or regulatory body, and the concern has already been found proven by a formal committee meeting in accordance with either the Academic Offences Procedure or the Code of Student Conduct, the Professional Suitability Group may report the concern to the relevant PSRB, subject to consultation with the Academic Registrar or their nominee as outlined at 2.4, rather than taking further action under the Fitness to Practise Procedure

b. Confirm the decision of the Professional Suitability Group to the student in writing.

2.6. The Investigating Officer shall impartially assemble the evidence relevant to the case in a timely manner.

2.7. Appropriate methods for gathering evidence will normally include:

- interviewing the student concerned, who may be accompanied by a fellow student a member staff, a representative of SU Advice or the or the Students' Union, or their Professional or Trade Union Representative or equivalent in Partner institutions

The interview may include:

- interviews with relevant University staff, students, professional or practice partner colleagues

- obtaining a written professional opinion on the effect of the student's behaviour or state of health/well-being on their fitness to practise.
- 2.8. Investigating Officer shall prepare a written report for the Professional Suitability Group, in a timely manner to enable prompt consideration of the case. The report shall not pass judgement nor recommend a particular course of action.
- 2.9. The Professional Suitability Group will meet to consider the Investigating Officer's report. The student shall be notified of the date of the meeting.
- 2.10. The Professional Suitability Group will decide:
- a. to dismiss the case
 - b. where there is a very minor concern but the student might benefit from further discussion, take no further action under the Fitness to Practise Procedure but refer the student to an appropriate individual, such as their Personal Tutor or Programme Lead for advice, discussion and support, or
 - c. to issue an Early Resolution Agreement with the student to undertake remedial action(s) and/or adhere to conditions as deemed appropriate by the Professional Suitability Group. This forms the 'Early Resolution Process' (see section 2.12 onwards). Such action will only be taken where the circumstances of the case present a low level risk, and it is deemed appropriate that a student undertake action to rectify the concerns raised in relation to their fitness to practise; or
 - d. to refer the case to a Fitness to Practise Committee (see section 2.19 onwards), due to the severity of the case; or
 - e. if the student is a practising professional, registered with a professional or regulatory body, and the concern has already been found proven by a formal committee meeting in accordance with the either the Academic Offences Procedure or the Code of Student Conduct, the Professional Suitability Group may report the concern to the relevant PSRB, subject to consultation with the Academic Registrar or their nominee as outlined at 2.4, rather than taking further action under the Fitness to Practise Procedure
- 2.11. The Professional Suitability Group shall confirm their decision to the student in writing within five working days of the Group meeting. The student will be informed of the reason for the decision and if applicable, details of any further action that will be taken under Section 2.10b. or Section 2.10c.

Early Resolution Process

- 2.12. In issuing an Early Resolution Agreement the Professional Suitability Group will provide details in writing of:
- Any actions and/or conditions required of the student;

- The timescales applicable to any actions and/or conditions and the date that the Early Resolution Agreement will be reviewed
 - A named individual for the student to contact during the period of the Early Resolution Agreement and who must be contacted by the student if they are unable to meet any of the requirements of the agreement.
- 2.13. The student should confirm in writing, within five working days of the decision of the Professional Suitability Group, their decision to accept the requirements of the Early Resolution Agreement in full.
- 2.14. Should the student not accept any or all of the requirements of the Early Resolution Agreement, or in the event that the student fails to respond within five working days of decision of the Professional Suitability Group without good reason, their case shall be referred to a Fitness to Practise Committee.
- 2.15. In the event that further concerns are raised regarding the student's Fitness to Practise during the period of an Early Resolution Agreement, the Professional Suitability Group shall reserve the right to suspend or terminate the agreement and consider the concerns in accordance with section 2.5. Following consideration of further concerns the Professional Suitability Group may decide to:
- a. Take no further action (2.5a) and may reinstate the Early Resolution Agreement;
 - b. Appoint an Investigating Officer (2.5 b.) to conduct an investigation in accordance with sections 2.6. to 2.8. The Professional Suitability Group will consider the Investigating Officer's report in conjunction with the concerns outlined in the Early Resolution Agreement (2.8). Where the further concerns are dismissed, the Professional Suitability Group may reinstate the Early Resolution Agreement.
- 2.16. The student should ensure the timely completion of any actions and/or compliance with any conditions established throughout the duration of their Early Stage Resolution Agreement.
- 2.17. Upon completion of the period of the Early Resolution Agreement the Professional Suitability Group shall review the actions and/or conditions required and determine that:
- a. The requirements of the Early Resolution Agreement have been met and no further action is required; or
 - b. The requirements of the Early Resolution Agreement have not been met and refer the student to a Fitness to Practise Committee.
- 2.18. The Professional Suitability Group shall confirm to the student in writing, within five working days of the Group meeting, of their decision, the reason for the decision and if applicable, details of any further action that will be taken in accordance with Section 2.15b.

Appointment and membership of a Fitness to Practise Committee

- 2.19. A Fitness to Practise Committee shall normally comprise the following, but will also conform to the requirements of the relevant professional and/or regulatory body:
- a. an Executive Dean, or their nominee, who has no previous involvement with the case as Chair
 - b. two members of academic staff from a relevant subject discipline who have had no previous involvement in the case, one of whom will normally be from the same subject discipline as the student
 - c. one practising member of the relevant profession who is from outside the University and who has not been associated with teaching the student.
- 2.20. The Secretary of the Fitness to Practise Committee shall be appointed by the Academic Registrar or nominee.
- 2.21. The Professional Suitability Group shall submit to the Secretary of the Fitness to Practise Committee all relevant evidence, including the report of the Investigating Officer, and a case summary. The Secretary shall convene a meeting of the Committee as soon as possible and send copies of the evidence to the members of the Committee and at the same time to the student concerned a minimum of ten working days before the meeting.
- 2.22. All representations to the Fitness to Practise Committee should normally be submitted in writing. Exceptionally the Committee or the Professional Suitability Group may ask for witnesses to attend in person, and the student may request that witnesses attend in support of their case.
- 2.23. The student should submit to the Student Progress Team any documentary evidence for consideration by the Committee, and/or the names of any witnesses or their written statements, along with how they relate to the case, at least five working days in advance of the Committee meeting. The Chair of the Committee has the power to determine whether any documentary evidence and/or witnesses or their statements appear irrelevant or unduly repetitive and can determine that this should not be accepted. Where the evidence is accepted by the Chair it will be circulated in advance to Committee members, the representative of the Professional Suitability Group attending the meeting and the student. Documentary evidence and/or witnesses received after this deadline will only be accepted at the discretion of the Chair of the Committee.
- 2.24. The student and the Professional Suitability Group representative each have a responsibility to arrange for their respective witnesses to give oral evidence or to submit any written statements.
- 2.25. The student will normally be required to attend the meeting of the Fitness to Practise Committee in person. In the event of their non-attendance, without very good reason, the Committee meeting will continue in their absence.

- 2.26. If the student wishes, they may bring to the Committee meeting a fellow student, a member of staff, a representative of SU Advice or the Students' Union, or their Professional or Trade Union Representative or equivalent in Partner institutions, to help them in presenting their case to the Committee.
- 2.27. The Head of School or another member of the Professional Suitability Group will attend the meeting of the Fitness to Practise Committee to set out evidence relating to the concern. The Head/member of Professional Suitability Group should not propose or comment on any outcome or action which might be imposed.
- 2.28. The Head/Professional Suitability Group member is not a member of the Committee and can only attend when the student is present (not before and after). The Head/Professional Suitability Group member is not permitted to ask questions of the student during the meeting except through the Chair.
- 2.29. All members of the Fitness to Practise Committee must attend the meeting.
- 2.30. The Fitness to Practise Committee will operate on the principle of 'the balance of probability' rather than that of 'beyond reasonable doubt'.
- 2.31. Where a vote is required the majority decision of the committee members will be taken. In the case of an equally split decision the outcome should fall in the student's favour.
- 2.32. The Committee may postpone a case in any of the following circumstances:
- a. to enable the student to be present
 - b. to gather evidence which is critical to the case
 - c. to require a certain witness or witnesses to attend for questioning
 - d. if a witness fails to attend
 - e. if it believes that its proceedings are being impeded by circumstances beyond its control
- 2.33 The Committee will meet to consider a postponed case as soon as possible and not later than 20 working days after the postponement. The case does not need to be concluded at the resumed meeting.
- 2.34 Where it is not possible for the same Committee members to attend the resumed meeting, the PVC (Education) or nominee may appoint a new Chair and new members. In circumstances where the Committee involves two or three changes in appointments, the Committee will start its proceedings again. If the Committee only involves one change in appointment, the meeting will continue from where it was postponed unless a request is made by the student to start its proceedings again.

Conduct of a Fitness to Practise Committee meeting

2.35 The conduct of the Fitness to Practise Committee is at the discretion of the Chair but shall normally proceed as follows:

- a. the members of the Committee have a preliminary discussion without the student, the student's representative or the Head/Professional Suitability Group member being present
- b. the student, the student's representative and the Head/Professional Suitability Group member enter the room and the Chair introduces all those present
- c. the Chair checks that the student has received details of the concern and any supporting documentation
- d. the Chair explains the order of proceedings to the student
- e. the evidence relating to the concern about fitness to practise is then presented by the relevant Head or member of the Professional Suitability Group, and members of the Committee, the student and the student's representative are invited to put questions to them
- f. the Chair then invites the student to put forward a case orally if they wish to do so including any mitigation, and members of the committee (but not the Head) are invited to put questions to the student
- g. the Chair invites the student's representative to put forward any additional statement
- h. if exceptionally witnesses have to be called they shall only attend to present their evidence and to answer questions that the Committee or other party may put to them through the Chair. Once their evidence has been heard and there are no more questions, witnesses shall be required to withdraw
- i. the Chair invites the student to make any final response
- j. the student, the student's representative and the Head/Professional Suitability Group member are then asked to leave the room. The Committee then deliberates and comes to a decision. If the Committee is unable to reach a decision then the Committee may be adjourned
- k. i the Committee finds on the balance of probability that the case is proven, they determine any further action or sanction, clarifying the reasons for the choice of action
- l. the student is then recalled to the room and is told the decision, the reason for the decision and details of any further action or sanction if appropriate. The Head /Professional Suitability Group member may be present during this final stage

2.36. Only members of the Committee and the Secretary shall be present while a Committee is reaching a decision on the outcome, or on other action.

Powers of a Fitness to Practise Committee

- 2.37. If the Committee decides that the fitness to practise concern is unproven, it will dismiss the case.
- 2.38. If the Committee decides the fitness to practise concern is proven then it shall have the power to do any one or combination of the following:
- a. permit the student to continue on the course with no further action required
 - b. permit the student to continue on the course with adjustments
 - c. issue a formal warning
 - d. discontinue the placement and institute arrangements for locating an alternative placement if this is permitted under the Rules of Assessment
 - e. require the student to intermit from the course for a defined period of time with return subject to conditions
 - f. require the student to withdraw from the course because they are unfit to practise
 - g. impose such other action as it considers appropriate, provided that no such action requires or implies a concession or exemption under the Rules of Assessment.

Formal notification

- 2.39. The Secretary shall confirm to the student and the Head of School concerned in writing of the reason for the decision and details of any sanction or further action. The student shall be informed of the right to appeal against the decision in accordance with [Section 3](#) (below).

Reporting to professional and/or regulatory bodies

- 2.40. If the fitness to practise case against the student is found proven, the Head of School and the Academic Registrar, or their nominee shall decide whether a report should be made to the relevant professional or regulatory body and/or the student's employer, if applicable. The student will be informed in writing whether such a report will be made.

3. Procedure for Appeals against Decisions of the Fitness to Practise Committee

Submitting an Appeal

- 3.1. A student may appeal against the decision of a Fitness to Practise Committee by submitting a Fitness to Practise Appeal Form to the Student Progress Team or the equivalent at Partner

Institutions, stating the grounds of the appeal and attaching all supporting evidence. Students must do so within 10 working days of the letter confirming the Committee's decision. Students are strongly encouraged to contact SU Advice, or equivalent in Partner Institutions, for advice and guidance before submitting an appeal.

- 3.2. Any appeal that is received after the deadline will normally not be considered unless the student has demonstrated a valid reason for not being able to submit the appeal on time. Appeals received after the deadline will only be accepted at the discretion of the Academic Registrar (or nominee). For this to apply, the student must be able to show, to the satisfaction of the Academic Registrar (or nominee), that circumstances beyond their control prevented them from meeting the standard time limit and that unfair treatment would result from not extending the deadline.

Grounds for Appeal

- 3.3. The grounds for the appeal shall be one or more of the following on which a student may appeal are:
- a. that there is evidence now available, which for good reason was not available to the Fitness to Practice Committee which might have materially affected the outcome
 - b. that the University did not follow the Fitness to Practice Procedure in a way which disadvantaged the student's case
 - c. there is evidence of prejudice and/or bias during the procedures
 - d. on the balance of probabilities, the facts of the case do not justify the decision that was reached
 - e. the action applied by the Fitness to Practise Committee was disproportionate with regard to all the circumstances of the case, or was not permitted under the Fitness to Practise Procedure

Fitness to Practise Appeal Procedures

- 3.4. The University will endeavour to complete the appeal proceedings within 20 working days from receipt of the appeal form and supporting evidence. During this time the student must meet all deadlines set. Occasionally there will be circumstances when, for good reason, the University will need to extend the timeframe. Where this is the case the student will be notified and kept regularly informed of progress.
- 3.5. In the event of an appeal, the Academic Registrar, or nominee and an Executive Dean or their nominee who has no previous involvement with the case (hereafter the Appointed Dean) shall decide whether the grounds for the appeal are covered by the provisions of paragraph 3.3 above and warrant further consideration by a Fitness to Practise Appeals Committee. If they agree that there are no grounds for further consideration of the appeal, the Academic Registrar shall inform the student in writing giving the reasons for that decision.

- 3.6. If the Academic Registrar, or nominee and the Appointed Dean decide that the appeal does warrant further consideration, the Academic Registrar, or nominee shall refer the case to a Fitness to Practise Appeals Committee which shall normally comprise:
- a. the Appointed Dean as Chair
 - b. one member of staff from a relevant subject and professional discipline who shall not be the Head of School or the Investigating Officer or a member previously involved with the case
 - c. one senior practising member of the relevant profession who is from outside the University and who has not been associated with the teaching of the appellant
- 3.7. The Secretary of the Committee shall be appointed by the Academic Registrar.
- 3.8. The Committee shall have before it all documents relating to the original hearing, together with a written statement submitted by the student setting out the grounds for the appeal. The Committee shall not proceed by way of a re-hearing, but shall have power to require the presentation of such further evidence as it deems necessary.
- 3.9. The Committee shall have the same powers as the Fitness to Practise Committee and may confirm the decision of the Fitness to Practise Committee or substitute such other decision as it considers appropriate.
- 3.10. When the committee has reached its decision the Secretary shall inform the student and the Head of School concerned in writing.

Reporting to professional and/or regulatory bodies

- 3.11. The Head of School and the Academic Registrar, or nominee shall decide whether any further report should be made to the professional or regulatory bodies and/or the student's employer concerned in the light of the decision of the committee.

Internal Review

- 3.12. Any request for internal review following the formal conclusion of the Fitness to Practice Appeal Committee may be made on the grounds of procedural irregularity only, specifically that the Fitness to Practice Appeal Committee departed from the prescribed procedures. If a student wishes to request an internal review against the outcome on the grounds of procedural irregularity, they should write to the Student Progress Team, or the equivalent at Partner Institution, within 10 working days of being sent written confirmation of the decision of the Fitness to Practise Appeals Committee. The review must set out in detail the evidence to support the claim that there were procedural irregularities in the process. Should the Pro-Vice-Chancellor (Education) (or their nominee) decide that the request does not have valid grounds, it will be dismissed.

- 3.13. If there is evidence to support the claim then the case will be reviewed by the Pro-Vice-Chancellor (Education) or nominee. If the Pro-Vice-Chancellor (Education), or nominee decides that there were procedural irregularities in the process then the case will be referred to a new Fitness to Practise Appeal Committee.

External Review

- 3.14. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent course for the review of student complaints and appeals.
- 3.15. Students will be issued with a Completion of Procedures letter if
- a. the Academic Registrar, or nominee, and Appointed Dean have dismissed an appeal because they have found that there are no valid grounds
 - b. an appeal against the decision of a Fitness to Practise Appeals Committee is dismissed because the Pro-Vice-Chancellor (Education) or nominee decides there are no valid grounds for appeal
- 3.16. Students may also request a Completion of Procedures Letter within 20 working days of receiving written confirmation of the decision of a Fitness to Practise Appeals Committee.
- 3.17. When the University's internal procedures for dealing with complaints and appeals have been exhausted, the University will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the Completion of Procedures letter. Full details of the course are available on request and will be enclosed with the Completion of Procedures.

Appendix 1: Temporary Exclusion Orders

1. Partner Institutions will follow their own procedures for the temporary exclusion of a student.
2. The Academic Registrar may, on the recommendation of a departmental Professional Suitability Group, exclude temporarily a student pending the outcome of either or both an investigation under the *Fitness to Practise Procedure* or a meeting of a Fitness to Practise Committee.
3. The decision to impose a temporary exclusion is a neutral act and is without prejudice to the outcome of any enquiry under the *Fitness to Practise Procedure*.
4. The power to exclude temporarily under this provision exists to protect service users and other members of the public, service providers, the members of the University community in general or a particular member or members, including the student in question. The power shall be used only where the Academic Registrar is of the opinion that it is necessary to take such action for reasons of safeguarding against risk. Assessment of risk will take account of both the likelihood of harm arising and the potential level of harm. Action may be considered necessary in situations where the risk of harm occurring is low, but the consequences are potentially serious.
5. Written reasons for the decision shall be recorded and notified to the student together with any conditions that need to be met before the exclusion can be lifted.
6. 'Exclusion' includes selective restriction on attendance at placement, or involvement in placement related activity, or access to the University, the exact detail to be specified in writing. It may also include a total prohibition by the University on attendance at or access to the University and on any participation in University activities.
7. A total prohibition by the University on attendance at or access to the University and participation in University activities should only be used where exclusion from specified activities or facilities would be inadequate and as far as is possible, arrangements will be put in place to reduce the impact of exclusion on the student's studies. The impact will however depend on the discipline.
8. The Academic Registrar may temporarily exclude a student with immediate effect. If a student has been temporarily excluded they may make representations in person or in writing to the Registrar and Secretary. Any representations should relate to the terms of the temporary exclusion, not the substance of the case. The student must do so within five working days of the date of the letter notifying them of the temporary exclusion or as soon as possible afterwards, provided there is good reason why they were prevented from meeting the deadline. If the student attends in person they may take someone with them, either a fellow student, member of staff or the Students' Union or their Professional or Trade Union Representative or equivalent in Partner institutions

9. A decision to temporarily exclude a student will be kept under review by the Student Progress Team. Any significant changes in the circumstances of the student's case will be reported to the Academic Registrar. Should an investigation under the *Fitness to Practise Procedure*, or the holding of a Fitness to Practise Committee meeting, be delayed for whatever reason, and where the exclusion has continued for at least four weeks, the student may request a review of the decision. A review will be conducted by the Pro-Vice-Chancellor (Education) and you will be given the opportunity to submit written representations and to make representations in person. Should the exclusion continue after the review, it will be reviewed by the Student Progress Team every four weeks, until a Fitness to Practise Committee meeting is held.
10. Breach of an exclusion order as noted above, will also be regarded as a breach of the Fitness to Practise Procedure and the Code of Student Conduct. It may result in referral through the Code of Student Conduct procedures and a referral to a Professional Suitability Group.

Appendix 2: Guidelines on the Operation of a Departmental Professional Suitability Group

1. These guidelines are only relevant for Schools that are running courses where a professional or regulatory body has concerns for a student's fitness to practise. These students will be subject to the *Fitness to Practise Procedure*.
2. Any concerns raised under the *Fitness to Practise Procedure*, will initially be made to a Departmental/School Professional Suitability Group so all relevant Departments/Schools will need to establish such a group.
3. There are a number of different policies and procedures where the outcome for a particular student might raise issues of fitness to practise. These procedures operate separately from each other but there is a need for them to be considered as a whole in assessing a student's suitability for practice.
4. Information on Academic Offences cases, Student Conduct cases and Progress cases will be reported to the Professional Suitability Group with the School.
5. The Professional Suitability Group will receive and consider reports from all the relevant sources and then make appropriate referrals.
6. Professional Suitability Groups will vary in operation dependent on the needs of the School and the relevant professional/regulatory bodies.
7. In departments/schools which run courses for which it is a requirement, the Professional Suitability Group will consider all students who need to be 'signed off' as being of good character as part of their programme of study and will make the appropriate report to the Board of Examiners.
8. Departments/Schools must ensure that students are informed of the operation of the departmental Professional Suitability Group and other processes relating to fitness to practise. This information should appear in student handbooks.

Constitution of a Professional Suitability Group

1. The constitution of the Professional Suitability Group will vary in operation dependent on the needs of the department and may need to take account of the requirements of relevant professional/regulatory bodies. The membership of the group may vary dependent upon the reason it has been convened.

2. The minimum requirements for membership of the group are:
 - the Head of School or nominee will chair the group
 - there shall be at least two other members
 - a majority of the members of group should be members of academic staff working on courses where the students are subject to the *Fitness to Practise Procedure*
 - other individuals may be co-opted into the group as appropriate. This may include, for example, the Programme Lead for a particular student under consideration or a member of staff with a particular clinical or professional background relevant to the case under consideration. Where the student's study with the University of Essex is linked to an employee status or is sponsored by an external organisation membership may include a representative from and employer/sponsor organisation who has not been involved with teaching the student.

Remit of the Professional Suitability Group

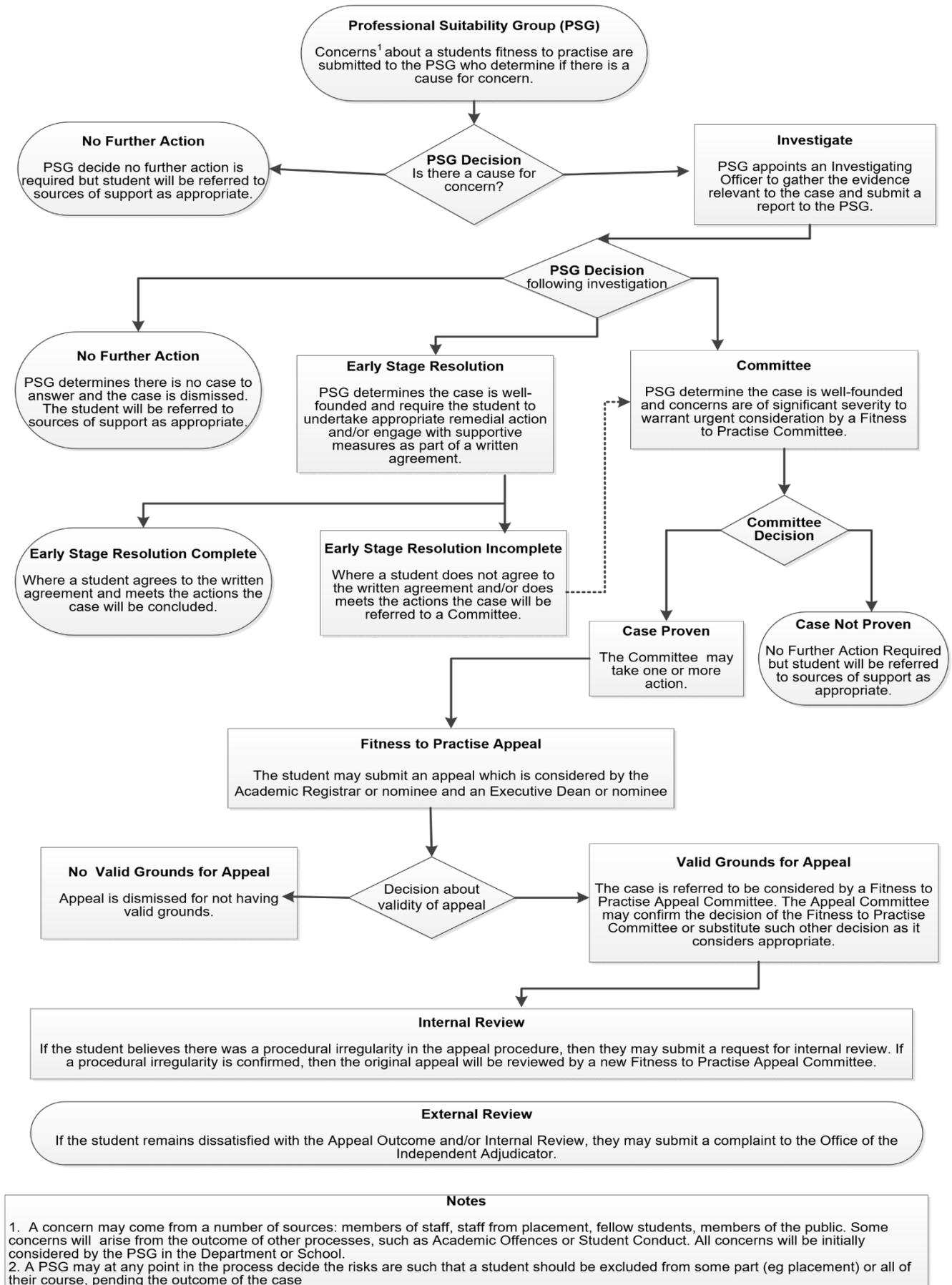
1. The Professional Suitability Group will:
 - a. only consider students who are on programmes which are subject to *Fitness to Practise Procedure*
 - b. have a remit to consider any report submitted to it as part of the *Fitness to Practise Procedure*
 - c. where relevant, consider any student on courses where students are required to be signed off as being of good character as part of their course, and either confirm to the Exam Board that there are no issues to raise, or deal with any issue arising under the *Fitness to Practise Procedure*
 - d. be a central point, established at Departmental/School level, to which the outcomes of a number of different processes can report. These are: Code of Student Conduct procedures, Academic Offences Procedures, outcome of Progress Committee, Exam Board. It might also consider reports from Occupational Health, Student Support, or reports made directly from a placement.
 - e. have the referral and early resolution powers as outlined under the *Fitness to Practise Procedure*

Operation of group

1. The Professional Suitability Group will meet on an ad hoc basis, and may meet 'virtually', to consider any referral made as outlined in the *Fitness to Practise Procedure*, keeping to the appropriate timescale where required.
2. For programmes where it is a requirement, the Professional Suitability Group will also need to meet before relevant exam boards, to review all students on the programmes to verify professional suitability and make referrals if necessary.

3. A record must be kept of all cases considered by the Professional Suitability Group, noting decisions made.

Flowchart of the Fitness to Practice Procedure



Document Control Panel

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