

# Part 13

## Suitability Procedure

### 1 Definition

- 1.1 These procedures apply to those programmes leading directly or indirectly to a professional qualification or the right to practise a particular profession or calling.
- 1.2 They shall be invoked where the behaviour or action of a student renders them not fit to be admitted to and practise that profession or calling and thereby ineligible to gain the award for which they are enrolled. This is most likely to occur in one of the following circumstances:
- where the behaviour of a student puts at risk their own health and safety or that of other students, staff or members of the public;
  - where the behaviour of a student will debar them from receiving professional body recognition and thus from receiving the award for which they are enrolled.
- 1.3 These procedures should only be used in those circumstances where it would not be appropriate to follow our University's general student disciplinary regulations and procedures (Part 12) or where it is not appropriate to deal with the matter through the academic assessment process.
- 1.4 Each programme leading to professional recognition should make clear the grounds which would render a student unsuitable for their chosen profession and which would be subject to these procedures.

### 2 Referral procedure

- 2.1 Any person who is concerned that a student's current or past actions renders them unsuitable for professional practice should inform the course tutor/department coordinator in writing as soon as practicable.
- 2.2 It shall be the responsibility of the course tutor/department coordinator to determine whether there is a *prima facie* case that the student's behaviour would render them unsuitable for professional practice.

- 2.3 If a *prima facie* case is found to exist the Head of school should evaluate the information and determine what action should be taken:
- proceed under these regulations;
  - address the matter through assessment procedures;
  - proceed under our University's general student disciplinary regulations and procedures.
  - Proceed under our University's fitness to study policy and procedure (Part 11 of Manual of General Regulations)
- 2.4 Where a student has been subject to investigation under the Fitness to Study Procedure due to inappropriate behaviour to ascertain whether their difficulties relate to a health (including Mental Health) or wellbeing issue; the University reserves the right to refer that student back to the suitability procedure should it not be possible to establish an acceptable welfare-based reason for their actions.
- 2.5 The student should be notified of the outcome as soon as a decision is reached.
- 2.6 At this stage the Head of School may decide that it is necessary to exclude a student temporarily from our University teaching and/or practice placement until further investigations have taken place. This should only take place where it is considered possible that if the student continues on the programme they could put the safety of themselves and others at risk or in some other way adversely affect the experience of a client group.
- 2.7 If this is the case the matter should be referred immediately to the Deputy Vice Chancellor (or designated nominee) who shall be responsible for notifying the student in writing and stating the reasons for this decision.

### **3 Stage one – detailed investigation**

- 3.1 The Head of School shall be responsible for ensuring that a detailed investigation is carried out.
- 3.2 The investigation may involve meetings with staff, students or members of the public. Where this is the case a formal record of the discussions shall be made.
- 3.3 Discussions may also take place with the student under investigation. Where this is the case the student shall have the right to be accompanied by one friend (who may not be a paid legal representative).

- 3.4 The report shall be completed within 15 working days. A copy of the report shall be sent to the student. On the basis of the report the Head of School will determine whether the case can be dismissed at this stage or whether there is evidence to suggest that the student may be unsuitable for professional practice.
- 3.5 If there is evidence to suggest that the student may be unsuitable for professional practice he or she should be asked whether they accept the findings of the report. If the student accepts the findings at this stage then the Head of School should notify the Deputy Vice Chancellor immediately. The Deputy Vice Chancellor (or designated nominee will notify the student formally of the outcome.
- 3.6 There may be two possible outcomes at this stage:
- the student is unsuitable for professional practice and should be excluded from the programme;
  - the student is suspended until such time that evidence is produced that he or she is mentally and physically fit to resume studies.
- 3.7 Exclusion from the programme under these procedures will not debar the student from transferring or enrolling on an alternative programme that does not lead to professional recognition. All students that are excluded from programmes on these grounds shall receive counselling from the school about any alternative options open to them.
- 3.8 If the student does not accept the findings of the detailed investigation a formal hearing shall be conducted by an investigating panel.

#### **4 Stage two – investigating panel**

- 4.1 The investigating panel shall be chaired by a member of University staff at managerial grade or above. In addition to the chair there shall be three other members of University staff on the panel and a representative of the Students' Union. Where appropriate up to two further members of the panel may be drawn from partner bodies in the delivery of the professional training. The panel membership must be impartial. No member of staff involved in teaching the student or supervising practise should be involved.
- 4.2 Where possible we shall seek to ensure that the composition of the panel reflects the character of our institution and/or at least one person has been trained in equality and diversity issues.
- 4.3 A Secretary to the Panel shall be appointed, who will be in attendance at the panel hearing and shall be responsible for preparing a written record.

- 4.4 The student shall have the right to call and to question witnesses and shall have the right to be accompanied by a friend (who may not be a paid legal representative).
- 4.5 The investigating panel shall have the right to call and to question witnesses in the presence of the student (and friend if present).
- 4.6 If the student does not appear at the date and time scheduled for the hearing the investigating panel shall consider whether any reasons advanced for non-attendance are valid and:
- if members so judge, adjourn proceedings to a later meeting;
  - if no reasons are advanced, or if they are judged invalid, proceed in the respondent's absence, regarding him or her (subject to any written account) as having admitted none of the allegations.
- 4.7 The investigating panel shall consider its findings in private and shall submit a written report to the Head of School and the Deputy Vice Chancellor (or designated nominee) as soon as is practicable following its deliberations.
- 4.8 In determining whether the case has been proven, the panel must be satisfied on the balance of *probabilities*.
- 4.9 There are three possible outcomes:
- there are insufficient grounds to demonstrate that the student is unsuitable for professional practice;
  - there are sufficient grounds to conclude that the student is unsuitable for professional practice and that the student should be excluded from the programme;
  - the student is suspended until such time that evidence is produced that he or she is mentally and physically fit to resume studies.
- 4.10 Where there are insufficient grounds to demonstrate that the student is unsuitable for professional practice, the student can continue on the programme and the school must make arrangements to ensure that the student has an opportunity to complete any learning that may have been missed.
- 4.11 Where there are sufficient grounds to exclude the student from the programme this will not debar the student from transferring or enrolling on an alternative programme that does not lead to professional recognition. The student shall be offered counselling by the school about any alternative options open to them.

## **5 Stage three – appeals against the decision of the investigating panel**

- 5.1 A student may only appeal against the decision of the investigating panel on two grounds:
- that due process had not been followed;
  - that there was supporting evidence of which the panel was unaware and which the student was unable to bring to the attention of the investigating panel.
- 5.2 An appeal must be submitted in writing to the Deputy Vice Chancellor (or designated nominee) within 14 working days of the date of the letter notifying the student of the outcome of the investigating panel. The appeal letter must explain the grounds for appeal and/or include any new evidence.
- 5.3 Within 10 working days of receipt of the complaint, the Deputy Vice Chancellor (or designated nominee) will decide that there is a *prima facie* case to convene a review panel comprising staff not previously involved in the case.
- 5.4 The composition of the review panel and the procedures followed will be the same as for an investigating panel.
- 5.5 The review panel shall review the case and any new evidence that has been presented to determine whether or not this materially alters the finding of the original investigating panel.
- 5.6 A Secretary to the Panel shall be appointed, who shall be in attendance at each meeting of the panel and shall be responsible for preparing a written record.

## **6 Independent Review**

- 6.1 If the appellant has exhausted the internal procedures set out above and is not satisfied with the outcome he/she may request that the case is reviewed by the Office of the Independent Adjudicator which is a body independent of our university.
- 6.2 The grounds and eligibility for review shall be determined by the Office of the Independent Adjudicator.
- 6.3 The findings of any case considered by the Independent Adjudicator shall be considered directly by the Board of Governors. The Board of Governors shall take the recommendations of the Independent Adjudicator into account in reaching a final decision about any action that should be taken in response to the appeal.

6.4 The decision of the Board of Governors is final and there shall be no further appeal against this decision.