

# STANDARDS OF CONDUCT: FITNESS TO PRACTISE

STANDARDS OF CONDUCT: Fitness to Practise.

Teacher Training Students and any other Education students on placements.

First introduction March 2014, last updated Dec 2016.

This document is reviewed annually and all new students will be issued with a hard copy on admission to the university. All students will be notified of any changes during their programme. A current version of this document can always be available on all programme moodle pages.

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## Standards of Conduct: Fitness to Practise

### 1 INTRODUCTION

This document will be referred to throughout as the 'Fitness to Practise' regulations and refers to the Standards of Conduct of teacher training students in School of Education programmes, in relation to their practise learning experiences.

1.1 Throughout this document:

- (a) the term practise assessor means mentor, sign-off mentor, practise educator, supervisor, practise teacher, instructor or practise supervisor, or any other individual qualified to support students learning in practise;
- (b) the Dean means the Pro-Vice-Chancellor and Dean of the Faculty of Humanities and Social Sciences;
- (c) the Dean and the Academic Registrar may each nominate a senior member of their staff to act on their behalf at any stage of these procedures;
- (d) the Investigating Officer means the person with responsibility for investigating alleged breaches of the Fitness to Practise regulations as defined in 7.4.;
- (e) Conduct Officer means the person responsible for investigating and determining alleged breaches of the University's Student Conduct Regulations (which may be found in Section C of the University Regulations).

1.2 In order to meet the stringent requirements of professional statutory bodies within the education sector the University has approved a procedure relating specifically to alleged breaches of the practise requirements for teacher training students. This procedure is set out within this document and is implemented by the Dean, subject to the relevant appeal processes, on behalf of the University. It can result in the temporary or permanent removal of, or restrictions being placed upon, a student's Fitness to Practise.

1.3 Additionally, the University has a disciplinary procedure that applies to *all* University students and relates to alleged breaches of the University's Student Conduct Regulations (hereafter referred to as the Student Conduct Regulations). These Student Conduct Regulations are implemented by an appropriate Conduct Officer who, in certain circumstances, may also be the Dean. It can result in the imposition of a wide range of financial, academic and other penalties but cannot affect a student's Fitness to Practise.

1.4 Some alleged behaviours if substantiated, will be breaches of the Fitness to Practise regulations but not the Student Conduct Regulations; some will be breaches of the Student Conduct Regulations but not the Fitness to Practise regulations; others will be breaches of both, and it is important that every allegation against a student is considered for its relevance in relation to both the Fitness to Practise and the Student Conduct Regulations. Whether or not an allegation should be progressed under the Fitness to Practise regulations is solely for the Dean to decide (after taking such advice as they may feel appropriate); whether or not an allegation should be progressed under the Student Conduct Regulations is solely for the Student Disputes Officer to decide.

1.5 Where the allegations against a student may be progressed through either or both of the Student Conduct and Fitness to Practise regulations, when the Dean is not the relevant Conduct Officer, this will require effective liaison between the Dean and the Conduct Officer in order to ensure that the information necessary for both investigations is gathered in a timely manner but without requiring the student to duplicate what is bound to be a stressful process for them. When the Dean is the relevant Conduct Officer, this will require them to be clear about and keep separate the differing procedural requirements, criteria and potential outcomes of the two procedures. The Dean may also decide to proceed with either or both investigations as seems most appropriate. This may lead to the suspension or dropping of either procedure while the other is investigated.

## **2 PRACTICE-BASED LEARNING AND FITNESS TO PRACTISE**

2.1 Students on programmes in the School of Education, leading to QTS or awards, require experience with children, students and other service users in order to fulfil the professional requirements. This experience is gained through, and these professional requirements apply during, school or college based training experiences, which may take place in an external practice setting, but which may also include practice-based elements of the programme taught in the classroom for which consent procedures apply. Successful completion of appropriate practise requirements is a condition of the award of the University and the Professional Body with which the student is registered.

2.2 Students undertaking courses requiring access to schools and other educational settings users must obtain complete an Occupational Health assessment. Without such authorisation, students will not be entitled to Practise or enter practise areas. The responsibility for giving, withholding, suspending or withdrawing a student's Fitness to Practise lies with the University, on behalf of the placement partner, and this responsibility is exercised by the Dean

2.3 Before students can be placed students are required to log into the Practise Education Management System (PEMS) to complete their self-declaration, acknowledging that they have read and confirming that they will be bound by these Standards.

## **3 GENERAL STANDARDS OF CONDUCT**

3.1 It is a requirement that the behaviour and conduct of pre-registration students throughout their programme complies with the expectations of the professional group with which they will be able to register on successful completion. Within the limitations of their status as students, all students are expected to comply with the code of professional conduct laid out by the Teachers Code of Professional Conduct which is part 2 of the QTS standards (see Appendix 1).

3.2 These codes expect behaviour that justifies public trust and confidence and respects the privileged relationship with children, students, parents, other professionals and service users and, as such, include behaviours outside the placement or programme situation.

3.3 Students are also expected to:

- (a) observe or undertake practise in accordance with arrangements negotiated with the relevant practise and university staff;
- (b) conduct themselves and undertake agreed work in a manner appropriate to their student status and with concern for the feelings of others, including colleagues and managers but, especially, children, students and parents and carers. Guidance to help students learn professional behaviour can be found in course handbooks and will be covered periodically in taught sessions.

## **4 SPECIFIC EXAMPLES OF STANDARDS OF CONDUCT**

4.1 This section sets out specific examples of standards expected of students in their behaviour and conduct and is not exhaustive:

N.B. If a student's (or potential student's) DBS check is not completely clean, then this will be discussed confidentially by a Fitness to Practise panel. If the panel concludes that giving the student or potential student access to nurseries/ schools/colleges or placement provider premises is not in the best interests of the placement provider then that person shall not be permitted to continue on the programme.

#### 4.2 Disclosure and Barring Service (DBS) clearance [Formerly Criminal Records Bureau (CRB)]

Since 1st December 2012 the Criminal Records Bureau has re-branded and is known as The Disclosure and Barring Service (DBS) this is due to the merger of the Criminal Records Bureau (CRB) and The Independent Safeguarding Authority (ISA). For further information please go to [www.criminalrecordsservices.co.uk](http://www.criminalrecordsservices.co.uk).

The admissions process includes enrolment of students, subject to receipt of satisfactory DBS and Occupational Health clearance. Both of these clearances may take several weeks to complete and are required prior to issue of Fitness to Practise. Students are unable to commence practise education experience without completion of these processes .

Students will have enhanced DBS clearance during the admissions process as part of being accepted onto a School of Education professional programme

It is possible that a student may commit an offence after the admissions process or during the course of their education. Students will therefore be required to complete their self-declaration through PEMS prior to each annual placement attendance (e.g. at the end of their first, and subsequent years of their programme, at specified times as required by placement patterns of the student's programme).

Students will therefore be required to declare any changes to their DBS status on their PEMS declaration which is completed at the start of each year.

Students must declare all incidents that potentially may appear on any subsequent DBS disclosure form as and when they occur following the 'Process for addressing change or potential change in student's DBS status POST admission'. Students should ensure they disclose any such incidents as a matter of urgency, without delay.

#### 4.3 Occupational Health Clearance

Students will have Occupational Health clearance during the admissions process as part of being accepted onto a professional practise programme.

It is possible that there may be a change to a student's psychological or physical health after the admissions process or during their course. Students will therefore be expected to complete their annual self-declaration through PEMS.

Students will therefore be expected to declare if there is a change to their Occupational Health status. This will be done on PEMS at the start of each year. Students should seek advice (see below) if changes occur during their course after the initial declaration has been signed.

#### 4.4 Health and Safety Policies/Programme specific requirements

Students must declare all changes to their psychological or physical health by notifying the Occupational Health Department, as and when they occur. Students should ensure they disclose any such incidents as a matter of urgency, without delay.

#### 4.5 Dress and appearance

- (a) Presentation must be acceptable to the school or setting based context and comply with any specific placement organisation guidelines/policies.
- (b) Students are expected to wear any appropriate id/badge provided by the placement at all times, while on placement.
- (c) Dressing in a more neutral/ modest way is less likely to provoke an adverse reaction. Logos and words on clothing may be fashionable but inappropriate as they may have

inadvertent connotations. Similarly, clothes should not be too revealing (whatever the gender of the student), i.e. too tight, too short, revealing parts of the body area.

(d) Any student whose appearance is deemed inappropriate by the practise assessor or most senior member of staff present in the school or setting based context may be excluded from the placement and will be reported absent until they return dressed appropriately. Any absence from placement time will need to be made up before completion of the programme. The University will not be liable for any additional costs a student may incur as a result of having to make up time in this way.

(e) Students are expected to be mindful of personal safety and being a representative of the university and the professional programme they are undertaking in addition to any placement provider policies and guidelines.

#### 4.6 Attendance/Sickness

(a) For the purposes of this section, attendance is defined as the student's presence in either classroom based or placement area, on scheduled learning experiences as described in each Programme's curriculum. It is the student's responsibility to ensure that they are familiar with, and comply with, the attendance requirements of the professional course

(b) Students are expected to attend all preparation sessions relevant to their practise education experience.

(c) Students must familiarise themselves with attendance policies within the first week of their placement. If absence is before start of a placement the student must contact the named person (i.e. either the placement area contact name from the placement profile or the name of the person you have been asked to contact on the first day) to report any sickness/absence. You are also required to record any absences on PEMS no later than 12 noon on the first day of your absence. Students must also record any sickness on the Practise Hour's Record and have this countersigned by their practise assessor.

(d) Students are expected to signal any campus-based absences following the procedures laid down during campus-based learning. For absences during school placements, students must inform their placement school as well as the University's Placements Office as soon as the absence occurs, giving as much notice as possible.

(e) Students are expected, under the requirements laid down by the Standards for Qualified Teacher Status, to engage fully with the holistic role of the teacher. This includes where appropriate e.g. staff meetings, parents' evening.

(f) Students must familiarise themselves and comply with the University's regulations concerning absence due to sickness.

(g) Time off during a placement to attend routine personal health care appointments (e.g. doctor/ dentist appointments), is considered inappropriate and not commensurate with professional behaviour. If, however, a student has an appointment that cannot be rearranged, absence from the placement must be negotiated with the senior member of staff in the placement.

(h) Students who are absent from placement without authorisation from the university may be expected to make up any missed days.

#### 4.7 Acceptance of gifts and hospitality

It is rarely appropriate for students to accept personal gifts from learners/parents or their friends or family. This must always be discussed prior to acceptance with the student's mentor.

#### 4.8 Employment whilst a student

(a) University staff are aware that most students now find it essential to work whilst studying. However, employment obtained outside of the programme must not adversely affect students' work during placement.

(b) Any employment undertaken outside of the course must not in any way hinder or conflict with the interests of the placement host organisations with whom the programme is delivered.

(c) Conducting private business on placement area premises or within placement time is forbidden.

## **5 QUESTIONING FITNESS TO PRACTISE**

5.1 A student's Fitness to Practise can be called into question by information or allegations relating to the student's:

- (a) health, emotional state, judgement or character; or
- (b) conduct or behaviour, such that the student has breached one or more terms and conditions of the relevant Code of Professional Conduct or of these Standards of Conduct: Fitness to Practise;
- (c) conduct or behaviour is such that the student
  - i. is a danger to themselves *or*
  - ii. is a potential danger to learners in their care causing major concern to the placement. 'Major concern' means there is clear evidence from staff in the placement or academic staff (e.g. Link Lecturer or Placement/Programme Lead)
  - iii. disrupts the work environment so that learners' care is at risk;

5.2 Any such information or allegations shall be considered by a Fitness to Practise panel (see 4.1) and, if information or allegation has arisen after the admissions process, this shall be sent to the Dean as soon as possible, who shall consider whether there is a need to investigate further. If, in the view of the Dean, the information or allegations are such that, even if they were accurate, they would not affect the student's Fitness to Practise, the Dean shall not take any further action under this Procedure other than to inform the person providing the information or making the allegations of that decision and, if appropriate, the student concerned.

5.3 If the information or allegations could, if accurate, affect the student's continued Fitness to Practise, the Dean shall

- (a) initiate an investigation as set out in paragraph 7.
- (b) also consider whether or not it is appropriate to suspend the student's Fitness to Practise while this investigation is undertaken, as set out in paragraph 6.

### **5.4 Time out from practise**

In certain circumstances, before a final decision is taken under either part of paragraph 5.3, it is good practice to allow a period of NO MORE THAN three working days, during which the student remains away from the placement. This allows time for both staff and student to consider the most appropriate course of action. This 'Time out' provides a short period of time for student and others to identify issues and to reflect on the best way forward/relevant action required. Time out may be required for personal or professional issues, and it is intended to be supportive of the student. This is NOT a suspension from practise. It allows time for effective decision-making prior to any formal procedure that may be invoked. The student has the right to seek advice at any reasonable point in this procedure. They have the right to be accompanied or represented at any interview or hearing under this procedure by an individual acting as a 'friend', e.g. fellow student, professional union or student union representative. This person may not be a lawyer acting in a professional capacity. Students may wish to contact:  
the Students' Union Advice Centre (<http://www.thesu.com/>) as appropriate for help, advice and representation.

## **6 SUSPENDING FITNESS TO PRACTISE**

6.1 While a student's Fitness to Practise is being investigated, the student may be:

- (a) allowed to continue working either with or without limitation(s);
- (b) suspended from working in a specified or any practise area.

6.2 This suspension or temporary restriction of a student's Fitness to Practise is not a formal penalty but, if it continues for any length of time, it is likely to cause significant disruption to the student's studies. Consequently, a student's Fitness to Practise will not be suspended or temporarily restricted lightly or automatically. However, the University has an overriding responsibility to schools and settings and service users i.e. children and parents and the general public that the student may come into contact with. A student's Fitness to Practise shall be suspended or have temporary restrictions applied to it when there is little reason to doubt the accuracy of the information provided or allegation made and the nature of the information or allegation:

(a) is such that the student may:

- (i) pose a danger to schools and settings and service users i.e. children and parents;
- (ii) disrupt the work environment so that learning and care is at risk;
- (iii) interfere with the investigation;
- (iv) repeat the alleged incident; or

(b) is such that it is reasonable for other staff or students to refuse to work with the student pending the outcome of the investigation, due to learning and care being at risk.

6.3 Normally, only the Dean, the Programme Leads for Partnership or Academic oversight, one of the Faculty Heads of Department or Associate Dean can suspend or impose temporary terms and conditions on a student's Fitness to Practise. However, any professionally qualified member of University staff who believes that there is a genuine risk of any of the circumstances listed in paragraph 6.2 occurring may suspend the student's Fitness to Practise on a temporary basis, subject to the confirmation or otherwise of one of the individuals listed above.

6.4 As soon as possible after the decision has been made, the staff member who has taken the decision shall inform the student in writing that their Fitness to Practise has been suspended or temporarily restricted, setting out:

- (a) a brief summary of the information and/or allegation that has prompted the suspension (unless there is evidence that this would materially hamper the investigation – see paragraph 7.3);
- (b) the reasons for the decision to suspend or temporarily restrict the student's Fitness to Practise;
- (c) the details of any such temporary restrictions;
- (d) the student's rights under this procedure, including their right to make representations about the decision;
- (e) the importance of the student not discussing the case with anyone except an advisor or interfering in any way with the investigation or any witnesses;
- (f) the actions which will now be taken to investigate the allegations made against them.

6.5 A student whose Fitness to Practise has been suspended or temporarily restricted may make written representations to the Dean about this decision. Such representations should be made within 10 working days. The Dean will consider these representations and then either confirm or vary the original decision and inform the student in writing of this decision and the reasons for it.

6.6 The Dean shall regularly review the Fitness to Practise of a student whose Fitness to Practise is being investigated in the light of any new or more detailed information that becomes available during the investigation. This may make it appropriate to impose temporary restrictions on, or even suspend, the Fitness to Practise of a student who was initially allowed to continue to work without limitation. Equally, it may make it appropriate to allow a student whose Fitness to Practise was previously suspended to return to the placement area, with or without temporary restrictions, or to relax certain temporary restrictions initially placed on a student. The Dean shall inform the student in writing of any such changes and the reasons for them and consider any written representations made by

the student as described in paragraph 6.5.

6.7 If a student's Fitness to Practise is suspended or temporarily restricted, or if the status of the student's Fitness to Practise changes following a review, the staff member shall inform, in writing and in confidence:

- (a) the relevant senior manager of the placement host's organisation;
- (b) the Programme Lead or Course leader, who shall inform the mentor and link tutor, also in writing and in confidence.

6.8 It is also acknowledged that there may be occasions when placement colleagues deem it appropriate to remove students from the placement area immediately, normally for reasons relating to learners' user safety or to the relationship between the student and members of staff of the placement host. Placement staff have authority to do so. While, on these rare occasions, the placement organisation will report the matter at their earliest convenience to the Faculty of HSS, the student is also required to inform their Link Lecturer or the Programme Lead immediately any such event occurs. In such circumstances, the Dean shall apply this procedure from paragraph 5.2 on the basis that, while the University cannot require a placement host to accept any individual student, the decision whether or not to suspend a student's Fitness to Practise and/or investigate their Fitness to Practise is solely for the Dean acting on behalf of the University.

## **7 INVESTIGATING & DETERMINING FITNESS TO PRACTISE**

7.1 It is important that matters regarding Fitness to Practise are dealt with promptly, fairly, consistently, reasonably, sensitively and with due regard to equity and the particular circumstances of each case.

7.2 Upon receipt of information or an allegation that calls into question a student's Fitness to Practise, if the student's Fitness to Practise was not suspended or temporarily restricted and hence the letter described in paragraph 6.4 was not sent, the Dean shall write to the student (unless they believe that this would materially hamper the investigation – see paragraph 7.3):

- (a) providing them with a summary of the information or allegation that has prompted the investigation;
- (b) confirming that no change has been made to their Fitness to Practise but that changes may be made on the basis of information brought out during the investigation;
- (c) advising them of their rights under this procedure;
- (d) reminding them of the importance of not discussing the case with anyone except an advisor or interfering in any way with the investigation or any witnesses.

7.3 If the Dean believes that informing the student of the details of the information that has been provided, or the allegations that have been made before the investigation has started would materially hamper the investigation, they may delay doing so until the stage of the investigation described in paragraph 7.6, at which point they must provide the student with all the information set out in paragraph 7.2.

7.4 In any event, the Dean shall appoint an Investigating Officer for the case who shall:

- (a) determine the nature and the range of the alleged breaches of relevant Code of Professional Conduct or of this procedure;
- (b) request written statements as appropriate, including from the Faculty and practise area personnel and others having knowledge of the relevant circumstances;
- (c) produce a report setting out the alleged breaches, the evidence for and against the breaches having occurred, the details of any mitigating factors, and their conclusions and recommendations.

7.5 The Investigating Officer shall submit their report, together with all the background information and statements, to the Dean who shall decide whether or not to proceed with the case. If the Dean decides not to proceed, they shall inform the student of this in writing, together with the reasons for the decision.

7.6 If the Dean decides to proceed with the case, they shall send a copy of the Investigating Officer's report, the background information and the statements to the student (together with the information set out in paragraph 7.2, if this has not already been provided to them) and invite them to submit a written statement.

7.7 Upon receipt of the student's statement, the Dean may deem it necessary to seek further clarification from other witnesses as appropriate.

7.8 The Dean shall also convene a Fitness to Practise Panel, which shall consist of:

- (a) the Dean (who shall chair the Panel);
- (b) a member of the student's programme teaching team;
- (c) a representative from placement partners.

No one who, in the judgement of the Dean, has too close a personal or professional association with the investigation, the student or any other person or any issue involved in the case shall be eligible to serve as a member of the Panel. In particular, the Investigating Officer shall not be a member of the Panel but shall attend the hearing in order to present their report and answer any questions on it.

N.B. The Fitness to Practise Panel will be serviced by a secretary who is not a member, but who will be present throughout the proceedings.

7.9 Before the hearing the Dean shall circulate all of the relevant documentation, including any information regarding previous breaches of professional standards, to the members of the Panel, the Investigating Officer and the student. The procedure at the hearing shall be at the discretion of the Chair, provided that the student is given the opportunity to:

- (a) be present;
- (b) be accompanied or represented in accordance with the terms and conditions of paragraph set out in the policy
- (c) bring witnesses;
- (d) hear all of the evidence that the Panel will take into account in reaching its decision;
- (e) ask questions about and comment on that evidence.

7.10 Where a student chooses not to be present, or does not attend the scheduled hearing (or any part of it), the Panel shall consider whether it is appropriate to proceed in their absence and reach a decision on the basis of the evidence available to it or to adjourn or take such other action as seems appropriate.

7.11 The panel shall consider all of the documentation circulated by the Dean together with any additional evidence arising at the hearing and shall reach a decision which shall be one of the following:

- (a) No case to answer: Minimal breaches of conduct: No penalty is imposed;
- (b) Minor breaches of conduct: A formal warning letter is issued to the student;
- (c) Significant breaches of conduct: Any suspension of, or temporary restriction on, the student's Fitness to Practise shall be lifted. A formal letter is issued to the student including specified limitations or terms and conditions which are placed on the student's Fitness to Practise for the future. These may include an increased level of support or supervision in practise; regular meetings with identified staff to review progress in practise; or specific medical advice or counselling support. The Panel shall specify the limitations and terms and conditions and shall also stipulate the period of time (not normally exceeding twelve months) following which, or the circumstances in which, the continuation of the limitations and terms and conditions shall be reviewed;

(d) Serious breaches of conduct: A formal letter is issued to the student. The student's Fitness to Practise is temporarily withdrawn (replacing any suspension of the student's Fitness to Practise). The Panel shall specify a minimum and a maximum period of time within which the withdrawal shall be reviewed. The maximum shall not exceed twelve months. The evidence that will need to be presented, and/or the developments that will need to be demonstrated, for the restoration of the student's Fitness to Practise shall be specified by the Panel;

(e) Major breaches of conduct: The student's Fitness to Practise is permanently withdrawn and the student withdrawn from their programme. Counselling shall be offered to the student to explore the academic and career implications of the decision.

7.12 The Dean shall inform the student of this outcome in person if possible and, in any event, in writing normally within five working days. The letter shall include the reasons for the decision, any details required by paragraphs 7.11(c) and 7.11(d) and set out the student's right to request an appeal against the decision. The Dean shall also inform all those listed in paragraph 6.7 of the outcome, in writing and in confidence. Where a student's Fitness to Practise is temporarily or permanently withdrawn, the Dean shall inform the funding sponsor (if appropriate) of the student of the reason for the student's delay in or failure to complete the course.

7.13 The Dean shall keep a complete record of the case in a file specific to the issue. This record is confidential and shall only be available to those immediately concerned. This includes the student and their representative, the Dean, the Programme Leader, and members and officers of the Fitness to Practise Panel.

7.14 A record of the investigation and the outcome shall be placed in the student file.

## **8 REVIEWING WITHDRAWAL OF OR RESTRICTION ON FITNESS TO PRACTISE**

8.1 Any limitations or terms and conditions imposed on the student's Fitness to Practise under paragraph 7.11(c), and the withdrawal of the student's Fitness to Practise under paragraph 7.11(d), shall remain in force until the appropriate review has taken place and a positive decision has been taken to lift them.

8.2 The review shall take place when one of the following has occurred:

- (a) the period of time specified in paragraph 7.11(c), 8.4(b) or 8.4(c) has passed;
- (b) the student has provided evidence of the circumstances specified in paragraph 7.11(c), 8.4(b) or 8.4(c);
- (c) the minimum period of time specified in paragraph 7.11(d) has passed and the student has provided the evidence specified in that paragraph;
- (d) the maximum period of time specified in paragraph 7.11(d) has passed;
- (e) a period of twelve months has passed since the imposition of the penalty;
- (f) the Dean has received other evidence suggesting that a change in the decision made under paragraph 7.11 or 8.4 is appropriate.

8.3 The review shall be undertaken by the Dean, who shall seek such further evidence as may seem necessary, shall provide copies of that evidence to the student and shall invite the student to submit a statement and any other evidence that they wish. The student will also be invited to attend. The review will normally be at the sole discretion of the Dean. The panel may be re-convened to consider whether the student is able to return to Practise, or else may be undertaken by means of written submissions. The Dean may consult with colleagues, either within the University or from a partner placement provider, before reaching a decision but any additional information (as opposed to opinion) obtained through this process shall be provided to the student who shall be given an opportunity to comment on or rebut it before the review is determined.

8.4 The decision following such a review shall be one of the following:

- (a) the limitations or terms and conditions on, or the temporary withdrawal of, the student's Fitness to Practise are lifted;
- (b) the limitations or terms and conditions on the student's Fitness to Practise are varied and shall be reviewed again after a further specified period of time (not exceeding twelve months) or in certain specified circumstances;
- (c) the limitations and terms and conditions remain and shall be reviewed again after a further specified period of time (not exceeding twelve months) or in certain specified circumstances;
- (d) the student's Fitness to Practise continues to be temporarily withdrawn and shall be reviewed again after a further specified period of time (not exceeding twelve months);
- (e) the student's Fitness to Practise is withdrawn permanently and the student withdrawn from their programme.

8.5 The Dean shall inform the student of the outcome of the review in writing, normally within five working days. The letter shall include the reasons for the decision, any details required by paragraph 8.4 and the student's right to request an appeal against the decision.

## **9 GROUNDS FOR APPEAL AND THE APPEAL PROCESS**

9.1 Students have the right to request an appeal against the outcomes reached under paragraphs 7.11 and 8.4 on one or more of the following grounds:

- (a) they wish to present new evidence that they could not have reasonably produced before the outcome was determined;
- (b) there was a procedural irregularity in determining the outcome of the Fitness to Practise Panel or of the Review such that the decision of the Panel or of the Dean may have been different had the irregularity had not occurred;
- (c) the decision is one that no fair and reasonable panel or person could have reached;
- (d) the penalty imposed is disproportionate to the breach.

9.2 A student who wishes to request an appeal shall write to the Academic Registrar, setting out the ground(s) under which they wish to appeal, the details of the appeal and including any evidence they wish considered as part of the appeal. This shall be received by the Academic Registrar within one month of the dispatch of the written notification referred to in paragraph 7.12 or 8.5. A student who is unable to submit a complete appeal within the month may, within that period, submit a written declaration of intent to appeal to the Academic Registrar who may impose a time limit for the submission of the full appeal. The Academic Registrar shall summarily dismiss a request for an appeal that does not comply with these time-scales without good reason (see paragraph 10.1).

9.3 Upon receipt of a request for an appeal, the Academic Registrar (having, where appropriate, consulted with an independent person with relevant professional expertise) shall decide whether or not the student has established a prima facie case. The Academic Registrar shall summarily dismiss a request for an appeal where they are satisfied that the student has not established a prima facie case for the appeal (see paragraph 10.1).

9.4 If the Academic Registrar accepts that the student has established a prima facie case, they shall forward the full appeal to the Chair of the relevant Fitness to Practise Panel and request their written response, together with a copy of the outcome of, and all the evidence considered by, the Fitness to Practise Panel.

9.5 The Academic Registrar shall also convene, administer and provide procedural advice to an Appeal Panel which shall consist of:

- a) a member of the University Executive Board (who shall chair the Panel);
- b) two senior education professionals in the area for which the student is intending to qualify,

at least one of whom shall be involved in practise education or placement learning;  
c) two students of the University nominated by the Students' Union, wherever possible at least one of whom shall be studying a health or social care programme.  
No one who, in the judgement of the Academic Registrar, has too close a personal or professional association with the appellant or any other person or any issue involved in the case shall be eligible to serve as a member of the Panel.

9.6 Before the hearing, the Academic Registrar shall circulate to the appellant, the Chair of the Fitness to Practise Panel and the members of the Appeal Panel:

- (a) the evidence and documentation which the Fitness to Practise Panel considered,
- (b) the decision of the Fitness to Practise Panel and the reasons for it;
- (c) the full appeal submitted by the appellant;
- (d) the response from the Chair of the Fitness to Practise Panel.

9.7 The procedure at the hearing shall be at the discretion of the Chair, provided that both the appellant and the Chair of the Fitness to Practise Panel are given the opportunity to:

- (a) be present;
- (b) bring witnesses (when the appeal is based upon new evidence);
- (c) hear all of the evidence that the Appeal Panel will take into account in reaching its decision;
- (d) ask questions about and comment on that evidence.

And that:

- (e) the appellant is given the opportunity to be accompanied or represented in accordance with the terms and conditions set out within this policy.

9.8 The Appeal Panel shall consider, firstly, whether or not the appellant has, on the balance of probability, established one or more of the grounds on which they appealed. If the appellant has not, the Appeal Panel shall dismiss the appeal. If the appellant has established a basis for the appeal, the Appeal Panel shall go on to consider whether to uphold the decision of the Fitness to Practise Panel (notwithstanding the establishment of a basis for the appeal) or to substitute its own decision (which is not limited in any way by that reached by the Fitness to Practise Panel). If the Appeal Panel decides to substitute its own decision, it must be satisfied beyond reasonable doubt that its decision would not put any learner, parent, colleague's or the appellant's own safety or welfare at risk, or disrupt the work environment.

9.9 The decision(s) of the Appeal Panel shall be by a simple majority vote of the members other than the Chair except that, if the two professional members are in agreement on any issue, the other members shall defer to them. The Chair shall have a casting vote in the case of a tie. As far as the University is concerned, the decision of the Appeal Panel is final.

9.10 The Academic Registrar shall inform the student in writing of the outcome of the appeal, of the reasons for the decision, and that the student has now completed the University's internal procedures (as set out in paragraph 10.3).

## **10 FURTHER STAGES OF REVIEW**

10.1 If a student has completed the University's internal procedures and they are still dissatisfied with the outcome, they may be able to refer the issue to the Office of the Independent Adjudicator for Higher Education (the OIA) provided that the issue is eligible under the OIA's Rules. A letter stating that a student has completed the University's internal procedures shall include information on the OIA and comply with the OIA's guidance for a "Completion of Procedures" letter

## **Part Two: Personal and professional conduct**

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
- Treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- Having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- Showing tolerance of and respect for the rights of others
- Not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- Ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practises of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.
- (OB extra) Teachers must present a professional image in their manner and dress when working in settings, schools or colleges