B6: Regulations for fitness to practise

Academic year 2017/18
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Figure 1: Fitness to practise procedures

- Report of concerns and investigation by Student Services Manager (SSM) and Registrant
- Decision
- Refer to Director Student Services and Administration (DSS)
- DSS decision
  - No action needed END
  - Fitness to Practise Panel
    - Breach, which can be rectified
    - Breach which cannot be rectified, Programme Termination
- Student decision
  - Accept decision
  - Appeal decision
    - OSCAR decision
      - Appeal disallowed. END CoP
      - Fitness to Practise Appeal Panel
        - Decision END Cop
Figure 2: Managed Exclusion Order procedures

Concerns identified and investigation completed

Is further action necessary?

- No action needed END

Application to Director of Student Services and Administration (DSS) for MEO

DSS decision

- No action needed END

DSS applies for MEO to Vice-Provost

Vice-Provost decision

- No action needed END

MEO applied to student

Student decision

- Accept MEO END

Appeal MEO

Provost decision

- Appeal rejected MEO remains
- Appeal successful MEO amended or removed

END CoP Issued
Introduction and scope

1. The scope of these Regulations for fitness to practise is limited to students studying at the University on programmes of studies that require them to undertake a period of clinical and/or professional experience and which lead to eligibility to apply for Registration with a Registration Body.

2. Students studying for University of Surrey awards with the University's Associated and Accredited Institutions that lead to eligibility to apply for Registration are subject to the regulations of those institutions for fitness to practise (or their equivalents), unless otherwise agreed.

Exceptional circumstances

3. These Regulations describe the procedures that are used in considering cases of fitness to practise for the consideration of extenuating circumstances. In exceptional circumstances it may be appropriate to follow different procedures, for example, where strict application of the Regulations would result in substantial unfairness to the student or the student is in some way at risk because of health or disability. Such cases will be rare and should each be treated on their own merits.

Responsibilities

4. In these Regulations, all references to identified senior members of the University, such as the President and Vice-Chancellor, are also to be read as references to their designated Alternates.

5. For the purposes of these Regulations the Academic Leader is the person designated by their Executive Dean of Faculty to be the lead academic contact for fitness to practise matters for a programme, a group of programmes or a supervisory team. For programmes that lead to eligibility to apply for Registration, the Academic Leader is also a Registrant of the Registration Body to which the programme is linked.

6. For the purposes of these Regulations the term ‘Student Services’ is used as an umbrella term to cover those support services for students provided by the University. This encompasses Student Support Services, the Centre for Wellbeing, and the Additional Learning Support service.

Definition of fitness to practise

7. For a Registration Body the Registration of a person constitutes a formal and public statement that the person meets the Body’s standards for their training, professional skills, behaviour and health and is fit to practise. The University is not a Registration Body but some Registration Bodies rely on statements and declarations made by the University when admitting students to the Register they maintain. In other cases, Registration Bodies accept statements and declarations made on behalf of the University by a member of its staff who is a Registrant of the Registration Body. A list of the Registration Bodies with which the University works is provided below.

- British Psychological Society (BPS)
- General Medical Council (GMC)
- Health and Care Professions Council (HCPC)
- Institute of Biomedical Science (IBMS)
- Nursing and Midwifery Council (NMC)
- The Royal College of Veterinary Surgeons (RCVS)
Definition of professional behaviour

8. Where University programmes lead to eligibility to apply for Registration by a Registration Body, and include a placement in a clinical or professional setting, the University requires that students following those programmes behave at all times in a manner that:

(i) conforms to the relevant code of professional conduct or practice (if any), including the Registration Body's requirements with respect to the use of social media;

(ii) is consistent with the behaviour required by the relevant profession and by the employers of such professional staff;

(iii) does not jeopardise or put at risk the welfare, wellbeing, or safety of others, including: patients; pupils; clients; members of the public; fellow students; co-workers; members of academic, professional or clinical staff;

(iv) does not jeopardise or put at risk their own welfare, wellbeing, or safety.

Together, items (i) to (iv) above constitute the University's definition of professional behaviour for the purpose of these Regulations.

9. University programmes that lead to eligibility to apply for Registration, and include a period of placement in a health or social care, clinical, or professional setting, introduce students to the codes of conduct and/or behaviour of the relevant profession(s) as part of the students' inductions to their studies. They provide explicit information on the requirements of the relevant Registration Body. Such inductions and introductions make plain that students must observe the requirements of the Registration Body with respect to confidentiality and the non-disclosure of personal sensitive information.

Admission to a programme that leads to professional Registration

10. Applicants to University programmes that lead to eligibility to apply for Registration are likely to be required to make formal declarations about a range of matters as part of their application. These declarations could include stating whether they have previous criminal convictions (whether spent or not) and declarations as to their state of health. For programmes that lead to eligibility to apply for Registration the University will check statements and declarations made by applicants including with the Disclosure and Barring Service (DBS). A note on the categories of students and staff subject to checks with DBS is appended to these Regulations (see Appendix 1).

11. The University may contact applicants for a programme that leads to eligibility to apply for Registration, who have made a declaration as part of their application as part of its admissions procedures, to confirm the information they have provided and check with them that they have understood the requirements of the particular Registration Body.

Burden of proof

12. For fitness to practice matters it is for the University to show that the student has breached the University's requirements for professional behaviour. The burden of proof switches to the student at the appeal stage.

Standard of proof

13. The standard of proof applied by a Fitness to Practise Panel is that of the balance of probability; that it is more likely than not something was or was not the case.
Confidentiality and sensitive personal information

14. When registering to study with the University, students are asked to confirm in writing that they consent to the sharing of sensitive personal data between the departments and sections of the University and third parties, including the University of Surrey Students' Union (USSU). The University confirms that sharing of personal sensitive data will only occur where it is necessary to enable the University to fulfil its duties of care to the student, other students, to safeguard third parties or, in health care, subject to formal agreements with NHS Trusts or independent trust partners. The disclosure of personal sensitive information about disabilities is governed by the University's policy statement on Disclosure, confidentiality and sharing of personal data concerning disability.

15. For students who are undertaking Regulated Activity in the health and social care sector (including with charitable organisations), either because they are employed to do so, or because they are undertaking a placement, the University will be required to share such personal and sensitive data with the employing organisation or placement provider.

16. For fitness to practise matters the University limits access to sensitive personal information to those who require it to enable the student's professional behaviour to be established and/or who need it to support the student. Information collated in relation to the student’s case, including that submitted by the student, will not be shared unless an exception to data sharing and confidentiality requirements exist. For example, when individuals are at risk of harm to themselves or others. Information may also be shared in order to process other student-facing regulations. For example the Student disciplinary regulations, Regulations for academic appeals or Regulations for fitness to study. A student with any concerns about confidentiality can discuss them with the Students’ Union.

Allegation of a failure to meet the University’s requirements for professional behaviour

17. Where an allegation is made by any person that a student who is following a University of Surrey programme that leads to eligibility to apply to a Registration Body for Registration has behaved in such a way as to have failed to observe the University’s requirements for professional behaviour, as set out in Regulation 8 above, the University will report the matter to the relevant Executive Dean of Faculty, who will investigate it as a matter of urgency.

18. The University will not normally respond to anonymous allegations.

Withdrawal from a placement; application for a Managed Exclusion Order

19. Where a student is undergoing a clinical or professional placement and an allegation is made that they have not observed the University’s requirements for professional behaviour the student may be withdrawn from the placement on the Executive Dean's authority after consulting with the placement provider. Where the Executive Dean considers that the seriousness of the allegation warrants it, or the risk of harm to the student or others is immediate, they may direct that the student is withdrawn from the placement at the same time that the placement provider is informed. For students who are employed within the health and social care sector, the University will liaise with the employing organisation to determine actions on suspension from

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1 In the context of work with children and vulnerable adults, Regulated Activity is ‘work that a barred person must not do’. See Regulated Activity in relation to Children; scope. Factual note by HM Government Safeguarding.
work. The University and the employing organisation will agree in advance the steps that they would each follow in such an exceptional eventuality.

20. In the circumstances outlined in Regulation 19 above the Executive Dean may also apply, via the Director of Students and Administration, to the Vice-Provost for a Managed Exclusion Order while the allegation is being investigated.²

**Managed Exclusion Order**

21. A Managed Exclusion Order is a way of managing the access of a student to University premises and services and University Managed Houses for a specified period of no longer than 20 working days (in the first instance) in the student's interest, in the interests of other students and staff, clients, patients and members of the public and in the interests of enabling information to be gathered and a Fitness to Practise Panel to be convened. A student may also be required to refrain from contacting certain individuals for the duration of the Managed Exclusion Order. The granting of a Managed Exclusion Order does not signify a view on the part of the University that a finding has been made about the student's professional behaviour, or that the student has committed any misconduct. Students who are the subject of a Managed Exclusion Order may be prevented from representing the University at sporting or other public occasions.

22. In cases where the participation of a student in their programme (including on a professional or clinical placement), agreed research activities, in the life of their residence, or in the University more generally appears to pose an immediate threat to their own wellbeing and/or safety, or to the wellbeing and/or safety of other students, staff, clients, patients, third parties or members of the public, the University's Head of Security should be informed. Consideration should also be given to making an immediate application to the Director of Student Services and Administration or, in their absence, to their designated Alternate, to seek a Managed Exclusion Order from a Vice-Provost.

23. When seeking a Managed Exclusion Order the Director of Student Services and Administration will seek advice from the designated Academic Leader for the student's area of study, who is a Registrant, the University's Student Services, and the Head of Security, so as to ensure that making a Managed Exclusion Order would be consistent with the student's safety and wellbeing and the safety and wellbeing of others and in order to limit the effect of the Order on the student's studies, where possible. The Academic Leader, in their capacity as a Registrant, will also advise the Director of Student Services and Administration whether the provider of any clinical or professional placement that the student is attending, or expecting to attend, should be notified that the University is applying for a Managed Exclusion Order for the student.

24. Managed Exclusion Orders may apply to the whole of the University's premises, University Managed Houses, parts of the campus, parts of the campus at specified times, particular services (such as the University's web site or email services) or combinations of all these. Before making such an Order the Vice-Provost will satisfy themselves that the underlying circumstances make such an order necessary. Managed Exclusion Orders do not extend to the premises of placement providers who will need to make their own arrangements to control the student's access. As noted above, for students who are employed within the health and social care sector,

² A Managed Exclusion Order can be granted by the Vice-Provost (Education and Students) or the Vice-Provost (Research and Innovation).
³ A Managed Exclusion Order can be granted by the Vice-Provost (Education and Students) or the Vice-Provost (Research and Innovation).
the University will liaise with the employing organisation to determine the necessary actions on suspension from work.

25. The duration of an existing Managed Exclusion Order may be extended for a further defined period where the Director of Student Services and Administration, on behalf of the Case Officer, is able to demonstrate to the Vice-Provost that:

- the extension is necessary as the student poses a threat to the safety or well-being of themselves, other members of the University, clients, patients, third parties and/or members of the public
- the extension is necessary to complete the collection of information or to enable the student and/or the University to complete their preparations for a Fitness to Practise Panel hearing

26. The Vice-Provost will consider the recommendation and review the terms recommended for the Order. The Order may be granted where the Vice-Provost is satisfied that it is necessary in the interests of the student's safety or well-being, the safety or well-being of others, of the integrity of the University's procedures or in the interests of the University overall.

27. When a Managed Exclusion Order has been granted by the Vice-Provost, the Director of Student Services and Administration writes to the student setting out the terms of the Order. The letter to the student also states that the student may appeal against the Order or its terms. The Director ensures that the student, the Head of Security, the Senior Warden (where relevant) and others needing to be aware of its terms and conditions to give effect to the Order are provided with that information.

**Appeal against a Managed Exclusion order**

28. A student may appeal against the grant of a Managed Exclusion Order, or its terms, by writing to the Provost, via the Office for Student Complaints, Appeals and Regulation (OSCAR), providing relevant evidence that one or more of the following grounds applies in their case:

- that the terms of Managed Exclusion Order are excessive
- that the student does not pose a risk to themselves, other students, staff, clients, patients, third parties and/or members of the public, or University Managed Houses, or the integrity of the University's fitness to practise procedures
- that the University has shown bias or prejudice in the way that it has sought to impose the Managed Exclusion Order on the student
- that in making the Managed Exclusion order the University has not followed its own procedures or has not followed them with due care

29. Where the Provost receives such an appeal from a student they ask a different OSCAR Case Officer from the one involved in the granting of the Managed Exclusion Order to investigate the matter and report back to them. The Managed Exclusion Order remains in force until the Case Officer has completed their investigation and the Provost has ruled on the matter.

30. In their investigation, the Case Officer reviews the evidence provided by the student and the grounds for their appeal. They may also meet the student to confirm the grounds for their appeal and the evidence they have put forward.

31. Where the Case Officer is able to establish that the imposition of the Managed Exclusion Order was unfair, excessive, or has the appearance of bias against the student, or that the student has not put forward grounds for their appeal and/or
supporting evidence, they advise the Provost accordingly. The Provost considers the report and recommendations of the Case Officer and makes a ruling.

32. The Case Officer conveys the ruling of the Provost, in writing, within five working days, to the student, and the Director of Student Services and Administration and other members of the University who need to know the outcome of the student's appeal, such as the Head of Security, the Head of Student Support Services and the Director of Wellbeing and the Academic Leader for the student's programme. The letter to the student constitutes a Completion of Procedures letter for the student's appeal against the imposition of the Managed Exclusion Order.

**Investigation of an allegation of a failure to meet the University's requirements for professional behaviour**

33. Where an allegation is made that a student who is following a programme that leads to eligibility to apply for Registration by a Registration Body, has failed to observe the University's requirements for professional behaviour, the allegation is normally investigated by the Student Services Manager for the relevant Faculty on behalf of the Executive Dean.

34. Initially, the Student Services Manager works in consultation with a Registrant of the relevant Registration Body, who is independent of the student, to benefit from their advice. The role of this Registrant in the investigation is to brief the Student Services Manager on what bearing the code of professional conduct or practice of the relevant Registration Body has on the allegation, and advise on the matters that need to be checked and the information that needs to be gathered in order to reach a view on whether the University's requirements for professional behaviour have been breached. The Registrant will also advise the Student Services Manager whether, under the code of professional conduct or practice of the relevant Registration Body, a meeting with the student will be necessary and the protocols that should be observed for such a meeting.

35. The Student Services Manager conducting the investigation is responsible to the Executive Dean of the Faculty for ensuring that the student is informed that:

- an allegation has been made about their professional behaviour
- the nature of the allegation
- that it is under investigation
- that they will keep the student informed as the investigation proceeds

36. The above notification is normally sent to the student within a working week of the allegation being received by the University. When writing to the student, the Student Services Manager will advise them to seek the advice and support of the University of Surrey Students Union and/or the student's own professional association or trades union.

37. The Student Services Manager will aim to conduct their investigations into an allegation about a student's professional behaviour as quickly as is possible and consistent with thoroughness and due process; this will normally be within 20 working days.

38. Where the investigations conducted by the Student Services Manager are able to show that there is no substance to the allegations made against the student, they check this with the Head of the student's School or Department and the Faculty Associate Dean (Learning and Teaching) and report their conclusions to the Executive Dean of the Faculty. The Executive Dean may then halt further proceedings and request the Student Services Manager to advise the student in
writing that the allegations have been dismissed. This letter is also copied to the Academic Leader for the student's programme or subject area.

39. Where, after an investigation by the Student Services Manager, an allegation about fitness to practise has been found not to have substance, the report produced by the Student Services Manager is copied to OSCAR for its records.

40. Where the Student Services Manager's investigations show that there is evidence to substantiate the allegations that the student has failed to observe the University's requirements for professional behaviour, they report this in writing to the Executive Dean of Faculty, together with a report on the evidence that has been gathered and the evidence itself.

41. The role of the Executive Dean of Faculty at this point is to satisfy themselves that the investigation has been thoroughly conducted and that the Student Services Manager’s report is supported by evidence. When they are satisfied that this is the case the Executive Dean authorises the Student Services Manager to pass their report and the accompanying evidence to the Director of Student Services and Administration, with a request that the matter is put before a Fitness to Practise Panel and to inform the student accordingly.

**Role of the Director of Student Services and Administration in fitness to practise matters**

42. In fitness to practise matters the Director of Student Services and Administration acts as the University's procedural gatekeeper. In keeping with this role the Director checks that the request for a Fitness to Practise Panel to be convened, and the documentation forwarded from the Faculty, include the report by the Student Services Manager of their investigation into the allegation and the evidence collected in the course of the investigation, and that there is sufficient information to enable a Fitness to Practise Panel to hear the matter. The Director of Student Services and Administration also checks whether the basis on which the request is made is consistent with these *Regulations for fitness to practise* or whether it would more appropriately be dealt with under other University Regulations, such as the *Regulations for fitness to study* or the *Student disciplinary regulations*.

43. Where the Director of Student Services and Administration considers that the facts of the matter referred to them by the Faculty are such that it should be dealt with under other University Regulations, such as the *Regulations for fitness to study* or the *Student disciplinary regulations*, they will consult as necessary in reaching a decision. Where the decision is that the matter is better dealt with under different Regulations, they will consult with the Executive Dean of Faculty from which the matter was referred before confirming their decision to take the matter forward under other Regulations.

44. Where a Managed Exclusion Order has previously been made in connection with a matter involving failure by a student to observe the University's requirements for professional behaviour, and the Director of Student Services and Administration considers that it is in the best interests of the student, their safety and wellbeing, or the safety and wellbeing of others (including patients, clients, third parties and the public) to extend the Managed Exclusion Order they may apply to the Vice-Provost to extend the Order.

**Fitness to Practise Panels**

45. Where the Director of Student Services and Administration is satisfied that a matter should be referred to a Fitness to Practise Panel they pass the documentation received from the Faculty to an OSCAR Case Officer. The Case Officer compiles the documentation, makes any necessary enquiries and distributes the information to the
members of the Fitness to Practise Panel and the student; this is normally within 20 working days of the Case Officer receiving the documentations from the Director of Student Services and Administration.

46. Fitness to Practise Panels conduct their business in accordance with the provisions of the University's Regulations for hearings by panels.

47. Where a student notifies the University that they wish to be legally represented at any stage of this process, the University will be similarly legally represented. In these circumstances it may take longer to convene the Panel.

**Membership of a Fitness to Practise Panel**

48. The membership of a Fitness to Study Panel comprises of three members from the pool of trained panel members as follows plus an external member:
   - the Vice-Provost (Education and Students) or their nominee (Chair)
   - a member of academic staff
   - a student member
   - an independent external member qualified in the relevant practice area

   The OSCAR Case Officer is in attendance as Secretary to the Panel

   Members of a Fitness to Practise Panel should have no current academic or personal connection with the student (or students) who come before the Panel.

49. Where the Chair of a Panel considers that it will need to be advised by the Academic Leader for the student's programme or subject area, or a member of the Student Services, they may request their attendance at the hearing.

**Procedure**

50. The task for a Fitness to Practise Panel is to find whether the student has breached the University's requirement for professional behaviour on the part of students following a programme that leads to eligibility to apply for Registration by a Registration Body.

51. Where a Fitness to Practise Panel finds that a student has breached the University's requirement for professional behaviour it will need to comment in its findings on the way that the student breached the University's requirement and also to consider the extent to which the student breached the University's requirement.

52. The findings of a University's Fitness to Practise Panel are not those of a Registration Body, which can refuse Registration to a person considered unfit to practise or remove or suspend the registration of a practitioner. Nonetheless, the members of the Fitness to Practise Panel will be mindful that the findings of the Panel may have a serious effect on a student's future career.

53. A Fitness to Practise Panel that is referring to the code of conduct or code of practice of a Registration Body to inform its understanding of that Body's requirements with respect to professional standards, conduct and fitness to practise, will find it helpful to hear the advice of members who are Registrants but may also seek advice from an authoritative member of the Registration Body on matters of interpretation. Ordinarily, such advice will be sought from the Registration Body in advance of the Panel's hearing by the Secretary on behalf of the Chair of the Panel or through OSCAR. Where the Panel wishes to seek further advice in the course of a Fitness to Practise hearing it may adjourn its meeting in order to do so but will explain to the student and any witnesses why the meeting is being adjourned and when it is likely to reconvene.
Findings and outcomes of a Fitness to Practise Panel

54. A Fitness to Practise Panel may come to one of three findings:

(i) that the student has not breached the University's requirements for professional behaviour, that no further action is required and that the matter is concluded;

(ii) that the student has breached the University's requirements for professional behaviour, but that having considered the matter, and taken such advice as the relevant Registration Body has been able to offer, the Panel is satisfied that the breach can be repaired through remedial action by the student and that once remedied, the breach is unlikely to compromise the student's eligibility to apply for Registration (see also Regulation 55 below);

(iii) that the student has breached the University's requirements for professional behaviour and cannot continue on a programme that leads to eligibility to apply for Registration.

55. Where a Fitness to Practise Panel finds that there has been a breach of the University's requirements for Professional Behaviour that can be repaired (Regulation 54(ii) above) the Panel is required to specify what the student needs to do to repair the breach and how the completion of the repair is to be monitored and confirmed.

56. When writing to the student the Secretary to the Panel will emphasise that subsequent decisions by Registration Bodies are made by them independently, and that the Panel's findings in this matter have been made under the University's Regulations, not those of the relevant Registration Body, which may take a different view. The Secretary's letter will require the student to confirm in writing, within five working days of the date of the Secretary's letter, that they understand that the Panel's findings do not represent an undertaking by or on behalf of the Registration Body to admit the student to its Register.

57. Where the Fitness to Practise Panel finds that the student has breached the University's requirements for Professional Behaviour and cannot continue on a programme that leads to Registration (Regulation 54(iii) above) the student's registration on that programme will be terminated. Where the student does not appeal against the findings of the Panel within the specified time limit (see Regulation 60 below), the Secretary of the Panel issues a Completion of Procedures letter.

58. Where the outcome of the Fitness to Practise Panel hearing is that the student's registration is terminated, the Director of Student Services and Administration ensures that the student receives any interim or alternative award to which they are entitled and a copy of their transcript or its equivalent.

Appeal against the findings of a Fitness to Practise Panel

59. Students making an appeal against the findings of a Fitness to Practise Panel do so using the University's prescribed standard form, copies of which are available from the OSCAR web pages.

60. Appeals against the findings, recommendations and/or penalty made by a Fitness to Practise Panel must be received by OSCAR within 10 working days of the relevant Panel conveying its findings to the student in writing.

61. Where OSCAR has requested a student to provide additional information and the student has failed to do so within 10 working days of the request being sent to the student's University email address, the student will be sent a further reminder and
warned that their appeal will be closed if a response is not received within a further calendar month.

62. Where OSCAR or the Director of Student Services and Administration considers that an appeal appears vexatious or malicious they refer the matter for review to the University Secretary and Legal Counsel. Following review, if it is decided that the appeal is vexatious or malicious the University Secretary may direct that the appeal is dismissed and informs the student according.

**Grounds for making an appeal**

63. In an appeal, the burden of proof passes to the person making the appeal; that is, it is for the student to show that their appeal is consistent with one or more of the grounds set out below and that they can support their appeal with evidence.

64. When making an appeal against the findings and/or the penalty imposed by a Fitness to Practise Panel the student is required to show that one or more of the following apply:
   - that the Panel failed to follow the University's Regulations and procedures, or failed to follow them with due care
   - that in reaching its finding or imposing the penalty the Panel exhibited bias or prejudice against the student
   - that there is new evidence that was not available to the Panel but that has since come to light and should be considered and there were valid reasons why it was not available at the time

**Investigations by OSCAR**

65. When OSCAR receives an appeal against the findings or penalty imposed by a Fitness to Practise Panel the Case Officer assigned to deal with the matter checks whether:
   (i) the appeal has identified the grounds on which it has been made;
   (ii) the grounds are consistent with those that the University recognises as valid (see Regulation 64 above);
   (iii) the grounds advanced are supported by relevant evidence;
   (iv) the appeal is supported by new evidence that was not put to the Fitness to Practise panel and whether the evidence is relevant to the alleged failure to observe the University's requirements for professional behaviour.

66. Where the student's appeal meets the requirements set out in Regulations 64 and 65 (i), (iii) and/or (iv) above, the Case Officer checks with a second Case Officer before confirming that a Fitness to Practise Appeal Panel should be convened and making the necessary arrangements. This may include ensuring that the terms of any current Managed Exclusion Order in force enable the student to make necessary preparations for the hearing and for any witnesses to attend the hearing. Where the student has submitted fresh evidence in support of their appeal the Case Officer will check that the evidence is relevant to the matter and include it in the appeal dossier they compile for the hearing by the Fitness to Practise Appeal Panel.

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4 The Office of the Independent Adjudicator defines examples of vexatious appeals as including: those that are obsessive, harassing or repetitive; insistence on pursuing non-meritorious appeals and/or unrealistic, unreasonable outcomes; insistence on pursuing meritorious appeals in an unreasonable manner; appeals which are designed to cause disruption or annoyance; demands for redress which lack any serious purpose or value.
67. Where the Case Officer, having reviewed the documents setting out the student’s appeal, considers that it does not meet one or more of the conditions set out in Regulations 64 and 65 (i), (ii) or (iii) above, and this is confirmed by a second Case Officer, the first Case Officer writes to the student to dismiss their appeal, explaining the grounds for the dismissal, and that this communication constitutes a Completion of Procedures.

**Fitness to Practise Appeal Panels**

68. Fitness to Practise Appeal Panels conduct their business in accordance with the [Regulations for hearings by panels](#).

**Membership of a Fitness to Practise Appeal Panel**

69. The membership of a Fitness to Practise Appeal Panel comprises of three members from the pool of trained panel members as follows,

- the Vice-Provost (Education and Students) or their nominee who Chairs the Panel
- a member of academic staff
- a student member
- an independent external member qualified in the relevant practice area

The Appeal Panel is supported by a secretary from OSCAR

70. Members of a Fitness to Practise Appeal Panel should have no current academic or personal connection with the student (or students) who come before the Panel. Members of the Appeal Panel and the Panel secretary should have had no connection with the Fitness to Practise Panel that previously heard the matter.

**Findings and outcomes of a Fitness to Practise Appeal Panel**

71. On the basis of the written evidence provided for it and the evidence brought to its attention through the hearing a Fitness to Practise Appeal Panel may:

   (i) confirm the findings of a Fitness to Practise Panel and dismiss the appeal
   (ii) find that there was bias in the way the Fitness to Practise Panel reached its findings or in other aspects of the fitness to practise procedure
   (iii) find that there has been a failure to follow the University’s own procedures and/or Regulations or to follow them with due care such as to deny the student a fair hearing
   (iv) find that new evidence that was not available to the Fitness to Practise Panel at the time for good reason is relevant to the case and should be taken into account.

72. Where the finding is as in (ii), (iii) and/or (iv) above the Fitness to Practise Appeal Panel may:

- direct that the matter be heard anew by a differently constituted Fitness to Practise Panel
- substitute the findings of the Fitness to Practise Panel with its own findings
- or, where the unfairness to the student is extreme, nullify the findings of the Fitness to Practise Panel and end the procedure.

73. When the hearing by the Fitness to Practise Appeal Panel concludes, the Secretary to the Panel writes to the student, the Director of Student Services and Administration, the Executive Dean of the student's Faculty, and other relevant
persons, on behalf of the Appeal Panel, stating whether the student's appeal has been upheld or dismissed. The Secretary's letter also states that it constitutes the completion of the University's procedures and that where the student considers they have grounds to complain against this outcome they may do so to the Office of the Independent Adjudicator.

74. When writing to the student the Secretary to the Panel will emphasise that subsequent decisions by Registration Bodies are made by them independently, and that the Panel's findings in this matter have been made under the University's Regulations, not those of the relevant Registration Body, which may take a different view. The Secretary's letter will require the student to confirm in writing, within five working days of the date of the Secretary's letter, that they understand that the Panel's findings do not represent an undertaking by or on behalf of the Registration Body to admit the student to its Register.
Appendix 1: Disclosure and Barring Service

Staff and students within the University of Surrey required to undergo DBS checks include:

- Staff working with children and vulnerable adults in Regulated Activity:
  - Nurses and others providing treatment, therapy or healthcare (and their managers)
  - Tutors and supervisors on summer schools, and managers of those training, supervising, etc on summer schools
  - Staff who carry out frequent outreach work in schools (although this is unlikely to extend to those who simply market the University)
  - Security Staff, as these roles of formally include aspects of care or supervision of students who are under 18 or disabled (as defined under the SVGA)
  - Joint clinical staff who work in hospitals and/or with vulnerable adults and children.

- Students on programmes leading to a professional qualification in nursing, midwifery, dietetics, paramedic science, clinical psychology, physicians associate who are required to go on placement in hospitals, surgeries, nurseries and anywhere else that requires them to be engaged in Regulated Activity relating to children or vulnerable adults

- Student volunteers undertaking work (paid or unpaid) unconnected with their course of study which involves Regulated Activity, including certain aspects of work at Surrey Sports Park

- Research staff and PhD students working on research projects which involves supervising children or vulnerable adults in the course of conducting the research (research per se is unlikely to be Regulated Activity)

- Service providers such as Catering where staff hold alcohol licences requiring DBS checks (enhanced)