



University of
Chester

Professional Suitability Procedures

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University of Chester

Professional Suitability Procedure

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Foreword

This document is separated into two parts:

- The Policy
- The Procedure

Overview

A number of Professional, Regulatory and Statutory Bodies, such as the Nursing and Midwifery Council or the Social Work England require that the University has a set of procedures that consider both the good conduct and good health of trainees who wish to enter the relevant profession as full registrant. This Professional Suitability Procedure has been published to consider matters of both conduct and health for trainees on professional programmes.

The Policy

This part explains what is meant by misconduct, what authority the University has to deal with your behaviour and why the University needs to act when it receives a complaint or allegation that you have breached the student code of conduct. In terms of health the policy part explains why the University needs to act when due to problems with your health and wellbeing you may need some help or time out from being a student at the University.

The policy part also details who will act on behalf of the University and what they can do in situations; but it also limits the possible actions of some individuals.

The policy also explains what rights you have including your right to have a companion, how long the process may take and the right to see what has been written about you.

The Policy is written in formal language which is intended to give a factual dispassionate account to inform all members of the University (including you) about the University's policy.

The Procedure

Part two (2) of this document is the Procedure. This goes in to detail as to what the University will do, how the University will act, who will do it and by when.

The procedure is a guide for both you and University staff as to what should be done to deal with issues around misconduct and/or issues arising from a change in your health condition.

The procedure is written in a way that talks to you personally, but at times it may be that formal language is used. So when we say "the Student" we mean "you" or "your". Other terms such as the "Panel" or references to Job Titles eg "Director of Student Services" are explained in the procedure.

The procedure also explains the appeal process and your right to take your case to the OIAHE.

Other Important Documents

There are also two other documents that we have written to help you and other understand these procedures, they are:

- The Student Code of Conduct
 - a copy of this is document attached at the end and can also be found at <https://www1.chester.ac.uk/sites/default/files/code-of-conduct-Aug2020.pdf>
- The Panel Guide
 - You can find a copy of this guide on Portal at <https://portal1.chester.ac.uk/proctor/Pages/discipline.aspx>

The Student Code of Conduct

This sets the standards of expected behaviour that is how you should behave as a student of the University. You are expected to follow the code of conduct both at the University and also outside the University. This could include when you are with a University sports team or on a night out with house mates or a group of friends from the University.

If you are a student on a professional programme such as Nursing, Midwifery, Teacher Training or Social Work you are expected to follow the code of conduct at all times. Your conduct can have an effect on your course.

We have divided misconduct into two types 'Serious' and 'General'. Serious misconduct will always be dealt with under the formal part of the procedure where you will have to attend a Disciplinary Panel. Serious misconduct will usually attract the higher end penalties. General misconduct may result in a Panel Hearing, but not always, sometimes the University will deal with the matter at the informal stage.

Under no circumstances will the University tolerate any behaviour that amounts to misconduct against another person. Any sort of abuse, assault, sexual assault or sexual violence, domestic violence, discrimination or harassment of any kind, irrespective of whether it is verbal, online (including social media) or physical will be regarded as 'Serious' and be dealt with severely.

You need to remember that if you are found to have committed misconduct then you will have to face the consequences of your behaviour which could include you being told to leave the University.

The Panel Guide

This is a set of useful information, similar to an Appendix, that will help either you or other people in the University to use the procedure. The Guide provides background, context and general guidance to the Professional Suitability and Student Disciplinary Procedures

The Panel Guide contains the Student Code of Conduct, a suggested format for a Disciplinary panel hearing and guidance for the Panel as to how they should determine the case.

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PART 1 - POLICY FRAMEWORK

PSP-I. Introduction

1. Under Article 3.2.7 of the University's Articles of Government, the Vice-Chancellor is responsible 'for the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.' Article 10.2 of the Articles of Government states that 'the University Council, after consultation with the Senate and representatives of the students, shall make rules with respect to the students, including procedures for suspension and expulsion.' The Student Disciplinary and Professional Suitability Procedures fulfil these articles.
 - 1.1. The Pro Vice-Chancellor (Student Experience) is responsible for day to day matters relating to student discipline and wellbeing and as such is regarded as the primary delegate on behalf of the University Council and Strategic Executive Team for these matters.
2. The University may take disciplinary Sanctions against any student studying or registered with the University, if they fail to abide by the Student Code of Conduct or are found guilty of misconduct, as defined below. The University may also take any appropriate action to seek to address complaints about student conduct, including advising complainants to contact their local environmental health officer regarding noise or the police regarding criminal offences, or advising students how to resolve matters amicably with neighbours.

PSP-II. Guidance Notes

3. Guidance Notes to accompany these procedures have been published. The Guidance Notes are designed to provide background, context and general guidance to the Professional Suitability and Student Disciplinary Procedures.
4. Much of the guidance is based upon findings, guidance and other relevant documents from relevant external agencies, including the Office of the Independent Adjudicator for Higher Education (OIA), Universities UK (UUK) and the Nursing and Midwifery Council (NMC). The notes are for guidance only, intended to assist Panel Members in their duties and to provide further explanation of both the Student Disciplinary (SDP) and Professional Suitability Procedures (PSP).

PSP-III. Student Code of Conduct and Definition of Misconduct

5. A student renders themselves subject to disciplinary action on the grounds of misconduct if they fail to abide by the Student Code of Conduct or improperly interferes, in the broadest sense, with the proper functioning or activities of the University, or with the lives of those who work or study at the University, or undertakes any action which may otherwise damage the University. Including:
 - 5.1. If it took place on University property, premises, or any other location, or if the student was involved in an activity associated with being a student of the University or was representing the University. This may include being present at any place by virtue of their University student status.
 - 5.2. In the case of a student registered on a programme leading to Professional qualification, if the conduct contravenes the Code of Practice for the relevant

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professional body, e.g. NMC, etc. Misconduct of this type shall be dealt with under this Procedure.

- 5.2.i Codes of Practice published by professional bodies are designed to promote and safeguard appropriate standards of professional behaviour.
6. Examples of misconduct are included in the Guidance Notes. The examples listed are illustrative only and are neither comprehensive nor exhaustive. These examples may be added to or modified as necessary.
7. The University shall take no account of misconduct prior to enrolling as a student, which has subsequently been revealed, or is still in the process of being dealt with by other authorities unless:
 - 7.1. the conduct is of such a serious kind and character, that it calls into question the fitness of the student to remain a member of the University, e.g. having regard to the safety and wellbeing of other students and staff;
 - 7.2. the conduct calls into question the fitness of the student to remain on a programme leading directly to a professional qualification, or to be admitted to and practice that profession; in which case the matter will be investigated under this Procedure; or
 - 7.3. the individual is included on the relevant Disclosure and Barring Service barring list.

PSP-IV. What is Professional Suitability?

8. All members of the relevant profession, including, in some cases, students and/or trainees, are required to register with the appropriate professional body/ies. Compliance with the guidance contained in these procedures will promote, but does not guarantee, registration.
9. A student who is professionally suitable for registration with the appropriate professional body will:
 - 9.1. uphold and comply at all times with the standards of behaviour set from time to time by the relevant professional body/ies whose functions include maintaining and protecting the health, well-being and confidence of the public and regulating those working in the profession, their employers and their education and training. These standards are expressed and prescribed in a variety of ways, including Codes of Conduct and legislative requirements, a list of which is held by the department of Academic Quality and Enhancement. These expectations include good character and good health;
 - 9.2. not engage in behaviour which is professionally unsuitable by reason of its failure to comply with the professional standards of behaviour or which constitutes misconduct due to failure to abide by the University's Student Code of Conduct.

PSP-V. What May Constitute Professional Unsuitability?

Unsuitability due to Misconduct

10. The University may assess the professional suitability of any student subject to these Procedures and apply them to sanction any failure to meet the requirements of professional suitability specified above.
11. Moreover, the need for those members of the student body to whom these Procedures apply to be professionally suitable and for them to behave accordingly extends beyond

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University premises, beyond engagement on a placement organised by the University and on any other University business. It extends to cover any misconduct inside and outside the University, including during a student's social life, if that misconduct raises doubt about a student's professional suitability, including, for example:

- 11.1. by jeopardizing the reputation of any part or member of the University, the profession and/or a professional body;
- 11.2. by improperly interfering, in the broadest sense, with the proper functioning or activities of the University, or with the lives of those who work or study at the University, or which may otherwise damage the University;
- 11.3. by raising questions about a student's suitability to remain a member of the University and/or to seek registration or continue to be registered with a professional body because they pose, or may in the future pose, a danger to members of the public;
- 11.4. by evidencing a student's inability to practise professionally due to misconduct, including issues relating to the (mis)use of alcohol or any other substance.

Unsuitability due to Health Matters

12. Subject to the University's duties under the Equality Act 2010 set out below, the following circumstances may also be dealt with as matters of professional suitability under these Procedures:
 - 12.1. if a student develops a health condition or disability while on the programme;
 - 12.2. if a student's existing health condition or disability changes while on the programme;
 - 12.3. where a student is unable to practise professionally due to physical and/or mental health problems, including for reasons relating to the (mis)use of alcohol or any other substance;
 - 12.4. If a student's behaviour is such that it has been found necessary for any reason to invoke any University procedure relating to behaviour, health, mental health or fitness to study, reside in, remain at or attend the University;
 - 12.5. excessive periods of unexplained absence, and/or recurring and frequent explained absences, from the programme or placement, or any absence from any part of the programme or placement which is significant in relation to the student's professional suitability.

PSP-VI. Misconduct involving the (Mis)use of Alcohol and/or any other Substances

13. The University is committed to providing a safe and supportive learning environment, including seeking to address the risks posed by alcohol or substance (mis)use. Students who are under the influence of alcohol or any other substances including New Psychoactive Substances (NPS) are more likely to be involved in an offence either as a victim or perpetrator. The University maintains a policy on alcohol and drug (mis)use which is available on the University intranet.
14. Whilst the University regards a person's dependency on alcohol or other substances as a health matter, this is distinct from the presence or influence of alcohol or other substances in misconduct, which will be regarded as an aggravating factor in the determination of the allegation and subsequent sanction, and no allowance will be made for it.

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15. Engaging in any form of misconduct whilst under the influence of, or involving, alcohol and/or substance (mis)use may be treated as serious misconduct.

PSP-VII. Misconduct against another Person

16. As stated above the University seeks to provide a safe environment based on mutual respect for the rights and dignity of all individuals. Accordingly, misconduct against another person (including that made electronically or online etc.), whether verbal or physical, including acts of violence will not be tolerated.
17. Recognising particularly the impact that any form of sexual misconduct, violence or assault (including that made electronically or online etc.) may have upon those directly involved and on the University community, the University is committed to elimination and prevention of such behaviour.
18. Engaging in any form of sexual misconduct, violence or assault (including that made electronically or online etc.), should not normally receive a sanction at the Informal Phase other than to be referred to a Formal Panel.
19. Moreover, any person who engages in any form of sexual misconduct, violence or assault (including that made electronically or online etc.) will be liable to precautionary suspension and to the most severe sanction as detailed in the Formal Panel Phase if the allegations are upheld after consideration under the Formal Panel Phase

PSP-VIII. Diversity and Equality

20. The University will comply with its obligations under the Equality Act 2010 to avoid discrimination because of any of the following:
 - age
 - marriage & civil partnership
 - religion or belief
 - disability
 - pregnancy & maternity
 - sex
 - gender reassignment
 - race
 - sexual orientation
21. Under the Equality Act 2010, less favourable treatment of a disabled person may be justified if it is necessary in order to maintain one or more competence standards, i.e. an academic, medical or other standard applied by or on behalf of the University for the purpose of determining whether or not a person has a particular level of competence or ability. The University will keep its competence standards under review with a view to ensuring that they remain justifiable as competence standards and are both material to the circumstances of the case and substantial.

PSP-IX. Informing a Professional Body and/or Disclosure and Barring Service of Professional Unsuitability

22. The University may be required, and reserves the right at its discretion, to report to the relevant professional body/ies and/or the Disclosure and Barring Service (DBS) the conduct of any student whose professional suitability has been subject to these Procedures.
23. Regulated Activity Providers (as defined in the Safeguarding Vulnerable Groups Act 2006) and the University have a statutory duty to refer any person who has engaged in relevant conduct and a duty to provide information to the Independent Barring Board upon request.

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24. The University must refer information to the DBS when they have dismissed an individual, or an individual resigns, because they harmed, or may harm, a child or vulnerable adult; or they think the DBS may consider it appropriate to bar the individual.
25. Further information about the Safeguarding Vulnerable Groups Act 2006 and the legislative framework for a vetting and barring scheme for people who work with children and vulnerable adults is contained in the guidance notes below.

PSP-X. Delegation by, and Definition of Named Post Holders and Nominated Staff

Post-Holders

26. The Vice-Chancellor (VC), Deputy-Vice-Chancellor (DVC), Pro Vice-Chancellor (PVC) or other named post holders, including the Director of Student Services, may delegate powers and responsibilities, as identified under these Rules and Procedures, to a designated alternate (Nominee) either generally or in respect of a particular case or in relation to any area of their responsibility under this Procedure unless otherwise stated.
 - 26.1. Throughout these Rules and Procedures the expression “Vice-Chancellor” or “VC” may be interpreted as meaning the Vice-Chancellor of the University, Deputy-Vice-Chancellor of the University, a Pro Vice-Chancellor of the University or their nominee;.
 - 26.2. Notwithstanding the above the Pro Vice-Chancellor (Student Experience) shall be the primary delegate and nominee in all matters relating to student discipline and wellbeing.

Nominated Staff

27. For the purposes of the Formal Panel Phase and Review Phase the term *nominated staff* shall be regarded as any of the following University staff:
 - A Member of the Strategic Executive Team (SET)
 - A Member of the Senior Leadership Team (SLT)
 - An Executive Dean/Director or Associate, Deputy or Vice-Dean
 - A Head of Department
 - A Programme Leader
 - A member of staff equivalent or senior to any of the above.
 - A member of staff who has received appropriate training in these procedures
28. The Director of Student Services and senior staff from the same Faculty/Department as an individual student against whom an allegation has been made are excluded from chairing the relevant Panel.

PSP-XI. Conduct of Interviews and Hearings

29. All interviews and hearings under this Policy will be conducted fairly and impartially by the Interviewer and/or Chair of the hearing.
30. The Interviewer or Chair of the hearing will normally conduct the hearing according to the suggested format specified in the Guidance Notes.
31. The Interviewer or the Chair of the hearing may exclude from the proceedings any person (including the student or the student's ‘Companion’) who behaves unreasonably or who disregards any reasonable instructions given with regard to the interview or hearing.

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32. Any interviews, meetings or hearings may be held either in person or by using appropriate remote video conferencing software and may be recorded.

PSP-XII. Student Companions/Staff Colleagues at Interviews, Meetings and Hearings

Student Companions

33. Any student who has been requested to attend for either an interview, meeting and/or at a hearing, may be accompanied by one 'Companion' who shall be a fellow student, Students' Union representative or member of staff at the University but may not be a fellow student who has had prior involvement in the case or who is likely to be or has been interviewed as part of either the Director of Student Services' preliminary investigation or any hearings held under the Formal or Review phase.
 - 33.1. Except in cases where a reasonable adjustment under the Equality Act is required, family members, partners or representatives from any other body will not be permitted to act as a 'Companion'.
 - 33.2. An individual student's Companion will not be permitted to answer questions on behalf of the student.
34. The name and status of the Companion should be notified to the Director of Student Services in advance of any interview and no later than two days before the date of any hearing held under the formal or review phase.

Staff Colleagues

35. Except in the case of a student, any other person, including university staff or external persons, who have been requested to attend for an interview, meeting and/or a hearing by the Director of Student Services, may be accompanied by one 'Colleague' as they believe necessary.
 - 35.1. A Colleague would normally be a workplace colleague or similar but may not be an individual who has had any prior involvement in the case or who is likely to be or has been interviewed as part of either the Director of Student Services' preliminary investigation or any hearings held under the Formal or Review phase.
 - 35.2. A Colleague is support for a witness and may not answer any questions on behalf of the witness or provide any input into the relevant meeting or hearing.
36. The name and status of the Colleague should be notified to the Director of Student Services in advance of any interview and no later than two days before the date of any hearing held under the formal or review phase.

PSP-XIII. Timeliness

37. The University will endeavour to conclude the Formal Panel Phase, following the preliminary investigation and decision to refer the matter to a formal panel, within ninety (90) calendar days.
 - 37.1. Notwithstanding the above, it may be necessary for the University to alter or extend any timescale or deadline detailed in the procedure. Where this is the case the Director of Student Services, the Invoking Officer or Chair of the relevant panel will, on behalf of the University, inform and explain the circumstances requiring the alteration to the student concerned.

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- 37.2. Where cases may involve third parties and it is necessary for the University to either obtain information from or to await an action by the third party the University may need to await the completion of such action before either proceeding or continuing with the procedure. Delay in conclusion of the procedure may follow as a result.
38. The University will consider any reasonable request to alter the relevant timescale or extend a relevant deadline as necessary made, in good faith, by an individual student against whom an allegation has been made which is needed due to factors beyond their control.
- 38.1. The University reserves the right not to comply with any request made by an individual student (or their 'Companion') to alter or amend any aspect of the procedure (including timescales or deadlines) unless the Director of Student Services, the Invoking Officer or Chair of the relevant panel reasonably considers it necessary to do so.
39. The University may suspend any stage of the operation of this procedure where the Director of Student Services, the Invoking Officer or the Chair of the relevant panel reasonably believes that matters raised by an individual may have an impact upon or affect the hearing or have a significant bearing on the outcome of the hearing until the matters raised are satisfactorily investigated under the relevant University procedure and the relevant procedure exhausted as necessary.
40. Where the Director of Student Services, the Invoking Officer or Chair of the relevant panel reasonably considers that any request made by a student (or their Companion) to alter or amend any aspect of the procedure (including timescales or deadlines) or to seek a suspension of the operation of the procedure is vexatious, frivolous or intended to frustrate any aspect of the procedure including the investigation, panel hearing or any other function of the University, the request shall be refused and noted for consideration as an aggravating factor by the relevant panel at the hearing.

PSP-XIV. Interaction with Other Policies and Procedures

41. This procedure extends to include concerns resulting from issues that have arisen due to changes or developments around an individual student's conduct and/or health, including mental health, wellbeing and fitness to study, reside or remain at the University.
42. Action which has been or may be taken under any other relevant university procedure and which has resulted or may result in a student being referred, investigated, precautionarily suspended or excluded, will not preclude further action under this procedure but may form part of the Referral and Investigation Phase of this procedure.
- 42.1. For example, necessary and expedient action may be taken under the Student Mental Health Policy or Fitness to Study procedures to precautionarily suspend a student until such time as a Formal Professional Suitability panel may be arranged and held.

PSP-XV. Annual Monitoring

43. An annual report detailing case load will be submitted by the Director of Student Services to the University Secretary, for submission to the Strategic Executive Team (SET), no later than 31st December following the academic year ended on the preceding 31st July. The report will also be circulated to other key committees including the Student Voice and Experience Committee (a sub-committee of Senate) and the Academic Governance and Student Outcomes Committee (a sub-committee of Council).

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- 43.1. The anonymised report shall detail data relating to Equality monitoring linked to such other matters including, but not limited to, the number of cases according to the following:
- the type of misconduct
 - the location/campus on which the misconduct took place
 - the number of each sanction or measure imposed
 - the phase at which the case was concluded
 - any other material matters.

PSP-XVI. Confidentiality

44. Individuals' confidentiality will be maintained as far as is reasonably practicable. Any records should be confidential and be kept in accordance with the requirements of this procedure and relevant Data Protection legislation.
45. Any student(s) who is subject to an allegation/referral may receive copies of any meeting records upon request, although, in certain circumstances information may be withheld, for example to protect a witness, or where otherwise personal data relating to a third party would be disclosed.
46. All letters and correspondence in relation to any student procedure will be handled and stored in accordance with the relevant Data Protection legislation by those involved in the procedure.
47. Subject to the requirements of confidentiality, the University will maintain and report appropriate statistics on the use of this procedure in order to ensure its effectiveness and incidence in relation to particular equality groups.

PSP-XVII. Conduct which may also be a Criminal Offence, 'relevant conduct' or subject to Professional Body Investigation

48. There are occasions when behaviour on the part of a student is not only professionally unsuitable under these procedures, but may also constitute a criminal offence or require investigation by a relevant professional body or the Disclosure and Barring Service in order to consider ongoing registration. Particular care will be taken to ensure that no comments are made to the media on any case that may be the subject of criminal prosecution.
49. The following procedures apply where the alleged professional suitability may also constitute a criminal offence or would require investigation by, or referral to, a relevant professional body or the Disclosure and Barring Service in order to consider on-going registration.
- 49.1. If an allegation of misconduct has been reported to the police, the Pro Vice-Chancellor (Student Experience) may decide that no action (other than Temporary Removal from a Placement, Precautionary Suspension and/or Precautionary Exclusion from the University Pending a Hearing.) should be taken under these procedures until a prosecution has been completed or a decision not to prosecute has been taken.
- 49.2. If a decision not to prosecute is subsequently taken or following an investigation the relevant professional body, or Disclosure and Barring Service determines to take no further action, the Pro Vice-Chancellor (Student Experience) shall decide whether disciplinary action should continue or be initiated under these Procedures.

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- 49.3. If a decision to prosecute is taken and a conviction results or a relevant professional body or Disclosure and Barring Service imposes a disciplinary order including removal from a register or barring decision, the Court's or professional body's penalty may be taken into consideration in determining any action under these Procedures.
- 49.4. Under the Safeguarding Vulnerable Groups Act 2006 it is a criminal offence to allow a barred individual to work with the relevant vulnerable group. Any person who is barred by the Disclosure and Barring Service will therefore be immediately withdrawn from the programme of study and placements as necessary, without affecting any other action which may be taken under these Procedures.
- 49.5. If the outcome of a criminal prosecution is acquittal, or following an investigation or hearing the relevant professional body or Disclosure and Barring Service determines to take no further action, the Pro Vice-Chancellor (Student Experience) shall decide whether or not professional suitability action should continue or be taken under these Procedures.

PSP-XVIII. Referral to the Disclosure and Barring Service

50. The University has a statutory duty to refer any person who has engaged in relevant conduct and a duty to provide information to the Disclosure and Barring Service upon request. The University must refer information to the Disclosure and Barring Service when they have dismissed an individual, or an individual resigns, because they harmed, or may harm, a child or vulnerable adult; including the possession of pornographic images of children and vulnerable adults, or in the opinion of the University the misconduct may lead the DBS to consider it appropriate to bar the individual. Moreover, any form of misconduct that may be regarded as specified behaviour under the Safeguarding Vulnerable Groups Act that leads to consideration for inclusion on one or both of the barred lists will lead to the individual being referred to the Disclosure and Barring Service for consideration.
51. Where upon conclusion of the Panel, the Sanctions of Expulsion, Termination or Formal suspension are implemented and the Panel believe that grounds exist to refer the case to the Disclosure and Barring Service for consideration as to whether the individual should be included on the relevant Barring List the Panel's decision, case notes and evidence, including witness statements and minutes of the Panel, shall be passed to the DBS Lead Countersignatory for consideration.
52. Upon receipt of the Panel's decision and associated evidence the DBS Lead Countersignatory, in consultation with any persons deemed necessary including the Pro Vice-Chancellor (Student Experience), shall determine if the statutory duty to refer under the Safeguarding Vulnerable Groups Act 2006, and associated legislation, exists.
53. If in the opinion of the DBS Lead Countersignatory the statutory duty exists they will refer the individual and case to the Disclosure and Barring Service.
54. If in the opinion of the DBS Lead Countersignatory the statutory duty does not exist but the case may be of interest to the Disclosure and Barring Service they may refer the individual and case to the Disclosure and Barring Service.
55. If in the opinion of the DBS Lead Countersignatory the statutory duty does not exist and there is no reason to refer the case to the Disclosure and Barring Service they may not refer

the individual and case to the Disclosure and Barring Service, but will reserve the right to do so in the future if the need arises.

PSP-XIX. Temporary Removal from a Placement, Precautionary Suspension and/or Precautionary Exclusion from the University Pending a Hearing

56. Removal, suspension, or exclusion pending a hearing must not be used, or regarded as a penalty.
 - 56.1. The use of the provision to temporarily remove a student from placement, or to suspend, or exclude from the University is designed to protect individual members of the University, the University community in general or members of the public with whom the student may have contact as part of their training or studies.
 - 56.2. The provision may also be used to protect the individual student(s) who is the subject of a referral.

Temporary Removal from Studies in Placement

57. A student who is undertaking a placement as part of their programme and becomes the subject of a referral may be temporarily removed from the placement by an appropriate member of the programme team. Any such removal will be in line with the relevant placement arrangements within the Faculty, pending a professional suitability hearing.
 - 57.1. The power to temporarily remove a student from a placement may be used where an authorised member of the relevant programme team is of the opinion that there is a reasonable need to do so or there may be a risk to the welfare of the public.
 - 57.2. Temporary removal from a placement does not preclude any further suspension or exclusion from other academic activities or from the University as necessary.
58. Students subject to a removal will be informed of the decision and the reasons for the decision in writing within five (5) working days of the removal taking place.
59. A decision to temporarily remove a student from placement, shall be subject to review, in accordance with faculty requirements or where new information becomes available or at the request of the student.

Suspension/Exclusion from academic activities or from the University

60. The power to suspend or exclude shall be used only where the Pro Vice-Chancellor (Student Experience), or nominee, is of the opinion that it is urgent and necessary to take such action.
61. Students subject to a removal, suspension or exclusion will be informed of the decision and the reasons for the decision in writing within five (5) working days of the suspension or exclusion taking place.
62. A student who is the subject of a referral or against whom a criminal charge is pending, or who is the subject of police or other professional body investigation may be suspended, or excluded from the University and any placements by the Pro-Vice-Chancellor (Student Experience) pending the professional suitability hearing or the outcome of the police or professional body investigation.
63. A student who is the subject of a referral may be suspended from the University as a precautionary measure following a determination under the University's Mental Health Policy.

Professional Suitability Procedure

64. Suspension may be a total prohibition of attendance at, and access to University premises, and of participation in University activities or subject to such conditions as the Pro Vice-Chancellor (Student Experience) may impose.
65. Exclusion involves selective restriction on attendance at, or access to, the University premises or prohibition of exercising the functions, or duties, of any office or committee membership in the University, or the Students' Union, the exact details to be specified in writing.
66. Suspension should be used only where there are good grounds for deeming exclusion to be inadequate.
67. An order of suspension, or exclusion, may include a requirement that the student should have no contact of any kind with a named person, or persons.

Exclusion or Suspension during Field Visits

68. The power of exclusion shall extend to fieldwork or field course or other organised activity away from University premises and the leader of such organised activity shall have the delegated authority to exclude any student(s). Such an exclusion decision may be in respect of a particular activity or associated residential accommodation, notwithstanding the exclusion may necessitate leaving the course.

Representation to the PVC or Nominee

69. Save in respect of a temporary removal from a placement or a suspension or exclusion from or during an organised activity away from University premises, no student would normally be suspended or excluded unless they have been offered an opportunity to make representations to the Pro Vice-Chancellor (Student Experience) or nominee.
 - 69.1. In cases of great urgency, a student may be suspended with immediate effect.
 - 69.2. In respect of organised activities away from University premises, representations to the Pro Vice-Chancellor (Student Experience) or nominee shall be made as soon as practicable following return to the University.

Consideration of Suspension and Exclusion

70. A decision to suspend, or exclude, from academic activities associated with the student's course of study (other than access to the Library), shall be subject to consideration, where new information becomes available or at the request of the student and normally every four weeks. The Director of Student Services on behalf of the Pro Vice-Chancellor (Student Experience) shall consider whether there are any pertinent or new factors that may have a bearing on the initial decision to suspend or exclude the student.
 - 70.1. Any such consideration may be based solely upon paperwork and/or any findings or evidence received to date including any written representations made by the student involved; but may not involve a hearing or submissions made in person either by or on behalf of the student.

PSP-XX. Admission to an Alternative Programme

71. Termination of, or withdrawal from, professional education and training on the grounds of professional suitability under these procedures will not preclude a subsequent application for admission or transfer to a suitable alternative programme leading to an award of the University. Admission shall be subject to the University's Principles and Regulations and admissions policies and shall be at the discretion of the admitting authority having regard

Professional Suitability Procedure

to the nature and circumstances of the student's professional suitability for the prior programme on which they were registered.

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PART 2 - PROCEDURE FOR DEALING WITH PROFESSIONAL UNSUITABILITY

PSP-XXI. Referral and Investigation Phase

72. The University may receive an allegation or complaint about your professional suitability (defined as 'referral') from any staff or other students of the University. In addition, a referral may also come from other people or bodies not directly connected to the University including professional bodies, the Disclosure and Barring Service, placement providers, clients or service users. The Director of Student Services will be informed about any referrals received, who will then tell your Dean of Faculty about the referral.
73. When the Director of Student Services is told about a referral they will decide whether the matter is an issue relating to conduct or health and then they will do a preliminary investigation.
 - 73.1. In most cases the Director of Student Services will ask another member of staff, usually the Proctor, to undertake the investigation on their behalf.
 - 73.2. If the matter relates to health the Director of Student Services may ask a member of the wellbeing team to assist the Proctor with the investigation.
74. A member of your faculty will also be asked for advice on the professional requirements or context in which the referral has been made.
75. If the Director of Student Services has received a referral about you then you may be temporarily removed from any professional placement as described in 'Temporary Removal from a Placement, Precautionary Suspension and/or Precautionary Exclusion from the University Pending a Hearing'. You may also be suspended or excluded from the University (see Suspension/Exclusion from academic activities or from the University). This is not intended as a punishment but rather to keep protect you or others as necessary.
76. The preliminary investigation will normally involve interviews or discussions with the person who made the allegation, you and anyone else who may be able to help or provide more information. These interviews are held so that a decision can be made as to what should happen next.
 - 76.1. If you are or anyone else is invited to an interview you will be entitled to be bring a relevant Companion or Colleague with you. The type of person you may bring is explained in the policy above (see Student Companions/Staff Colleagues at Interviews, Meetings and Hearings).

Issues of Conduct

77. The interviews should provide enough information for the Director of Student Services to make a decision as to whether you have committed General or Serious Misconduct. You will be told either at your interview or shortly after what the decision is.
 - 77.1. If you have committed 'general' misconduct then you will receive a sanction at the informal stage.
 - 77.2. If you have committed 'serious' misconduct then you will have to attend a disciplinary panel under the formal stage.

- 77.3. You will also be required to attend a formal disciplinary panel if your misconduct involves Misconduct against another Person or Misconduct involving the (Mis)use of Alcohol and/or any other Substances.

Issues of Health

78. If the referral about your suitability relates either to a health condition, misuse of alcohol or any other substances, or the emergence of, or change in, a disability, you will be required to undergo an assessment by the University's Occupational Health Unit and/or any other appropriate relevant medical, clinical or psychiatric professional. You are entitled to a copy of this assessment.
- 78.1. If the Director of Student Services or a member of your faculty reasonably considers that issues with your mental health are affecting your suitability then you may be referred to the Student Mental Health policy.
79. Once the detailed nature of the referral has been investigated, the Director of Student Services, in consultation with an appropriate member of the Faculty, may decide that the matter can be dealt with at the Informal Phase including the provision of reasonable adjustments as required by the Equality Act for matters relating to disability.
- 79.1. If your health condition may affect the health, safety, vital interests or wellbeing of children, service users or patients or any of those people may be placed at risk or compromised by you being in a placement environment then the matter must be dealt with under the Formal Phase of the procedure.

All Issues

80. It may be that the Director of Student Services, in consultation with an appropriate member of the Faculty, and if necessary, after taking relevant external professional advice, decides that the referral is not a matter of professional suitability as defined in the policy above (see What is Professional Suitability? and What May Constitute Professional Unsuitability?); that will be the end of this procedure. But, it may be that you could be dealt with under a different procedure if necessary or appropriate.

PSP-XXII. Informal Phase

Issues of Conduct

81. If it is decided that you have engaged in professionally unsuitable behaviour or you admit the misconduct during your interview or a formal suitability panel is deemed not to be required the Director of Student Services, having discussed the matter with an appropriate member of the Faculty, may impose one or more of the Sanctions listed below.
- 81.1. The following list of Sanctions is not exhaustive and it may be that in your case due to your particular faculty or programme of study certain action listed may not be an appropriate Sanction if a referral is upheld:
- a A warning and/or advice about your future conduct which may include you agreeing to a behavioural contract and/ or taking part in 'restorative justice' and/or an undertaking as to their future behaviour; and/or
 - b You must pay a fine of up to £750; and/or

- c You are required to pay for any damage that you have caused, or pay for any cost to replace any loss that the University, or other people have experienced due to your misconduct.
 - d You must attend a Formal Professional Suitability Panel.
82. The Sanctions detailed in this Informal Phase may be used for less serious or 'general' breaches of the disciplinary rules and code of conduct or 'general' suitability issues where referral to the Formal Panel Phase is deemed unnecessary.
83. However, where a breach may reasonably be regarded as a 'serious' breach or is any form of 'Misconduct against another Person' including misconduct where the health, safety, vital interests or wellbeing of children, service users or patients has been compromised or placed at risk, or which involve Misconduct involving the (Mis)use of Alcohol and/or any other Substances a referral to the Formal Panel Phase should normally be made.
84. You will receive an email in your student email account (@chester.ac.uk) which will tell you the outcome of the informal stage, including the Sanction and the reasons why you received the Sanction.
85. If you do not undertake any of sanctions that were given to you or if you want to request a Review (appeal) against the sanctions you will need to attend a Formal Suitability Hearing. The decision made by the Suitability Panel may include a more serious sanction than the one you received at the informal Phase. The decision of the Formal Panel will be final.
- 85.1. If you do wish to request a Review against the decision taken at the informal stage then you must request the review in writing within five (5) working days of being sent the email telling you the decision. You should address your request to the Director of Student Services.
 - 85.2. You will be sent an email to confirm that your request has been received. The process for setting up the Suitability Panel with then begin.

Issues of Health

86. If it is decided that the nature of the referral or your potential unsuitability is due to a Health Condition or disability, then an appropriate measure from the following list may be discussed with you and implemented.
- 86.1. That in consultation with you an appropriate reasonable adjustment under the Equality Act is agree and kept under review and/or
 - 86.2. You should see appropriate medical, or other necessary, assistance to resolve the issues.
87. If your Health Condition or emergence of a disability is so severe that its effects are going to have an impact upon your continued studies the matter must be referred to the Formal Panel Phase.
88. You will receive an email in your student email account (@chester.ac.uk) which will tell you the outcome of the informal stage, including the measure and the reasons why you received the measure.

PSP-XXIII. Formal Panel Phase

89. If it is decided that you have behaved in an unsuitable manner and that you have committed 'serious' misconduct or the referral cannot be dealt with at the informal stage

then you will be expected to attend a formal suitability hearing. You will also be expected to attend a formal suitability hearing if the Director of Student Services feels that it is **not** appropriate to deal with the allegation at the informal stage.

90. Once the decision has been made to hold a formal suitability hearing the Director of Student Services may ask a member of staff to be the Invoking Officer.
- 90.1. The role of the Invoking Officer is to undertake any further investigations including any other interviews with you or other people as necessary, collect any further evidence regarding your suitability and then to explain to the panel members at the hearing what they have discovered in support of the referral or allegation against you.
- 90.2. The Invoking Officer will be assisted at the Panel by an appropriate professional representative from the relevant Faculty who will be able to give evidence about the referral and comment upon the professional context in which the referral is made.
- 90.2.i The representative from the relevant Faculty may be the same person who had been involved in the informal phase as identified in the Informal Phase above.
- 90.3. If the issue of suitability relates to your health condition or disability, the Panel will also consider the written assessment that was made by the University's Occupational Health Unit and/or any other appropriate relevant medical, clinical or psychiatric professional as deemed necessary.

Membership of the Panel

91. Four people will be members of your Formal suitability Panel; their job is to decide whether you are professionally suitable or not and if you are found not to be what the University should do about it. The panel members are impartial and will not know you personally and will not have taught you or marked any of your work. The four members of the panel will be as follows:
- the Chair, selected from the list of Nominated Staff, which can be found in the policy above. The Director of Student Services and senior staff from your Faculty and your Department of study are not allowed to be the Chair of your panel. The Chair of the panel has the deciding vote if there is an equality of votes on any decision, the Chair may choose to vote differently from their original vote;
 - one senior member of an appropriate professional partnership organisation who is either a member or registrant of, or lay adviser to the same profession as the you and whose membership of the panel has been nominated or agreed by the relevant Faculty;
 - one member of University staff who **must** be from a different professional programme than you, but may be from the same Faculty or professional register as you; and
 - one member or designated officer of the student body.

Membership of the Panel - Student Nurse or Midwife

- 91.1. If you are a student nurse or midwife the in line with requirements from the NMC the panel shall have five members as follows:

- the Chair, selected from the list of *Nominated Staff*, which can be found in the policy above. The Director of Student Services and senior staff from your Faculty and your Department of study are not allowed to be the Chair of your panel;
- one senior member of an appropriate professional partnership organisation who if you are a student midwife must be a supervisor of midwives and if you are a student nurse must be from the same part of the register and field of practice as you eg adult, children's, mental health or learning disability nursing;
- one member of University staff who must be from the same professional register e.g. a Nurse or Midwife, but not necessarily the same field of practice as the you;
- one member of University staff from a different professional programme and who must not be a registered Nurse or Midwife; and
- one member or designated officer of the student body.

Membership of the Panel - Victim of Misconduct

92. If it is alleged that you have committed misconduct against another student as a victim, in order to ensure that the panel members remain impartial and will not know either you or the other student the following people may **not** be members of the panel:
- 92.1. The Chair may not be from the same Faculty as the victim; and
- 92.2. The member of the University Staff may not be from the same programme or department(s) of study as the victim; except where either you or the victim is a student nurse or student midwife.

Membership of the Panel – General Provisions

- 92.3. Anybody who has been involved with any part of the investigation is also not allowed to be a member of the Suitability Panel.
- 92.4. The following people are **not** members of the Panel and are not allowed to contribute to any part of the proceedings where the Suitability Panel make decisions.
- The Invoking Officer
 - The Representative from the Faculty
 - The Secretary to the Panel
- 92.5. The name and status of each member of the Panel shall be written in the notes of the hearing.

Conduct of Panel Hearing

93. All the necessary administrative arrangements will be made by the Director of Student Services and/or Secretary to the Panel.
94. A suggested format for the Formal Suitability Panel is given in the Guidance Notes.
- 94.1. At the beginning of the Hearing the Panel may have a closed meeting to decide what questions they wish to ask and what further information they may need to decide your case. During this initial meeting you, the Invoking Officer and any witnesses are **not** allowed to enter the meeting room or speak to members of the Suitability Panel until you are invited to do so by the Chair of the Panel.

- 94.2. Only members of the Panel and the Secretary of the Panel may be in the meeting room during the initial closed meeting of the Panel and during any deliberations of the Panel.
- 94.3. If during their deliberations the members of the Panel need further information from either you or anybody else you will be invited back into the room so that you can hear or answer the questions.

Student Entitlements

95. You are entitled to all of the following:
- 95.1.i you will be told about the referral, this will happen in your initial meeting with the person during the investigation. They will also tell you about the procedures;
 - 95.1.ii you will be sent, at least five (5) working days before any hearing, a copy of all the written evidence which the Invoking Officer intends to present to the Suitability Panel at the Hearing;
 - 95.1.iii you can submit any written evidence to the Suitability Panel, you should do this at least two (2) working days before the hearing;
 - 95.1.iv you will be present throughout the hearing and you will see and hear all the evidence;
 - 95.1.v you can ask other people known as witnesses to give evidence on your behalf to the Panel at the Hearing
 - 95.1.vi you may also ask any other witnesses reasonable questions but you must do so by directing your questions to the Chair of the Panel; but there are some 'Special Arrangements' that may have to be made and;
 - 95.1.vii you are entitled to bring a relevant Companion or Colleague with you. The type of person you may bring is explained in the policy above (see Student Companions/Staff Colleagues at Interviews, Meetings and Hearings).

Attendance at the Hearing

96. You are expected to attend the Panel Hearing. The Director of Student Services will have informed you about the date of the Hearing in advance and you will have been given an opportunity to state whether you can attend or not.
- 96.1. If you do not make yourself available for the Panel Hearing or you do not attend as requested the Professional Suitability Panel may consider whether any reasons you have given are reasonable or not and:
- 96.1.i if panel members agree they may hold the hearing at a later time or day;
or
 - 96.1.ii if you do not provide a valid reason for not attending the Panel Members may decide to hold the Hearing in your absence. If this is the case the Panel Members will assume that you have not admitted any of the misconduct allegations unless you have told the University that you do.

Previous Misconduct

97. If you have previously been found to have committed misconduct or professionally unsuitable behaviour under the Student Disciplinary Procedure or these Procedures, either

at the informal or formal phases, Panel will be advised about this. A sealed envelope containing a copy of the outcome letter sent to you following your previous hearing will be given to the Chair of your Panel. This envelope will **not** be opened until the Panel members have made a decision and decided that the allegation has been upheld.

- 97.1. Your previous outcome letter will be taken into account in determining what appropriate outcome and which sanction should be implemented.
- 97.2. Your previous misconduct should not be referred to during the giving of statements and answering of questions in the hearing.
- 97.3. The Invoking Officer will ensure that any references to previous allegations or outcomes should be removed, so far as practicable, from evidence including transcripts of interviews.
 - 97.3.i If it is not possible to do so you will be told about this by the Director of Student Services.

Special Arrangements

98. The Director of Student Services and/or the nominated Chair have a duty to ensure that the Hearing does not cause any undue or unreasonable distress to either you or any of the other people involved, including witnesses.
 - 98.1. In order to avoid any distress the reasonable steps may be taken including, the use of dividing screens, questions being submitted in writing either prior to or at the hearing, or the use of video link or Teams.
 - 98.2. You should also ensure that your behaviour in the Hearing does not cause any other person any upset or distress.

Determination of the Panel - Misconduct

99. If the professional suitability hearing was as a result of misconduct the panel will make one of the following three decisions, that:
 - 99.1. you have not engaged in misconduct and that the allegation should be dismissed;
 - 99.2. you have engaged in misconduct and that the allegation should be upheld but no further action is necessary;
 - 99.3. you have engaged in misconduct and that the allegation should be upheld and that that one or more of the Appropriate Sanctions for Unsuitability due to Misconduct
100. The Panel will consider the most Appropriate Sanctions for Unsuitability due to Misconduct based upon the Guidance Notes.

Appropriate Sanctions for Unsuitability due to Misconduct

101. The following list of Sanctions is not exhaustive:
 - a You should be expelled from the University and you are not entitled to apply or to enrol for any other University of Chester Programme.
 - a.i A report regarding your misconduct, the referral and the findings of the hearing may need to be sent to either the DBS and/or the relevant professional body (see Referral to the Disclosure and Barring Service).
 - b Your professional education and training should be terminated.

- b.i A report regarding your misconduct, the referral and the findings of the hearing may need to be sent to either the DBS and/or the relevant professional body (see Referral to the Disclosure and Barring Service).
 - c You will be suspended from the University, your studies will be stopped and you are not allowed to attend the University for up to two (2) academic years. You may also be required to undertake a recommended programme of action designed to improve your future conduct and/or;
 - c.i A report regarding your misconduct, the referral and the findings of the hearing may need to be sent to either the DBS and/or the relevant professional body (see Referral to the Disclosure and Barring Service).
 - c.ii Your return to either study or attendance at the University will be subject to completion of the programme of action placed upon you as part of the suspension. If you do not complete or you are unable to evidence that you have completed the programme of action during your suspension of studies may mean that you will then receive the more severe sanction.
 - c.iii Once your period of suspension has finished and you have evidence that you completed the programme of action you will be asked to attend a return to study meeting with a member of the Directorate of Student Services.
 - d You will be excluded from certain sites or parts of the University for a specified period of time and/or;
 - e You may not hold any office, be a member of any university committee in the University or represent the University at any event, the exact details to be specified and/or;
 - f A recommendation to the Vice-Chancellor or Domestic Bursar to terminate your accommodation contract and/or;
 - g A warning and/or advice about your future conduct which may include you agreeing to a behavioural contract and/ or taking part in 'restorative justice' and/or a recommended programme of action designed to improve future conduct undertaking as to your future conduct and/or;
 - h You are required to pay a fine up to a maximum of £1500, the figure should reflect the seriousness of your misconduct, and/or;
 - i Any other Sanction to be implemented as deemed appropriate by the Panel.
 - j That no further action is necessary.
- 101.1. If the Chair of the Panel is of the view that the Sanction that has been imposed may be regarded as an academic penalty the recommended Sanction will be forwarded to the Chair of the relevant Assessment Board who will ratify the recommended Sanction on behalf of the Assessment Board.
- 101.1.i The Panel may **not** alter or amend the grades, marks or status of any module **not** related to the practice or placement in question.

- 101.1.ii The Sanctions above that result in you being expelled, having studies terminated or interrupted due to you being suspended or excluded are not to be regarded as an academic penalty for these purposes.
102. If you have engaged in any form of violence, assault, abuse, misconduct or sexual misconduct against somebody else or you are found guilty of a criminal offence you will be liable to the most severe Sanction of expulsion or termination of studies if the allegations are upheld by the Panel.
103. The Sanctions of expulsion or termination of studies may also be appropriate to any other misconduct.
- 103.1. The Panel may also consider whether they believe there is a need to refer the individual to either a relevant PRSB or the DBS.

Finding of Misconduct – Potential Refer to DBS and/or PRSB

104. If the decision of the Panel is that the Sanctions of Expulsion, Termination or Formal suspension should be implemented the Panel may consider whether there is a requirement that your misconduct needs to be reported to either the DBS or a relevant professional body. The Panel should refer to the Guidance Notes for further information.
- 104.1. If the Panel concludes that a referral is required then the Panel's decision, case notes, evidence including witness statements and minutes of the Panel shall be passed to the University's DBS Lead Countersignatory for consideration as to whether the section regarding Referral to the Disclosure and Barring Service should be implemented.

Determination of the Panel - Health

105. If the referral was as a result of a Health Condition or disability the panel will make one of the following four decisions, that:
- 105.1. The referral should be upheld. The Impact of your Health condition or disability on your continuation of studies is so severe that continuation of studies is not possible.
- 105.2. The referral should be upheld your Health condition or disability does have, or is likely to have, a severe impact on your suitability or continuation of studies and consideration as to whether alternative study is appropriate or possible as specified in 'Admission to an Alternative Programme';
- 105.3. The referral should be upheld. Your Health condition or disability does have, or is likely to have, an adverse effect on your professional suitability and that an Appropriate Measures for a Health Condition should be implemented;
- 105.3.i The decision as to which measure is to be implemented will be discussed with the student.
- 105.4. Your Health condition or disability does **not** or is unlikely to have an adverse effect on your professional suitability and that the referral should be dismissed;

Appropriate Measures for a Health Condition

106. The following list of measures is not exhaustive:
- k You may continue your studies at the University but you should transfer studies on to a more appropriate programme of study taking into account your health condition of disability.
 - l You may continue your studies at the University but you are required to undertake specific supervision or study or a recommended programme of action.
 - m You must seek and engage with appropriate medical and/or other necessary assistance or support.
 - n You will be referred to the University's Disability and Inclusion Service and that any necessary reasonable adjustments required by the Equality Act be made in consultation with you and kept under review.
 - o Any other measure to be implemented as deemed appropriate by the Panel.
 - p That no further action is necessary.

The Outcome

107. You will be informed of the outcome of the hearing in writing and the decision of the Panel within ten (10) working days of the Hearing. The outcome letter will also include the reasons for the Panel's decision and for the measure imposed.

Issuing a Completion of Procedures Letter – Formal Phase

108. You do have the right to request a review, this right is detailed in the section Review Phase. But if you decide not to request a review within the timescales the University will consider the Professional Suitability matter completed and you will not be able to request any further consideration within this procedure.
- 108.1. Where you 'time-out' the procedure a Completion of Procedures Letter will not normally be sent to you unless you make a specific request.
 - 108.2. Any Completion of Procedure Letter requested by you in this way will be issued by the Director of Student Services, but it will clearly state that your request was out of time and that you did not exhaust the procedure.

PSP-XXIV. Review Phase

109. You are entitled to request a review against any decision of the Panel so long as you can demonstrate one or more of the following grounds for review. You need to be aware that you cannot request a review just because you disagree with the decision of the panel and your request for a review does not mean that there will be re-hearing of the case.
- 109.1. A Chair of the Review Committee shall be nominated by the Director of Student Services from the list of Nominated Staff.

Grounds for Requesting a Review

110. The grounds for requesting a review are:
- 110.1. The emergence of significant additional evidence not available at the time of the panel hearing which could reasonably have affected the Panel's decision if disclosed at the panel hearing, including

Professional Suitability Procedure

- 110.1.i That you have new material evidence that you were unable, for valid reasons, to provide earlier in the process.
- 110.2. The emergence of evidence to show that there has been maladministration in the conduct of the proceedings, including
- 110.2.i That the procedures were not followed properly;
- 110.2.ii That there is bias or a reasonable perception of bias during the procedure;
- 110.2.iii That the decision maker(s) reached an unreasonable decision.
- 110.3. The emergence of evidence which demonstrates that the measures implemented are too severe, or disproportionate or not permitted under the procedures.

How to Request a Review

111. You must write to the Director of Student Services within ten (10) working days of the date of your outcome letter stating that you wish to request a review and which of the above ground you wish to use in your request.
112. You now have a further five (5) working days to provide a written statement which details your full response to the panel decision including the reasons why you believe that the Ground(s) for Review are valid. You should also include any evidence which supports your request.
- 112.1. You should address your request to the Director of Student Services and entitled 'Request for a Review'.
- 112.2. If you do not send in your request or your written statement within the time limit then your request will normally be rejected. The Chair of the Disciplinary Review Committee may, in exceptional circumstances, allow a late submission of your full written statement if you can provide a valid reason as to why you did not provide the statement within the time limit.
113. If you did not attend your Formal Discipline Panel hearing and did not provide a valid reason for your non-attendance your request for a review will normally be rejected. The Chair of the Disciplinary Review Committee may, in exceptional circumstances, allow a request for a review if you can provide a valid reason as to why you did not attend the hearing and why you did not provide a valid reason at the time.

Initial Consideration of Grounds

114. Once you have submitted your full request a copy of your request for a review a copy of the following will be sent to the person nominated as the Chair of the Review Committee:
- Your request for a review
 - Your statement in support of your request
 - Any accompanying evidence provided by you in support of your request
 - A copy of all the documents sent to and considered by the Disciplinary Panel
 - Any notes or recordings arising from the Disciplinary Panel
 - The outcome letter detailing the decision of the Disciplinary Panel.
115. When the Chair of the Review Committee has received all the documents they will:

- use the documents provided to consider whether or not you have identified possible grounds for a Review and,
- if it is considered that you have identified possible grounds for a Review, that a Review Committee should further consider the case.

115.1. The nominated Chair of the Review Committee is the only person who may make the decision as to whether you have or have not identified possible grounds for a review they may not delegate this responsibility.

116. If the Chair of the Review Committee decides:

116.1. That you have identified grounds for review then they will ask the Director of Student Services to call a Review Committee.

116.2. That you have not identified grounds for review then you will be sent a completion of procedures letter stating the reasons for the rejection of your request and informing you of your further entitlement to ask the OIAHE to adjudicate on your case.

Review Committee Meeting

117. The Review Committee shall be constructed as, but shall be no larger than a, Suitability Hearing Panel as detailed in *Membership of the Panel*.

118. The Review Committee will meet as soon as practicably possible and normally within thirty (30) working days following receipt of the full submission from the student.

119. The Review Committee may invite to attend and question any person who in the reasonable opinion of the Chair of the Review Committee may be able to assist.

120. The Review Committee may decide that they can deal with your case on the basis of the documentary evidence that has been provided. Or, they may decide to call a meeting to which you will be invited to attend so that you can present your Review in person.

120.1. If you are invited to attend in person, you are entitled to be bring a relevant Companion or Colleague with you. The type of person you may bring is explained in the policy above (see *Student Companions/Staff Colleagues at Interviews, Meetings and Hearings*). You should notify the Chair of the Review Committee no later than two days before the date of the meeting who your companion is.

121. If you have been invited to attend the Review Committee and you do not attend the Review Committee will continue to meet and determine your request in your absence. This review will be undertaken based upon the documents received.

Determination of the Review Committee

122. The Review Committee may:

122.1. find that you have not demonstrated that the grounds for a Review have been established and that the original decision of the Suitability Panel should stand; or

122.2. find that the you have demonstrated that the grounds for a Review have been established, in which case the Review Committee will proceed to review your case.

123. The outcomes of the Review may be to confirm, quash or vary the original findings of the Disciplinary Panel and/or any penalty imposed by the Suitability Panel. The Committee may also implement any measure detailed in the Informal or Formal Phase should the Committee believe it to be necessary.

124. The outcome of the Review and the decision of the Review Committee is final and you will not have any further opportunity to make any representations to any member of the University. You have exhausted your options under this procedure.

124.1. You may be able to ask the Office of the Independent Adjudicator for Higher Education to adjudicate on your case, further information is given below.

Issuing a Completion of Procedures Letter – Review Phase

125. Whatever the decision of the Review Committee you will receive a Completion of Procedures (COP) letter within ten (10) working days of the Committee Meeting. This letter will explain the outcome of your request for a review and the reasons for the Committee's decision.

125.1. The COP will also explain what you can do if you remain dissatisfied with the Decision of the University.

PSP-XXV. Office of the Independent Adjudicator for Higher Education

126. At the point where you have exhausted this procedure, a Completion of Procedures letter will be issued in line with guidance published by the Office of the Independent Adjudicator for Higher Education (OIA). This gives you the right to take the case to the OIA. If you wish to take your complaint to the OIA, you must complete an OIA Complaint Form and provide a copy of your Completion of Procedures letter within twelve months of the date of your Completion of Procedures letter. An OIA Complaint Form can be downloaded from the OIA website www.oiahe.org.uk.

127. If at any point you failed to comply with the University's time limits for a request for a review, you will have, in effect, exhausted the internal procedure and no further recourse under this procedure will be available to you. The University will consider the disciplinary matter completed but the University will not issue a Completion of Procedures Letter automatically in this situation; you will need to make a specific request for the letter.

128. Any Completion of Procedure Letter requested by you in this way will be issued by the Director of Student Services, but it will clearly state that your request was out of time and that you did not exhaust the procedure.

END



The Student Code of Conduct

Responsible, Reasonable and Respectful Conduct

The University recognises that it is a community with a significant part to play in the wider communities in which it is located and that its obligations to its own staff and students extend to these wider communities. The University therefore believes that it should both promote a high level of responsibility within the student body and further the development of good relationships between the University and these wider communities and beyond. In doing so the University reminds students that in any situation, in any part of the University or when involved in any activities associated with the University including those undertaken away from University premises, students must:

- ❖ behave responsibly and with consideration, courtesy and respect towards others;
- ❖ not act in a way that could endanger, or cause harm or any form of distress to any other person;
- ❖ not engage in behaviour which causes offence or distress because of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation;
- ❖ use the University's facilities or services with care;
- ❖ act within the law;
- ❖ behave in accordance with the University's rules and regulations including, but not limited to, those relating to:
 - Academic Regulations
 - Health and Safety
 - Equal Opportunities
 - Use of University facilities
 - Rules relating to residential living
 - Requirements of Professional, Regulatory or Statutory Bodies;
- ❖ not interfere with the normal working of the University or any of its facilities or services
- ❖ not bring the University into disrepute by any of their actions.

Students as members of the University and the wider community must also comply with UK government and/or University rules, requirements, protocols or guidance that are put in place with a view to ensuring public health and safety and/or the safeguarding of others including taking reasonable preventative measures designed to ensure the health and safety of others.

Under no circumstances will the University tolerate any behaviour that amounts to an offence against a person including, but not limited to, assault, sexual assault or sexual violence, domestic violence or discrimination or harassment of any kind, whether verbal or physical and in any form or medium, including in any online space or context; such misconduct will be dealt with severely.

Individual students are responsible for ensuring that they are aware of any such regulations or standards and that they comply with them. Copies of these regulations are available from the University's intranet.

Examples of behaviour that will be regarded as misconduct and the possible sanctions which are available are published in the Guidance Notes.

Illustrative Examples of Misconduct

The defining and grading of the misconduct in the procedures is intended to give an indication as to the severity of the measure to be imposed. Misconduct graded solely as serious misconduct and/or any misconduct involving the (mis)use of alcohol and/or any other substances or against a person should normally be considered under the Formal Phase. Moreover, any person who engages in any form of violence, assault, misconduct or sexual misconduct against another person or who is found guilty of a criminal offence will be liable to the most severe measure.

Any misconduct graded as general misconduct may be considered at the Informal Phase and progressed to the Formal Phase if or as necessary.

The examples listed below are illustrative only and are neither comprehensive nor exhaustive. Examples may be added or amended as necessary by the Vice-Chancellor:

Misconduct against People	<i>Serious</i>	<i>General</i>
Under this procedure 'Misconduct against People' should normally be regarded as Serious misconduct in all circumstances		
i. Acts of disturbance that threaten the rights and privacy of any member of the University, whilst on University premises or engaged in University activity, or resident in University owned or managed accommodation.	✓	✓
ii. Serious abusive behaviour which may be regarded as aggravated which includes acts that may be regarded as sexual, violent, disorderly, threatening, intimidating or offensive; including the use of such language (whether expressed orally or in writing, including electronically).	✓	
iii. Abusive behaviour which includes acts that may be regarded as disorderly, threatening, intimidating or offensive; including the use of such language (whether expressed orally or in writing, including electronically).		✓
iv. Any act of discrimination, or any bullying, harassment, intolerance or victimisation.	✓	
v. The sending, posting or display by any means and in any form or medium of sexual, intimate, harmful, cruel or offensive text or images.	✓	
vi. Sexual misconduct including engaging or attempting to engage in an intimate or sexual act, touching or other offence without consent, the inappropriate showing of sexual organs to another person and the making of unwanted remarks of a sexual nature (whether expressed orally or in writing, including electronically).	✓	
vii. Failure to respect the rights of others including those relating to: freedom of speech and expression, freedom of belief, thought, conscience and religion, confidentiality and privacy.	✓	✓
viii. Jeopardising the health and safety of oneself or of any other person.	✓	
ix. Conduct that may incite, fund, promote or lead to acts of violent or non-violent extremism.	✓	

x. Possession of an offensive weapon (including replica weapons) and /or ammunition on University premises or whilst engaged in any activity associated with the University.	✓	
xi. Possession or use of illegal substances or New Psychotic Substances whilst on University premises or whilst engaged in any activity associated with the University.	✓	✓
xii. Inclusion on one or more of the barred lists maintained under the Safeguarding Vulnerable Groups Act 2006 or any act that would lead to investigation or deregistration by an appropriate professional body.	✓	
xiii. Conduct which constitutes a criminal offence.	✓	✓
Misconduct against Property	<i>Serious</i>	<i>General</i>
xiv. Failure to comply with any aspect of the Health and Safety Procedures, rules or duties of the University or of any other organisation to which a student may be subject.	✓	✓
xv. Misuse or unauthorised use of University premises or items of property, including computer misuse and the communications network.	✓	
xvi. Damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property.	✓	✓
xvii. Unauthorised taking or use of property belonging to either the University or another person without permission.	✓	✓
xviii. Unauthorised entry into, or unauthorised use of University premises and property or the premises and property of other members of the University community.	✓	✓
xix. Unauthorised publication or transmission to any third party of a University activity and/or the unauthorised use of any form of recording equipment during a University activity.	✓	✓
Misconduct against the University	<i>Serious</i>	<i>General</i>
xx. Conduct which brings the University into disrepute.	✓	✓
xxi. Conduct which disrupts, or improperly interferes with, the academic, administrative, sporting, social, or other activities of the University, whether on University premises or elsewhere.	✓	✓
xxii. Conduct which obstructs, or improperly interferes with, the functions, duties or activities of any student, member of staff or other employee of the University, or any authorised visitor to the University, whether on University premises or elsewhere.	✓	✓

xxiii. Failure to uphold or pursue the standards expected of any relevant professional or vocational bodies, which awards qualifications to students in relation to the care, welfare or education of the public.	✓	✓
xxiv. Conduct during assessment and examination which does not constitute Unacceptable Academic Practice or Academic Misconduct, for which separate rules and procedures apply, and may constitute failure to maintain professional suitability.	✓	✓
xxv. Dishonesty or the supply of false or misleading information in relation to the University or its staff or students in connection with the holding of any office in the University, or in relation to being a student at the University, or in circumstances which the University reasonably considers affect professional suitability.	✓	
xxvi. The submission to the University of false data, documents or documents containing false information/data and/or elements, such as signatures, including for the purposes of admission, recording attendance (whether manually or electronically or using Chester-App 'Check-in'), work, assignments, timesheets or other documents including evidence to explain absence, claims for mitigating circumstances or academic appeal etc.	✓	
xxvii. The fraudulent production of, and/or the submission to a third party of, any document purporting to be issued by the University containing false or fraudulent information and/or elements; including, but not limited to, grades, marks, confirmation of student status, confirmation of attendance, or signature or any associated matter.	✓	
xxviii. Breach of the provisions of any rules or regulations of the University or of any other organisation to which a student may be subject.	✓	✓
xxix. Failure to disclose your name and other relevant details to an officer or employee of the University of Chester, in circumstances when it is reasonable to require that such Information be given.	✓	✓
xxx. Failure to comply with a previously-imposed penalty or implemented action under these rules and procedures.	✓	
xxxi. Knowingly encouraging, permitting or assisting any individual to engage in any of the above.	✓	✓
xxxii. Any other behaviour which may reasonably regarded as constituting misconduct or unprofessional conduct.	✓	✓