

FITNESS TO PRACTISE APPEAL STAGE

GUIDE FOR STUDENTS YOUR QUESTIONS ANSWERED

Please note that the Fitness to Practise process is administered by your School/Partner Institution, and this process should only be followed if you wish to appeal the decision of the Stage 2 Fitness to Practise Panel.

This document is a walk-through process to assist you in understanding the Appeal process of the University's Fitness to Practise Regulations (the Regulations). **You are strongly encouraged to read this guide, together with the Regulations, prior to completing your Appeal Application Form.**

A copy of the Regulations can be located at www.tees.ac.uk/studentregulations, and further information on submitting your Appeal to the Student Casework Office (previously known as the Office of Student Complaints, Appeals and Regulations (OSCAR)) can be found in this guide.

1. What is a Fitness to Practise Appeal?

When submitting an Appeal you are requesting a Fitness to Practise Appeal Panel (Appeal Panel) to ask a Stage 2 Formal Fitness to Practise Panel (Stage 2 Panel) to reconsider its decision and/or penalty imposed.

There is a flowchart at the back of this guide to assist you with this process.

2. Where can I get advice?

The Student Casework Office can assist you with the process:

E: sco@tees.ac.uk

The **Students' Union** can provide you with free, independent advice and guidance on your individual circumstances.

E: suss@tees-su.org.uk

If you are enrolled on a course, which is validated by Teesside University and delivered by a Partner Institution please contact your own Students' Union or equivalent.

For additional support you can contact the University's **Student and Library Services** who offer a wide range of services, including welfare advice, counselling and disability services:

E: studentlife@tees.ac.uk

3. Important questions to ask yourself before submitting an Appeal:

3.1 Has the decision of the Stage 2 Panel been published?

You will **not** be able to submit an Appeal until the Stage 2 Panel has published its decision. You should receive the decision of the Stage 2 Panel, in writing, normally within **5 days** of the Stage 2 Hearing.

If you have not received the decision within the required time period, please contact the Secretary of the Stage 2 Panel in the first instance.

3.2 Am I within the timescales to make an Appeal?

Your Appeal must be submitted to the Student Casework Office within **7 days** of the publication of the decision of the Stage 2 Panel.

3.3 What if I am outside the 7 day deadline?

An Appeal received after the 7 day deadline can only be considered under **very** exceptional circumstances, and only if submitted within **35 days** after the publication of the Stage 2 Panel's decision.

If you submit an Appeal outside of these timescales, you must enclose with your Application a separate written statement explaining why it has been submitted late. The University will then consider your written statement and determine whether to accept your case for consideration.

3.4 What information must I include?

You **must** identify the grounds and reasons for your Appeal.

If the relevant information is not provided, the Student Casework Office will return your Appeal to you asking you to provide the necessary information, and this should be returned within **5 days**. If the required information is not received, your Appeal will be rejected.

It is also important that you include any relevant documentation to support your case and list the documentation you are including under the relevant ground. Where the submission of supporting documentary evidence is not possible at the time of the submission of your Appeal, due to circumstances outside of your control, your Appeal should be submitted prior to the deadline date with a clear statement that the evidence will follow, normally within 20 days. If no subsequent supporting evidence is received, the Student Casework Office will process your Appeal based on the available documentation.

You are strongly advised to keep a copy of your Appeal and any supporting documentation. Documents submitted as part of your Appeal will not be returned. Where photocopies of documents are submitted, you may be required to provide the Student Casework Office with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is your responsibility to have it independently translated.

3.5 Do I fall within the grounds for an Appeal?

The ground(s) under which you can request an Appeal are:

- i) That the decision of the Stage 2 Panel was inconsistent with and unsupported by evidence;

and/or
- ii) That there was a material procedural irregularity by the Stage 2 Panel which has prejudiced your case;

and/or
- iii) That additional evidence has come to light since the decision of the Stage 2 Panel, which could not reasonably have been expected to have been produced at the time of the consideration of case by the Stage 2 Panel.

Your Appeal should include a clear statement explaining why you believe the ground(s) to be relevant to your case.

An Appeal will not be considered under any other grounds.

3.6 What are NOT acceptable grounds for an Appeal?

Your Appeal will only be considered on the ground(s) set out in paragraph 3.5 above.

3.7 Why could my Appeal be rejected?

Examples include, but are not limited to, the following:

- The Stage 2 Panel has not yet published its decision;
- Your Appeal was not submitted within the timescales stated in the Fitness to Practise Regulations and was deemed out of time;
- Your Appeal was incomplete, frivolous, or vexatious;
- It was felt that your Appeal was unsubstantiated under the grounds set out in paragraph 3.5 above.

4. What if I am unsure whether my case falls within the Appeal Stage?

You should contact an Adviser from your Students' Union, or the Student Casework Office, who will be able to assist you.

5. How do I complete the Appeal?

Before completing your Application Form we recommend that you seek advice from an Adviser in your Students' Union. A copy of the Application Form can be located at www.tees.ac.uk/studentregulations. Due to current working practices, your completed application form should be submitted to the Student Casework Office via email.

The Appeal is divided into sections and it is important that you complete all relevant sections, as any omissions may result in a delay with your Appeal being processed.

The sections identified below **must** be completed:

Section 1: Personal details

Section 2: Course information

Section 3: Fitness to practise information

Section 4: Your preferred outcome

Section 5: The involvement of an Adviser

As mentioned above, you are encouraged to seek advice from your Students' Union on completing your Appeal.

It is important that you understand that by ticking the box you are giving your consent for the Student Casework Office to communicate with your Adviser regarding your case.

Section 6: Grounds for Appeal

It is essential that you identify the ground(s) on which you wish to apply, answer all related questions, and provide documentary evidence to support your Appeal.

Section 7: Privacy Notice and Declaration

It is important you understand that by signing the Application Form, or emailing it to sco@tees.ac.uk, you are verifying that the information contained therein, together with any accompanying documentation is true. You are also thereby agreeing to the Student Casework Office processing your personal data for the purposes of logging, coordinating, progressing and facilitating resolution of the matter(s). the Student Casework Office will only process your personal data (which may include requesting or sharing personal data with staff and/or Panels within Schools/Departments/ Partner Institutions) for these express purposes. the Student Casework Office will obtain your express consent to process any special category data, which includes for example, health records. Any personal data, including special category data, will only be processed to the extent necessary in order

to properly administer your case, and appropriate safeguards are in place to ensure security of your personal data.

Third Party Data:

Please note that third party data will normally only be accepted with the written consent of the person concerned. If you plan to submit third party data without the consent of the individual, please ensure that it is anonymised (for example, names and any other personal data is redacted). Anonymising personal data may detract from the use or purpose of the information provided and consent is therefore preferable to ensure that the matter is properly considered. The University may refuse to accept documents, which include third party data without consent and which have not been anonymised and you may be asked to resubmit such evidence once consent is obtained or anonymisation has taken place. Where non-anonymised third party personal data has been accepted in error, the University reserves the right to redact the personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

Disability or Specific Learning Disability:

Please ensure that you have identified on your Application Form whether you have a disability or specific learning difficulty and require any adjustments in order that the University can provide you with appropriate support to access this process. If you have difficulty submitting your Application Form via email, wish for it in a different format, or you wish to discuss your requirements please contact the Student Casework Office.

Please check before submitting your Appeal that:

- you are submitting your Appeal within **7 days** of the publication of the Stage 2 Panel's decision;
- you have completed all the relevant fields on this Application Form;
- you have identified whether you have any specific requirements relating to a disability or specific learning difficulty (should you wish to discuss your requirements please contact the Student Casework Office);
- you have included all relevant documentary evidence to support your Appeal;
- you have read and understood the Fitness to Practise Regulations;
- you have clearly labelled any accompanying sheets;
- where you have submitted Personal Data regarding a third party you have obtained written consent from that individual to share their Personal Data and have provided this with your Application, or you have anonymised the Personal Data;
- you have taken a copy of your Appeal for your own records.

6. What if I would like somebody else to act on my behalf?

It is not permissible for the University to communicate with external third parties regarding your case without your written consent. This includes a representative from your Students' Union, legal representative, parent, guardian or spouse. Therefore, if you wish the University to be able to discuss your case with a third party, you will need to confirm this in your Appeal.

7. How do I submit my completed Appeal?

Email: sco@tees.ac.uk

8. How long will it take to process my Appeal?

The length of time depends on the complexity of your case. However, the Student Casework Office will ensure that your Appeal is processed as quickly as possible.

9. What should I expect following submission of my Appeal?

You will receive written acknowledgement of your Appeal from the Student Casework Office.

The Student Casework Office will conduct an initial screening of your Appeal to assess whether it complies with the criteria set out in paragraph 27 of the Regulations. If your Appeal does not meet the criteria stipulated in the Regulations or is considered incomplete, frivolous or vexatious, the Student Casework Office will forward your Appeal to the Chair of the Appeal Panel who may dismiss your Appeal.

Where your Appeal complies with the relevant criteria, the Student Casework Office will request that the Chair of the Stage 2 Panel provides a written report (the Chair's Report) to the Student Casework Office within **12 days**. The Student Casework Office will then arrange for your Appeal and the Chair's Report to be sent to the Chair of the Appeal Panel for consideration.

The Chair of the Appeal Panel will decide whether:

- The Appeal is incomplete, out of time, misconceived, frivolous or vexatious, and should be dismissed.

If this is the case then the Chair of the Appeal Panel will write to you with their decision, and provide you with a 'Completion of Procedures' letter.

- There is sufficient evidence to request the Stage 2 Panel be reconvened to consider the case based on the evidence presented.

The Chair of the Appeal Panel (or nominee) will write to you with this decision, and the School/ Partner Institution will be requested to reconvene the Stage 2 Panel.

- To request a Fitness to Practise Appeal Panel be convened to consider the case.

The Chair of the Appeal Panel (or nominee) will write to you and the School/Partner Institution requesting your attendance at an Appeal Panel Hearing.

10. What happens at an Appeal Panel Hearing?

You will be invited to attend an Appeal Panel Hearing and provided with a copy of the papers prior to the meeting (including your Appeal, the Chair's Report, and any other relevant documentation).

You may bring one friend with you who may not act as a representative or attend in any legal capacity unless permitted by the person conducting the proceedings, but this may be a representative from your Students' Union. Please note it will be your responsibility to liaise directly with your friend about your case and make necessary arrangements for attendance. If you are intending to bring a friend with you to the hearing you should notify the Student Casework Office.

If you have given the Student Casework Office permission to liaise with an Adviser in the Students' Union they will also be notified of the date and time of the hearing.

The Appeal Panel shall consist of three members who have had no prior involvement with you, or previous participation in the case under consideration.

- A Chair, who will be the Vice-Chancellor's nominee;
- One senior representative of a School;
- One representative from the Teesside University Students' Union.

The Appeal Panel will have a Clerk, who will attend in an advisory capacity, and a Secretary.

Representative(s) from the School/ Partner Institution will also be invited to attend.

During the Hearing:

- The Chair of the Appeal Panel will outline the procedure of the meeting to all parties;
- The Chair of the Appeal Panel will ask you and/or your friend to present your Appeal;
- The Chair of the relevant Stage 2 Panel may ask for clarification on the representations made by you and/or your friend;
- Members of the Appeal Panel may ask questions of you and/or your friend;
- The Chair of the Appeal Panel will ask the Chair of the relevant Stage 2 Panel to respond to your Appeal;
- Members of the Appeal Panel may ask questions of the Chair of the relevant Stage 2 Panel;
- You may ask for clarification on any representations made by the Chair of the relevant Stage 2 Panel;
- Each party will be given the opportunity to sum up their case;
- The Chair of the Appeal Panel will ask you, your friend, and the Chair of the relevant Stage 2 Panel to leave the meeting;
- The Appeal Panel will consider the evidence in private and reach a decision

11. What happens following an Appeal Panel Hearing?

Following consideration of the available evidence relating to the case, the Appeal Panel may reach one of the following decisions:

- Reject your Appeal and uphold the Stage 2 Panel's original decision;
- Or
- Uphold your Appeal in which case the Appeal Panel may choose to refer it back to the Stage 2 Panel for reconsideration together with any recommendations made by the Appeal Panel or recommend a newly constituted Stage 2 Panel hear the original case if appropriate (for example where there has been evidence of bias/procedural irregularity).

The Chair of the Appeal Panel will notify you, in writing, of the Appeal Panel's decision, normally within **5 days**.

12. What happens following a Reconvened Stage 2 Panel?

The School/ Partner Institution will hold the reconvened Stage 2 Panel as promptly as possible, normally within **15 days** of the publication of the Fitness to Practise Appeal Panel's decision. The School/ Partner Institution will notify you of the outcome in writing within **5 days**.

13. How will I know when the process is complete?

At the conclusion of the University's internal process you normally will be issued with a 'Completion of Procedures' letter concluding internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA).

14. What is the Office of the Independent Adjudicator (OIA)?

The OIA operates an independent student complaints scheme. It will only consider cases that have completed the University's internal procedures.

More information on its rules can be found at www.oiahe.org.uk.

FITNESS TO PRACTISE APPEAL FLOWCHART

