

INTERNAL PROCEDURE



Title: Professional Misconduct or Unsuitability Regulations

POLICY HOLDER:	Head of HE
EXECUTIVE OWNER:	Deputy Principal
VERSION NO:	3
DUE DATE FOR REVIEW:	September 2017

SUMMARY: Procedure for implementation of the Professional Misconduct or Unsuitability Regulations for students on Higher Education Programmes. Section 6 of NRF, Edition 8 refers.

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CITY COLLEGE NORWICH

PROCEDURE FOR DEALING WITH ALLEGATIONS AGAINST A STUDENT OF PROFESSIONAL MISCONDUCT OR PROFESSIONAL UNSUITABILITY

VERSION 3.0

1	PURPOSE AND APPLICATION
1.1	<p>Purpose</p> <p>The purpose of this procedure sets out the process to be followed in the discharge of Regulations contained in Section 6 of the Norfolk Regulatory Framework.</p>
1.2	<p>Application of Procedure</p> <p>This procedure applies to all Higher Education courses operated by City College Norwich (CCN), including those leading to an award of the University of East Anglia (UEA) or that are franchised by CCN to other institutions, which include a compulsory element of professional practice.</p>
1.3	<p>Definition of Professional Misconduct / Unsuitability</p> <p>1. A student on a programme of study where a practical professional placement is a required part of the course shall not act or behave in a manner which:</p> <ul style="list-style-type: none"> (a) jeopardises the welfare of the subject (whether patient, pupil or client) (i.e. professional misconduct); and/or (b) contravenes the relevant professional code of conduct (i.e. professional misconduct); and/or (c) is incompatible with behaviour required by the profession (i.e. professional unsuitability); and may at any time be temporarily excluded or permanently expelled from further study by the College if in breach of any the above. <p>2. Any allegations against a student of professional misconduct and/or professional unsuitability shall be made in writing to the Head of School of Higher Education and shall be dealt with in accordance with procedures approved by the Academic Management Board.</p>
2	THE PROCEDURE
2.1	<p>It must be borne in mind that an allegation of professional misconduct or professional unsuitability is both serious and potentially defamatory. Consequently it is essential that the proceedings should be conducted on a basis of strict confidentiality.</p>
2.2	<p>1. On receipt of a written allegation, the Head of School of Higher Education (HoSHE), shall</p> <ul style="list-style-type: none"> (a) take such immediate action as is deemed appropriate in the circumstances to safeguard all relevant parties, but without prejudice to the outcome of the enquiry; (b) interview the student, where possible and inform the HE Office in writing of the nature of the allegation made; (c) The HE Office will appoint a Secretary to the Professional Misconduct/Unsuitability Committee (StPMUC) as per 2.6, who will inform the student in writing of the nature of the allegation as per 2.2(b) above and provides written information on the procedures for dealing with the allegation and the nature of the action taken under 2.2.1 (a) above.

	(d) The HoSHE will appoint, after consultation with the HE Office, a senior member of academic staff, normally from the relevant subject discipline within the School of Higher Education, to act as Investigating Officer (IO). The IO shall assemble impartially the evidence relevant to the allegation from a full range of parties with the appropriate level of subject knowledge, including the student, and shall prepare a written report for the HoSHE which shall not pass judgement for or against the accused nor recommend a particular course of action.
2.3	If the HoSHE deems that no <i>prima facie</i> case has been made against the student the StPMUC shall inform the student in writing.
2.4	<p>1. If the HoSHE deems that a <i>prima facie</i> case has been made against the student the StPMUC shall inform the student in writing.</p> <p>The HoSHE shall appoint a Professional Misconduct/Unsuitability Committee (PMUC) as quickly as possible which shall comprise of (subject to 2.5 below):</p> <p>From the College:</p> <p>(a) a Chair who shall be a Head of another School or other appropriate senior academic from another School, and</p> <p>(b) an appropriately qualified academic member of staff from the relevant subject discipline within the School of Higher Education.</p> <p>From the University of East Anglia (UEA):</p> <p>(c) an appropriately qualified academic member of staff from the relevant subject discipline, nominated by the UEA Academic Director of Partnerships. The Chair and members of the Committee shall have had no association with the teaching of the student appearing before the Committee. Wherever possible, the Committee shall be of mixed gender.</p>
2.5	The student's tutor/adviser/supervisor, the IO or the UEA Academic Link, shall not be members of the PMUC. The UEA Academic Link may give advice on the procedure to be followed at the PMUC and as to whom appropriate members of the PMUC might be, but must not give a professional opinion on the case.
2.6	The StPMUC shall be the HE Senior Academic Administrator or, in their absence, an appropriate member of administrative staff, appointed through the HE Office.
2.7	<p>1. The HoSHE shall submit to the StPMUC such evidence, including the report of the IO, as the HoSHE deems fitting. The StPMUC shall send copies of the evidence to the members of the PMUC and at the same time to the student concerned and shall convene a meeting of the PMUC as soon as possible.</p> <p>2. The HoSHE may nominate witnesses to give evidence at the hearing. If witnesses are to be called, their names and contact addresses should be submitted to the StPMUC along with the evidence referred to above. All witnesses must have some relevance to the case and for each witness proposed, a brief supporting statement must be provided by the HoSHE. The decision of the Chair of the Committee shall be final regarding the witnesses to be called.</p>
2.8	<p>1. The PMUC shall proceed in quasi-judicial fashion and the case shall be presented by the HoSHE. The Committee shall allow the student against whom allegations have been made to present his/her case in person and, if the student wishes, to bring to the PMUC a person to represent him or her; details of whom should be provided to the StPMUC at the earliest opportunity.</p> <p>2. The summons to the student shall be delivered to the student's College email address at least five working days (Saturdays, Sundays and College closure days excepted) before the meeting of the Committee. The summons should include details of the nature of the allegation, mode and membership of the</p>

	<p>Committee, the name of the Presenter of the case (normally the Head of School of Higher Education), the name(s) of any witness(es) called and the date, time and place of the hearing. The student may nominate witnesses in accordance with the terms indicated in paragraph 2.8.1 above. The decision of the Chair of the Committee regarding witnesses to be called shall be final.</p> <p>Within this same timescale, the student may also provide the Secretary with a statement concerning the allegations against him or her and/or any additional written evidence as he or she considers relevant to the case. Such information submitted will be circulated to the Chair, Committee members and the Presenter in advance of the hearing by the StPMUC.</p>
2.9	<ol style="list-style-type: none"> 1. The PMUC shall consider oral and/or written evidence submitted by the HoSHE and any statement or evidence provided by the student. It shall have the power to seek such other evidence as it deems necessary. 2. The PMUC may proceed in the absence of the student if due notice of the meeting has been served to the student and no good reason of absence has been provided by the student. 3. The hearing may proceed in the absence of witnesses if due notice of the meeting has been served to the witnesses and no good reason of absence has been provided. 4. The ruling of the Chair on any point of procedure shall be final.
2.10	<ol style="list-style-type: none"> 1. The PMUC shall have the power to suspend or preclude from further study in the College any student it finds guilty of professional misconduct or of professional unsuitability. The PMUC may impose such other penalty as it considers appropriate, provided that no such penalty requires or implies a concession or exemption under the Regulations governing the award of degrees. 2. The PMUC may exonerate the student from the allegation(s) presented against him/her or determine that on balance of probabilities, the student committed wholly or in part the alleged offence(s).
2.11	<ol style="list-style-type: none"> 1. When the PMUC has reached its decision, based on the evidence before it provided by all relevant parties, it should then consider whether the outcome of the decision should be reported to Executive and where appropriate, the relevant professional or statutory body. 2. The StPMUC shall inform the student and the HoSHE in writing within five working days of the decision of the PMUC. The student shall be informed of the right to appeal against the decision in accordance with section 3 of this procedure.
2.12	The HoSHE shall report any outcomes of any PMUC to the Executive, any relevant professional or statutory body and the Academic Management Board.
3	PROCEDURE FOR APPEALS AGAINST DECISIONS OF THE PROFESSIONAL MISCONDUCT/UNSUITABILITY COMMITTEE
3.1	<ol style="list-style-type: none"> 1. Written notice of the appeal by the student must be lodged with the StPMUC within five working days of the student having been informed of the decision of the PMUC. Appeals submitted after this deadline, with good reason for the delay, may still be considered. <ol style="list-style-type: none"> (a) If a student makes an appeal, s/he must state whether the appeal is made against the finding of the PMUC or the penalty imposed or both the finding and the penalty.
3.2	The Secretary of the Professional Misconduct or Unsuitability Appeals Committee (StPMUAC) shall be the Secretary of the original committee hearing or an appropriate

	substitute.
3.3	The StPMUAC will notify Executive that an appeal has been made and provide copy of the written notice of appeal.
3.4	Executive shall appoint a Chair* of the Professional Misconduct or Unsuitability Appeals Committee (PMUAC) and together they shall decide whether the grounds for the appeal are covered by the provisions of paragraph 3.6 below and warrant further consideration by a PMUAC. If they agree that there are no grounds for further consideration of the appeal the StPMUAC shall inform the student in writing giving the reason(s) for that decision.
3.5	<p>If Executive and the Chair of the PMUAC decide that the appeal does warrant further consideration, the StPMUAC shall inform the student in writing within ten working days of the receipt of the appeal giving the reason(s) for that decision. Executive and the Chair of the PMUAC shall appoint the members of the PMUAC which shall comprise:</p> <ul style="list-style-type: none"> (a) *a Chair who shall be a Head of School or member of Executive not previously involved in any part of the PMUC proceedings; (b) one member of the School of Higher Education from the relevant or closely related subject discipline who shall not be the HoSHE or the IO or a member of the PMUC; (c) one senior practising member of the relevant profession who is from outside the College and University and who has not been associated with the teaching of the student.
3.6	<ol style="list-style-type: none"> 1. The grounds for the appeal shall be one or more of the following: <ul style="list-style-type: none"> (a) that evidence put to the PMUC was not fully or properly considered; (b) that new evidence had become available that could materially affect the decision of the PMUC; (c) that there was evidence of procedural irregularity or prejudice or bias in the conduct of the hearing by the PMUC. 2. The StPMUC shall send the appellant a written summons including details of the nature and grounds of the appeal, the mode and membership of the Committee, and as far as practicable, the names of any witnesses (normally including the Presenter of the case (normally the Head of School of Higher Education) to the PMUC who are expected to attend the hearing and the date, time and place of the hearing. The summons of the hearing shall be delivered to the student's College e-mail address and residential contact address at least five working days (Saturdays, Sundays and College closure days excepted) before the meeting of the Committee. 3. The student appearing in front of the Panel has the right to be accompanied by a friend, colleague or representative. Any witnesses may be accompanied by a friend, colleague or representative (except that the Head of School as original Presenter of the case shall not present his/her witness via a representative). The names and contact addresses of such friends, colleagues or representatives should be notified to the Secretary at least two working days (Saturdays, Sundays and University closure days excepted) prior to the hearing. The Panel may also permit the attendance of additional witnesses as it deems appropriate. The decision of the Chair of the Panel regarding witnesses to be called shall be final.
3.7	The PMUAC shall have before it all documents relating to the original committee hearing, together with a written statement submitted by the student setting out the grounds for the appeal. The PMUAC shall not proceed by way of a re-hearing, but shall have power to

	require the presentation of such further evidence as it deems necessary.
3.8	The PMUAC shall have the same powers as the PMUC and may confirm the decision of the PMUC or substitute such other decision as it considers appropriate.
3.9	Once the PMUAC has concluded its findings, the StPMUAC shall inform the student and the HoSHE of the PMUAC's decision in writing within five working days.
3.10	If any action had been taken under paragraph 2.11 above to inform the relevant professional or statutory bodies of the outcome of the PMUC's decision, the PMUAC shall decide whether any further report should be reported to Executive and where appropriate, the relevant professional or statutory body concerned in light of the decision of the PMUAC.
3.11	The HoSHE shall report any outcomes of any PMUAC to the the Executive, any relevant professional or statutory body and the Academic Management Board.
3.12	<ol style="list-style-type: none"> 1. The decision of the PMUAC shall be final and shall not be subject to further appeal. 2. Students who are dissatisfied with the outcome of their appeal or whose appeal was rejected without a hearing may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Details will be provided in the letter advising the student of the appeal's final outcome.
4	PROFESSIONAL MISCONDUCT/UNSUITABILITY: ROLES AND RESPONSIBILITIES
4.1	<p>The Head of School of Higher Education (HoSHE) shall:</p> <ul style="list-style-type: none"> • be informed in writing that an allegation has been made; • take immediate action to safeguard all relevant parties; • ensure that the PMUC and PMUAC procedures are fully and properly followed; • inform the student of the allegation and where possible interview the student; • inform the HE Office in writing of the nature of the allegation made; • appoint a senior member of academic staff within the School of Higher Education to act as Investigating Officer (IO). • to receive a written report from the IO to determine the next course of action; • determine whether to convene a PMUC; • appoint the panel members of the PMUC ensuring that there are no conflicts of interest and no relationships that might lead a student to believe there are any conflicts of interest; • submit to the StPMUC the report of the IO and any such evidence as is deemed necessary; • attend the PMUC and PMUAC to present the case; • report the outcome of the PMUC and PMUAC to the Executive, any relevant professional or statutory body and the Academic Management Board.
4.2	<p>Executive shall:</p> <ul style="list-style-type: none"> • appoint the Chair of the PMUAC; • receive and consider (with the Chair of the PMUAC) the grounds for appeal against the decision of the PMUC; • inform the StPMUAC of the decision as to whether a PMUAC is to be convened;

	<ul style="list-style-type: none"> • appoint the members of the PMUAC (in conjunction with the Chair of the PMUAC).
4.3	<p>The Investigating Officer (IO) shall:</p> <ul style="list-style-type: none"> • assemble impartially the evidence relevant to the allegation from a full range of parties, including the student; • consult academic members of staff at the College and University with the appropriate level of knowledge, so that due regard is paid to relevant professional standards; • prepare a written report for the HoSHE which shall not pass judgement for or against the accused, nor recommend a particular course of action.
4.4	<p>The UEA Academic Link shall;</p> <ul style="list-style-type: none"> • be a source of advice on the PMU procedure and the relevant professional standards; • not provide an opinion on the allegation or sit as a panel member on the PMUC or PMUAC.
4.5	<p>The Chair of the Professional Misconduct/Unsuitability Committee (PMUC) shall:</p> <ul style="list-style-type: none"> • ensure that the PMUC proceeds in quasi-judicial fashion and allows all relevant parties including the student the opportunity to present their case; • ensure that all relevant evidence is considered and ensure that the PMUC has all of the information it needs in order to reach a decision; • call witnesses to the PMUC and request further information/evidence required for the PMUC to reach a decision; • ensure that the PMUC reaches its own decisions based on the evidence before it from all relevant parties and is not overly reliant on the judgement of third parties (for example placement providers).
4.6	<p>The Secretary to the Professional Misconduct/Unsuitability Committee (PMUC) and the Secretary to the Professional Misconduct/Unsuitability Appeals Committee (PMUAC) shall:</p> <ul style="list-style-type: none"> • ensure that the PMUC/PMUAC procedures are fully and properly followed; • be a source of independent advice to all parties to the PMUC/PMUAC; • Inform the student in writing of the allegation and provide information on PMU procedures; • Inform the student in writing of the HoSHE decision; • convene a meeting of the PMUC/PMUAC as soon as possible; • receive and send copies of all written evidence to all relevant parties; • be present for the proceedings of the PMUC/PMUAC to advise parties on procedure, take notes of the hearing and record the PMUC/PMUAC's decision and reasons for the decision; • inform the student and the HoSHE of the PMUC/PMUAC's decision in writing (the decision of the PMUAC shall be sent in writing to the student and to the HoSHE by the StPMUAC within 5 working days). • inform the student of their right to appeal against the decision of the PMUC; • receive written notice of an appeal;

	<ul style="list-style-type: none"> • inform Executive of the receipt of an appeal; • if it is decided that an appeal does not warrant consideration by an PMUAC, info the student in writing giving the reason(s); • if it is decided that an appeal does warrant consideration by an PMUAC, inform the appellant in writing; • inform the student that there is no further right to appeal;
4.7	<p>The Chair of the Professional Misconduct/Unsuitability Appeals Committee PMUAC shall:</p> <ul style="list-style-type: none"> • receive and consider (with Executive) the grounds for appeal against the decision of the PMUC; • appoint the members of the PMUAC (in conjunction with Executive). • ensure that the PMUAC does not proceed as a re-hearing.
5	PROCEDURE AT PMUC MEETING
	<ol style="list-style-type: none"> 1. At the start of the hearing, the StPMUC shall invite into the room: <ul style="list-style-type: none"> • The HoSHE to present the case; • the student alleged to have breached Section 6 of the Norfolk Regulatory Framework; • and any accompanying representative as permitted by the Professional Misconduct and Unsuitability Procedure. 2. If the student fails to appear, the PMUC will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the date and place of the meeting. 3. Any witnesses whom the PMUC has invited to attend shall remain outside the room in which the PMUC is sitting until called to give evidence. 4. The StPMUC shall state briefly why the PMUC is sitting. 5. The proceedings at the committee hearing will follow the pattern described below: <ol style="list-style-type: none"> (a) all written evidence will be taken as read; (b) the HoSHE will present the case; (c) the PMUC may ask the HosHE or his/her representative questions upon his/her statements or evidence, both written and oral; (d) the PMUC may require the presentation of evidence by any witness it wishes; (e) any witness called by the PMUC will be questioned first by members of the PMUC, followed by the student or his/her representative, then by the HoSHE; (f) following the withdrawal of any witnesses who have been called by the PMUC and the completion by the PMUC of any further questioning of the student or his/her representative or the HoSHE, both the student and the HoSHE will be given the opportunity to make a closing statement; (g) the room will then be cleared except for the PMUC and the StPMUC. 6. The ruling of the Chair on any point of procedure shall be final.

	<p>7. The PMUC may, at any time either before or during a hearing, decide to adjourn for a period not exceeding seven working days.</p>
<p>6</p>	<p>OPERATION OF PMUAC MEETING</p>
	<p>1. The PMUAC shall not proceed as a re-hearing; At the start of the hearing, the St PMUAC shall invite into the room:</p> <ul style="list-style-type: none"> • The HoSHE to present the case; • the student alleged to have breached Section 6 of the Norfolk Regulatory Framework; • and any accompanying representative as permitted by the Professional Misconduct and Unsuitability Procedure. <p>2. If the student fails to appear, the PMUAC will consider whether or not to proceed with the case immediately and may do so provided it is satisfied that the student has been properly informed of the date and place of the meeting.</p> <p>3. Any witnesses whom the PMUAC has invited to attend shall remain outside the room in which the PMUAC is sitting until called to give evidence.</p> <p>4. The St PMUAC shall state briefly why the PMUAC is sitting.</p> <p>5. The proceedings at the committee hearing will follow the pattern described below:</p> <ul style="list-style-type: none"> (a) all written evidence will be taken as read; (b) the HoSHE will present the case; (c) the PMUAC may ask the HosHE or his/her representative questions upon his/her statements or evidence, both written and oral; (d) the PMUAC may require the presentation of evidence by any witness it wishes; (e) any witness called by the PMUAC will be questioned first by members of the PMUAC, followed by the student or his/her representative, then by the HoSHE; (f) following the withdrawal of any witnesses who have been called by the PMUAC and the completion by the PMUAC of any further questioning of the student or his/her representative or the HoSHE, both the student and the HoSHE will be given the opportunity to make a closing statement; (g) the room will then be cleared except for the PMUAC and the St PMUAC. <p>6. The ruling of the Chair on any point of procedure shall be final.</p> <p>7. The PMUAC shall have before them all the documents relevant to the original hearing, together with written statement from the student detailing their grounds for appeal;</p> <p>8. The PMUAC has the right to request detail of further evidence as deemed necessary.</p>