Fitness to Practise Regulations

Introduction

These regulations set out the policies and procedures to be followed by the College’s Fitness to Practise Committee and others involved in fitness to practise issues. They reflect the fitness to practise guidelines of the relevant professional bodies.

1. These regulations apply to the following degrees:
   a) the degrees of Bachelor of Medicine and Bachelor of Surgery (MB ChB);
   b) the Diploma in Higher Education in Operating Department Practice (ODP);
   c) the degree of Master of Arts in Social Work;
   d) the degree of Doctor of Clinical Psychology.

2. Insofar as they relate to currently registered students and former students, these regulations are underpinned by the University’s Regulations for Student Discipline which set out the following definition relevant to fitness to practise:

   The following shall constitute misconduct and render a student liable to disciplinary action:

   notwithstanding paragraph 3, above, where a student is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which renders that student a person not fit to be admitted to and practise that profession or calling (this clause is applicable to the degree of Doctor of Clinical Psychology, the MB ChB degrees, the Diploma in Higher Education in Operating Department Practice (ODP), the Postgraduate Certificate in Education, the MA degree in Social Work, and programmes in Counselling).

3. Other sections of the Regulations for Student Discipline relating most directly to fitness to practise are set out in an Appendix to these Regulations.

4. Under the Regulations for Student Discipline, Fitness to Practise Panels operating under these regulations have authority to determine academic or non-academic disciplinary penalties on behalf of the University, where these are associated with the investigation of allegations relating to fitness to practise. A Fitness to Practise Panel may, following a hearing, determine that a student is fit to practise, but still impose a disciplinary penalty.

5. As noted in the Appendix, the provisions in the Regulations for Student Discipline for the consideration of cases relating to former students or students who withdraw while allegations are being considered shall apply to these regulations.

The Fitness to Practise Committee

6. There shall be a Fitness to Practise Committee, which shall be appointed by and report to the Senate Student Discipline Committee. It shall be responsible for maintaining an overview of matters
relating to fitness to practise and make recommendations to the Senate Student Discipline Committee from time to time on matters relevant to this regulation.

7. The College’s Director of Administration, or his nominee, shall be Secretary to the Fitness to Practise Committee and shall, on behalf of the Committee, be responsible for convening Fitness to Practise Panels under these regulations.

8. The composition of the Fitness to Practise Committee shall be as follows:
   a) a lay Chair;
   b) up to three further lay members, one of whom shall be Vice-Chair;
   c) the Head of the College of Medicine, Biological Sciences and Psychology (Dean of Medicine);
   d) the Associate Dean of the School of Medicine;
   e) four members of the clinical academic staff of the College, at least one of whom shall be a psychiatrist;
   f) one member of the non-clinical academic staff of the College;
   g) up to three senior clinicians, not being employees of the University, with experience of teaching medical students;
   h) one qualified social worker not being an employee of the University, and with experience of teaching social work students;
   i) one junior doctor;
   j) one student member from one of the programmes covered by these regulations.

9. Members in categories (a), (b), (e), (f), (g), (h) and (i) shall be appointed for a three-year term, which shall be renewable for a maximum continuous period of nine years.

10. Members in categories (a) and (b) shall be appointed by the Nominations Committee on the recommendation of the Head of College; they shall be independent of the University, not employees of the NHS or a Social Services department, and have appropriate experience in public life.

11. Members in categories (e), (f), (g), (h), (i), and (j) shall be appointed by the Head of College in liaison with the Chair.

Panels of the Fitness to Practise Committee

12. Cases relating to the consideration of fitness to practise issues for individual applicants and students shall be considered by a Fitness to Practise Panel, convened by the Secretary of the Fitness to Practise Committee, with full delegated authority to determine the outcome of each case.

13. A Panel shall consist of at least three members.

14. For medical and ODP students the composition of a Panel will include at least:
   a) one lay member of the Committee (as Chair);
b) one clinically qualified member of the Committee;

c) one other member of the Committee from any category of membership apart from the lay and student categories.

15. For Social Work students the composition of a Panel will include at least:

a) one lay member of the Committee (as Chair);

b) one member of the Committee with a Social Work background;

c) one other member of the Committee from any category of membership apart from the lay and student categories.

16. For Clinical Psychology students the composition of a Panel will include at least:

a) one lay member of the Committee (as Chair);

b) one senior clinical psychologist with experience of training clinical psychology co-opted for the purpose;

c) one other member of the Committee from any category of membership apart from the lay and student categories;

17. A Panel may co-opt up to two other suitably qualified individuals, subject to the agreement of the Chair of the Fitness to Practise Committee.

18. The outcome of cases heard by panels shall be reported to the Fitness to Practise Committee, and annually, to the Senate Committee for Student Discipline.

Admissions Cases

19. The responsibility for deciding to refer the circumstances of an applicant for consideration by a Fitness to Practise Panel rests with the Admissions Tutor for the course. Normally the circumstances giving rise to concern will relate either to the health or disability of the applicant, to the applicant’s criminal record, or to the applicant’s general honesty.

20. Where a case relating to an applicant is considered by a Fitness to Practise Panel, the Panel shall normally determine the outcome without holding a hearing.

Health and Disability

21. Where an Admissions Tutor is concerned that the health of an applicant, especially disability or illness likely to pose a risk to patients or clients, will affect an applicant’s fitness to practise, the Admissions Tutor should, with the consent of the applicant, seek to obtain in confidence appropriate medical or other reports.

22. If, in the light of such a report, the Admissions Tutor concludes that the applicant would be fit to practise following successful completion of the course, the circumstances causing concern will be set aside and the applicant assessed using the standard entry criteria and procedures. The Admissions Tutor will maintain a record of such cases for the information of the Committee.
23. If, however, in the light of such a report, the Admissions Tutor concludes that the applicant will, in his/her opinion, not in time be fit to practise, the reasons, with details of the applicant, including the medical reports, should be referred to the Secretary of the Fitness to Practise Committee.

24. Each case referred by an Admissions Tutor will be fully considered by a Panel. On the basis of the evidence presented, and taking account of previous comparable cases and any criteria the Committee may have established over time, the Panel will either decide to confirm the recommendation from the Admissions Tutor that the applicant would not be fit to practise the profession concerned, following qualification, or will decide that the circumstances of the applicant are not such as to so judge, and will instruct the Admissions Tutors to proceed with assessment of the applicant using the standard entry criteria and procedures. The Panel may, with the applicant’s consent, commission further medical reports where it regards this as helpful.

25. In cases where a Panel concludes that the applicant does not show potential fitness to practise, the Admissions Tutor will notify the applicant, giving a written summary of the reasons for the Panel’s decision.

Criminal records

26. Applicants are required to declare any criminal records (including cautions and ‘spent’ convictions) during the admissions process and this requirement is reinforced in writing and at interview.

27. Where an applicant has declared a conviction, the Admissions Tutor shall obtain a factual statement from the applicant on the circumstances of the offence(s), including the nature of the offence, the date and the precise terms of any penalties imposed. This information should be referred by the Admissions Tutor to the Secretary of the Fitness to Practise Committee with a recommendation as to the impact of the offence(s) on the applicant’s fitness to practise.

28. The Secretary will refer all such cases to the Head of College or a person appointed by him, who will consider each case taking account of a record of previous cases and any criteria established by the Committee in the light of these. The Head of College or his delegate may then decide:

a) that the offence(s) are not sufficiently serious to prevent the applicant from practising and the Admissions Tutor shall then assess the applicant using the standard entry criteria and procedures. The Tutor will also notify the applicant that, if admitted, any further criminal behaviour would jeopardise his/her position at the School. All such instances of the Head of College’s action shall be reported to the Committee; or

b) that the case should be considered by a Fitness to Practise Panel. In such cases the Secretary will invite the applicant to submit a written statement and any supplementary evidence (testimonials to good behaviour etc.). This documentation will be considered in full by the Panel.

General Dishonesty

29. Where an Admissions Tutor or other officer has reason to question the general honesty of an applicant, for instance where it becomes apparent that application documentation has not been properly and frankly completed, the case will always be referred to a Fitness to Practise Panel. The Secretary will invite the applicant to submit a written statement and any supplementary evidence,
Outcomes of Admission cases

30. Where an admissions case has been considered by a Fitness to Practise Panel, the applicant will be notified in writing by the Secretary of the Panel’s conclusions.

31. In all cases, a student subject to these pre-admission procedures will be referred to the Professionalism Concerns Group (in respect of medical students) or equivalent course-level professional monitoring teams for ODP, Social Work, or Clinical Psychology for monitoring following admission.

Cases involving registered students

32. A student may be referred to a Fitness to Practise Panel of the Fitness to Practise Committee where evidence emerges which brings into question a student’s fitness to practise. This may include, for example, issues of behaviour and attitudes, dishonesty, criminal conduct, illness or conduct likely to bring the profession into disrepute. At all times the consideration of patient or client safety shall be paramount. There may be circumstances that do not present a direct risk to patients or clients, but still bring into question a student’s fitness to practise.

33. Where the cause(s) for concern may additionally be a matter relating to academic or non-academic misconduct (as defined in paragraph 4 of the University’s ‘Regulations for Student Discipline’), a single investigation shall normally be undertaken under these Regulations.

Investigation of allegations against currently registered and former students

34. Concerns relating to the fitness to practise of a currently registered student will normally arise in one of the following ways:

   a) from the Professionalism Concerns Group (in respect of medical students) or equivalent course level professional monitoring teams for ODP, Clinical Psychology, and Social Work;

   b) from a member of the academic staff to the Head of College or other officer;

   c) reports from other students to a member of the academic staff or an officer of the School or a member of NHS staff or placement provider;

   d) through a formal referral to the Fitness to Practise Committee by a progress committee, where fitness to practise issues have arisen in the course of that committee’s review of a student’s progress;

   e) following a complaint from a patient or client, carer, health professional colleague, or member of the public;

   f) following disclosure by a student of a criminal offence or other inappropriate behaviour, or of ill health capable of affecting fitness to practice.

   g) following an investigation by a University Disciplinary Panel or an Investigating Officer.
35. All such reports should be forwarded to the Secretary of the Fitness to Practise Committee for action.

36. As soon as fitness to practise procedures are invoked in relation to a Clinical Psychology student, the trainee’s line manager and the Human Resources Department of their NHS employer should be advised and these should act in accordance with Trust policies and procedures. Both parties should be kept informed throughout the formal process.

37. The Associate Dean may interview a medical, ODP or Social Work student whose conduct is a cause of concern to a course level professionalism monitoring team, and issue him/her with a final warning prior to any formal referral to the Committee or the appointment of an Investigating Officer.

38. Any case deemed to warrant further proceedings under the Fitness to Practise regulations shall be referred by the Secretary of the Fitness to Practise Committee to an Investigating Officer.

Investigative procedure

39. The duties of the Investigating Officer are as follows:
   a) to conduct an enquiry into the case;
   b) to inform the student of the issues of fitness to practise which have been raised;
   c) to obtain such written reports and evidence as are judged appropriate to the case;
   d) to determine whether it is necessary to submit a report to a Fitness to Practise Panel;

40. The Investigating Officer’s investigations may include interviews with:
   a. the student concerned;
      a) members of staff or students who have raised fitness to practise concerns in this case;
      b) individuals involved in or witnesses of behaviour raising doubts about fitness to practise;
      c) psychological, medical, nursing, NHS or placement staff in any case of concern about attitudes;
      d) academic or other staff of the University where knowledge of the student may be relevant to the investigation.

41. Where medical reports are regarded as necessary, the consent of the student will be required. Should this consent be withheld, this will be noted and may be taken into account as an aggravating factor in the consideration of the case.

42. The Investigating Officer’s report shall be prepared in writing, and shall include all material submitted in the course of the investigation. The Investigating Officer shall use his/her best endeavours to ensure that all available relevant information is provided, and should indicate where s/he thinks there is a case to answer.
43. If the Investigating Officer determines during the investigation that there is a case to answer, the Investigating Officer shall write to the student, presenting the evidence assembled, and invite him or her to make a written response to the allegation(s), including any information which the student considers should be taken into account as mitigating factors for their actions. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence. A deadline shall be set for the submission of the written response which shall not be fewer than 5 working days following the date of notification of this invitation.

44. The Investigating Officer may, when writing to the student to present the evidence, request that the student, in addition to providing a written submission, attend a further meeting to discuss matters relating to the allegations. The student shall be given at least 5 working days written notice of a meeting. Where the Investigating Officer determines to offer a meeting to the student, the deadline for submission of the written response shall normally be set which is not less than 5 working days after the date of the meeting.

45. The Investigating Officer may request that one or more other members of staff relevant to the case attend the meeting. The student may be accompanied by a friend or representative in accordance with the general provisions for this in the University’s ‘Regulations for Student Discipline’. A member of staff of the University shall be asked to attend the meeting to take notes. A record of the meeting shall be made by that member of staff, which shall be made available to the student on request.

46. Having reviewed the evidence assembled and the response (if any) received from the student, the Investigating Officer shall determine one of the following:

   a) that there is no case to answer and dismiss the case; in this event the Investigating Officer will provide a report giving the reasons for the conclusion to the appropriate course level professionalism monitoring team;

   b) that there is sufficient evidence for a Fitness to Practise Panel to be convened to consider matters relating to the student’s fitness to practise only and refer the matter to the Secretary of the Fitness to Practise Committee;

   c) that there is sufficient evidence for a Fitness to Practise Panel to be convened to consider matters relating to the student’s fitness to practise and possible student misconduct, as defined under the “Regulations for Student Discipline” (paragraph 5), and refer the matter to the Secretary of the Fitness to Practise Committee;

   d) that there is insufficient evidence for a Fitness to Practise Panel to be convened to consider matters relating to the student’s fitness to practise, but there is sufficient evidence of student misconduct to warrant further consideration of the allegations as a matter of student misconduct only. In this instance, the investigation under these Regulations shall be concluded. The Investigating Officer shall make a report to the Head of College who shall consider whether the matter should be referred for further consideration under one of the other processes for the consideration of allegations of student misconduct, as set out in the ‘Regulations for Student Discipline’.

Proceedings of a Fitness to Practise Panel

47. When a student’s case is referred to the Secretary to the Fitness to Practise Committee under paragraph 46 above, a Fitness to Practise Panel will be convened with members who have had no
previous direct contact with the student as an individual for the purposes of teaching or pastoral care such that there is no appearance of conflict of interest, apart from in their capacity as a member of the Fitness to Practise Committee. The Investigating Officer will not be a member of the Panel.

48. The Secretary to the Fitness to Practise Panel shall send to the student required to appear before a hearing of a Panel a written summons stating:

a) the nature of the allegation(s), which may relate only to fitness to practise or to both fitness to practise and a matter of academic or non-academic misconduct, and the membership of the Panel;

b) the name of the person, normally the Investigating Officer, who will present the case and, as far as practicable, the names of any witnesses who are already expected to be attending the hearing;

c) the date, time and place of the hearing;

d) information on the order and conduct of proceedings in hearings as set out in this policy;

e) the right of the Panel to proceed in the student’s absence if, having been given due notice of the date of the hearing and sufficient notice of the documentary evidence available to the hearing, he or she fails to appear without providing prior good reason for absence. The decision of the Chair of the Panel as to whether to proceed in the student’s absence shall be final.

49. The Secretary to the Fitness to Practise Panel shall also enclose with the summons a full set of the documentation provided by the Investigating Officer concerning the alleged offence(s) which will be considered by the Panel.

50. The written summons shall provide not less than 5 working days’ notice of the meeting of the Panel.

51. The ruling of the Chair of the Panel on any point of procedure relating to the conduct of the Panel shall be final.

52. The Investigating Officer shall normally present the case to the Panel. Where the case is to be presented by another member of staff, this shall be subject to the approval of the Chair of the Panel.

53. The Chair of the Panel may request or admit as evidence any additional written information which he or she deems relevant to the case. The Chair shall, in particular, determine whether the admission of information on the student’s previous academic or disciplinary record is relevant to the case.

54. If the student wishes, he or she may, prior to the hearing, provide to the Secretary to the Panel with a statement concerning the allegations, and / or any additional supporting evidence relevant to the case and / or information about any mitigating factors which the student considers should be taken into account. Information relating to any mitigating circumstances should wherever possible be supported by documentary evidence.

55. All written evidence made available to the Panel will also be made available to the student and the person (if any) presenting the case, wherever possible in advance of the hearing.
56. The Panel may determine that some or all of the written evidence should be made available to each witness. The Chair may determine that a hearing should be postponed or adjourned if any written evidence is supplied without sufficient notice for it to be circulated and properly considered by all relevant parties.

57. The student required to appear before the Panel, the person (if any) presenting the case, and the Chair of the Panel may nominate witnesses to attend the hearing. The purpose of calling for witness evidence is to inform the Panel’s deliberations. The Chair of the Panel’s decision as to whether to accept a nomination is final. Where practicable, the Secretary to the Panel shall inform all parties of the identity of any witnesses in advance of the hearing. It is the responsibility of the party calling the witness to ensure their attendance at the hearing, except where the witness is a member of the public. If the witness is a member of the public (being neither a student nor member of staff of the University) the party calling the witness must inform the Secretary as soon as possible of this request. The Secretary will issue the witness with an invitation to attend, making clear who has requested their evidence and explaining the procedures. The Panel reserves the right to proceed in the absence of any particular witness and the ruling of the Chair of the Panel in this matter shall be final.

58. All parties shall have an opportunity to ask questions through the Chair of all witnesses called.

59. The ruling of the Chair of the Panel shall be final on the admission of all evidence for consideration by the Panel, including the admission of written evidence and of oral evidence from witnesses or other parties at the hearing. This shall include the power to refuse to admit evidence or hear witnesses on the basis of lack of relevancy.

60. The student may be accompanied by a friend or representative in accordance with the general provisions for this, as set out in the University’s “Regulations for Student Discipline.” Where practicable, the Secretary to the Panel shall inform all parties in advance of the hearing of the identity of any friend or representative who will be in attendance.

61. A hearing shall proceed as follows:

   a) the person presenting the case shall set out the allegations and evidence in the case, answer questions from the Panel and student, and may call witnesses;

   b) the student (or person representing him or her) shall respond to the disciplinary charge(s), answer questions from the Panel and the person presenting the case relating to the case, and may call witnesses;

   c) the Panel may call any witnesses not called by the other parties.

   d) the presentation of any closing statement by the person (if any) presenting the case;

   e) the presentation of any closing statement by the student (or person representing him or her).

62. Once a hearing has commenced a Fitness to Practise Panel shall normally determine the outcome of a case in relation to matters of student misconduct, even if it determines that no measures should be taken in relation to fitness to practise.

63. The Chair of a Fitness to Practise Panel may otherwise adjourn a hearing of a Panel in accordance with the general provisions set out in the Regulations for Student Discipline.
64. The student will be informed in writing by the Secretary to the Panel of the Panel’s decision in respect of the allegations, including reasons for that decision, normally no more than five working days following the end of the hearing. The Secretary shall copy this communication to the student’s Head of Department and the person presenting the case against the student at the hearing.

Outcomes of the deliberations of a Fitness to Practise Panel

65. A Panel may determine one or more of the following actions in relation to the fitness to practise of the student:

a) that the student is suffering an illness sufficient to make him/her unfit to practise and to suspend his/her registration until such time as a satisfactory medical report is received;

b) that the student is suffering an illness sufficient to make him/her unfit to practise and that, notwithstanding his/her academic progress, the award of the degree(s) be withheld, or she/he be not permitted to graduate until such time as a satisfactory medical report is received;

c) that the student be required to make an undertaking as to their future conduct;

d) that the student be warned that his/her behaviour, attitude, or conduct is such that she/he is at significant risk of having his/her registration terminated, not being awarded the degrees, or not being permitted to graduate, on the basis she/he is unfit to practise;

e) that the student’s behaviour, attitude, or conduct is such that his/her registration be suspended for a specified period until satisfactory reports are received;

f) that there be such conditions as to work, placement, monitoring, examination and further reports as the Panel shall think appropriate to satisfy itself that the issues giving rise to concern have been addressed;

g) that the student’s registration be terminated on grounds that she/he is unfit to practise;

h) that, notwithstanding a student’s academic progress, she/he be not awarded the degrees, or not be permitted to graduate on the basis she/he is unfit to practise;

i) that there are no concerns about the student’s fitness to practise and to take no action.

66. Where the Fitness to Practise Panel, having reached its decision in respect of the fitness to practise issues raised, believes that the academic progress of a student may be a cause of concern, the Panel may refer those academic issues to a progress committee for separate consideration under its procedures.

67. A Fitness to Practise Panel may determine to impose one or more outcomes in relation to academic or non-academic student misconduct, in accordance with the University’s Regulations for Student Discipline.

68. Where a Fitness to Practise Panel determines to take no action in relation to the fitness to practise of the students, the Panel may still determine to impose a penalty in respect of academic or non-academic student misconduct. Where a Fitness to Practise Panel cannot determine issues of academic or non-academic discipline, the case shall be referred to the Secretary to the Senate.
Student Discipline Committee who may determine that a new hearing with a fresh Panel is necessary.

69. Students on the MB ChB programmes who are deemed unfit to practise may be considered for the award of the BMedSci subject to their academic progress.

70. The Panel may, where there is a duty to do so or a requirement under UK law, disclose any information arising from these procedures, or details concerning the outcomes of the consideration of cases to professional, statutory or regulatory bodies, or law enforcement officers, or to any NHS Trust or Social Services department.

Appeals

71. Appeals against both decisions concerning a student’s fitness to practise (where appeal is permitted) and decisions to impose academic or non-academic disciplinary penalties by Fitness to Practise Panels shall be considered by appeals panels constituted under “Stage Two” of the University’s Regulations for Student Discipline.

72. The decision of a Fitness to Practise Panel in relation to matters of fitness of practise shall be final, except where the decision is that the student’s studies are suspended or terminated, or the decision is to deny the student a qualification (outcomes relating to fitness to practise (a), (b), (e), (g), and (h) above). In such cases the Secretary of the Fitness to Practise Panel shall notify the student that they have the right to a review under Stage Two of the University’s Regulations for Student Discipline (Part Seven: “Stage Two Student Disciplinary Appeals and Fitness to Practise Appeals”).

73. Any penalty imposed by a Fitness to Practise Panel in relation to student academic or non-academic misconduct may be subject to appeal under the same Regulations. The Secretary to the Fitness to Practise Panel shall inform the student of the procedure for making such appeals in the letter informing them of the outcome of the hearing.
Appendix: Extracts from the University Regulations for Student Discipline relating specifically to Fitness to Practise

** Senate Regulation 11: Regulations governing student discipline (regulations 11.4k, 11.18 to 11.22 and 11.32) sets out the following in relation to jurisdiction of matters relating to academic or non-academic misconduct, and to fitness to practice.

11.4  …

  k. notwithstanding paragraph 10.3, where a student is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which renders that student a person not fit to be admitted to and practise that profession or calling (this clause is applicable to the degree of Doctor of Clinical Psychology, the MB ChB degrees, the Diploma in Higher Education in Operating Department Practice, the Postgraduate Certificate in Education, the MA degree in Social Work and programmes in Counselling)

... 

Procedures for the consideration of academic and non-academic misconduct, and of fitness to practise under these regulations

11.18 These regulations provide routes for the consideration of allegations relating to fitness to practise, and of academic or non-academic misconduct. For the purpose of consideration under these regulations:

  a. allegations which relate to paragraph 11.4k above shall be considered matters of fitness to practise for the purpose of determining the process for their consideration and available penalties under these regulations.

  b. allegations which relate to other sub-sections of paragraph 11.4, may, depending on the content of the allegations, be considered, in whole or in part, matters of academic misconduct for the purpose of determining the process for their consideration and available penalties under these regulations.

  c. other allegations shall be considered matters of non-academic misconduct for the purpose of determining the process for their consideration and available penalties under these regulations.

11.19 The University has established procedures which are allied to these regulations for the investigation and consideration of allegations of fitness to practise at Stage One relating to the programmes of study set out in paragraph 11.4k above. Students studying on these programmes should familiarise themselves with the relevant procedures for the consideration of fitness to practise.

11.20 Allegations considered under these regulations may relate to more than one sub-section of paragraph 11.4 and the case against a student may become more or less complex as the case is investigated. As far as is possible, all elements of a particular allegation against an individual student will be investigated and considered by means of a single process under these regulations. For as long as an allegation is determined to be at least in part a matter of fitness to practice, it shall normally be considered by means of the process under these regulations for the consideration of fitness to practise. If an allegation is, at least in part, a matter of academic misconduct, for as long as it is so considered it shall normally be considered by means of the process under these
regulations for the consideration of academic misconduct. Allegations including only matters of non-academic misconduct shall normally be considered by means of the process under these regulations for the consideration of non-academic misconduct.

11.21 Where allegations involve more than one student, the allegations may be investigated and heard as a single combined case, or as multiple individual student cases under these regulations.

11.22 If the process for the consideration of allegations under these regulations is unclear, the decision of the Secretary to Senate Student Discipline Committee regarding the procedures under which an allegation should be given consideration shall be final. The Secretary to the Senate Student Discipline Committee may make reasonable adjustments to the processes where this is necessary as a consequence of the particular nature of the allegations and/or where this is deemed necessary by the Secretary to ensure that a student will receive a fair hearing.

Fitness to Practise Panels

11.23 The procedures for the conduct of Fitness to Practise Panels at Stage One shall be set out in the relevant allied policies and procedures. Fitness to Practise Panels may, as authorised by Senate and set out on the relevant allied policies and procedures, have authority to determine penalties for academic and non-academic offences associated with matters of Fitness to Practise. The penalties imposed for such offences by Fitness to Practise Panels shall include those set out in Part Six paragraphs 11.127 to 11.129 of these regulations (‘Penalties of Student Discipline Panels’). As provided for in those policies and procedures, appeals against the outcome of a fitness to practise procedure should be submitted under the procedures for the consideration of Student Disciplinary Appeals (see Part Seven below).

** The general provisions set out in regulations 11.23 to 11.38 of ‘Senate Regulation 11: Regulations governing student discipline’ shall also apply to investigations and panels convened under these regulations. These provisions relate to:

- Misconduct which is also a criminal offence (regulations 11.23 to 11.24)
- Burden of proof applied to disciplinary and fitness to practise cases (regulation 11.25)
- Serving of notice to students under these regulations (regulation 11.26)
- Abandonment/non-abandonment of cases when a student withdraws (regulations 11.27 to 11.29)
- Allegations relating to former students under these regulations (regulation 11.30)
- Adjournment of hearings (regulation 11.31)
- Confidentiality and disclosure of information (regulations 11.32 to 11.33)
- Attendance of representatives or friends of students at hearings and meetings (regulation 11.34)
- Remote attendance of students at hearings and meetings (regulation 11.35)
- Records and record-keeping (regulations 11.36 to 11.37)
- Actions of staff during investigations of student conduct (regulation 11.38)

These provisions may be consulted at www.le.ac.uk/senate-regulation11