

Harper & Keele

VETERINARY SCHOOL

Fitness to Practise Policy

For the Veterinary Medicine and Surgery Programme (BVetMS)

1.0 Purpose and Scope

1.1 Registration on the Veterinary Medicine and Surgery programme (BVetMS) requires students to undertake practical training in a professional role in relation to patients, clients or service-users, and results in registration with the Royal College of Veterinary Surgeons (RCVS).

1.2 For the purposes of this policy, fitness to practise encompasses regulation of student behaviour with respect to professional behaviour, health issues, outcomes of disciplinary procedures and academic misconduct.

1.3 This policy has been drafted with reference to the RCVS [Code of Professional Conduct](#) and [Fitness to Practise Guide](#) and with the [OIA Good Practice Framework for Fitness to Practise](#). Staff and students engaging with this policy are encouraged to familiarise themselves with these documents.

1.4 The Office of the Independent Adjudicator for Higher Education (OIA) The OIA runs an independent scheme to review student complaints. Harper Adams University and Keele University are members of this scheme. If you are unhappy with the outcome of a matter considered under this Fitness to Practise Policy, you may be able to ask the OIA to review your case. You can find out more information about making a complaint to the OIA, what it can and cannot look at and what it can do to put things right here:

<https://www.oliahe.org.uk/students>

1.5 You normally have to have completed all stages of the Fitness to Practise procedure before you complain to the OIA. If your appeal against the outcome of a matter considered using the Fitness to Practise Policy is not upheld, you will have completed all of the internal stages of the procedure and Harper Adams University or Keele University will issue you with a Completion of Procedures Letter automatically. If your appeal is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find out more about Completion of Procedures Letters and when you should expect to receive one here:
<https://www.oliahe.org.uk/providers/completion-of-procedures-letters>

2.0 What is Fitness to Practise?

2.1 The Harper and Keele Veterinary School (Vet School) has to monitor students in relation to the requirements of the RCVS for their programme of study and if issues arise that are in breach of the requirements or are suspected to be in breach of them, then the Vet School has to take action. These procedures are referred to as Fitness to Practise.

2.2 Fitness to Practise procedures are specific to a student's conduct, health or competence and the impact of these on their ability to meet the professional standards required for their programme. The procedures are not designed to address general complaints and disputes

or to impose a punishment but instead, to consider the direct impact and risk of a student's health or conduct in relation to their suitability for their chosen profession, taking account of the requirements of the RCVS. The outcome will depend on the nature of the case.

2.3 It should be noted that, depending on the circumstances of the case and the findings of an investigation, School Health and Conduct Committee processes can trigger a further investigation under Harper Adams or Keele University disciplinary regulations. This can also apply in reverse, in that an investigation under Harper Adams or Keele University disciplinary regulations can result in the student being referred to the Health and Conduct Committee within the Vet School.

3.0 When may Fitness to Practise Procedure be applied?

3.1 Health Concerns. Concerns may arise from matters related to a student's physical/mental health such that they are not fit to practise. It is anticipated that health issues are capable of being identified prior to the issue becoming one of fitness to practise. Students have a responsibility to report any illness or disability that may affect their fitness to practise to their personal tutor.

3.2 The Vet School also has a duty to support its veterinary students including with issues relating to ill health and any other cause for concern. Students will ordinarily be referred to the host institution's occupational health service and or other expert and will be expected to co-operate with in obtaining such expert advice.

3.3 The Vet School are aware of the need to balance the requirements of patient care and those of a student suffering from ill health and will seek to support the student in overcoming temporary conditions. The Vet School has duties Under the Equality Act 2010 to make reasonable adjustments for disabled students and will consider providing additional support as necessary to those students to address any fitness to practise issue.

3.4 Discipline, Misconduct and behavioural concerns. Misconduct includes behaviour which is judged to constitute either improper interference, in the broadest sense, with the functioning or activities of the Universities, or those who work or study in the Universities, or action which otherwise damages the Universities. Disciplinary or Academic Misconduct matters will be dealt with under the applicable procedures. However, certain conduct, for example substance abuse and/or failure to handle medicines or other drugs/substances in an appropriate professional manner may be regarded more seriously if engaged in by a student registered for a programme which leads to the right to practise professionally due to the link to their professional obligations.

3.5 During consideration of a disciplinary offence information or evidence may emerge which questions a student's fitness to practise professionally. This can apply even if it would not support a finding of misconduct; for example, previously undiscovered health problems explain the acts of misconduct but could then impact upon Fitness to Practise.

3.6 Students whose behavioural patterns give rise to serious concern such that they may not be fit to practise may be referred to Fitness to Practise Procedures. Students should act with due regard to the RCVS Code of Professional Conduct and are expected to behave in a professional, ethical, and moral manner at all times. The nature of their programme of study means that these students engaging with animal patients and their owners as clients in a veterinary hospital, first opinion clinic or agricultural community setting, and will have responsibility for patients once qualified. Any behaviour which places an animal patient or its owner at risk or gives rise to concern about the student's future commitment to the protection

and safety animal patients or their owners, should be considered under Fitness to Practise Procedures.

3.7 Performance. Students may fail to make satisfactory progress in academic studies or in assessed clinical work such that they display unsafe practise, incompetence or requiring too much supervision. These concerns raise issues as to the student's suitability to practise professionally and accordingly the Fitness to Practise Procedures will be initiated.

4.0 Suspension of Study

4.1 Where necessary to protect the interests of patients, clients or service users, the student concerned, other students, members of staff of the University, or the public, the Head of School or their nominee can suspend a student's studies with immediate effect and limit access to School facilities or premises pending investigation under the Fitness to Practise procedure. This may include a partial suspension, for example suspension of a placement but permission to continue to attend learning and teaching events.

Incidents requiring this action could include (but will not be limited to) the following:

- I. a student has been directly implicated in an incident with a patient, client or service user that either led or could have led to significant harm to that patient, client or service user;
- II. a student has been convicted of a crime or is being investigated in relation to a crime that brings their fitness to practise into question;
- III. a student has been directly implicated in an incident with a patient, colleague, or member of staff, client or service-user that leads to serious concerns about the student's professional behaviour;
- IV. a student's health and/or behaviour is a cause for concern in terms of its impact on themselves, the care of patients or relationships with colleagues, members of staff, clients or service-users.

4.2 The student will be informed of the suspension orally in person by the Head of School or their nominee in the presence of a witness. They will also be informed of the reasons for the suspension and the processes that will follow. The student is entitled to be accompanied at the meeting by a current member of the School staff or representative from either Students' Union. If a meeting is not possible, the decision should be conveyed by telephone. The decision should be confirmed in writing within 2 working days.

4.3 Unless the matter is deemed to be of immediate serious concern by the Head of School or their nominee, no student will be suspended without having been given the opportunity to make representations in support of their case. The representations can be made in person or in writing to the Head of School or nominee who will be making the decision in connection with the suspension. These representations will be the student's initial response to the issues causing their suspension. In cases that are deemed to be of immediate serious concern, a student can be suspended with immediate effect. In such circumstances, an opportunity will be given to the student to make representations as soon as is reasonably practicable thereafter, normally within 10 working days. Reasonable requests for extensions will be considered when requested in advance.

4.4 The Chair of the Vet School's Joint Academic Board will be informed as soon as practicable of any suspension and will confirm in writing the suspension and any other restrictions as soon as practicable.

4.5 The Head of School or their nominee will review the suspension every 20 working days.

5.0 Standard of Proof

5.1 The term Standard of Proof refers to how the Vet School will decide if the fitness to practise of a student is impaired. In Health and Conduct or Fitness to Practise processes the Standard of Proof is: "On the Balance of Probabilities". This means that in order to find a case proven, the Fitness to Practise Committee must be satisfied that the evidence presented shows that it is more likely than not that the issues described impact upon the student's fitness to practise.

5.2 The relevant Committee will use their professional judgement to assess whether, on the balance of probabilities, the evidence presented confirms the allegations against the student are proven and, if so, whether their fitness to practise is impaired. This means that on the evidence available, the student is more likely than not to have committed professional misconduct or demonstrated professional unsuitability.

5.3 The term Burden of Proof refers to whose responsibility it is to prove an issue. In Fitness to Practise cases the burden of proof is on the Vet School to prove that the student's fitness to practise is impaired.

6.0 Student Support and Representation

6.1 Being involved in a Fitness to Practise case has potentially serious implications for a student's ability to complete their programme of study and professional practise. As such, the Vet School strongly advises that students who are subject to Health and Conduct or Fitness to Practise procedures seek support with this process. Sources of support are outlined in this section.

Health and Conduct Committee

6.2 Students have the right to be accompanied to any formal Health and Conduct Committee meetings. This would normally be by a member of staff or a current student of either Harper Adams or Keele University or an elected officer or member of staff of either Harper Adams or Keele University Students' Union's. The accompanying person can attend the whole meeting, even if the student is not present.

6.3 The name and status of the accompanying person should be provided to the Health and Conduct Committee Secretary as soon as possible and no later than 24 hours before the meeting.

6.4 The accompanying person can attend the meeting without the student. If the student is not present they are expected to submit written representations to either Committee. Their representative will not be able to respond to any direct questions from the Committee. If the student is present, the accompanying person can make representations and ask questions on their behalf but cannot answer direct questions for the student.

6.5 It is important to note that the Vet School's student conduct related processes are not legal processes. It is reasonable for the Vet School to define who can or cannot not accompany a student to a meeting about a student conduct related process and there is no obligation to allow external representation. Therefore external representatives are not permitted at meetings relating to School Health and Conduct Committee processes including full Committee meetings.

Fitness to Practise

6.6 Students have the right to be accompanied to any formal Fitness to Practise Committee meetings. This would normally be by a member of staff or a current student of either Harper Adams or Keele University or an elected officer or member of staff of either Harper Adams or Keele University Students' Union's. The accompanying person can attend the whole meeting, even if the student is not present.

6.7 The name and status of the accompanying person should be provided to the Health and Conduct Committee Secretary as soon as possible and no later than 24 hours before the meeting.

6.8 Where a student wishes to bring an external representative to a Fitness to Practise Committee meeting, they should make a request in advance of the meeting to the Chair of the Committee which will be considered in consultation with colleagues in Harper Adams and Keele University Professional Services.

6.9 The accompanying person, including an external representative if approved, can attend the meeting without the student. If the student is not present they are expected to submit written representations to the Committee. Their representative will not be able to respond to any direct questions from the Committee. If the student is present, the accompanying person can make representations and ask questions on their behalf but cannot answer direct questions for the student.

6.10 If a student wishes to bring legal representation at a meeting they must bear the expense of such a choice, whatever the outcome. Legal representatives may attend in addition to the student's friend. The Student must give notice to the secretary of the Fitness to Practise Committee/ Appeal Panel as soon as possible that they will be having legal representation. If the student request for legal representation is approved, the Chair may decide to postpone the hearing in order to arrange appropriate representation for the Vet School. If either party (the student or the Vet School) arrives at the hearing with representation without having given proper notice of intention to do so, the other party may request, and be granted, an adjournment of the hearing so that it may seek appropriate equivalent representation

7.0 Applicants

7.1 During the admissions process, successful applicants will be required to complete a Health and Conduct questionnaire. If the Head of School or nominee has concerns about your health, behaviour or unspent criminal conviction/s, this may be referred to the School Health and Conduct Committee (see Section 7.0 for further details). This decision will be based on the professional requirements and code of behaviour as set out by the RCVS.

7.2 Applicants whose suitability for the programme is in question will follow the process outlined for students in section 8.

8.0 Investigation

8.1 Any concerns over a student's health and conduct should be referred to the Head of School or their nominee to commence consideration under this policy. The Head of School or their nominee will refer the concern to the Vet School Health and Conduct Committee. The Health and Conduct Committee will investigate and hear suspected breaches of professional behaviour and health issues. The Health and Conduct will also consider findings from host institutions' disciplinary or misconduct committees.

8.2 The Health and Conduct Committee can choose to refer a case directly to the Fitness to Practise Committee without a hearing, where the facts of the case have already been established, for example by legal proceedings or via a disciplinary process from either university. Both the Head of School or their nominee, and the Health and Conduct Committee will consult the RCVS Fitness to Practise Guide to assist in making decisions over referral to the Fitness to Practise Committee. The Head of School or his/her nominee shall ensure that the student is kept informed in writing of the decisions being made.

8.3 The Health and Conduct Committee is constituted as follows:

- I. Head of School or nominee in the chair;
- II. Director of Veterinary Education or nominee;
- III. Relevant Year Lead;
- IV. a senior member of staff from the student's host institution, with no involvement with the Vet School.
- V. A lay member to provide independence in decision making. This person will not have veterinary experience and will be from outside of the Vet School and both Harper Adams and Keele Universities.

8.4 If the case in question relates to an applicant, the Committee will include a member of professional services staff from either Harper Adams or Keele University with relevant specialist expertise (e.g. Director of Student Services or equivalent).

8.5 Each meeting of the committee will involve the members listed in (i) – (iv) above. The meeting is quorate provided the Chair and four other members attend, including the senior member of staff from outside the Vet School. The secretariat will be provided by the Vet School.

8.6 Where a referral is made to the Fitness to Practise procedure, the Health and Conduct Committee will first consider, normally within a period of 5 working days from the referral, whether there is a case to be investigated.

8.7 Where the Health and Conduct Committee consider that there is a case to answer a formal investigation will be conducted and it will appoint an Investigating Officer (IO) who has no material involvement or interest in the case.

8.8 The student will be informed in writing of their referral to the Vet School Health and Conduct Committee and that a formal investigation is to take place, this will also confirm the identity of the IO and the anticipated timescales for the investigation. The student will also be provided with a copy of the Fitness to Practise Policy and reminded of sources of support as set out in section 6 above.

8.9 The IO will interview all relevant parties including the veterinary student concerned, (the student may be accompanied (see section 6 above), the person(s) making the allegation (unless an anonymous concern has been permitted), and any other relevant persons. A formal note of each interview shall be prepared by the IO and, if possible, agreed with the person who has been interviewed.

8.10 The IO and the Health and Conduct Committee or the Fitness to Practise Committee may, at any stage, require reports to be prepared by the Occupational Health Service and/or other experts as to the student's fitness to practise and will expect the student to co-operate with obtaining such reports.

8.11 The formal investigation should not normally take longer than 15 working days. Where it is likely to take longer, the IO must inform the Health and Conduct Committee who will inform the student of the new expected date for completion of the investigation and the reasons for the extension of time.

8.12 The IO shall review all the evidence including any Occupational Health or other expert report and the RCVS Code of Professional Conduct. The IO shall then prepare written report for the Health and Conduct Committee.

8.13 The Health and Conduct Committee will write to the student sending them a copy of the IO report, a copy of the Fitness to Practise Policy and advise them of the date and time of the Health and Conduct Committee meeting. The student will also be informed of the deadline for the submission of any documentation they wish to rely upon and be reminded of sources of support as set out in section 6 above. This will be sent to the students via both of their University email addresses at least 5 working days before the date of the meeting.

8.14 A referred student can choose not to attend. The Committee can consider the reasons for referral and make a decision in absentia. If a student can provide valid grounds for being unable to attend the meeting, alternate means should be explored to facilitate their attendance, i.e. through video conference. Every effort will be made to consider reasonable adjustments are put in place where required.

8.15 If a student chooses not to attend, or is not able to attend, written representations will be considered as supplied by the student. The Committee will generally not consider supporting statements from family or friends but will consider documentary evidence from veterinary or medical practitioners and other similar professionals.

8.16 It is strongly recommended that any student referred to the Committee seeks and obtains advice from the appropriate support service prior to attending. See Section 6 above.

8.17 Students referred to the Committee should submit any relevant documentary evidence to support their case by the deadline stated within the letter referred to in 8.13 above.

8.18 Information as to the student's progress to date will be available to the Committee.

8.19 Prior to the formal meeting, the Chair will hold a short pre-meeting with the members of the Committee to agree the areas of questioning for the student and their representative during the meeting.

8.20 The student and their supporter are then asked to join the meeting. The student's situation is discussed in their presence, along with any new evidence they choose to submit. The Committee will not normally need to hear oral evidence from witnesses if an investigation has established the facts. However, if these facts are disputed, the Committee and/or the student are able to invite witnesses to give evidence.

8.21 The student and their supporter are normally asked to leave while the Committee considers their decision on the case.

8.22 The Health and Conduct Committee, having carefully considered the circumstances will reach a decision. Outcomes could include one or more of the following:

- I. Dismissal of the case;
- II. No further action;
- III. Permission for the student to continue with the programme with appropriate written advice and guidance;

- IV. Permission for the student to continue with the programme under supervision;
- V. Permission for the student to continue with the programme with a written warning;
- VI. Temporary suspension of the student from studies until specified criteria for re-admission, as set out in the outcome letter, have been addressed;
- VII. Referral of the case to the Fitness to Practise Committee;
- VIII. Temporary suspension pending outcomes of consideration of the case by the Fitness to Practise Committee.

8.23 Where the case relates to an applicant, the Committee may decide to:

- I. Permit the application to proceed;
- II. Withdraw the application.

8.24 The student will be normally informed of this decision by the Chair and this decision will be confirmed in writing within 5 working days of the meeting. The outcome of the committee may be accompanied by a referral to appropriate internal or external support services.

8.25 If the decision is to refer the matter to the Fitness to Practise Committee, such referral shall be made at the same time as writing to the student.

9.0 The Fitness to Practise Committee

9.1 The Fitness to Practise Committee will consider, make a determination and take action as appropriate in respect of:

- I. any conduct/performance issue which could render that student a person not fit to be registered with the RCVS.
- II. any health problem which could render that student a person not fit to be registered with the RCVS.

9.2 The Fitness to Practise Committee will be provided with copies of documents including the IO report that were before the Health and Conduct Committee. The student shall also receive copies of all documentation to be considered. The Chair of the Fitness to Practise Committee will determine whether further investigation is needed upon receiving details of the student's case from Health and Conduct Committee. Where it is determined that further investigation is required, the Chair can pause the commencement of the Committee in order to facilitate further investigation or gathering of relevant information by the IO

9.3 The Fitness to Practise Committee shall be drawn from a pool of members agreed by the respective Universities and will be constituted as follows:

- I. Chair, nominated by the Joint Academic Board;
- II. Deputy Chair, nominated by the Joint Academic Board;
- III. One senior member of staff with experience of fitness to practise procedures from each University appointed by the respective Vice-Chancellor;
- IV. an external member holding RCVS registration who is not involved with programme delivery or either university.

9.4 The secretary to the Fitness to Practise Committee will normally be provided from the student's host institution and have experience of supporting fitness to practise procedures or similar processes. When convening the Committee, the Secretary will provide the name and student number to potential members to ensure they can check the student is not known to them. To avoid any perception of bias in the proceedings, committee members should have had no prior knowledge of the current case against the student and should not have worked

closely with them, for example, as their personal tutor or in a supervisory role or have any other relevant prior engagement with the student or the case. If any member needs to declare an interest they should advise the Secretary as soon as possible so that a replacement independent member can be found.

9.5 The Committee can, following consideration of the case in relation to the relevant professional requirements and code of behaviour:

- I. dismiss the case, or;
- II. permit the student to continue with the programme with appropriate advice and guidance;
- III. permit the student to continue with the programme under close supervision;
- IV. suspend the studies of the student for a specified time;
- V. require the student to be reassessed in a specified part or parts of the programme;
- VI. require any other action considered appropriate by the Committee to facilitate the student's successful completion of the remainder of the programme;
- VII. recommend that the student's studies on a programme leading to a professional qualification be terminated but permit registration for an alternative academic qualification if such a programme of study is available;
- VIII. direct that the student's studies on a programme be terminated and that their registration as a student of the University should cease;
- IX. permit a combination of the above.

9.6 Where it proves impossible to continue to offer the programme because a student is deemed by the Committee to be incapable on non-academic grounds (such as health) of completing it and will not therefore be fit to practise, the student's registration will be suspended whilst reasonable effort is made to offer an appropriate alternative course of study. However, if it is not possible to identify an appropriate alternative course of study, the student's studies will be terminated.

9.7 Procedure leading up to a Fitness to Practise Committee hearing.

9.8 The Secretary will write to the student normally within 5 working days of the matter being referred to the Fitness to Practise Committee in the following terms;

- I. to inform the student of the composition of the Fitness to Practise Committee; and
- II. to provide the student with a copy of this Fitness to Practise Policy and copies of the documents that were before the Conduct Committee including the IO report; and
- III. to set out a timetable for the progress of the proceedings including dates for the submission of documents/evidence
- IV. to set date, time and place of the hearing which must be within 15 working days of the date of the communication.

9.9 The student can object to the inclusion of a Committee member by writing to the Secretary, where there are justified and reasonable grounds for doing so. The Chair will consider the objection and if upheld, will appoint a replacement Committee member. To protect the sensitive personal information of the student, the case papers should not be circulated to Committee members until the student has had the opportunity to object.

9.10 Factual information about the student's professional progress in the course and any other relevant documentation should also be provided. These will be sent to the Committee Secretary, who will send a copy to the student least 10 working days before the date of the hearing.

9.11 The student will be required to submit their case in writing supported by relevant documentary evidence, including statements from other persons in support, to be received by the Committee Secretary no less than 5 working days before the hearing. Reasonable requests for extensions will be considered where feasible. Notification of the names and designations of the student's representative must be provided at the same time as provision of supporting documentary evidence.

9.12 The case will be presented by the IO who may submit additional evidence in addition to the IO report, included witness statements no less than 5 working days before the hearing. Reasonable requests for extensions will be considered where feasible.

9.13 The Secretary must supply to the Student and the IO all documents submitted it as soon possible.

9.14 All the written material collated will be scrutinised to ensure it is sufficient to proceed with the hearing. The Chair can request additional information or witnesses, for example requiring the student to attend for an occupational health, medical or disability or other report where none exists otherwise.

9.15 The IO and the student can call witnesses in support of the case if they so wish provided the witness have provided a written statement. The Student and the IO must inform the Secretary of the persons they intend to call to give evidence not less than 5 working days before the hearing. The Secretary must as soon as possible inform the Student and the IO of the identity of the witnesses.

9.16 The Committee has discretion to seek legal and professional advice where appropriate.

9.17 All written material collected will be circulated to members of the Committee by the Committee Secretary.

9.18 Any written communication to the student will be sent to both their University email addresses.

9.19 Prior to the meeting, the Secretary to the Committee will ensure the student is in possession of copies of all documents circulated to members of the Committee and is aware of the procedures to be followed.

10.0 Conduct of Hearings by the Fitness to Practise Committee

10.1 The Fitness to Practise Committee will refer to the RCVS Fitness to Practise Guide and take the RCVS Code of Professional Conduct for Veterinary Surgeons into consideration in all decisions.

10.2 The student will be required to attend the meeting in person. If the student fails to attend without reasonable and timely explanation, the Committee will consider the case in the student's absence. The Chair will have discretion as to what constitutes a "reasonable and timely explanation" e.g., production of a medical certificate and/or credible documentary evidence of exceptional circumstances. If the student elects not to submit their case, or withdraws from the programme before or during consideration of the case, the Committee will nonetheless complete its consideration of the case. Reasonable requests for alternative methods of attendance (e.g. video link) will be considered where possible.

10.3 For support and representation, please see Section 6.

10.4 The Chair will introduce by name and explain the responsibilities of the members of the Committee, the other staff attending, and any others present.

10.5 Where a member of the Committee declares an interest whilst the case is ongoing, they will be excluded from the consideration. Where this member ceases to take further part in consideration of the case, they can continue to provide general information at the request of the Chair on the subject and/or professional context but without reference to the specific case under consideration.

10.6 The Chair will explain the procedure of the meeting and the powers of the Committee.

10.7 The Chair will invite the IO to present the case. The Chair will invite the student or their supporter/representative to present their case. The Chair can then call witnesses on behalf of the School and/or the student at the request of the student or their representative or the Committee.

10.8 Once the Chair is satisfied that all questioning is completed, and all parties have been heard, non-members of the Committee (except for the Secretary) will be asked to withdraw from the room. The Committee will then discuss the case in private. If for any reason the Committee requires further clarification of any aspect of the case, relevant parties can be invited back into the meeting. The student and/or representative (if attending) and Head of School or their nominee have the right to hear this clarification of evidence. Those persons (if not members, except for the Secretary) will then be asked to withdraw from the room.

10.9 Having considered all the evidence and reached their decision on the student's fitness to practise, the Chair will invite all relevant parties to return to the meeting.

10.10 The findings of the Committee will normally be conveyed to the student at the end of the meeting. If the findings put at risk a student's fitness to practise, the student will be invited to comment before the Committee decides upon action to be taken.

10.11 The Chair has discretion to allow variation in the conduct of the hearing, as circumstances require, including adjournment of the hearing, for example to allow conflicting evidence to be resolved or as a rest break for the student at their request.

10.12 Following consideration of appropriate actions to be taken by the Committee, the final decision will normally be conveyed to the student and the Head of School at the time and confirmed in writing within 5 working days. The Chair can decide at their absolute discretion not to communicate the outcome to the student at the meeting, if this is the case the student will be advised how and when to expect the outcome.

10.13 The Secretary will ensure that a full contemporaneous and accurate written record of the meeting is kept and members of the Fitness to Practise Committee will be asked to confirm the accuracy of the record. A copy of the agreed record will be provided to the student. The record of the meeting remains confidential within the Vet School, subject to the provisions of the Data Protection Act (2018). The record of the meeting is to be kept in accordance with the student's host institution Document Retention Schedule.

10.14 The School can disclose, voluntarily or on request, to the RCVS, academic institution, veterinary service provider or the Disclosure and Barring Service the record or findings of a case considered by the Committee.

10.15 Previous cases considered at either a Health and Conduct or a Fitness to Practise Committee meeting can be referred to if there are further causes for concern during the period of the student's registration on the programme.

11.0 Appeals Against a Decision of the Fitness to Practise Committee

11.1 A student can appeal against the finding regarding fitness to practise and/or the sanction applied by the Fitness to Practise Committee.

11.2 Appeals can be made only on one or all of the following grounds:

- I. procedural irregularity in the conduct of the case;
- II. evidence which could not have been presented at the time of the original hearing;
- III. the decision of the Fitness to Practise Committee or the penalty they applied was disproportionate.

11.3 A Notice of Appeal must be submitted in writing to the Secretary of the Joint Academic Board which sets out the grounds of appeal with any evidence in support of the appeal being claimed within 10 working days of the date of the letter sent to the student informing them of the decision of the Fitness to Practise Committee. Reasonable requests for extensions will be considered when requested in advance.

11.4 Once the appeal is submitted, it will be considered by the Chair of the Joint Academic Board or nominee to establish whether there are valid grounds for appeal in accordance with the criteria in Section 11.2.

11.5 If it is decided at this stage that there are no valid grounds for appeal the Chair of the Joint Academic board will write a Completion of Procedures letter explaining the decision and informing the student of the right to refer the matter to the Office of the Intendent Adjudicator if s/he is dissatisfied with the outcome.

11.6 If there are valid grounds to appeal, the Chair of the Joint Academic Board will convene a Fitness to Practise Appeal Panel (Appeals Panel). The Appeal Panel will be constituted in the same manner as set out in para 9.3 above not including any members of the Fitness to Practise Committee that heard the case in question.

11.7 During the appeal process the decision of the Fitness to Practise Committee shall remain in force.

11.8 An Appeal Panel Hearing shall be arranged as soon as possible and no later than 15 working days from the date of the Notice of appeal.

11.9 The Secretary of the Joint Academic Board will be responsible for organising the meeting of the Appeals Panel, collating and circulating the papers and conducting correspondence. All members of the Appeals Panel must be independent of the case and have no prior knowledge of it or direct engagement with the student.

11.10 The Appeal Panel may

- i. uphold the decision of the Fitness to Practise Committee
- ii. decide upon an alternative course of action including but not limited to substituting a decision or referring the case back to a Fitness to Practise Committee hearing
- iii. overturn the decision of the Fitness to Practise Committee

11.11 The chair of the Fitness to Practise Committee or their nominee shall represent the Fitness to Practise Committee at the Appeal Panel Hearing.

11.12 The secretary will write to student and the Chair of the Appeal Panel to

- I. to inform the student of the composition of the Appeal Panel (the student can object to the composition as set out in 9.9 above); and
- II. to send to the Chair of the Fitness to Practise Committee or their Nominee the Appeal Notice and supporting documents provided by the student;
- III. to set out a timetable for the progress of the proceedings including dates for the submission of documents/evidence if so required;
- IV. to set date, time and place of the hearing.

11.13 The Chair of the Fitness to Practise Committee will send their response to the student's appeal to the Secretary of the appeals panel no less than 10 working days before the meeting. This will be shared with the student.

11.14 The documents before the Appeal Panel must include:

- I. Documents before the Fitness to Practise Committee;
- II. The written record of the Fitness to Practise Committee hearing;
- III. The written confirmation of the outcome of the Fitness to Practise Committee hearing;
- IV. The Notice of Appeal including ground of Appeal;
- V. Any Fitness to Practise Committee reply to the Notice of Appeal;

11.15 The Secretary shall confirm at least 5 working days before the appeal hearing that the student, the Fitness to Practise Committee and the Appeal Panel have all of the documentation referred to above.

11.16 The Student and the Chair of the Fitness to Practise Committee are required to appear before the Appeal Panel.

11.17 Students should seek support and or representation as outlined in section 6.

12. Conduct of the Appeal Panel Hearing

12.1 The student will be required to attend the hearing. If the student fails to attend without reasonable and timely explanation, the Committee will consider the case in the student's absence. The Chair will have discretion as to what constitutes a "reasonable and timely explanation" e.g., production of a medical certificate and/or credible documentary evidence of exceptional circumstances. If the student elects not to submit their case, or withdraws from the programme before or during consideration of the case, the Committee will nonetheless complete its consideration of the case.

12.2 The Chair will introduce by name and explain the responsibilities of the members of the Appeal Panel.

12.3 The Chair will identify the persons present and explain identify their roles.

12.4 The Chair will explain the procedure of the hearing and the powers of the Committee.

12.5 The Chair will invite the student or representative to present their submissions in support of the appeal against the finding of the Fitness to Practise Committee.

12.6 The Panel may question student or their representative.

12.7 The Chair can then call witnesses on behalf of the School and/or the student at the request of the student or their representative or the Committee.

12.8 The Chair shall invite the Chair of the Fitness to Practise Panel or her/his nominee to reply.

12.9 The members of the Appeal Panel, may question the Chair of the Fitness to Practise Committee or her/his nominee about any matters which require clarification.

12.10 The student or her/his representative followed by the Chair of the Fitness to Practise Committee or her/his nominee shall be invited to make a closing statement.

12.11 The Chair shall ask all except members of the Appeal Panel except the Secretary to withdraw from the room. The Committee will then discuss the case in private. If for any reason the Appeal Panel requires further clarification of any aspect of the case, the student and/or representative (if attending) and the Chair of the Fitness to Practise Committee or their nominee shall be invited back by the Panel to provide such clarification.

12.12 Having considered all the evidence and reached their decision on the student's fitness to practise, the Chair will invite all relevant parties to return to the meeting.

12.13 The findings of the Appeal Panel will normally be conveyed to the student at the end of the meeting.

12.14 The Chair has discretion to allow variation in the conduct of the hearing, as circumstances require. The Chair can decide not to communicate the outcome to the student at the meeting, if this is the case the student will be advised how and when to expect the outcome.

12.15 The Secretary will ensure that a full contemporaneous and accurate written record of the meeting is kept. The record of the meeting remains confidential within the Vet School, subject to the provisions of the Data Protection Act (2018). The record of the meeting is to be kept in accordance with the student's host institution Document Retention Schedule.

12.16 The decision with reasons will normally be conveyed to the student and the Head of School in writing normally within 5 working days.

12.17 The student has no further right of appeal within the University. The Chair of the Appeal Panel will write a Completion of Procedures letter informing the student of the right to refer the matter to the Office of the Intendent Adjudicator if s/he is dissatisfied with the outcome. Following completion of the Appeal Panel, the host Institution for the student shall issue a Completion of Procedures letter explaining the decision and informing the student of the right to refer the matter to the Office of the Independent Adjudicator if s/he is dissatisfied with the outcome.

12.18 The outcome of the Appeal Panel will also be communicated to the Head of the Vet School, the Student's personal tutor, the Board of Governors of Harper Adams University and the Senate/Council of the University of Keele.