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APPEALS PROCEDURE – FITNESS TO PRACTISE

# Key Details

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| **POLICY TITLE** | Appeals Procedure - Fitness to Practise |
| **DATE APPROVED** | 01 May 2008 |
| **APPROVING BODY** | Academic Board via AQSC |
| **VERSION** | 5 |
| **PREVIOUS REVIEW DATES** | Sep 2008, Aug 2010, Sep 2019, Jun 2024 |
| **NEXT REVIEW DATE** |  |
| **OUTCOME OF EQUALITY IMPACT ASSESSMENT** |  |
| **RELATED POLICIES / PROCEDURES / GUIDANCE** | [*Student Fitness to Practise Procedure*](https://www.cardiffmet.ac.uk/registry/academichandbook/Documents/AH1_09_02.pdf) |
| **IMPLEMENTATION DATE** | 01 May 2008 |
| **POLICY OWNER (JOB TITLE)** | Director of Registry Services |
| **UNIT / SERVICE** | Registry Services |
| **CONTACT EMAIL** | regulations@cardiffmet.ac.uk |

# Version Control

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| **VERSION** | **DATE** | **REASON FOR CHANGE** |
| 5 | 03 Jun 2024 | Updated guidance on confidentiality |
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# PROCEDURE FOR APPEALS AGAINST A DECISION OF THE FITNESS TO PRACTISE COMMITTEE

# Grounds for Appeal

## Appeals may only be considered based on one or both of the following grounds:

### irregularities in the conduct of the Fitness to Practise Regulations, which are of such a nature as to cause reasonable doubt whether the Fitness to Practise Committee concerned would have reached the same decision had they not occurred;

### exceptional personal circumstances or new evidence, not known to the Fitness to Practise Committee when the student’s case was considered, and which can be shown to be relevant to the alleged unfitness to practise.

### (In appeals based on these grounds the appellant must show good reason why such personal circumstances or evidence were not made known to the Fitness to Practise Committee before its meeting. Where a student could have reported exceptional personal circumstances or evidence to the Committee prior to its meeting, those circumstances cannot subsequently be cited as grounds for appeal.)

# Appeal Submission and Consideration

## Any appeal against a decision of a Fitness to Practise Committee shall be submitted online in accordance with the instructions detailed on the [Cardiff Metropolitan University Appeals webpage](https://www.cardiffmet.ac.uk/registry/Pages/appeals.aspx). An appeal must be received within fourteen days of the date of the notification of the Committee's decision. Simple notice of appeal given in writing by a student within the above deadline shall not be deemed to constitute an appeal proper and shall not be accepted. Any queries regarding appeal submission should be directed to aup@cardiffmet.ac.uk

## Appeals will be kept confidential except where:

1. disclosure of the appeal and its contents to appropriately trained staff is necessary to progress the appeal;
2. University staff must be contacted for information or comment in relation to the appeal contents, in order to properly investigate the appeal;
3. it is judged that there may be concerns for the immediate wellbeing of the student, in which case Registry Services may ask the Wellbeing Team in Student Services to contact the student to establish if any support can be provided;
4. information within the appeal gives rise to a safeguarding concern in relation to the student or someone else, in which case advice will be sought from the University’s Safeguarding Lead.

Students must consent to the above in order to submit an application for appeal.

Appeal outcomes will be recorded in order to identify trends and inform the University’s review of procedures, however in sharing statistics internally, individual students are not identifiable.

For further information on Data Privacy, please refer to the Cardiff Metropolitan University Data Privacy Statement or contact the Information and Data Compliance Officer by emailing DataProtection@cardiffmet.ac.uk

By submitting an appeal, students consent to their application and supporting evidence being processed in accordance with the above. Please note if students do not consent they will not be able to submit an application for appeal.

## The Vice-Chancellor or nominee is required to disallow an appeal:

### which is based wholly on factors which were known to the Fitness to Practise Committee;

### which introduces information, which was known to, and could have been reported by, the student prior to the meeting of the Fitness to Practise Committee.

## If an appeal is disallowed, an outcome letter will be sent to the appellant via email, including an explanation for the decision.

## If the appellant disagrees with the outcome of the appeal, they may initiate the review stage of the Appeals process. In order to initiate this process the appellant must submit details in writing to Registry Services (aup@cardiffmet.ac.uk) within 14 days from the date of notification of the outcome of the Formal Stage, citing the grounds for the appeal and the desired outcome.

# Appeal Board

## If it is decided by the Vice-Chancellor, or their nominee, that there is a case to be considered, it shall be referred to an Appeal Board.

## The Appeal Board shall have delegated powers to act on behalf of Cardiff Metropolitan University's Academic Board and shall consist of three persons, one of whom shall be a nominee of the Vice Chancellor (in the Chair) and two of whom shall be members of the Academic Board. This shall normally be within three months of receipt of the application for appeal.

## An appellant shall be offered a personal hearing by the Appeal Board and shall accordingly be informed in advance of the time and date of the meeting. The appellant may be accompanied by a member of Cardiff Metropolitan University’s academic or welfare or advisory staff or by a student or officer of the Students’ Union, but not by any other individual. The appellant may not send any other person to an Appeal Board in their stead.

## The School concerned shall be invited to send a member of staff to attend the hearing and, at the invitation of the Chair of the Appeal Board, to contribute to the hearing. The School shall accordingly be informed in advance of the time and date of the meeting and shall be provided with a copy of the candidate’s application for appeal.

## The Chair of the Appeal Board shall have the discretion to declare inadmissible any matter introduced by the appellant, or by any member of staff or student accompanying the student, if they deem it not directly related to the contents of the appeal previously lodged in writing within the stipulated deadline.

## The Appeal Board shall base its decision on the evidence of the appellant’s submission, together with any further evidence, which it considers relevant.

## The decision of the Appeal Board and any recommendations or advice where appropriate to the circumstances of the case shall be conveyed by the Secretary to the Appeal Board, to the appellant and to Dean of school within 5 working days of the appeal hearing.

## The Appeal Board shall be empowered to take one of the following decisions:

### to reject the appeal;

### to disallow the original decisions and to refer the case back to the members of the original Fitness to Practise Committee for a review of the decisions taken;

### to require a new Fitness to Practise Committee to re-hear the case.

## Where a new Fitness to Practise Committee is required to re-hear a case, the membership of that committee must be entirely different from that of the previous committee.

## The new committee shall not be provided with any evidence of the decision of the previous committee, or of any other matter discussed by the previous committee or appeal board, other than that it is re-hearing a case on appeal.

## An obligation to hear the case on the basis of the facts presented before them at the hearing and not in the light of anything that they may have heard or discovered outside the committee, shall be framed within any terms of reference applying to the committee members.

## The decision of the Appeal Board shall be final, and the matter shall, therefore, be regarded as closed. There shall be no discussion of the decision of the Appeal Board with the appellant or any other person.

## The Appeal Board may make recommendations for consideration by the Academic Quality and Standards Committee or the Academic Board as appropriate on any matters arising from the consideration of appeals.

# Completion of Procedures

## Pursuant to the Higher Education Act 2004, the Office of the Independent Adjudicator for Higher Education (the OIA) has been designated by the National Assembly for Wales from 1 January 2005 as the operator of an independent scheme in Wales for the review of student complaints.

## Once all the relevant Cardiff Metropolitan University procedures above have been exhausted a candidate may submit a complaint to the OIA about the way in which the appeal had been processed. Any such complaint must be submitted by sending a completed scheme application form together with all relevant information to the OIA within twelve months of the date on the “Completion of Procedures Letter” from Cardiff Metropolitan University on completion of its internal procedures. Contact details for the OIA and the complaint form are available from the OIA website [www.oiahe.org.uk](http://www.oiahe.org.uk/)