



Royal Marsden School

Professional Misconduct or Unsuitability Regulations

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

1	PURPOSE AND APPLICATION
1.1	<p>Purpose</p> <p>The purpose of this procedure is to set out the process to be followed for implementation of the Professional Misconduct or Unsuitability Regulations for students on Higher Education Programmes at Royal Marsden School.</p>
1.2	<p>Application of Procedure</p> <p>This procedure applies to all programmes delivered by Royal Marsden School (the School) and leading to an award of the University of East Anglia (UEA), which include an element of professional practice.</p>
1.3	<p>Definition of Professional Misconduct / Unsuitability</p> <ol style="list-style-type: none"> 1. A student on a programme of study where a practical professional placement is a part of the course shall not act or behave in a manner which: <ol 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 School if in breach of any the above. 2. Any allegations against a student of professional misconduct and/or professional unsuitability shall be made in writing to the Head of School and shall be dealt with in accordance with this procedure.
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>

<p>2.2</p>	<p>1. On receipt of a written allegation, the Course Leader in consultation with the University as required 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 Administration Office in writing of the nature of the allegation made; (c) The Administration Manager will appoint a Secretary to the Professional Misconduct/Unsuitability Panel ('PMU Panel', or 'the Panel') as per 2.6, who will inform the student in writing of the nature of the allegation as per 2.2(b) above and provide written information on the procedures for dealing with the allegation and the nature of the action taken under 2.2.1 (a) above.
	<ul style="list-style-type: none"> (d) The Course Leader will appoint a senior member of academic staff, normally from the relevant subject discipline, as Investigating Officer. The Investigating Officer 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 Course Leader which shall not pass judgement for or against the accused nor recommend a particular course of action.
<p>2.3</p>	<p>If the Course Leader deems that no <i>prima facie</i> case has been made against the student the Secretary shall inform the student in writing.</p>
<p>2.4</p>	<p>If the Course Leader deems that a <i>prima facie</i> case has been made against the student the Secretary shall inform the student in writing.</p> <p>The Administration Manager shall appoint a PMU Panel as quickly as possible which shall comprise (subject to 2.5 below):</p> <p>From the School:</p> <ul style="list-style-type: none"> (a) a Chair who shall be the Head of School or his/her representative, and (b) an appropriately qualified academic member of staff from the relevant subject discipline within the School. <p>From the University of East Anglia (UEA):</p> <ul style="list-style-type: none"> (c) an appropriately qualified academic member of staff from the relevant subject discipline, nominated by the UEA Academic Director of Partnerships. <p>The Chair and members of the PMU Panel shall have had no association with the teaching of the student appearing before the Panel. Wherever possible, the Panel shall be of mixed gender.</p>
<p>2.5</p>	<p>The student's lecturer/personal tutor/supervisor, the Investigating Officer or any UEA Academic Link shall not be members of the PMU Panel. A UEA Academic Link may give advice on the procedure to be followed at the hearing and as to whom appropriate members of the Panel might be, but must not give a professional opinion on the case.</p>
<p>2.6</p>	<p>The Secretary shall be an appropriate member of administrative staff.</p>

2.7	<p>1. The Course Leader shall submit to the Secretary such evidence, including the report of the Investigating Officer, as the Course Leader deems fitting. The Secretary shall send copies of the evidence to the members of the PMU Panel and at the same time to the student concerned and shall convene a meeting of the Panel as soon as possible.</p> <p>2. The Course Leader 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 Secretary 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 Course Leader. The decision of the Chair of the PMU Panel shall be final regarding the witnesses to be called.</p>
2.8	<p>1. The PMU Panel hearing shall proceed in quasi-judicial fashion and the case shall be presented by the Course Leader. The Panel 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 hearing a person to represent him or her; details of whom should be provided to the Secretary at the earliest opportunity.</p> <p>2. The summons to the student shall be delivered to the student's e m a i l address at least five working days (Saturdays, Sundays and School closure days excepted) before the meeting of the PMU Panel. The summons should include details of the nature of the allegation, membership of the Panel, the name of the Presenter of the case (normally the Course Leader), 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 PMU Panel 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, PMU Panel members and the Presenter in advance of the hearing by the Secretary.</p>
2.9	<p>1. The Panel shall consider oral and/or written evidence submitted by the Presenter and any statement or evidence provided by the student. It shall have the power to seek such other evidence as it deems necessary.</p> <p>2. The Panel 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.</p> <p>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.</p> <p>4. The ruling of the Chair on any point of procedure shall be final.</p>
2.10	<p>1. The Panel shall have the power to suspend or preclude from further study in the School any student it finds guilty of professional misconduct or of professional unsuitability. The Panel 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 or credits.</p> <p>2. The Panel 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).</p>

2.11	<p>1. When the Panel 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 the employer and where appropriate, the relevant professional or statutory body.</p> <p>2. The Secretary shall inform the student and the Course Leader Programme Manager 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.</p>
3	PROCEDURE FOR APPEALS TO UEA AGAINST DECISIONS OF THE PROFESSIONAL MISCONDUCT/UNSUITABILITY PMU PANEL
3.1	<p>1. Written notice of the appeal by the student must be lodged with the UEA Partnerships Office within five working days of the student having been informed of the decision of the Panel. Appeals submitted after this deadline, with good reason for the delay, may still be considered.</p> <p>(a) If a student makes an appeal, s/he must state whether the appeal is made against the finding of the Panel or the penalty imposed or both the finding and the penalty.</p>
3.2	The Secretary of the Professional Misconduct or Unsuitability Appeals Panel (the Appeals Panel) shall be a member of UEA Partnerships Office staff.
3.3	The Secretary will notify the Head of Partnerships that an appeal has been made and provide copy of the written notice of appeal.
3.4	the Head of Partnerships shall appoint a Chair* of the Appeals Panel 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 an Appeals Panel. If they agree that there are no grounds for further consideration of the appeal the Secretary shall inform the student in writing giving the reason(s) for that decision.
3.5	<p>If the Head of Partnerships and the Chair of the Appeals Panel decide that the appeal does warrant further consideration, the Secretary shall inform the student in writing within ten working days of the receipt of the appeal giving the reason(s) for that decision. the Head of Partnerships and the Chair of the Appeals Panel shall appoint the members of the Appeals Panel who have not previously involved in any part of the PMU Panel proceedings, comprising:</p> <p>(a) *a Chair who shall be the Academic Director of Partnerships or another senior UEA academic;</p> <p>(b) one academic member of the UEA School of Health Sciences from a relevant or closely related subject discipline;</p> <p>(c) one senior practising member of the relevant profession who is from outside the School and University and who has not been associated with the teaching of the student.</p>

3.6	<p>1. The grounds for the appeal shall be one or more of the following:</p> <ul style="list-style-type: none"> (a) that evidence put to the PMU Panel was not fully or properly considered; (b) that new evidence had become available that could materially affect the decision of the PMU Panel; (c) that there was evidence of procedural irregularity or prejudice or bias in the conduct of the hearing by the PMU Panel. <p>2. The Secretary shall send the appellant a written summons including details of the nature and grounds of the appeal, the membership of the Appeals Panel, and as far as practicable, the names of any witnesses (normally including the Presenter of the case from the original PMU hearing) to the PMU Appeals Panel 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 e-mail address and residential contact address at least five working days (Saturdays, Sundays and School closure days excepted) before the meeting of the Panel.</p> <p>3. The student appearing at the hearing of the Appeals 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 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 School closure days excepted) prior to the hearing. The Appeals Panel may also permit the attendance of additional witnesses as it deems appropriate. The decision of the Chair of the Appeals Panel regarding witnesses to be called shall be final.</p>
3.7	<p>The Appeals Panel shall have before it all documents relating to the original PMU Panel hearing, together with a written statement submitted by the student setting out the grounds for the appeal. The Appeals Panel 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.</p>
3.8	<p>The Appeals Panel shall have the same powers as the PMU Panel and may confirm the decision of the PMU Panel or substitute such other decision as it considers appropriate.</p>
3.9	<p>Once the Appeals Panel has concluded its findings, the Secretary shall inform the student and the Head of School of the decision in writing within five working days.</p>
3.10	<p>If any action had been taken under paragraph 2.11 above to inform the relevant professional or statutory bodies of the outcome of the PMU Panel's decision, the Appeals Panel shall decide whether any further report should be made to the employer, relevant professional or statutory body concerned in light of the decision of the Appeals Panel.</p>
3.11	<p>1. The decision of the Appeals Panel shall be final and shall not be subject to further appeal.</p> <p>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.</p>
4	<p>PROFESSIONAL MISCONDUCT/UNSUITABILITY: ROLES AND RESPONSIBILITIES</p>
5	<p>PROCEDURE AT PMU PANEL HEARING</p>

	<ol style="list-style-type: none"> 1. At the start of the hearing, the Secretary shall invite into the room: The Presenter to present the case; the student alleged to have breached the Regulations; and any accompanying representative as permitted by the Professional Misconduct and Unsuitability Procedure. 2. If the student fails to appear, the PMU Panel 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 Panel has invited to attend shall remain outside the room in which the Panel is sitting until called to give evidence. 4. The Secretary shall state briefly why the Panel is sitting. 5. The proceedings at the hearing will follow the pattern described below: <ol style="list-style-type: none"> (a) all written evidence will be taken as read; (b) the Presenter will present the case; (c) the Panel may ask the Presenter or his/her representative questions upon his/her statements or evidence, both written and oral; (d) the Panel may require the presentation of evidence by any witness it wishes; (e) any witness called by the Panel will be questioned first by members of the Panel, followed by the student or his/her representative, then by the Presenter; (f) following the withdrawal from the room of any witnesses who have been called by the Panel and the completion by the Panel of any further questioning of the student or his/her representative or the Presenter, both the student and the Presenter will be given the opportunity to make a closing statement; (g) the room will then be cleared except for the Panel and the Secretary. 6. The ruling of the Chair on any point of procedure shall be final.
	<ol style="list-style-type: none"> 7. The PMU Panel may, at any time either before or during a hearing, decide to adjourn for a period not exceeding seven working days.
6	OPERATION OF PMU APPEALS PANEL MEETING

1. The PMU Appeals Panel shall not proceed as a 're-hearing';
At the start of the meeting, the Secretary shall invite into the room: The Presenter to present the case;
the student alleged to have breached the Regulations;
and any accompanying representative as permitted by the Professional Misconduct and Unsuitability Procedure.
2. If the student fails to appear, the Appeals Panel 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 Panel has invited to attend shall remain outside the room in which the Panel is sitting until called to give evidence.
4. The Secretary shall state briefly why the Panel is sitting.
5. The proceedings at the Appeals Panel hearing will follow the pattern described below:
 - (a) all written evidence will be taken as read;
 - (b) the Presenter will present the case;
 - (c) the Panel may ask the Presenter or his/her representative questions upon his/her statements or evidence, both written and oral;
 - (d) the Panel may require the presentation of evidence by any witness it wishes;
 - (e) any witness called by the Panel will be questioned first by members of the Panel, followed by the student or his/her representative, then by the Presenter;
 - (f) following the withdrawal of any witnesses who have been called by the Panel and the completion by the Panel of any further questioning of the student or his/her representative or the Presenter, both the student and the Presenter will be given the opportunity to make a closing statement;
 - (g) the room will then be cleared except for the Panel and the Secretary.
6. The ruling of the Chair on any point of procedure shall be final.
7. The Panel shall have before them all the documents relevant to the original hearing, together with written statement from the student detailing their grounds for appeal;
8. The Panel has the right to request detail of further evidence as deemed necessary.