# Standard Operating Procedure:

# Fitness to Practise Process – Appeal Stage

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## Introduction

### 1.1 Purpose

* The purpose of this document is to set out the procedure to be followed when the Fitness to Practise process reaches Appeal stage.
* It aims to set out clearly the role and responsibilities of those involved.

### 1.2 Scope

* This procedure should be used only for appeals against the findings of a University of Hull Fitness to Practise Panel. This procedure does not apply to University of Hull Academic Appeals. This procedure does not apply to the Hull York Medical School (HYMS).

### 1.3 Related Documents

* This document should be read in conjunction with the University of Hull’s *Investigation and Determination of Concerns about Fitness to Practise* regulations.

### 1.4 Responsibilities

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| **Stakeholder** | **Responsibility** |
| The Student | * To access and read the *Investigation and Determination of Concerns about Fitness to Practise* regulations. * To ensure they fully understand the grounds for an appeal and the timeframe for the submission of an appeal request (which is within 15 working days of the date on which the notice of recommendation or decision was served on the student in writing). * To complete a *Fitness to Practise Appeal* form. * To seek support and guidance or signposting to support and guidance. * To access and respond in a timely manner to information provided by the Investigating Officer assigned to the appeal request. * To consider the opportunity for an informal resolution if this is proposed and to communicate their decision in writing to the Investigating Officer within 10 working days of receiving the Informal Resolution proposal. * Should they accept the terms of Information Resolution, to confirm to the Investigating Officer in writing that they withdraw their request to appeal. * To understand that they are not permitted to use the University’s Fitness to Practise appeal process to contest the decision of a second Fitness to Practise Panel but that they have the right to complain to the OIA and that the timeframe is within 12 months from receipt of a Completion of Proceedings Letter issued by the University. |
| The Conduct and Complaints Team (Academic Services) | * To receive and log student Fitness to Practise Appeal forms. * The Manager of the Conduct and Complaints Team to act the Appeal Investigating Officer or, where this is not possible, to liaise with the Chair of the Student Cases Committee (SCC) to identify a suitable Investigating Officer from amongst senior administrators within Academic Services. * To complete sections B3 and B4 of the Fitness to Practise Appeal form. * To provide a completed Fitness to Practise Appeal form to the student at the end of the appeal process. * To issue Completion of Proceedings Letters to the student as detailed by the *Investigation and Determination of Concerns about Fitness to Practise* regulations. * To populate and maintain the University’s *Fitness to Practise Process Outcomes Repository*. * To compile monitoring information which may be used by the SCC. |
| The (appeal) Investigating Officer (Academic Services) | * To receive the Fitness to Practise Appeal form from the Conduct and Complaints team, consider the contents of the form and to gather additional information from the student or others as required. * To contact the Fitness to Practise Professional Lead to gain a written statement as to how the requirements of the relevant PSRB were considered during the Fitness to Practise process. * To complete section B1 of the Fitness to Practise Appeal form (*Actions or Initial Recommendations of the Investigating Officer*) and to provide the form with section B1 completed to the secretary to the SCC, together with the written statement from the Fitness to Practise Professional Lead as to how the requirements of the relevant PSRB were considered during the Fitness to Practise process, for the attention of the SCC Chair. |
| Student Cases Committee (SCC) | * Where it is not possible for the Manager of the Conduct and Complaints team to act as Investigating Officer, the Chair of the SCC to liaise with the Manager to identify a suitable Investigating Officer from amongst senior administrators of Academic Services. * To receive from the Investigating Officer, the Fitness to Practise Appeal form, with section B1 completed (*Actions or Initial Recommendations of the Investigating Officer*). * To receive from the Investigating Officer, a written statement from the Fitness to Practise Professional Lead as to how the requirements of the relevant PSRB were considered during the Fitness to Practise process. * To use the first available meeting of the SCC to review i) information provided by the Investigating Officer and ii) the Officer’s recommendations in terms of progressing or not progressing a student’s request for appeal - and to agree one of the following options:  1. **sufficient grounds for an appeal and that Informal Resolution should be explored.** Further, to advise the Investigating Officer to liaise with senior members of the relevant faculty to explore options for an Informal Resolution. Note: if the student rejects the proposal or does not to the Investigating Officer within 5 working days, the Investigating Officer will inform the Chair of the SCC accordingly and the Chair of the SCC will advise the Investigating Officer to direct the relevant Faculty Fitness to Practice Lead toconvene a new Fitness to Practice Panel. 2. **sufficient grounds for an appeal and that new Fitness to Practise Panel be convened.** Further, to advise the Investigating Officer to direct the relevant Faculty Fitness to Practice Lead toconvene a new Fitness to Practice Panel. 3. **insufficient grounds for an appeal and that the student’s request to appeal the decision of the Fitness to Practise Panel be rejected.** Further to direct the University Conduct and Complaints Team to issue a Completion of Procedures Letter to share with the student. This must include the grounds for appeal put forward by the student and why these grounds were not upheld by the SCC. |
| The Professional Lead for Fitness to Practise for the student’s programme or academic area | * To provide for the Investigating Officer, a written statement as to how the requirements of the relevant PSRB were considered during the Fitness to Practise process. * To coordinate a second Fitness to Practise Panel, should this be required by the SCC. |
| The Faculty Curriculum Team (of the student’s faculty) | * To support the Faculty Professional Lead (Fitness to Practise) where requested, to convene and support a second Fitness to Practise panel if this is required by SCC as part of the Appeal process. |
| The Registry Operations team | * To receive a completed Fitness to Practise Appeal form from the Conduct and Complaints Team and use the information it provides to update the student’s record in the Student Information System. |

## Requesting an Appeal

2.1 Accessing the request form

* Appeals will only be accepted from those students subject to a Fitness to Practise process outcome.
* A student can request an appeal by completing a *Fitness to a Practise Appeal* form available via the My Hull portal.
* Should a student no longer have access to their university account, an appeal form can be requested by emailing the Conduct and Complaints team at [conductandcomplaints@hull.ac.uk](mailto:conductandcomplaints@hull.ac.uk) .
* The student must submit a completed Appeal form within 15 working days of the date that the notice of recommendations and decision of the academic body was served to the student in writing. Appeal forms received beyond the 15 working days will not normally be considered.
* The Conduct and Complaints team will:

1. receive and log Appeal forms
2. provide an Investigating Officer to undertake initial consideration of the Appeal request and support information (normally the Conduct and Complaints Manager or a member of that team). Where a member of the Conduct and Complaints team is not available, the Manager of that team will liaise with the Chair of the Student Cases Committee (SCC) to identify an appropriate member of the wider Academic Services team to act as Investigating Officer.
3. populate and maintain the *Fitness to Practise Process Outcomes Repository* holding a tracker recording Fitness to Practise cases, outcomes and Appeal information

2.2 Grounds for an appeal

* A student may submit an appeal on one or more of the following grounds:

1. ***procedural irregularity***: that the procedures and regulations of the University have not been followed properly
2. ***bias:*** that the student can evidence bias or reasonable perception of bias during the procedure
3. ***inappropriate response****:* that the Panel’s response is disproportionate to the Fitness to Practise concern investigated or is not permitted under the University’s regulations and procedures
4. ***valid and timely new evidence****:* that there is new relevant evidence that could not be provided earlier in the process for valid reasons (ie could not be provided for consideration at the Fitness to Practise Panel).

* Matters which do not constitute grounds for appeal are:

1. where the student questions academic and/ or professional judgement
2. where the student has a lack of awareness or knowledge of the relevant University regulations, policies and processes
3. where the student disagrees with the conclusions reached by the Panel, unless further relevant evidence can be provided and there is a good reason why this was not presented prior to the Panel Hearing.
4. The role of the Student Cases Committee (SCC)

3.1 Impartial consideration

* The SCC will provide an impartial forum to consider whether the request for an appeal can be progressed. Where SCC has a Fitness to Practice appeal request to consider, none of the committee members scrutinizing the appeal request will have had any role to play in the original consideration of the case.

3.2 Consideration of the request, then rejection

* If the student’s appeal is not on the grounds one or more of the following: i) procedural irregularity, ii) bias, iii) an inappropriate response or iv) timely/relevant new information, the Investigating Officer will recommend to the SCC that there are no grounds for an appeal. If the SCC agrees, the matter will be deemed closed and the decision of the Fitness to Practise Panel will stand.
* A Completion of Procedures Letter must be provided to the student by the Conduct and Complaints team within 28 days of receipt of the student’s completed Appeal Request form.\* (*\*OIA approved practice).*

3.3 Consideration of the request, then acceptance

* If an appeal meets the Fitness to Practice appeal criteria, opportunities for early and informal resolutions should be explored and where possible, an Informal Resolution proposal should be put to the student. The student must decide whether to accept or reject this proposal. If the student accepts the informal resolution, they must contact the Investigating Officer in writing to confirm they are withdrawing their appeal request. A summary of the resolution proposal, the timescale, any conditions and the names of the staff responsible for actions, will be produced by the Investigating Officer in liaison with the relevant Faculty. This summary will be added to section B3 of the *Fitness to Practice Appeal* form by the Conduct and Complaints Manager. The Conduct and Complaints team will send a copy of the form to the student and log the outcome and the form in the *Fitness to Practise Process Outcomes Repository,* and the matter will be considered closed.
* Where it is determined that there are grounds for an appeal, but informal resolution does appear to be a feasible in the opinion of the SCC (based on the information the student has provided on the request form and /or additional information gathered by the Investigating Officer from the Faculty) the Investigating Officer, mandated by the Chair of the SCC, will ask the relevant Faculty’s Fitness to Practice Professional Lead to support the creation of a second Fitness to Practise Appeal Panel, adhering to the University’s *Investigation and Determination of Concerns about Fitness to Practise* regulations.
* A student cannot appeal the decisions of a second Fitness to Practise panel using the University of Hull’s Fitness to Practise appeal process. Rather, the student has the option to ask the Office of the Independent Adjudicator (OIA) to review their complaint. If the student wishes to pursue this option, their request needs to be submitted to the OIA within 12 months of the date of the *Completion of Procedures* Letter issued by the University.

4. Monitoring

* The Conduct and Complaints team will be responsible for keeping a record of the following information in relation to each Fitness to Practise appeal:

1. the type of decision against which an appeal is lodged
2. the grounds on which the appeal is based
3. the outcome of the appeal
4. the time taken for each stage
5. the diversity of the appeals panels’ membership.

* The Student Cases Committee (SCC) will receive an annual anonymized report on appeals within each academic year from the Conduct and Complaints team, summarizing the information above.
* As part of this annual report, SCC will, where it is appropriate to do so, make recommendations to the University as to the:

1. adequacy of advice, guidance and support mechanisms for students
2. adequacy of staff development and support for those operating the appeal procedures
3. level of understanding of staff and students of the procedures
4. effectiveness of the overall procedures in meeting their aims.

* This annual review of the appeal process and procedures should ensure that they remain effective and consistent with current regulations.

ENDS

## Summary

* The student submits their request for an appeal using the *Fitness to Practise Appeal* form, available on the student portal.
* The form is received by the University Conduct and Complaints team within Academic Services.
* The University Conduct and Complaints Manager acts as the Investigating Officer for the appeal or where this is not possible, liaises with the Chair of the SCC to identify a suitable Investigating Officer from the wider Academic Services team.
* The Investigating Officer advises the SCC as to whether the student’s appeal request is valid (ie does the student cite one or more of the matters set out in the Fitness to Practise regulations which could warrant an appeal and, is the submission within the timeframe allowed to lodge an appeal request?)
* The SCC decides whether an appeal can be progressed or whether the decisions and outcomes of the Fitness to Practise Panel will stand.
* The Conduct and Complaints team inform the student of the SCCs decision.
* If the appeal process moves forward, the SCC will advise the Investigating Officer to either liaise with the Faculty and student to seek informal resolution or liaise with the Faculty Fitness to Practice Lead to organize a second Fitness to Practise Panel.
* The Conduct and Complaints team send a *Completion of Procedures* letter to the student within 28 days of the second Fitness to Practise Panel hearing.
* A copy of the completed *Fitness to Practise Appeal* form is provided to the student by the Conduct and Complaints team.
* A record of the decision and copy of the completed *Fitness to Practise Appeal* form is added to the *Fitness to Practise Process Outcomes Repository* by the Conduct and Complaints team.
* A copy of the completed *Fitness to Practise Appeal* form is provided to the Registry Operations Team. The Registry Operations team update the student’s records accordingly.