



UCL Academic Manual

## Chapter 8: Derogations and Variations



- 3.3 In the context of initial teacher education, the Institute is required to have due regard to the professional requirements of the Department for Education, the National College for Teaching and Leadership (NCTL) and Learning and Skills Improvement Service (LSIS) or their successor bodies, and to legislation affecting fitness to teach, such as the Education (Health Standards) (England)

Should a health concern arise, this should be referred similarly to either the Head of Academic Department or the Director for ITE, as appropriate.

- 5.2 A report may be submitted by any person, and should be submitted in writing. The Head of Academic Department or Director for ITE will not normally consider reports submitted anonymously, although in exceptional circumstances may, at his or her discretion in cases justifying such action (for example, those concerning matters of potential health and safety of the reporter) withhold from the student affected the name of the reporter.

## **6. Presumption of innocence**

- 6.1 Any student whose conduct is considered under this Policy, including a

to take no further action, or to request that a nominated Pro-Director refer the allegations for investigation by an Investigating Officer, as prescribed below.

- 8.3 The Head of Academic Department shall inform the student of his or her decision under paragraph 8.2 above within seven working days of receipt of the student's response. If the decision is to request that the nominated Pro-Director refers the allegations to an Investigating Officer, the student shall also be informed of the name and the identity of the Investigating Officer.
- 8.4 The student will be asked at this initial investigation stage whether they accept the concern that has been raised, and agree that their capacity to practise is not demonstrable, leading to withdrawal from the programme.

## **9. Investigation**

- 9.1 Cases referred under paragraph 8.3 above will be investigated in the first instance by an appropriate and impartial senior member of the Institute chosen by the nominated Pro-Director. This person shall act as the Investigating Officer.
- 9.2 In a disciplinary case the Investigating Officer shall obtain as much information as reasonably practicable about the allegation(s) and may interview the student and others, such as (but without limitation to) the reporter, and other students or members of staff (including those in placement schools) as appropriate. The Investigating Officer may, at their discretion, secure the attendance at such interviews of another member of the Institute's staff for the purpose of taking a record of the meeting. If the Investigating Officer decides that it is not possible or appropriate to invite the student for interview, they shall permit the student a reasonable opportunity to make written representations in response to the allegations.
- 9.3 In a case relating to the health of a student, where the student gives permission, the Investigating Officer will work with the student and those who have been involved in support of the student to establish the key facts pertinent to the case. If the student refuses permission, they will be informed that this will result in less information being available in support of their case. In all cases, there will be due regard applied to confidentiality.
- 9.4 The Investigating Officer shall prepare a detailed report for the Pro-Director containing

days of the referral by the Pro-Director. All other allegations must be normally investigated within ten working days of the referral.

- 9.6 It may not always be possible for the Investigating Officer to complete his or her investigation during the periods anticipated above, especially in cases that are factually complex, or where key individuals are unavailable for consultation within the specified timeframe. In such circumstances, the reason for any delay in responding, together with a deadline by which a response will be provided, will be communicated to the student.

## **10. Referral of allegation to a Fitness To Practise Committee**

- 10.1 The nominated Pro-Director will review the Investigating Officer's report within seven working days of receipt of the report.
- 10.2 If the nominated Pro-Director decides that the concerns raised about the student do not compromise his or her fitness to practise, no further action will be taken and the student will be informed accordingly in writing.
- 10.3 If the nominated Pro-Director decides that a disciplinary allegation should be upheld and the Investigating Officer considers the fitness to practise issue to be such that the case will not proceed to the Committee stage as described below, the student will be given a warning regarding his or her future behaviour.
- 10.4 The Institute reserves the right to take into account any failure by the student to adhere to the warning should any concerns about Fitness to Practise be raised in the future.
- 10.5 If the Investigating Officer considers the alleged fitness to practise issue to be such that the case should proceed to the Committee stage, it will proceed in the manner described below.

## **11. The Fitness to Practise Committee**

- 11.1 A Fitness to Practise Committee shall be appointed by the Pro Director to consider allegations giving rise to concern regarding a student's fitness to practice under this Policy (the "Committee").
- 11.2 Membership of the Fitness to Practise Committee shall be as follows:

the Pro Director or his or her nominee;

a Head of Academic Department, who may not be from the same department in which the student is registered;

a senior member of the academic department;

another member of the Institute's academic staff;

an individual external to the Institute coming from the same profession as the programme on which the student is registered.

- 11.3 In instances involving concerns regarding a student's health, the Committee shall also include a 7e1.3

- 12.3 The notice shall be accompanied by copies of any documents, including those which have been obtained in the course of the Investigating Officer's investigation, and that are to be submitted to the Committee as evidence.
- 12.4 At least seven working days before the meeting the student shall inform the Clerk whether s/he intends to attend the Committee meeting in person, and whether or not s/he wishes to be accompanied to the meeting. The student shall also give the full name of any person who will be accompanying them ("companion"), and the capacity in which they will attend.
- 12.5 The student will forward to the Clerk any documents they wish to submit to the Committee as evidence at least seven working days before the meeting.
- 12.6 The Clerk shall forward the information and documents referred to at paragraphs 12.3 and 12.4 above to the members of the Committee and the party presenting the Institute's case. In the event that a student wishes to be accompanied by a representative in a legal capacity, the Institute may exercise a similar right to secure legal representation at the Committee meeting.

### **13. Procedure for Committee hearings**

- 13.1 The procedure for the consideration of allegations under this Policy shall be prescribed by the Committee, but may typically include the following stages:
  - 13.1.1 a person appointed by the Director to present the Institute's case (who may be the Investigating Officer but shall not be a person appointed to serve on the Committee under paragraph 11.2 above) shall state the case for consideration of the student's fitness to practise and may call witnesses. Such witnesses may be questioned by the student or the friend and re-examined;
  - 13.1.2 the student or his or her companion shall state his or her case and may call witnesses who may be questioned and re-examined;
  - 13.1.3 the person appointed by the Director may (with the leave of the Committee) recall witnesses and at the close of the evidence shall address the Committee;
  - 13.1.4 the student or the companion of the student may then reply;
  - 13.1.5 the person appointed by the Director and the student (and anyone accompanying the student) shall then withdraw while the Committee considers the case in private;





- 14.1.2.1 the student is required to suspend their studies for a specified period of time, at the expiry of which the Committee shall review the situation and decide whether to re-admit the student to the programme; or
- 14.1.2.2 the student's membership of the Institute and of UCL should be terminated. In such cases, the Director will make the recommendation for termination to the Provost and to UCL Council.

14.1.3 In cases involving the termination of a student's registration on a programme, the Institute shall advise the student of possible alternative programmes which they may transfer to or of any recognition they may be eligible to receive for studies already undertaken.

## **15. Appeals**

- 15.1 A student may request that a review of his or her case be undertaken by submitting a request in writing to the Director of the Institute.
- 15.2 Where such an appeal is submitted, it shall be in writing and shall state the reasons for the appeal.
- 15.3 Students may generally appeal a decision of the Committee only on one or more of the following grounds:
  - 15.3.1 irregularity of process;
  - 15.3.2 the coming to light of fresh evidence which was not available and/or presented at the time of the original Committee hearing;
  - 15.3.3 that the sanction or penalty imposed was excessive or inappropriate.
- 15.4 The procedure for the consideration of appeals shall be prescribed by the Director, but it will generally comprise a consideration of the evidence considered by the Committee and the Committee's decision as communicated

- 15.6 The decision of the reviewers shall be communicated to the student in writing within ten working days of the decision being reached. The student will also, at that time, be provided with a Completion of Procedure letter so that the case may be taken to the Office of the Independent Adjudicator for Higher Education if the student wishes.
- 15.7 The decision of the reviewers shall be final and shall conclude the Institute's Fitness to Practise procedures.
- 15.8 In the event that a former student, or a student who has interrupted his or her registration, wishes to re-register, or re-enter their degree, and there are any unresolved issues arising on grounds of fitness to practise, then the Institute will consider those issues under such procedure as it considers appropriate.
- 15.9 The Institute reserves the right for the Fitness to Practise Committee to consider any previous decision taken by the Fitness to Practise Committee should the student be subject to this procedure in the future.
- 15.10 Once the appeals procedure has concluded, the Institute will act in accordance with the requirements of the Department for Education, the National College for Teaching and Leadership (NCTL), the Learning and Skills Improvement Service (LSIS), the British Psychological Society (BPS) and any successor bodies in determining whether the nature of the fitness to practise issue is such as to require that the student's name be passed on to the relevant professional body.