

University of Aberdeen

Guidance Notes for Students whose studies as a candidate for the Degrees of Bachelor of Education (BEd), Master of Arts (Honours) in Education (MA) and Bachelor of Music (BMus) with Honours (Education), or the Professional Graduate Diploma in Education (PGDE) are being considered for suspension or termination on the grounds that they are not “Fit to Practise”¹

¹ Version approved by Court on 24 February 2011

Table of Contents

Note 1.	General.....	3
Note 2.	What will happen if someone has concerns about my fitness to teach?	4
Note 3.	What will happen if someone alleges that I am unfit to teach?	4
Note 4.	How will I know that my fitness to teach is being investigated?	5
Note 5.	What will happen at the meeting with the Head of the School of Education? Will I be able to make representations against the alleged concern as to my fitness to practise?	6
Note 6.	Who will attend the meeting with the Head of the School of Education? Can I be accompanied or represented at the meeting? What will happen if I do not attend the meeting?	6
Note 7.	What are the possible outcomes of the meeting with the Head of the School of Education? ..	6
Note 8.	What happens if my case is referred to the Fitness to Practise Committee (Education)? Will I be able to submit representations against recommendations of the Head of the School of Education?	7
Note 9.	What if I fail to submit supporting documentary evidence when intimating my representations? ..	7
Note 10.	What if I have a medical condition or personal circumstance that I would wish to be taken into account?	8
Note 11.	Will I be able to appeal against the decision of the Fitness to Practise Committee?	9
Note 12.	What are my rights and responsibilities if I submit representations?	8
Note 13.	Fitness to Practise Committee (Education).....	10
Note 14.	What happens at the Fitness to Practise Committee?	10
Note 15.	Conduct of Fitness to Practise Committee Meetings	13
Note 16.	Possible Outcomes of Fitness to Practise Committee Meetings	14
Note 17.	Appeal to the University Court against decisions of the Fitness to Practise Committee (Education).....	14
Note 18.	Independent review of a decision of the University Court.....	16
Note 19.	What is my status pending the outcome of consideration of my representations against discontinuance of attendance/suspension or termination of studies/termination of candidature for an award?.....	19
Note 20.	Can I claim expenses?	19
Note 21.	If you are still unsure what to do	17
Note 22.	Interpretation.....	17

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- These Guidance Notes apply if you are registered for the Degrees of BEd, MA, BMus with Honours (Education) or the PGDE (hereinafter referred to as an education student) and if an allegation has been made that you are unfit to teach.
- These Guidance Notes describe the procedures that must be followed in regard to any such allegations and include the investigations that will be undertaken, the mechanisms by which you can respond to such an allegation, the procedures by which the University will make a decision as to whether or not an allegation that you are unfit to teach should be upheld, the consequences of any decision by the University that you have been judged unfit to teach and your rights of appeal against such a decision.
- If you would like more help after you have read these Guidance Notes, please read Note 21 below.

Note 1. General

- 1.1 The regulations for the BEd, MA and BMus degrees and the PGDE specify the following in regard to your studies:

Any health, conduct, behaviour or other issue that could bear on a candidate’s “suitability or fitness for teaching will be investigated by the Fitness to Practise Committee (Education). However, where such a case relates to a matter falling within the Code of Practice on Student Discipline, it may be referred to the Fitness to Practise Committee only after procedures under that Code are exhausted and an allegation has been admitted or found to be proved. The Senatus Academicus, on the recommendation of the Fitness to Practise Committee, may suspend or terminate the studies of candidates [for the Degrees of BEd, MA, BMus with Honours (Education) or for the PGDE] who, following a proper process of investigation, are judged not “fit to practise”. In exceptional circumstances only, the University may suspend the matriculation of, or exclude from specified activities of the University, candidates whose case has been referred to the Fitness to Practise Committee pending consideration of their case. In all cases, any such suspension or exclusion shall be subject to the procedures detailed in the University’s Code of Practice on Student Discipline, as there are prescribed by any Resolution of the University Court in force at the relevant time.”

Note 2. What will happen if someone has concerns about my fitness to teach?

- 2.1 Any person or persons having concerns about your conduct or health which they believe may render you unfit to teach should convey their concerns in writing to the Head of the School of Education. Anonymous disclosures will not be considered.

- 2.2 Where a person(s) lodging a concern about you asks that their identity should not be made known to you, this request will be honoured for as long as is considered to be reasonably justifiable. If it becomes necessary to release to you the name of the person(s) lodging a concern, this will only be undertaken following consultation with the person(s) concerned.
- 2.3 You should note that students wishing to raise a concern about an education student are advised to approach the relevant Programme Co-ordinator in the first instance, who may decide to submit the students' concerns, in writing to the Head of the School of Education, on behalf of the student(s).

Note 3. *What will happen if someone alleges that I am unfit to teach?*

- 3.1 If the Head of the School of Education receives a written concern about you that falls within the remit of the University's Code of Practice on Student Discipline, he/she will forward the allegation to the University Secretary for investigation under the Code of Practice on Student Discipline. In such cases, if the allegation against you is either admitted by you or found proved, the Head of the School of Education will be sent a copy of the letter that informs you of the outcome of the investigation under the Code of Practice on Student Discipline. The Head of the School of Education shall then decide whether your fitness to teach is in question by following the procedures in paragraph 3.2.2 and Note 4 below. The Head of the School of Education may therefore ask to meet with you to discuss your case and will decide whether any further action should be taken, in addition to any penalty imposed as a consequence of the investigation under the Code of Practice on Student Discipline. If a complaint or allegation brought against you under that Code is not found proved or upheld, the Head of the School of Education will be informed of that decision and no further action will be taken against you.
- 3.2 If a written concern about you does not fall within the remit of the Code of Practice on Student Discipline, the Head of the School of Education will investigate the concern, as follows:-
 - 3.2.1 The Head of the School of Education will contact the person(s) who has lodged the concern to ascertain that the grounds for the concern are clear and are appropriate. At this point, the Head of the School of Education may decide to take no further action other than to keep a record of the concern and of the discussion with the person(s) who has lodged the concern.
 - 3.2.2 If, following the outcome of 3.2.1 above, the Head of the School of Education believes that a case appears to exist that you may not be fit to teach, he/she will write to your Programme Co-ordinator to inform him/her of the grounds for concern and to request a written report on your general conduct and/or health. The Programme Co-ordinator will be informed that his/her report will be sent to you. The Head of the School of Education will also obtain a copy of your academic record and any other relevant information that has previously been supplied to the School Office.
 - 3.2.3 Exceptionally, the Head of the School of Education may recommend that your status as a matriculated student be suspended immediately, or that you be excluded from specified activities of the University, pending consideration of your case by the Fitness to Practise Committee, in accordance with the procedures detailed in the University's Code of Practice on Student Discipline (paragraphs 1 and 12.2 refer).

Note 4. *How will I know that my fitness to teach is being investigated?*

- 4.1 If the Head of the School of Education considers that your fitness to teach is in doubt following receipt of information and subsequent investigation in accordance with paragraphs 3.1 and 3.2 above, he/she will write to you to request that you meet with him/her to discuss the concerns.
- 4.2 You will also be sent, in writing, the following:-
- a copy of the formal written concern that prompted the investigation (anonymised where considered appropriate – paragraph 2.2 above refers);
 - a copy of all written reports obtained in accordance with paragraph 3.2.2 above.
- 4.3 Normally, you will be given at least seven days notice of the meeting with the Head of the School of Education.

Note 5. *What will happen at the meeting with the Head of the School of Education? Will I be able to make representations against the alleged concern as to my fitness to teach?*

- 5.1 The meeting with the Head of the School of Education is to allow you to respond orally to the concerns that have been expressed about you and to allow him/her to reach a judgement as to whether or not you are fit to teach.
- 5.2 You may also send the Head of the School of Education a written response to the concerns in regard to your fitness to teach, together with any supporting documentary evidence (Notes 9 and 10 refer). You should ensure that any such written information reaches the Head of the School of Education before the meeting.

Note 6. *Who will attend the meeting with the Head of the School of Education? Can I be accompanied or represented at the meeting? What will happen if I do not attend the meeting?*

- 6.1 You may be accompanied or represented at the meeting by any one person of your choice.
- 6.2 The Head of the School of Education may also ask a member of staff to attend the meeting to take notes.
- 6.3 If you are unable to attend the meeting and provide, in writing before the meeting, a satisfactory reason for doing so (e.g. illness supported by a letter or note from your General Practitioner) and if you ask that the meeting be postponed, the Head of the School of Education normally will agree to postpone the meeting on one occasion only. If, however, you fail to attend the meeting without good cause, or if you indicate that you do not wish to attend the meeting, or to send a representative to act on your behalf, the Head of the School of Education will be entitled to consider the allegations and any documentary evidence submitted, including your written submission, in your absence.

Note 7. *What are the possible outcomes of the meeting with the Head of the School of Education?*

- 7.1 After the meeting, the Head of the School of Education will undertake one of the following courses of action within seven days:-
- (i) to inform you, in writing, that no further action will be taken;
- or (ii) to issue you a formal, written, warning indicating that a recurrence of the concern, if found proved, will most likely result in the Head of the School of Education recommending to the Fitness to Practise Committee (see Section 8 below) that you are not fit to teach;
- or (iii) where there is a concern with your health or behaviour, to refer you to the Old Aberdeen Medical Practice or other healthcare professional to allow a report to be made on your fitness to teach in regard to the health or behavioural concerns. In such cases, the Head of the School of Education will either await receipt of the report before proceeding as in (i), (ii) or (iv) or may decide to recommend to the Fitness to Practise Committee

(Education) that your studies be suspended, or that you be excluded from specified activities of the University forthwith, in accordance with the Regulations that govern the award for which you are registered (see paragraph 1.1), pending receipt of the report;

or (iv) to inform you that it is the judgement of the Head of the School of Education that you are not fit to teach and that he/she will be recommending to the Fitness to Practise Committee (Education) that your studies for the award for which you are registered should be terminated in accordance with the relevant Regulations (see paragraph 1.1).

7.2 If the Head of the School of Education recommends to the Fitness to Practise Committee (Education) that your studies should either be suspended or terminated, he/she will send full written details to the Clerk to the Fitness to Practise Committee (Education), for consideration by the Committee, within seven days of your meeting with the Head of the School of Education. The documents will include a report of the investigation undertaken by the Head of the School of Education, copies of all written reports considered by the Head of the School of Education in reaching his/her decision and an explanation why he/she has judged that you are not fit to teach.

Note 8. *What happens if my case is referred to the Fitness to Practise Committee (Education)? Will I be able to submit representations against the recommendations of the Head of the School of Education?*

8.1 If your case is referred to the Fitness to Practise Committee (Education) following investigations as described above, you shall be required to attend a meeting of the Committee. Normally, you will be given at least seven days' notice during term-time and fourteen days' notice during out-of-term time of the date, time and venue of the meeting.

8.2 The Senate has delegated authority to the Fitness to Practise Committee (Education) to consider, in accordance with the relevant Regulations, recommendations concerning your fitness to teach; to hear representations submitted by you against any such recommendations; and to take decisions, on behalf of the Senate, in regard to whether you should be excluded from specified activities of the University or whether your studies as an education student should be suspended or terminated.

8.3 You will be sent copies of all documentation to be considered by the Fitness to Practise Committee (Education) and shall be informed that you (a) may be accompanied or represented at the meeting by any one person of your choice; (b) may bring witnesses; and/or (c) may submit further documentation e.g. medical reports or further written representations: the latter must reach the Clerk to the Fitness to Practise Committee (Education) no later than 4.00 p.m. on the day before the date of the Fitness to Practise Committee meeting.

8.4 It is in your own best interests to make sure that any written representations that you submit are clear and concise and that, as far as possible, all supporting documentation is submitted with your representations by the required deadline.

Note 9. *What if I fail to submit supporting documentary evidence when intimating my representations?*

- 9.3 If you fail to submit documentation which you consider relevant in making your representations by the deadline indicated in paragraph 8.3 above, you will not be allowed to submit documentary evidence at the meeting unless you are able to satisfy the Convener of the Fitness to Practise Committee that you were not reasonably able to submit the documentary evidence earlier. While the Convener's decision shall be final in this regard, you will have the right to seek independent review of a decision not to consider supporting evidence that is submitted after the required deadline, as indicated in Note 18.

Note 10. *What if I have a medical condition or personal circumstance that I would wish to be taken into account?*

- 10.1 You may believe that any concerns with your conduct or behaviour were the consequence of a medical condition or personal circumstance. If you wish such a medical condition or personal circumstance to be taken into account by the Head of the School of Education or the Fitness to Practise Committee, you must produce supporting evidence of your medical condition or personal circumstance.
- 10.2 If the concerns about your fitness to teach relate to your health, it is particularly important that you ask a Medical Practitioner to send you a report, which you should submit to the Head of the School of Education or to the Clerk to the Fitness to Practise Committee, as appropriate, detailing your medical circumstances and, in particular, the treatment that you are undergoing; and ask the Medical Practitioner to give a prognosis in terms of your condition.

Note 11. *Will I be able to appeal against the decision of the Fitness to Practise Committee?*

- 11.1 You will have the right of appeal to the University Court against a decision of the Fitness to Practise Committee (Education), as specified in Note 17 below.
- 11.2 You will have the right to seek independent review of any decision of the University Court, as specified in Note 18 below.

Note 12. *What are my rights and responsibilities if I submit representations?*

- 12.1 If you submit representations to the Fitness to Practise Committee against the recommendations of the Head of the School of Education, you will not suffer any disadvantage as a result of doing so, irrespective of the outcome.
- 12.2 It is in your own best interests to make sure that you have submitted your representations within the specified timescale; that your written statement gives reasons why you are challenging any concern or recommendations in regard to your fitness to teach; that your representations are expressed clearly and concisely; and that, as far as possible, all supporting documentation is submitted with your representations (see Notes 5, 8 and 9). However, if there are minor procedural deficiencies in your representations but otherwise your representations are well founded, you will be given the opportunity of revising your representations. It will be for the Convener of the Fitness to Practise Committee to determine whether you should be allowed to revise your representations. Whilst the Convener's decision shall be final, you will have the right

- to seek independent review of a decision not to allow you to revise your representations as indicated in Note 18.
- 12.3 You have the right to expect that everyone who responds to, investigates or adjudicates upon consideration of the issue of your fitness to teach will do so impartially and will not be permitted to act in any matter in which they have a material interest or in which any potential conflict of interest may arise².
- 12.4 Your privacy and confidentiality will be respected at all stages of the process for considering your position, as far as possible. However, limited disclosure of any allegations against you and subsequent representations that you submit against recommendations as to your fitness to teach will be necessary in order to consider your position. The disclosure will be limited to members of any Committee that will consider your case on behalf of the Senate or University Court and to staff involved in the administration of your representations; and also, where appropriate, to the Head of the School of Education, to the person(s) to whom your representations have been sent for comment (including your Programme Co-ordinator, if appropriate), and to any witnesses cited by you or the University who should attend a hearing. If it is considered necessary to send your representations to anyone else, you will be notified three days in advance of any such disclosure being made.
- 12.5 You have the right to attend the meeting with the Head of the School of Education or any hearing of a Committee that considers your case on behalf of the Senate or University Court, unless the circumstances in paragraphs 6.3, 12.8 and 12.9 apply.
- 12.6 You have the right to expect that your case will be considered on its own merits and on its particular facts and circumstances so that justice may be done and may also be seen to be done. Consequently, no detailed rules about the conduct of any hearing in regard to your case are laid down.
- 12.7 You will normally be given notice of a hearing with the Head of the School of Education or of a sitting of the Fitness to Practise Committee to consider your representations against the recommendations of the Head of the School of Education as specified in paragraph 8.1. If there is good reason³, you are entitled to ask the Head of the School of Education or the Clerk to the Fitness to Practise Committee, as appropriate, that the period of notice be shortened. Any such request will be approved where possible, provided always that the Head of the School of Education or members of the Fitness to Practise Committee, as appropriate, will still have sufficient time to study the papers circulated for the hearing and that they and any other member of University staff required at the hearing are able to attend the hearing at short notice.
- 12.8 If you do not wish to attend or be represented at a hearing with the Head of the School of Education or of the Fitness to Practise Committee, the hearing will proceed in your absence.
- 12.9 If a date is arranged for the hearing of your case either by the Head of the School of Education, the Fitness to Practise Committee (Education) or by a University Court Committee and you have indicated that you wish to, and have agreed to, attend the scheduled hearing, you are obliged either to attend the hearing in person or to arrange for someone to represent you at the hearing.

² See Section 22 for an example of material interest or potential conflict of interest

³ e.g. to permit graduation if your representations were successful.

If you cannot attend or refuse to attend on the agreed date, a new date will be set and you will be given one opportunity of attending a second scheduled hearing. If you cannot, or refuse to, attend the second hearing and you fail to send someone to represent you, the Head of the School of Education or the relevant Committee will be entitled to consider your case, including any written representations that you have submitted, and come to a decision, in your absence, in regard to your fitness to teach and your studies or candidature for the award for which you are registered.

- 12.10 If any member of the Fitness to Practise Committee (Education) or a Committee that will consider your case on behalf of the University Court or individual member of staff cannot respond within the time limits laid down for the different stages of the process, you will be sent a letter explaining the reason for the delay and the new time limit that has been imposed.
- 12.11 If you submit representations against recommendations that your studies be suspended or terminated, or that you be excluded from specified University activities, and these are upheld, you may be entitled to a refund of incidental expenses necessarily incurred in attending the hearing of your representations. See Note 20 below for details.

Note 13. *Fitness to Practise Committee (Education)*

- 13.1 The Fitness to Practise Committee (Education) that will consider, on behalf of the Senate, recommendations from the Head of the School of Education in regard to your studies will be constituted as follows:
- The Convener will be a senior academic member of the University from outwith the School of Education.
 - The detailed composition of the Fitness to Practise Committee (Education) will be as approved annually by the Quality Assurance Committee (QAC): details are available from the Registry.
 - The Fitness to Practise Committee (Education) will be quorate provided that the Convener and at least three other members (who must include at least one non-School of Education member and one member from the School of Education) are present.
 - The Convener will have the right to vote as a member of the Committee and, additionally, will have a casting vote if necessary.
- 13.2 The Conveners of Fitness to Practise Committees have delegated powers to uphold representations without the need for the Committees to meet if, having considered your written representations and any response received, it is clear that your representations should be upheld.
- 13.3 The Conveners of Fitness to Practise Committees have delegated powers to determine whether or not medical or other personal documentary evidence not submitted by the required deadline should be accepted (see paragraph 9.1).

Note 14. *What happens at the Fitness to Practise Committee?*

- 14.1 You have the right to attend a Fitness to Practise Committee meeting at which recommendations concerning your fitness to teach are being considered and to be accompanied or represented by one person of your choice. If you cannot, or do not wish to, attend the hearing, you can be

represented by any one person of your choice. You and/or your representative, if any, have the right to put your case orally at the hearing of the Committee, in accordance with the procedures laid down for the hearing, unless your case is heard in your absence (see paragraphs 12.8 and 12.9).

14.2 The papers circulated for the Fitness to Practise Committee meeting will include:

- The University's *Policy on Fitness to Practise* and these *Guidance Notes*.
- A copy of your Statement of Student Record that will include details of the courses for which you are registered and any results and marks awarded.
- A report from the Head of the School of Education concerning the investigation undertaken by him/her that has led to your fitness to teach being considered by the Committee, including any supporting documentation submitted to the Head of School.
- Your written representations against recommendations of the Head of the School of Education in regard to your studies, including any supporting documentation that you wish the Committee to consider.

14.3 You may ask that a witness(es) attend the hearing of your case to provide evidence to support your representations, provided that you also inform the Clerk of the Committee no later than three days before the date of the hearing. If you do, you will be responsible for ensuring that the witness(es) invited by you attend at the appropriate date and time and receive a copy of the papers for the hearing. Witnesses cannot be represented and cannot ask questions at the hearing.

14.4 The Committee may also request that a witness(es) attend the hearing and the Clerk will be responsible for arranging for any such witnesses attend on the appropriate date and time, and for informing you of the names of any such witnesses.

14.5 The people attending the hearing of your representations will depend on the circumstances of the case. People asked to attend either by you or by the Committee will not be members of the Committee hearing your representations.

14.6 The procedures followed in the hearing of your representations will be kept as informal as circumstances permit so that your case may be heard in the manner most appropriate to its particular facts and circumstances, and so that justice may be done and may be seen to be done.

14.7 In considering your case, the Committee will consider the representations submitted to it by the parties involved and will make such enquires as it considers appropriate. The Committee will receive written and oral representations. All oral evidence will be taken in your presence or, if you are absent and with your approval, in the presence of your representative (if any), unless paragraphs 12.8 and 12.9 apply. Normally, you will be sent copies of all written submissions considered by the Committee no later than seven days before the hearing (unless you have asked that a hearing be held at short notice – see paragraph 12.7). Additionally, all members of the Committee, Head of School or other member(s) of academic staff who are asked to attend by the University, and those responsible for administering the process, will be sent copies of all written submissions, normally no later than seven days before the hearing.

- 14.8 If you submit new evidence by the deadline indicated in paragraph 8.3, this will also be made available to the Committee prior to the meeting. If, however, new evidence is submitted later than the required deadline, and if this is accepted by the Convener in accordance with paragraph 9.1 above, the hearing may be postponed to allow for proper examination of the evidence.
- 14.9 Before or at the start of the hearing of the Committee, if you know any member of the Committee and believe them unable to be impartial, you will be allowed to state your objection to the Committee. It will be for the Convener of the Committee to decide, in the interests of justice, whether that member of staff should remain or should be replaced by another member. Replacement would normally only be required where not to do so would render the Committee not quorate: this may result in the hearing being postponed, to allow the alternate member time to study the papers circulated for the hearing. If you do not declare your belief of lack of impartiality prior to or at commencement of the hearing, you will not be allowed to state your belief at a later stage, unless the Convener of the Committee decides that you could not reasonably have known or could not reasonably have stated that belief earlier.
- 14.10 If a member of the Committee has sat on a previous Students' Progress Committee or Fitness to Practise Committee hearing in regard to your studies, this will not be sufficient evidence of lack of impartiality to justify that member's exclusion from further hearings in regard to your studies e.g. in subsequent years of your studies.

Note 15. Conduct of Fitness to Practise Committee Meetings

- 15.1 The following procedures will apply:-
- (i) The Convener will invite the Head of the School of Education to indicate why he/she believes that you are not fit to teach and to describe the investigation undertaken by him/her in reaching that view.
 - (ii) The Convener will invite members of the Committee to address questions to the Head of the School of Education.
 - (iii) The Convener will invite you (if present) or, if preferred, your representative (where applicable) to respond to the Head of the School of Education's concerns and indicate why you believe you should be permitted to continue with your studies for the award for which you are registered.
 - (iv) The Convener will invite members of the Committee to address questions to you and/or your representative.
 - (v) The Convener will invite any witnesses to make a statement.
 - (vi) The Convener will invite members of the Committee to address questions to any witnesses.
 - (vii) The Convener will invite you and/or your representative to address questions to the Head of the School of Education, through the Convener.

- (viii) The Convener will invite the Head of the School of Education to make a closing statement.
 - (ix) The Convener will invite you and/or your representative to make a closing statement.
 - (x) When the Convener is satisfied that you, any person representing or accompanying you, and the Committee members have no more questions to ask or statements to make, all those present except the Committee members and the Clerk will be asked to leave the room while the Committee considers its decision.
- 15.2 You will be informed in writing of the Committee's decision within seven days of the date of the hearing. If your representations are not upheld by the Committee, the letter will explain to you that you have a right of appeal against the Committee's decision to the University Court, as indicated in Note 17.

Note 16. Possible Outcomes of Fitness to Practise Committee Meetings

- 16.1 The following courses of action will be available to the Fitness to Practise Committee:-
- (i) To inform you that no further action will be taken;
 - or* (ii) To issue you with a formal warning indicating that a recurrence of the complaint/concern may result, after due investigation as outlined in Note 3 above, in you being judged not fit to teach, as in (iii) below;
 - or* (iii) To judge that you are not fit to teach and to terminate your candidature for the award for which you are registered in accordance with the relevant Regulations. In this case, the matter will be referred to the Convener of the Academic Standards Committee (Undergraduate) to determine whether you are eligible to transfer to another programme in Education that does not lead to a qualification registerable with the General Teaching Council for Scotland, with no subsequent right of re-registration for the award for which you are currently registered. Alternatively, you will be able to explore, with the relevant Admissions Selector, the possibility of transferring to another degree that does not lead to a registerable qualification with the General Teaching Council;
 - or* (iv) In cases relating to health concerns, to delay a decision, provided that you agreed to undergo medical treatment (as specified by the Fitness to Practise Committee, where appropriate): in the meantime, the Committee may (a) suspend your studies for the award for which you are currently registered in accordance with the relevant Regulations, for a specified period, pending the outcome of medical treatment and confirmation from a medical practitioner that the treatment has been successful, or (b) decide that you should be permitted to continue with your studies;
 - or* (v) As in (iv) above, but to request you to voluntarily withdraw from your studies pending medical treatment, with an entitlement to Associate Student status whilst withdrawn from studies and an entitlement to re-admission not later than the start of next academic year but one following the date of withdrawal, on condition that you obtain medical certification from an independent medical practitioner (i.e. one other than the medical practitioner with whom you are normally registered) that the health issues have been

resolved and that you are considered fit to resume your education studies. Where you choose not to voluntarily withdraw from your studies, the Committee will confirm that you are not fit to teach at that time and will terminate your candidature for the award for which you are registered as in (iii) above, with you being entitled to Associate Student status and re-admission as described above if you do not transfer to another programme as described in (iii) above.

Note 17. Appeal to the University Court against decisions of the Fitness to Practise Committee (Education)

- 17.1 If you disagree with the decision of the Fitness to Practise Committee, you have a right of appeal to the University Court, **but only if you believe that the Fitness to Practise Committee has either failed to follow the proper procedures or was not competent to reach the decision and/or was prejudiced in reaching its decision.** In this instance, you must submit an appeal against the Committee's decision to the University Secretary setting out the grounds of the appeal in writing at the latest by 4.00 p.m. within fourteen days of the date of the letter informing you of the decision of the Committee.
- 17.2 If you submit, as part of your appeal, new evidence, e.g. medical reports, to support your representations by the deadline stipulated in paragraph 17.1, this will be referred to the Convener of the Fitness to Practise Committee. The latter will decide whether your appeal should be upheld in accordance with paragraph 13.2 above or whether or not the new evidence would warrant that committee re-convening. If the Fitness to Practise Committee is to be re-convened, you would be required to attend another meeting in accordance with Notes 8 and 13-16 above. If your new representations are not upheld by the Fitness to Practise Committee, your appeal to the University Court will be considered as summarised below.
- 17.3 If the Convener of the University Court Committee that would hear your appeal is not satisfied that you have identified grounds of a failure in procedure, in competence and/or prejudice by the Fitness to Practise Committee, your appeal will be returned to you with a written explanation and an invitation to submit an appropriately revised appeal. If you do not submit an appropriately revised appeal by 4.00 p.m. within fourteen days of the date of the letter inviting you to do so, your appeal will be rejected by the Convener of the University Court Committee and no further action will be taken by the University. However, you will have the right to seek independent review of this decision to reject your appeal, as indicated in Note 18.
- 17.4 Your appeal will be heard by a University Court Committee which will be constituted as follows:
- The Convener will be a Vice-Principal, nominated by the University Secretary.
 - There will be three other members: a lay member of the University Court; an academic member of the University Court other than the Convener; and either the President of the Students' Association or the Rector or the Rector's Assessor.
 - The Committee will be quorate provided that the Convener and two other members are present.
 - The Convener will have the right to vote as a member of the Committee and, additionally, will have a casting vote if necessary.

- 17.5 The decision of the University Court Committee, or its Convener acting on behalf of the Committee, will be considered to be a decision of the University Court.
- 17.6 The University Court Committee will limit its consideration to the procedures used by the relevant Committee in reaching its decision, i.e. that the relevant Committee has complied within the University's *Policy on Fitness to Practise* and has followed the procedures described in these *Guidance Notes*; and to whether the relevant Committee was competent to reach its decision and/or had been free from prejudice in doing so.
- 17.7 If you appeal against the decision of the relevant Committee within the timescale prescribed in paragraph 17.1 above, your appeal will normally be heard by the University Court Committee within two months following receipt, by the University Secretary, of your request for a formal appeal hearing.
- 17.8 You have the right to attend any hearing of your appeal by a University Court Committee and you may be accompanied or represented by any one person of your choice at such a hearing. If you cannot, or do not wish to, attend the hearing, you can be represented by any one person of your choice. You and/or your representative, if any, have the right to put your case orally at the hearing of your appeal by a University Court Committee in accordance with the procedures laid down for the hearing, unless paragraphs 12.8 or 12.9 apply, i.e. where your case is heard in your absence.
- 17.9 The papers circulated for the hearing of your appeal will include:
- All of the papers considered by the Fitness to Practise Committee.
 - Your written Representations against the decision of the Fitness to Practise Committee and any supporting documentation.
 - A written response to your Representations against the decision of the Fitness to Practise Committee from the Convener of that Committee.
- 17.10 You may ask that a witness(es) attend the hearing of your appeal provided that you also inform the Clerk of the relevant Committee no later than three days before the date of the hearing. If you do, you are responsible for ensuring that any witness(es) invited by you attend at the appropriate date and time and receive a copy of the papers for the hearing. Witnesses cannot be represented and cannot ask questions at the appeal hearing.
- 17.11 The relevant University Court Committee may also request that a witness(es) attend the hearing and the Clerk will be responsible for ensuring that any such witnesses attend on the appropriate date and at the appropriate time, and for informing you of the names of any such witnesses.
- 17.12 The Convener (or in his/her absence, another member) of the Fitness to Practise Committee against whose decision you have submitted an appeal will normally represent that Committee in any appeal to the University Court. That person will not be a member of the University Court Committee.
- 17.13 The procedures followed in the hearing of your appeal will be kept as informal as circumstances permit so that your appeal may be heard in the manner most appropriate to its particular facts and circumstances, and so that justice may be done and may be seen to be done.

- 17.14 In conducting appeals the University Court Committee will consider the representations submitted to it by the parties involved and will make such inquiries as it considers appropriate. The Committee will receive written and oral representations. All oral evidence will be taken in your presence or, if you are absent and with your approval, in the presence of your representative (if any) unless paragraphs 12.8 or 12.9 apply. Normally, you will be sent copies of all written submissions considered by the Committee no later than seven days before the hearing (unless you have asked that a hearing be held at short notice – see paragraph 12.7). Additionally, all members of the Committee, the Convener of the Fitness to Practise Committee and any witnesses who are asked to attend by the University, and those responsible for administering the process, will be sent copies of all written submissions normally no later than seven days before the hearing.
- 17.15 The Convener of the University Court Committee has devolved powers to uphold an appeal without the need for a Committee to meet, if it is clear on grounds of procedure, competency and/or prejudice that the appeal would be upheld.
- 17.16 A letter informing you of the decision of the University Court Committee will be sent to you in writing within seven days of the decision being reached.
- 17.17 The University Court Committee is the final stage of appeal available within the University.

Note 18. *Independent review of a decision of the University Court*

- 18.1 The University of Aberdeen has agreed to opt into the Universities Scotland Scheme for the Independent Consideration of Student Complaints in Scotland. This Scheme provides for students, who have exhausted the University's appeals and complaints procedures, to refer their appeal or complaint to an Independent Reviewer for Scottish Higher Education Institutions. Once the Independent Reviewer (or his/her nominee) has made a judgement, it would be for the University Court to decide whether or not to accept the judgement and on any remedial action to be taken.
- 18.2 Students whose appeals are not upheld by the University, or who have not submitted their representations or documentary evidence within the required timescales (paragraphs 9.1 and 13.3 refer) will be informed of the procedures for seeking independent review of the University's decision in this regard.

Note 19. *What is my status pending the outcome of consideration of my representations against discontinuance of attendance/suspension or termination of studies/termination of candidature for an award?*

- 19.1 Generally, your status will not be affected while you await the outcome of consideration of your representations unless the Head of the School of Education, exceptionally, has recommended either that your matriculation be suspended or that you be excluded from specified activities of the University (see paragraph 3.2.3).

Note 20. *Can I claim expenses?*

20.1 If your appeal is successful, you may be entitled to a refund of incidental expenses necessarily incurred in attending a hearing(s). However, you must contact the administrator arranging the hearing before you commit yourself to any expenditure, to receive confirmation that the expenditure proposed is eligible for refund if your appeal is successful. Details are given in the document, *Payment of expenses incurred by a successful appellant or complaint: Guidance Note*. You can download this document from the University website (<https://www.abdn.ac.uk/infohub/study/appeals-and-complaints-procedures.php>) or obtain a copy from the Infohub on the ground floor of the Hub.

Note 21. If you are still unsure what to do

21.1 You may find it useful to consult the University's Equality and Diversity Policy Statement. You can download this at: <http://www.abdn.ac.uk/ppg/index.php?id=95&sub=93&top=67> or obtain copies from the Infohub on the ground floor of the Hub.

21.2 If, once you have looked at these *Guidance Notes* and the above documents, you feel that you have a serious concern that is not covered by any of them, you should consult the *Code of Practice on Whistleblowing* (<http://www.abdn.ac.uk/personnel/whistle.hti>) which "...is designed to allow employees and all other members of the University to raise concerns or to disclose information which, the complainant or informant believes, shows malpractice."

21.3 If you would like more help after you have read these *Guidance Notes*, please contact any of the following:

- the relevant Registry Officer (Tel: (01224) 273506; fax (01224) 272050; e-mail: undergraduate@abdn.ac.uk)
- Student Support Services, University Office (Tel: (01224) 273935; fax: (01224) 273569; e-mail: student.support@abdn.ac.uk)
- the Students' Association, Information and Advice Centre in the Butchart Centre on University Road (Tel: (01224) 274200; e-mail: infoadvice@abdn.ac.uk)

21.4 The way in which the University's *Policy on Fitness to Practice* is implemented is monitored by the University Committee on Teaching and Learning and, through that Committee, by the Senate and the University Court. The University is committed to equality for all students to ensure there is no discrimination. There are nine 'protected characteristics' in equality and diversity related legislation that make it unlawful to discriminate on the grounds of: sex; age; race; disability; religion & belief; sexual orientation; gender reassignment; pregnancy & maternity; and marriage & civil partnership. The University will monitor these processes relating to students' studies to ensure, so far as possible, that no discrimination exists.

Note 22. Interpretation

Conflict of Interest:

An example would be where a member of the Committee has been involved (e.g. in reporting your non-attendance at classes) in the decision against which representations are being made.

Material Interest:

An example would be where a member of the Committee considering your representations against termination is related to you.

Minor Procedural Deficiencies:

An example would be where you have unwittingly made an incorrect claim or assertion through a misunderstanding of University procedures.

Personal Circumstance:

A personal matter which, you believe, has affected your performance or attendance and which has indirectly resulted in a recommendation that you should not be permitted to progress to the next stage of your programme, that you be required to discontinue attendance on courses, or that your studies or candidature for an award be terminated on academic grounds. An example would be where you have had an ongoing medical problem which has affected your performance.

Relevant Committee:

Either the Fitness to Practise Committee or a University Court Committee.