

Document Name and Version	2.11 Procedures for Hearings and Appeals
Policy Number	2.11
Policies that Interact with 2.11	<p>Policy 3.4 Academic Policy and Procedures;</p> <p>Policy 5.7 Examination Results: Review, Recheck and Appeal;</p> <p>Policy 5.2 Assessment regulations;</p> <p>Policy 6.4 Policy and Procedure on learner welfare and wellbeing;</p> <p>Policy 7.5 IICP College framework for Monitoring and Maintaining Clinical Practice Requirements;</p> <p>Policy 7.6 Readiness to practise;</p> <p>Policy 7.7 Continuing with Clinical Placement Policy and Procedure;</p> <p>Policy 6.8 Complaints Policy and Procedure.</p>
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Revisions	

1. Preamble.

- 1.1. This policy sets out a general guide to the procedures used in Hearings and Appeals in IICP College.
- 1.2. Having regard to the desirability of resolving matters at the lowest possible level, the parties to any Hearing will be asked to consider the matter in the first instance at local level to see if an accommodation can be reached. As a general rule, Hearings only occur where the parties are unable to resolve the issue at local level.
- 1.3. These procedural rules provide a general outline of the approach followed by IICP College in dealing with Hearings and Appeals. However, each Hearing/ Appeal must be considered and managed within the confines of specific policies. Where there is a conflict between this policy and the specific policy under which a panel or subcommittee is constituted, then the provisions of the specific policy should be applied.
- 1.4. Subject to College regulations, the Hearing/ Appeal panel or subcommittee may determine what steps are necessary and appropriate to ensure the fair and efficient determination of each Hearing, having regard to all relevant facts and circumstances.
- 1.5. In the event of a public emergency, including a public health emergency, that renders physical meetings, hearings and appeals impractical, these may be held on a remote access basis.

2. Purpose.

- 2.1. The purpose of this policy is to describe the procedure for Hearings and Appeals of a professional, academic or disciplinary nature at IICP College.
- 2.2. This policy, in conjunction with the individual policies and procedures referred to herein, sets out a learners right to appeal decisions to a higher authority within the College, and specifies that where an appeal is made that the original decision maker is not involved in adjudication of the appeal.

3. Scope.

3.1. This policy sets out the procedure for Hearings and Appeals of a professional, academic or disciplinary nature at IICP College.

3.2. This policy covers the following Hearings and Appeals:

Academic (Conduct in Assessment) Disciplinary Committee;

Academic (Conduct in Assessment) Appeals Committee;

Academic (Results in Assessment) Appeals Committee;

Disciplinary Committee;

Disciplinary Appeals Committee;

Complaints Appeals Panel;

Clinical Placement Appeals Panel;

Continuing with Clinical Placement Panel.

4. Policy.

4.1. Hearings and Appeals at IICP College are confidential to all parties, other than in circumstances stated within the procedures. Therefore, it is essential that any individuals involved in the process respect this need for confidentiality.

4.2. Where appropriate, informal action should be utilised before recourse to the formal procedure.

4.3. The management of academic conduct and standards, as well as learner welfare, care and behaviour, is a function of the Academic Council [AC]. The AC convenes a subcommittee or panel for the operation of IICP College procedures, and these bodies operate under the authority of the AC. Panels and subcommittees may be constituted for the purpose of any procedure. All panels and subcommittees report to the AC.

4.4. Movement between procedures:

4.4.1. If after commencing one procedure, the College, in conjunction with the AC where necessary, considers that the case in question should be dealt with under

an alternative procedure, the case may be transferred to a different procedure. Any learner who is a party to the proceedings may also make representations regarding the procedure to be followed. In cases of disagreement a subcommittee of the AC convened for that purpose will determine the appropriate procedure to be followed and there shall be no Appeal against that decision. Those involved will be informed of the reasons for the movement between procedures.

4.4.2. There may be occasions when as a consequence of information obtained under one procedure it is appropriate to initiate action under an alternative procedure. It is not required that one procedure is completed before another is initiated, and on occasions it may be useful to run two procedures simultaneously. This may occur, for example, where a disciplinary matter raises issues about a learner's well-being.

4.4.3. Investigations that have been undertaken in one procedure may be used as and where appropriate to inform another procedure.

5. Procedures at Panels and Hearings

5.1. General:

5.1.1. Legal Representatives for IICP College may be invited to attend and offer advice at all proceeding.

5.1.2. Where the safety or welfare of any person so requires, then amendments to the process may be required and implemented at the discretion of the Chair. In addition, an amended process may be implemented once agreed by all parties.

5.1.3. An adjournment can be requested at any point during the Hearing/Appeal. The Chair decides whether this will be granted.

5.1.4. Hearings / Appeals will not be heard in public. Witnesses will only be present when giving evidence and answering questions.

5.1.5. IICP College shall fix the time and place for a Hearing or an Appeal.

5.1.6. A Panel or Subcommittee may admit as evidence at a Hearing or Appeal oral testimony and any other form of evidence that is considered relevant to the subject matter of the Hearing.

5.1.7. A Panel or Subcommittee may exclude anything unduly repetitious or which is not relevant to the subject matter of the Hearing or Appeal.

5.2. Membership.

5.2.1. The membership of each panel or subcommittee is subject to approval by the Academic Council unless the Academic Council dispenses with such consent.

5.2.2. Each panel or subcommittee shall consist of a chairperson and at least two other persons appointed by the Academic Council. These shall be drawn from among the membership of the Academic Council, or from outside the College as appropriate.

5.2.3. The co-option of persons to subcommittees who are not members of the College requires the approval of the Board, unless the Board dispenses with that consent.

5.2.4. Nominees are required to declare any conflict of interest.

5.2.5. Every effort will be made to ensure that boards are representative.

5.2.6. For appeals panels and committees, the AC will ensure that no original decision maker will be involved in the adjudication of the appeal.

5.3. Computation of time:

5.3.1. Computation of time: Where this procedure prescribes a number of days, this is taken to mean working days: that is, weekends and public holidays shall not be counted.

5.3.2. Where any time or time limitation is mentioned in these rules, the presiding Chair of the Hearing or Appeal may extend or abridge the time requirements prescribed as necessary. This discretion may be exercised before or after the expiration of the time prescribed.

5.3.3. All parties to a Hearing or Appeal shall be served with a Notice of Hearing/Appeal, which will include the date, time, place and purpose of the Hearing.

5.3.4. The Committee members selected to be on any panel will receive a Hearing/Appeal package in advance of the Hearing. The package will only contain information that has been seen by both parties.

5.3.5. The membership of the Panel hearing the case will be made available to the parties prior to the Hearing, to provide an opportunity to raise concerns regarding conflict of interest.

5.4. Appeals:

5.4.1. Appeals are not normally intended to be a re-hearing of the case presented at the first Hearing. The IICP College case will focus on the basis for the original decision and the grounds of Appeal.

5.4.2. Where an Appeal is not a re-hearing it may not be necessary to call witnesses. The processes outlined in this procedure relate to a full Hearing and will therefore be adjusted, dependent upon the format of each particular Appeal. In particular, the process at hearings outlined in section 5.6 and rights to participation, representation and presentation of evidence outlined in section 5.8 do not apply.

5.4.3. If a learner fails to attend an Appeal when requested, the Appeal shall proceed in the absence of the learner, at the discretion of the Chair.

5.4.4. No new evidence will be allowed at the Appeal unless agreed to by both parties and the Panel.

5.5. Role and responsibility of the Chair:

5.5.1. The Chair introduces the proceedings. This introduction should cover the following:

- Ask all of those present to introduce themselves and explain their roles in the Hearing;
- Where relevant, check that the learner was informed of the right to representation, and if waived that the waiver form has been completed;
- Explain that the Hearing/Appeal will be carried out in accordance with this procedure and confirm that everyone present is aware of the process to be followed.

5.5.2. It is the responsibility of the Chair to ensure that appropriate records are kept of the proceedings and of any outcome.

5.5.3. In cases where safeguarding issues have been considered, the Chair is also responsible for compliance with the appropriate regulations and legislation.

5.5.4. The Chair is responsible for communication with the AC. The AC is responsible for overseeing the implementation of any outcome.

5.6. Process at Panels and Hearings:

5.6.1. If a learner fails to attend the Hearing, the Hearing shall proceed in the absence of the learner, at the discretion of the Chair.

5.6.2. The Chair or Panel can ask questions or seek clarification of any party or witnesses.

5.6.3. The Chair of the Hearing / Appeal may give directions during the proceedings to maintain order. The presiding Chair of the Hearing / Appeal may ask any party to leave if, in the Chair's opinion, their action is so disruptive to the Hearing process as to frustrate it. In this instance, the Committee will consider the case using written documentation from the parties.

5.6.4. Witnesses can be called as appropriate; however, a written statement may be sufficient. A written statement should support witness testimony. Consideration will be given by the panel to the need for witnesses to remain available (but outside the Hearing) for possible recall.

5.6.5. Where the learner has waived their right to representation and is unaccompanied, particular attention will be paid to ensuring that the learner is given every opportunity to state their case and ask and answer questions, bearing in mind their likely inexperience of formal Hearings.

5.6.6. Following presentation of evidence, both sides should be given an opportunity to summarise their case.

5.6.7. Both parties will then be asked to withdraw to allow the Chair/Panel to consider the evidence presented to them. Should the Chair or Panel wish to recall one of the parties (to seek clarification or additional information) both parties must be called back into the Hearing/Appeal.

5.7. Communicating the decision:

5.7.1. The final decision will be communicated in writing, normally within the time specified in the relevant procedure. Where this is not possible the Chair will communicate the reason for the delay and the expected timescale to all parties.

5.8. Rights and responsibilities in panels and hearings:

5.8.1. If a learner fails to attend the Hearing, the Hearing shall proceed in the absence of the learner, at the discretion of the Chair.

5.8.2. At any hearing the Learner has the following rights. It should be noted that all such rights must be exercised in a manner that is consistent with the Learner Charter and the Learner Code of Conduct, and must not disrupt the proceedings.

- To an appropriate notification period of the Hearing;
- To attend the Hearing convened for the purpose of adjudicating his or her case;
- To be accompanied or represented;
- To hear the evidence presented;
- To challenge the evidence on cross-examination; and
- To present his / her own evidence.

5.8.3. Learners will be given advance notice of the Hearing, of a period set out in the procedure, in order to ensure that he/she can prepare their case and organise representation.

5.8.4. The notice shall state the time and venue of the Hearing.

5.8.5. A learner who is the subject of a Hearing is entitled to a clear statement of the alleged offence / misconduct. Where possible this should be done when the notice of the Hearing but must be done before the commencement of a Hearing.

5.8.6. The learner may request adjournment of any Hearing should they believe that be able to demonstrate that they have been given insufficient time to prepare his or her defence.

5.8.7. Right of attendance and representation at hearings:

5.8.7.1. If a learner fails to attend the Hearing, the Hearing shall proceed in the absence of the learner, at the discretion of the Chair.

5.8.7.2. A learner may be accompanied by a representative or companion. This person may be a fellow learner, a relative, a friend, an adviser or a legal representative. S/he will support and advise the learner and may address the Hearing to put the learner's case, ask questions or make any representations.

5.8.7.3. A learner may choose to be accompanied by a translator.

5.8.7.4. Any costs associated with representation and/or translation will be borne by the learner.

5.8.7.5. A learner who chooses not to be represented shall be requested prior to the Hearing to confirm in writing that he /she has been informed of his / her right of representation and has declined to exercise it.

5.8.7.6. A party to proceedings (or their representative / companion) at a Hearing may:

- Make representations to the Committee and, at the discretion of the Committee, call individuals with relevant information to give evidence;
- At the discretion of the Committee, question individuals called by other parties as reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

5.9. Recording of Hearing/Appeals:

5.9.1. It should be noted that no individual participant may make a voice recording of a Hearing.

5.9.2. Participants may make their own notes. Participants are reminded of their legal and ethical responsibility regarding record taking and processing. Participants are required to comply with IICP College Data Protection Policy in this regard.

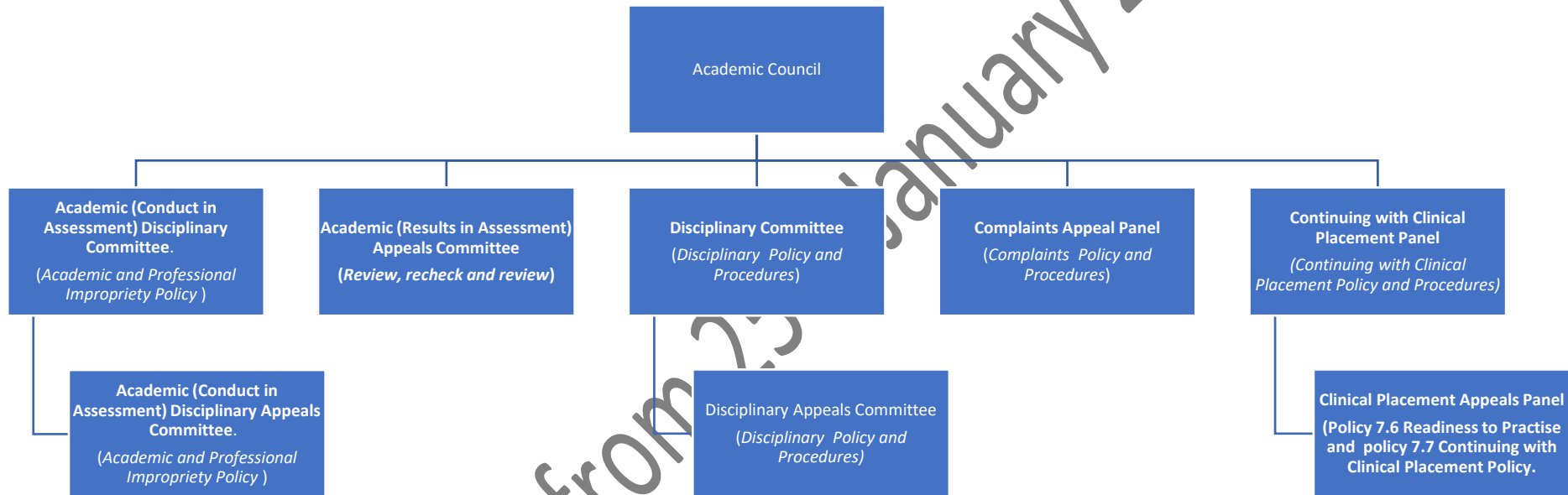
5.9.3. A minute taker may be appointed by the College to take minutes of a Hearing.

5.9.4. Documentation regarding any Hearing are to be retained on the learner's file as per the College's retention period. Documentation regarding expulsion shall form a permanent record on the learner's file.

6. Supporting Documentation.

6.1. Hearings and Appeals to which this policy refers.

Figure 1 IICP College Boards Structure (Hearings and Appeals)



In force from 25th January 2021