

St George's, University of London (SGUL)

Procedure for Consideration of Fitness to Study or Practise 2021-22

Approved by Senate on 1 September 2021

1. Introduction

- 1.1 St George's, University of London has a particular responsibility in respect of students who will graduate with academic awards which also confer the right to apply for professional qualifications and registration with a professional body. Because of their responsibilities to the general public, students following such programmes should demonstrate high standards of conduct and behaviour and must be physically and mentally fit to undertake the demands of their profession.
- 1.2 The University will be guided by the professional standards and guidance on health matters provided by relevant professional bodies and by its statutory duties under *inter alia* the Equality Act 2010, Human Rights Act 1998, Health and Safety at Work Act 1974 and the Data Protection Act 2018.
- 1.3 The General Medical Council (GMC) and Medical Schools Council (MSC) issued guidance, '*Achieving good medical practice: guidance for medical students*' and '*Professional behaviour and fitness to practise: guidance for medical schools and their students*' in May 2016. The guidance for students sets out how the principles and values of the GMC's core guidance for doctors, '*Good Medical Practice*' apply to medical students and should be read in conjunction with the guidance for medical schools and their students, which details the expected standards of professional behaviour.

The guidance can be accessed at:

http://www.gmc-uk.org/education/undergraduate/undergraduate_policy.asp

St. George's, University of London will be guided by the spirit and ethos of existing GMC guidance on general fitness to practise issues and principles of fair process, and in doing so will take into account its duties under The Equality Act (2010).

- 1.4 With regard to the professions regulated by the Health and Care Professions Council (HCPC) and the Nursing and Midwifery Council (NMC), St. George's will take into account the guidance of the HCPC and NMC when advising students and making decisions about how issues of conduct and/or changes in the health of a student will be addressed while she or he is studying.

The HCPC guidance "*Guidance on Conduct and Ethics for Students*" and "*Guidance on Health and Character*" can be accessed at:

<http://www.hpc-uk.org/education/providers/guidance/>

The NMC "The Code for Nurses and Midwives" can be accessed at:

<http://www.nmc.org.uk/standards/code/>

In addition to guidance from regulators, St. George's will also take into account the guidance of professional bodies when advising students and making decisions about how issues of conduct and/or changes in the health of a student will be addressed while she or he is studying. For Occupational Therapy students, the Professional standards for occupational therapy practice and the code of ethics and professional conduct published by the Royal College of Occupational Therapists (RCOT) will be taken into account. These publications can be accessed at:

<https://www.rcot.co.uk/practice-resources/rcot-publications/downloads/rcot-standards-and-ethics>

- 1.5 This Procedure for Consideration of Fitness to Study or Practise is prescribed by Council and Senate in accordance with paragraph 4.15 of the *General Regulations for Students and Programmes of Study*. This states that:

“Regardless of the provisions for termination of a student’s registration because of failure in assessments, a student may be suspended from his or her studies or have his or her entry to assessments cancelled or have his or her registration terminated on the following grounds: (i) persistent unsatisfactory attendance and/or performance; (ii) lack of aptitude for the course; (iii) unfitness to practise in a profession for which the course provides qualification. The procedure to be followed in such cases shall be prescribed by Senate as the “*Procedure for Consideration of Fitness to Study or Practise*”.

A student who is on a programme of study leading to professional registration and who is the subject of the Procedure for Consideration of Fitness to Study or Practise in the later part of their final year of study (typically from March onwards) will have their registration suspended until the conclusion of the procedure.” (See 2.1.6 and 2.1.7)

- 1.6 The Academic Registrar or his or her nominee is responsible for providing guidance to students and others on the operation of this procedure. Any doubt over the interpretation of these procedures or any matter on which these procedures are silent shall be determined by the Chair of Council. In this procedure any named officer may delegate her or his responsibilities to another member of St George's; similarly, the procedure shall not be invalidated by an officer of St George's acting in the place of another named in these regulations where circumstances make this expedient.
- 1.7 This procedure covers action taken by St George's where there are concerns about a student's persistent poor attendance, academic progress or aptitude for their course, or concerns arising from a student's conduct or health that affect a student's fitness to practise in a profession for which the course provides qualification.
- 1.8 ‘*Promoting excellence: standards for medical education and training*’ and ‘*Outcomes for Graduates*’ set out the knowledge, skills and behaviours that medical students must be able to demonstrate and states that Medical Schools (and the universities of which they are part) have a responsibility to make sure that only those medical students who are fit to practise as doctors are permitted to graduate with a primary medical qualification. Medical students who do not meet the outcomes for graduates or who are not fit to practise must not be allowed to graduate with a medical degree or continue on a medical programme. Universities must make sure that their regulations allow compliance by medical schools with GMC requirements with respect to primary

medical qualifications (R2.18). Consequently, St George's will not graduate any student who is still the subject of fitness to practise proceedings.

- 1.9 St George's, University of London will not sign the Certificate of Experience for a Foundation Year One (F1) doctor whose employer does not permit him or her to proceed to Foundation Year Two (F2) because of concerns about educational or professional performance. Paragraph 5 of this procedure makes provision for Foundation Year One (F1) doctors who have graduated from St George's to appeal the decision of the Postgraduate Deanery not to award a Certificate of Experience following a period of remedial training.
- 1.10 Students subject to proceedings under these procedures may wish to obtain support or guidance from the President or Vice-President (Education and Welfare) of the Students' Union, their personal tutor(s), the Occupational Health Department, a medical defence union or other national student association.
- 1.11 Students are advised to respond to all communication from the University (verbal and written) directly and not normally through a third party except in exceptional circumstances or where diagnosed disability reasonably prevents them from being able to do so. Interactions with the University through a third party must be authorised in writing by the student before any response can be made.
- 1.12 Students are responsible for their own behaviour and that of any supporter or representative appointed by them to present their case to the University. Abusive or disrespectful behaviour towards University staff will not be tolerated under any circumstances.

2. **Initial (informal) stage**

2.1 Consideration of reports of concern regarding fitness to study or practise

- 2.1.1 A report of any concern regarding a student's fitness to study or practise shall be made to the Academic Registrar or his or her nominee, if possible in writing. The person making such a report must identify themselves to the Academic Registrar or his or her nominee. The Academic Registrar or his or her nominee will not consider any reports which are raised anonymously. In exceptional circumstances the Academic Registrar or his or her nominee may permit the identity of a person making a report to remain confidential provided that this is consistent with the principles of natural justice. Boards of Examiners may report concerns about fitness to study or practise to the Academic Registrar or his or her nominee, arising from examination performance or reports from examiners.
- 2.1.2 On receipt of a written report, the Academic Registrar or his or her nominee shall promptly, and in any event within 10 working days, ascertain from the relevant Dean, Associate Dean, Head or Deputy Head of the Graduate School or Course Director responsible for the student whether an attempt has been made to resolve the matter informally, and if it has not the Academic Registrar or his or her nominee shall ask this senior member of staff to seek to do so and inform him or her of the outcome within 10 working days.

- 2.1.3 The relevant Dean, Associate Dean, Head or Deputy Head of the Graduate School or Course Director, in attempting to resolve the matter informally, shall normally speak to the student, and may also request the student (where appropriate) to seek the advice of the Occupational Health Department. The matter may also be considered by the informal fitness to practise committee, the Student Progress Monitoring Committee (see 2.2 below) which may advise the Dean, Associate Dean, Head or Deputy Head of the Graduate School or Course Director on appropriate action. Informal resolution of the matter shall include actions agreed with the student such as interrupting studies for a period of time, or provision of additional support, assistance or advice from either within or outside St George's. The student should be informed in writing of the agreed outcome of the informal stage of this procedure and they will be requested to confirm in writing within 10 days of the date of the letter that they have agreed with this outcome. The letter should state who within or outside the institution will be informed of the case. If written confirmation is not received from the student within 10 days of the date of the letter detailing the agreed outcome, then it is deemed that the matter has not been resolved informally and secondary (formal) stage procedures will normally be initiated by the Academic Registrar or his or her nominee.
- 2.1.4 If the relevant Dean, Associate Dean, Head or Deputy Head of the Graduate School or Course Director reports that the matter has not been resolved informally by agreement with the student and/or is sufficiently serious to warrant the initiation of formal procedures, the Academic Registrar or his or her nominee shall initiate the formal procedures set out in paragraph 3 below, commencing with the appointment of an Investigating Officer.
- 2.1.5 The Academic Registrar or his or her nominee should inform the student in writing that they can withdraw from the programme of study rather than go through the formal stage of the fitness to practise procedure and if so whether it would be possible to return to the course at a later date or transfer to a different course at St George's. Medical students who withdraw from St George's rather than complete Fitness to Study or Practise procedures will have their withdrawal reported to the Medical Schools Council.
- 2.1.6 The Principal, and the appropriate Dean, Associate Dean or Head/Deputy Head of the Graduate School shall individually have the authority to suspend a student's enrolment and/or cancel the entry of a student to examinations on the grounds specified in paragraph 4.15 of the General Regulations for a period not normally exceeding three months, pending action under the formal procedures set out in paragraph 3 below. The secondary (formal) stage of this procedure permits an extension to this period.
- 2.1.7 In serious cases, a student may be provisionally suspended or be withdrawn from clinical placement or practice placement pending further enquiry into an issue or incident. Suspension is not in itself a disciplinary measure, it is a precautionary measure that allows for an investigation to be carried out without the student being present in the University. Circumstances where a student may be provisionally suspended may include but are not limited to:
- When the presence of the student is not in the best interest of patients, the University or other students or staff employed by St George's. Alternatively, it may not be in the best interest of the student concerned;

- Criminal charges have been brought against the student or there is evidence of suspected criminal activity which may affect the student's performance or suitability for continued enrolment on a programme of study;
- When a student is subject to a fitness to practise or disciplinary investigation by a third party;
- When a student's health is impacting on their judgement and ability to study effectively or their interactions with patients, colleagues or fellow students.

The suspension will be reviewed at regular intervals.

2.1.8 Where a student has good reason to object to the action of any other member of staff under paragraphs 2.1.1-2.1.3, recourse may be had to the *Student Concerns and Complaints Procedure*, unless the matter is to be referred for formal investigation or to a Hearing Committee under the formal procedures set out in paragraph 3 below.

2.2 Monitoring and advice: the Student Progress Monitoring Committee (SPMC)

2.2.1 The Student Progress Monitoring Committee shall, under the authority of Senate, meet at least termly, to monitor the progress and status of students with academic progress or conduct or health concerns. The Committee may also be convened at short notice to provide advice to an Associate Dean, Head/Deputy Head of the Graduate School or Course Director. This committee represents an informal stage of considering a student's fitness to study or practise. The Committee shall not have the authority to suspend or dismiss a student or take other action which is not agreed with the student concerned, but may advise the Associate Dean, Head/Deputy Head of the Graduate School or Course Director on appropriate action to be agreed with a student to deal with concerns informally under paragraph 2.1 above, including initiation of formal procedures under paragraph 3 below. The Committee shall also have the duty, under the admissions procedures, of advising admissions tutors on whether an applicant meets professional fitness to practise requirements.

2.2.2 The Committee shall be convened and attended by the Academic Registrar or his or her nominee and shall consist of:

- a. The Dean (Chair);
- b. The relevant Associate Dean, Head/Deputy Head of the Graduate School or Course Director for students under active consideration;
- c. One member of the senior academic staff who shall not be involved in the formal procedures below for any student under active consideration;
- d. A Psychiatrist;
- e. Lay member;
- f. Student from another Higher Education Institution;
- g. Clinician from another Higher Education Institution.

Membership categories (e) – (f) are not required for routine review of students with health problems but are included for more complex cases. The Academic Registrar or his or her nominee will select external members of the Committee.

The Academic Registrar or his or her nominee may not participate in the Committee's deliberations and the scope of their involvement will be minuted carefully.

At meetings of the Committee, the Associate Dean, Head/Deputy Head of the Graduate School or Course Director shall be required to be present only for discussion of a student under their oversight.

- 2.2.3 The Academic Registrar or his or her nominee shall maintain a Confidential Register of students and Foundation Year 1 doctors with academic progress, conduct or health concerns, and this shall be reviewed at each meeting of the Committee. Confidential notes of the Committee's meetings shall be kept by the Academic Registrar or his or her nominee and shall not be forwarded to any other committee, with the exception of a Hearing Committee and the Appeal Committee appointed under the formal procedures in paragraph 3 and 4 below, when the notes relating to that student shall be provided.
- 2.2.4 The Academic Registrar or his or her nominee shall make an annual report to Senate of the meetings of the Committee for the purpose of satisfying Senate that appropriate monitoring and advice arrangements are in place for students with progress or conduct or health concerns. This report shall not include any details of individual students or any other information enabling a student to be identified as having been considered by the Committee.

3. **Secondary (formal) stage**

3.1 Investigation

- 3.1.1 If, under paragraph 2.1.4 above, a serious concern regarding a student's academic progress, conduct or health is to be considered under these formal procedures, the Academic Registrar or his or her nominee, who shall act as Clerk in the matter, shall promptly refer the matter for investigation to a senior member of staff who has not previously been involved in consideration under these procedures of a student's fitness to study or practise. This Investigating Officer should be a senior member of staff of St George's and should not have provided pastoral care at any time for the student. The Academic Registrar or his or her nominee shall, within 10 working days of the decision to initiate formal procedures, inform the student in writing of (i) the fact that formal procedures have been initiated (providing a copy of these procedures), (ii) the details of the serious concern raised, (iii) the identity of the Investigating Officer, and (iv) any suspension imposed under paragraph 2.1.6 above.
- 3.1.2 The role of the Investigating Officer is to consider the initial evidence and decide if it is serious enough to be referred to the Hearing Committee. The Investigating Officer should consider only whether the behaviour is so serious or persistent as to call into question the student's ability to continue on the course or their fitness to practise after graduation. The Investigating Officer must act in a proportionate way by weighing the interests of patients and public against those of the student. It is important to consider whether the behaviour is better dealt with through student support and remedial tuition rather than through a formal hearing. However, if the Investigating Officer decides that the behaviour is so serious or persistent as to call into question the student's ability to continue on a course, or their fitness to practise after graduation, the case should be referred to the Hearing Committee. Under these circumstances a related health problem will not be considered to be a mitigating circumstance that would prevent the formal process being invoked.

- 3.1.3 The Investigating Officer shall refer to and conduct his/her investigation in accordance with the '*Investigating Officer Protocol*'. The student may be required to consult the Occupational Health Department in order that a report may be made on his or her fitness to study or practise on medical grounds. If the student refuses unreasonably to consult the Occupational Health physician within a reasonable time of the Investigating Officer's request, the Investigating Officer may draw inferences from that fact and include the refusal in his/her report (and indeed in mind when reaching his/her recommendations).
- 3.1.4 Save in exceptional circumstances, the Investigating Officer shall, within 15 working days of his or her appointment, prepare a written report for the Principal or his or her nominee of the results of the investigation, with a recommendation for further action, including whether the case should be considered by a Hearing Committee on behalf of Senate.
- 3.1.5 The Academic Registrar or his or her nominee shall, within 5 working days of the receipt of the Investigating Officer's report, notify the student in writing of (i) the outcome of the investigation (this should include for how long details of the case should remain on the student's file and who within or outside the institution will be informed of the case), (ii) whether the matter is to be referred to a Hearing Committee, (iii) any cessation, continuance or alteration of any suspension of studies imposed by the Principal, Dean/Associate Dean, Head/Deputy Head of the Graduate School arising from the Investigating Officer's report.

3.2 Referral to Hearing Committee

- 3.2.1 A Fitness to Study and Practise Hearing Committee may be convened following the recommendation of an Investigating Officer under section 3.1 of this Procedure, or in the following circumstances:
- On the recommendation of an Investigating Officer following a formal investigation under Section 2 of the *Procedure for Considering Allegations of Assessment Irregularity*, where it is established that misconduct has occurred which is serious enough to call into question the student's fitness to continue on the course and/or to practise in the profession for which their course provides qualification. Please refer to Paragraph 2. of the *Procedure for Considering Allegations of Assessment Irregularity* for further information.
 - On the recommendation of an Investigation Officer following a formal investigation under Section 3 of the *Student Disciplinary Procedure*, where it is established that misconduct has occurred which is serious enough to call into question the student's fitness to continue on the course and/or to practise in the profession for which their course provides qualification. Please refer to Paragraph 3. of the *Student Disciplinary Procedure* for further information.
- 3.2.2 Where a Hearing Committee is to be appointed, it shall act with the authority of Senate and Council. The Chair of Senate shall notify Senate of the appointment of a Hearing Committee, but no personal details of the case shall be given to the Board. The Hearing Committee shall normally reach its conclusions within three months of the initiation of formal procedures.

3.2.3 The Hearing Committee shall consist of seven members who have not previously been concerned in the case (including being Investigating Officer), or have provided pastoral care for the student and ideally have not been teachers of the student in question. These shall be:

- a. A senior member of St George's academic staff – who will be the Chair;
- b. Lay member;
- c. Student from another Higher Education Institution;
- d. Clinician from another Higher Education Institution or Trust;
- e. Psychiatrist from St George's;
- f. One clinician from St George's from the same profession as a student is studying;
- g. Course Director (from a course other than the student's).

The committee must have a health professional majority. All committee members should receive appropriate training for that role. If, on the day of the hearing, one of the members notifies St George's that they are unable to attend due to unforeseen circumstances, the hearing may proceed at the discretion of the Chair. The clerk to the Hearing Committee shall be a disinterested member of staff, drawn from senior staff within Professional Services. The Academic Registrar or his/her nominee will attend to advise on procedure but shall not be entitled to participate in decision making and/or the deliberations of the Hearing Committee.

3.2.4 Notice of the matter shall be sent in writing to any student whose case is referred to the Hearing Committee. The letter will go to the student's St. George's email account. The clerk to the Committee shall notify the student and officer of St George's nominated by the Principal to present the University's case – hereafter called the parties – of the identity of the Committee members and the date of the proposed hearing. St George's – through the clerk to the Committee – shall send to the student the papers it intends to rely upon at the hearing at least 15 working days prior to the hearing date. The student shall then have until 5 working days before the hearing date to respond in writing and submit to the committee members and the officer presenting the University's case (through the clerk to the committee) any other papers on which he or she intends to rely.

3.2.5 The role of the Hearing Committee is to deliberate formally and to decide whether the student is fit to practise, and what, if any, sanctions should be imposed. In considering this, the student's behaviour throughout the course will be considered in order to establish whether there are patterns of behaviour that raise concern. Any mitigating circumstances should be considered by the committee members when they decide on the appropriate outcome. The committee members should make sure that a warning or sanction they decide upon is proportional to the behaviour and will deal effectively with the fitness to practise concern. Members should keep in mind the balance between public and/or patient safety and the interests of the student.

3.3 Procedures for conduct of the Hearing Committee

3.3.1 The parties will be required to attend the hearing either in person or remotely. If either party fails to attend without reasonable explanation, the Committee may consider the case in their absence if it is considered just and appropriate to do so. The Chair will

have discretion as to what constitutes a 'reasonable explanation' and whether it is just and appropriate to proceed with the hearing. Information about medical students who have been found unfit to practise by the University, but who left St George's voluntarily, may be shared between medical schools and the GMC provided that an investigation has taken place and a judgment has been recorded. Information will also be shared in cases where fitness to practise hearings have been held 'in absentia'. The meeting will be held either in person or remotely.

- 3.3.2 The student shall have the right to be accompanied by a friend, relative, Students' Union officer or other representative. The student is required to inform the clerk to the committee whether he/she will be accompanied and/or represented, the name of the person and whether he/she will be acting in a professional legal capacity. This information shall be supplied at least 5 working days before the hearing. The University may also obtain legal representation if appropriate. The Officer presenting the University's case shall also have the right to be advised and represented. Members of staff, students and others relevant to the case may be asked to give evidence to the hearing by either party. The Committee may also call upon other persons (whether or not a current member of the St George's) to provide advice on specific aspects of the case in writing or in person.
- 3.3.3 The hearing shall be conducted as a formal committee rather than as a quasi-judicial hearing. The Committee members shall take the leading role in asking questions and the Chair shall have discretion to allow flexibility in procedures aimed at ensuring that all parties are able to present their arguments and evidence, and the Committee members have a full and fair understanding of these. The detailed running order for the Committee hearing shall be at the discretion of the Chair, but shall include provision for: an initial private meeting of the Committee members, explaining the procedures to be followed; introducing those present and their role; explaining the powers of the Committee; allowing each party to make a statement and call witnesses; other persons (as referred to in paragraph 3.3.2) to make a statement; questions to be asked of the parties, witnesses and other persons by Committee members; discretion by the Chair to allow reciprocal questioning by the parties.
- 3.3.4 At the conclusion of the presentation of statements and evidence, all persons except members of the Committee shall withdraw, except the clerk to the Committee and the Academic Registrar who may attend to give procedural advice, which will be recorded in the Committee's report. The standard of proof is on the balance of probabilities. The members of the Committee shall deliberate on their conclusions and recommendations and shall produce a written report, giving reasons for any decisions.

3.4 Powers of the Fitness to Practise Hearing Committee

- 3.4.1 The following outcomes are open to the Fitness to Practise Hearing Committee:
- (a) The student receives no warning or sanction
 - (b) The student receives a warning that there is evidence of misconduct but the student's fitness to practise is not impaired to a point requiring any further sanction.
 - (c) The student receives a sanction. Possible sanctions are as follows:
Undertaking – This is a promise given to the Panel that there will not be a repeat of the circumstances or behaviour leading to the referral.

Conditions – A condition is imposed when the Panel have significant concern about the student but feel that she or he may respond positively to remedial tuition, health intervention or increased supervision. Conditions should be proportionate, workable and measurable. Conditions may require the student to re-sit a specified part or parts of the course or any other action considered appropriate by the Committee to enable the student's successful completion of remainder of the course. The student may continue with their course under the supervision of the Student Progress Monitoring Committee

- (d) *Suspension* – This prevents a student from continuing on their programme for a specified time and stops them from graduating at the expected time. This is applied to behaviour that is serious but not serious enough to require expulsion. After the suspension has expired the student may return under the supervision of the Student Progress Monitoring Committee
- (e) *Expulsion* – The Panel can expel a student from the programme if they consider that this is the only way to protect the patient or client group or the public. It is applied where the student's behaviour is incompatible with their continuing on a professional programme. The panel must decide whether to permit transfer of the student's registration to an alternative academic qualification.

These outcomes may be applied singly or in combination, for example a suspension in conjunction with conditions and an undertaking. In the case of medical students all investigations, suspensions, warnings or sanctions will be reported to the GMC at the time of application for GMC provisional registration (or HCPC or NMC at the time of application for registration for healthcare students).

In the interests of patient and public safety, and to prevent fraudulent applications to courses which lead to entry to a registered profession in the UK, information about medical students who have been through a fitness to study and practise hearing and been found unfit to practise will be recorded on the GMC/MSc's Excluded Students Database and may be shared between Higher Education institutions. This includes cases where fitness to practise hearings have been held 'in absentia.'

Failure to adhere to a warning, undertaking and/ or condition will be taken into account by the Principal, Dean or Chair of the Hearing Committee who will determine whether a breach of the terms has taken place. The Principal, Dean or Chair of the Hearing Committee are empowered to enact any recommendations for future action as set out in the Hearing Committee report or to terminate a student's registration. Right of appeal against this decision is provided for in paragraph 4.

- 3.4.2 The clerk to the Committee shall, within 10 working days of the date on which the Committee met, send in writing to the parties the findings and decision of the Committee. The letter to the student will be sent to the address of the student currently recorded in the Registry. Students must be informed how long details of the case should remain on their file and whom within or outside the institution will be informed of the case. In the case of warnings and sanctions the student must be informed why they have received it, its purpose and duration. The findings and decisions of the Committee shall also be sent to the Chair of Council, the Chair of Senate, the Director of Governance, Legal and Assurance Services for formal report to the next meeting of Council and Senate.

3.4.3 Course Teams are responsible for monitoring students' compliance with any outcomes set by the Hearing Committee and reporting them into the Student Progress Monitoring Committee.

4. **Appeal Stage for St George's Students**

4.1 A student may request the Chair of Council to review the case and establish an Appeals Committee, on one or more of the grounds specified in paragraph 4.2 below. Notice of appeal must be lodged in writing with the Director of Governance, Legal and Assurance Services or his or her nominee, who is Clerk to Council within 10 working days from the date of notice of the decision of the Dean/Associate Dean/Deputy Head of the Graduate School/Course Director (at the informal stage), Investigating Officer (if the case does not proceed to a hearing) or the Hearing Committee

4.2 The Chair of Council or his/her nominee shall establish an Appeals Committee if he or she considers that one or more of the following grounds apply:

- (a) there is relevant and substantial new evidence available which could not reasonably have been brought to the attention of the Hearing Committee;
- (b) there has been a procedural irregularity during the Hearing Committee stage of sufficient weight to suggest that the outcome of the case would not have been the same had they not occurred;
- (c) the recommendation of the Principal, Dean/Associate Dean/Deputy Head of the Graduate School/Course Director (at the informal stage), Investigating Officer (if the case does not proceed to a hearing) or the decision of the Hearing Committee was manifestly unreasonable.

If an Appeals Committee is to be established, a student who has been suspended shall remain so, save in exceptional circumstances at the discretion of the Chair of Council.

4.3 The procedure for the Appeals Committee shall be as specified in the document '*Student Appeals Committee Procedure*' approved by Senate.

4.4 The decision of the Chair of Council or his/her nominee and/or the Appeals Committee on behalf of the Council, shall be final and shall conclude St George's internal procedure. This decision shall be communicated to the Director of Governance, Legal and Assurance Services and he or she shall inform the student in writing of the decision and issue a Completion of Procedures (CoP) letter within 10 working days of this decision being taken.

5. **Appeal Stage for F1 doctors**

5.1 A small number of doctors experience significant difficulties during the first year of Foundation Programme training (F1), serious enough to require they have additional targeted training measures and/or support. A smaller sub-group of doctors experience more fundamental difficulties. This normally necessitates a repeat of the F1 year, or an element thereof which may include additional educational support, supervision and assessment. Such extensions to F1 training are for a maximum of 12 months (wte). Appeals with respect to a decision to extend the F1 year of training are not eligible to

be considered under St George's *Procedure for Consideration of Fitness to Study or Practise*. Such appeals will be heard by the Postgraduate Deanery.

- 5.2 F1 doctors who do not benefit from additional training and whose level of knowledge, skills or professional behaviour continues to preclude full registration with the GMC and consequent confirmation of a licence to practise, may appeal the decision not to award a Certificate of Experience to the Appeals Committee of the university of graduation (St George's). Such appeals will only be heard after the initial period of F1 training (12 months wte) has been previously extended by the appointing Postgraduate Deanery.
- 5.3 An F1 doctor who has been denied a Certificate of Experience, may request the Chair of Council to review the case and establish an Appeals Committee, on one or more of the grounds specified in paragraph 5.4 below. Notice of appeal must normally be lodged in writing with the Director of Governance, Legal and Assurance Services or his or her nominee, who is Clerk to Council within 15 working days of the decision.
- 5.4 The Chair of Council or his/her nominee shall establish an Appeals Committee if he or she considers that one or more of the following grounds apply:
 - (a) that there were procedural irregularities in the conduct of the assessment process (including administrative error), of such a nature as to cause reasonable doubt as to whether the Postgraduate Dean would have reached the same conclusion had the irregularities not occurred.
 - (b) that there are reasonable grounds to believe that the original decision was manifestly unreasonable;
 - (c) that there existed circumstances affecting her/his performance, health or conduct of which, for unavoidable reason, the Postgraduate Dean had not been made aware when the recommendation or decision was made, and that had the Postgraduate Dean been aware of those circumstances would have cast substantial doubt on the appropriateness of that decision. An appeal lodged on this ground will, other than in very exceptional circumstances, be rejected where the evidence adduced in support of the appeal was available to the appellant prior to the making of the recommendation or decision by the Postgraduate Dean and without good reason was not disclosed by the candidate to the assessors. The Chair of the Appeals Committee will be the final arbiter of whether 'exceptional circumstances' exist.
- 5.5 The procedure for the Appeals Committee shall be as specified in the document 'Student Appeals Committee Procedure' approved by Council. The Appeals Committee shall comprise persons appointed under the Student Appeals Committee Procedure, none of whom shall have had previous dealings with the case.
- 5.6 The decision of the Chair of Council or his/her nominee and/or the Appeals Committee on behalf of the Council, shall be final and shall conclude St George's internal procedures. This decision shall be communicated to the Director of Governance, Legal and Assurance Services or his/her nominee and he or she shall inform the student in writing of the decision and issue a Completion of Procedures (CoP) letter within 10 working days of this decision being taken.

**These procedures will not be invalidated if the role title named in the procedure has changed or a nominee acts in the place of another named in the procedure.*