

Guidance for Hearings of the Misconduct Conduct Panels and Appeal Panels

Panel Hearing procedures – General Provisions

1. All relevant parties, including but not limited to the student, to respond to the misconduct case, or appeal, will be invited to attend, to ensure a fair and equal hearing.
2. All parties attending a hearing of either the Misconduct Panel or the Misconduct Appeals Panel (with the exception of the Panel and the Panel Secretary) will enter and leave the hearing together. For each case the investigation officer will be present. Where it is deemed appropriate, an additional member of staff from the student's discipline may be called to attend the hearing, to provide expert advice on matters of professional conduct.
3. Either panel may request further evidence in writing or in person from either the student or staff. Where further evidence is requested, the findings and decisions of the Panel will normally be deferred, and the Panel reconvened at the next available opportunity.
4. Either panel may take advice from members of staff with appropriate clinical expertise, or other persons with such expertise, about the interpretation of medical or other evidence supplied in support of an appeal. This may take place before or after a Panel Hearing.
5. The Panel may, at any time during the proceedings, order the room to be vacated, or may themselves retire to another room for private discussions. Only the Panel and the Panel Secretary will be entitled to be present at such times
6. The student, their representative (if applicable) and the investigating officer shall have the right to be present during the hearing, except during the Panel deliberations, and or in the event that the Panel determines it requires private discussions. Witnesses/accompanying supporters may be permitted to attend some or all of a hearing at the discretion of the Chair. All parties will normally be present at the hearing together, except during the respective Panel's private discussions or deliberations.

7. At either stage, if a case concerns more than one student, the Chair shall determine whether each case should be heard by the same Panel in separate hearings, or in a single hearing for all students. In the event of a single hearing for multiple students, the Secretary shall determine any further variations to these procedures that shall be required.
8. Once a student has been served notice of a hearing of a Misconduct Panel, or of a Misconduct Appeals Panel under this policy and procedures, the Chair may, if he or she determines that there is good cause, postpone or adjourn a hearing, until a new date can be found.
9. Normally, the period of adjournment will not exceed 21 days, except in unavoidable circumstances. The Panel Secretary shall notify all parties in writing of the recommencement of the hearing, giving notice of at least two working days. A reconvened hearing may proceed in the absence of the student if the Chair is satisfied that due notice has been served of the recommencement and there is good reason to do so.
10. A Misconduct Panel or Misconduct Appeals Panel will endeavour to reach a decision and findings without adjournment. However, in the event that the Panel determines that it needs further information it shall adjourn the case. The student will be notified of the adjournment normally within 24 hours and the Secretary will endeavour to collect the respective information the Panel needs to reach a decision. The Panel will normally reconvene within 10 working days of the original hearing date.
11. The National Centre is committed to ensuring its students are properly supported. Provisions as follows are therefore made to support students throughout the misconduct processes at all stages:
 - Students have the right to be represented
 - Students have the right to be accompanied
 - Students have the right to call witnesses

Written Statements/Representations:

Misconduct Panel Hearings

Students must normally submit any written statements at least 48 hours in advance. Where a student is unable or does not want to attend, they can also submit written representations in lieu of attending or request the session to be online.

Misconduct Appeals Panel Hearings

The opportunity to make additional written representations or submit further additional documentary evidence to a Misconduct Appeals Panel will not normally be allowed, because the student's appeal submission will constitute the student's written representations and evidence for consideration. Only in exceptional circumstances and at the discretion of the Chair will further representations be allowed. If the student is not able or does not want to attend a Hearing of the Misconduct Appeals Panel, an additional written statement in lieu of attendance will normally be allowed.

Representation:

A student facing an allegation of misconduct may be represented at any point in the proceedings by a relevant individual. A relevant individual, in the case of a student requiring reasonable adjustments, shall normally be permitted to be a family member or friend of a student. The student should provide the name of their representative to the Secretary of the Panel normally at least 48 hours in advance of the hearing. The Chair of the Panel has the ultimate discretion to admit or refuse any representative

Accompaniment:

Additionally, the student may also be accompanied by a family member or a friend but as this does not constitute representation, that person will not be allowed to speak on the student's behalf. However, the Chair of the Panel will have the discretion to consider representations from the student for the friend or family member to make a statement in support of the student at the culmination of the hearing. The student should provide the name of their accompanying individual to the Secretary of the Panel normally at least 48 hours in advance of the hearing.

Witnesses:

Both the student and the Panel may request any witnesses to attend either hearing. Both parties must inform the Chair of the names of any witnesses they wish to call, normally at least 48 hours in advance of the hearing. The Chair of the Panel has the ultimate discretion to admit or refuse any witnesses. It is the student's responsibility to invite any witnesses they wish to attend, and it is the student's responsibility to ensure that witnesses can attend, and to provide them with any documentation. The hearing will not normally be adjourned due to the unavailability of a witness

Misconduct Panel and Appeal Hearing Procedures

When the Misconduct Panel is ready to commence the hearing, the procedure set out below will be followed:

- i. The Chair will introduce the members of the Panel to all parties, and will ensure all parties attending the hearing introduce themselves.
- ii. The investigating officer will normally present the concerns with regard to the conduct of the student and call any witnesses; however it is at the discretion of the Chair of the Panel to invite parties to speak as they deem it appropriate.
- iii. The student facing the allegations of misconduct (or their representative) will be invited to reply to the allegations and may call witnesses. The student shall also be invited to present to the panel any mitigating circumstances which the student considers to be relevant to the case or restate the grounds for appeal if at that stage.
- iv. The student and the investigation officer may ask questions of each other and of any witnesses called, but these must be addressed through the Chair, who has the discretion to allow or decline any such questions.
- v. The Panel may ask questions of all those present at the hearing at any point during the proceedings.
- vi. Individuals accompanying the student for support will not normally be permitted to speak but may be invited to make a statement in support of the student at the end of the Hearing.
- vii. At the conclusion of all presentations and questions, the student may address the Panel and make a closing statement. The Chair of the Panel may also make a closing statement.

- viii. The Chair will then confirm that the Hearing is at an end and will clarify that in the event of a finding of misconduct by the Panel, the student will have the right of appeal against the Panel's decision(s) and/or findings, details of which will be provided in the Hearing Outcome Letter.
- ix. The deliberations of the Panel are confidential, and will be held in private, with only the Secretary and the Panel present.
- x. A decision will be determined on the balance of probabilities and will be reached by a majority vote. The votes of the individual Panel members will be treated as confidential.
- xi. The decision and findings will be communicated in writing to the student normally within five working days of the date of the Hearing.
- xii. Should the Misconduct Panel determine that the concerns were not established, or without foundation, that will also be communicated in writing within 5 working days of the date of the hearing, but at the Chair's discretion, it may be informally communicated to the student before then.
- i. The student may appeal the decision unless it is an appeal hearing. In this case, the Appeals Panel decision is **final**.