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These procedures explain how the College will investigate and deal with academic misconduct, which includes issues such as plagiarism. The policies and procedures herein apply to all registered students, staff, and tutors of ABDO College.

ABDO College is committed to providing a high-quality educational experience for all students. The College believes that all members of a further or higher education community are responsible for ensuring academic integrity is embedded and upheld. Education and training should provide a safe space for students to develop and learn, and it is understood by the College that effective learning will include mistakes being made by students. The College does not consider it necessary to treat all mistakes by students as requiring an academic misconduct investigation or constituting a potential impairment in their fitness to undertake training (as per Opticians Act 1989).

The college must take steps to ensure that its assessments are equitable, valid, and reliable. Any form of cheating or poor academic conduct poses a threat to the academic standards of our teaching. We must protect the integrity and quality of our professional qualifications awarded to the vast majority of our students who achieve their qualifications entirely by legitimate and professional means. As a student you should be aware of academic honesty and appropriate conduct as it is an important element of further and higher education.

Students who commit academic misconduct risk their academic and professional careers. The implications, however, go far wider than higher education. It is a societal issue. Graduates could enter professional registration without the necessary skills, knowledge, and competency.

The College prohibits any actions by a student that:

- Gives or has the potential to give an unfair advantage in any assessed work; and/or
- Might assist someone else to gain an unfair advantage; and/or
- Is likely to undermine the integrity essential to scholarship and professionalism.

The College recognises however that from time-to-time problems do arise and welcomes the opportunity to correct mistakes and to respond constructively when students are dissatisfied with a particular service or other aspect(s) of programme

provision. Where a complaint or academic appeal is upheld, we will where possible seek to put things right for a student. This policy does not cover:

- Non-academic misconduct
- Complaints and appeals procedures.

1 PLAGIARISM GUIDELINES

1.1 Introduction:

N.B. Students studying on programmes delivered in partnership with Canterbury Christchurch University (CCCU) are subject to CCCU's Plagiarism Policy. That policy is applied in relation to all work submitted through CCCU's Blackboard. For details of that policy please see your Programme Blackboard or visit the CCCU website.

Plagiarism is using, without acknowledgement, someone else's ideas or work. It is the act of presenting materials, ideas, and arguments of another person as one's own.

The distance-learning elements of our Blended Learning Programmes are in place to direct the learning of students and allow them to demonstrate their knowledge and understanding. Whilst the submitted work is formative in nature, it allows the student, their distance learning tutor (hereafter 'tutor'), supervisor, and the College to track development and identify if additional support is required. Successful completion of distance-learning elements is also a minimum requirement to gain entry to programme and professional qualifying examinations.

Good academic practice has always been to ensure students are submitting their work independently and honestly. The College understands that students will wish to demonstrate good academic practice, and this plagiarism policy has been produced to support them to this end.

Each time a student submits work through the ABDO College Virtual Learning Environment (VLE) they are required to confirm that: *"This assignment is my own work, except where I have acknowledged the works of other people. I have made every effort to ensure that all work is written in my own words to demonstrate understanding. I have produced all diagrams myself (either by hand and used a flatbed scanner to integrate any images into my work, or through computer software). I have read and understand the relevant plagiarism policies"*. If a student submits work which contradicts this statement, they could be committing plagiarism or gross academic or behavioural misconduct.

Much of the work submitted through the College's VLE does not currently require robust evidence-based practice and the inclusion of a bibliography. i.e., whilst students are encouraged to reference their work, which allows the tutor to identify the source material (and award marks appropriately), there is currently no

specific requirement to reference within the distance learning assignments. This policy therefore also aims to clarify how students can avoid plagiarism and gross academic misconduct within their submitted work.

1.2 Definition

The following terms will be used through this policy:

Copying

Copying of material means the inclusion in a student's work material that is identical or substantially similar to resource materials utilised to complete the work. These resources include but not limited to, ABDO College coursework, the internet, journals, core texts, or work of another student. In general, it relates to either using exactly the same words as were used originally, rephrasing by make insignificant adjustments, or the inclusion of a diagram that was not created by the student.

For clarity around this definition in relation to the distance-learning elements, please read the following:

- **Statements must not be directly copied from any source and provided as answers in assignment or other submitted work.** Utilising statements in this manner does not demonstrate understanding by the student. As stated previously, although there is no definitive requirement to reference distance-learning assignments, the work submitted must be represented in the student's own words.
- **There must be an amount of pragmatism applied to this definition and these statements by the academic staff.** With short statements such as short definitions, where changes would innately change the meaning or application of that statement, the academic judgement and experience of the academic will be required. E.g., there are only so many ways that 'myopia' could be defined, and changing those definitions so they are in a student's own words would likely lose some, or all, of its accuracy and meaning. Markers will understand the difference between originality and plagiaristic copying. This policy applies to more significant sections of work and complex ideas.
- **All diagrams and other non-text media must be produced by the student.** This could be through producing the diagram or media by hand and scanning the diagram (using a flat-bed scanner) to integrate the diagram into their work; or the creation of a diagram or other media using computer software. In short, students must not photograph and include, or copy and paste diagrams, from the coursework or any other resources.

Collusion

Collusion is an act of plagiarism through the submission of work for assessment that purports to the student's own work but is in fact jointly written or produced

with another student or students.

All instances of collusion require referral to the College's Gross Academic Misconduct procedures.

The College strongly recommends that students form peer-support networks, which are especially invaluable when completing the distance-learning elements of the academic programme; and supporting each other through assignments is a core part of this. To ensure students can benefit from this peer-support but still achieve the expectations of good academic practice, they can consider the following:

- Student's must not submit 'joint' answers – being exact copies (see copying above) between students' assessed work.
- Students must not collude with students from previous academic years to copy their coursework.
- Students must not utilise answer guides provided to other students, both within and outside of the same academic year group. This would always be considered as active cheating (see below), and the College's gross academic misconduct procedures would be implemented (Section 2).
- It is beneficial for students to support each other in researching areas of their weekly work or when working through complex mathematical elements. Whilst students must produce all work themselves, and not be colluding to copy between students, the tutor will be pragmatic when identifying common errors in mathematical answers or incorrect theory being utilised (utilised, but not colluded or copied). However, students must not collude to allow the copying of answers (or mathematic-based elements), as this does not allow the individual student to demonstrate understanding.

Active Cheating

Active Cheating includes, but is not limited to, the sourcing, copying, or use of coursework answer guides or examination answer booklets; contract cheating; attempted or proven offering of financial or other inducements to those concerned with the examinations process; deliberate introduction into the examination room any materials other than those permitted; making use of unauthorised items or texts during the examination; any attempt to confer with, or gain access to the script of any other student during an examination; or other misconduct likely to give an unfair advantage to the student.

All instances of active cheating require referral to the College's Gross Academic Misconduct procedures.

Students who wish to clarify any of these definitions should contact their tutor or operational services directly.

The definition of plagiarism, as it applies to these policies, does not include the permitted resubmission of the same piece of work in an improved form for reassessment purposes and that work being 'copied' in relation to the initial submission.

1.3 Academic Judgement

Academic judgement is the decision made by the academic staff on the quality of the work itself or the criteria being defined. It is a judgement made about a matter where the opinion of the academic is essential. It is based on the scholarly and/or professional experience which the markers draw upon in reaching an academic decision. Identifying suspected plagiarism and academic misconduct and making decisions on academic disciplinary cases will often involve academic judgement. Examples include:

- Evaluating originality issues within a student's work to identify plagiaristic issues.
- Deciding whether the standard of work is significantly out of line with the student's other work suggesting cheating.
- Deciding whether a student copied the ideas from someone else's work.
- Deciding on the extent of plagiarism or cheating.
- Deciding whether a student's working notes support a case that the submitted work was produced by them.
- Deciding whether the student's work and ideas represent common usage.

Where academic judgement is made it should be evidence based. Where tutors feel they require support in making appropriate academic judgement they are encouraged to seek advice from the relevant programme co-ordinator or senior tutor, or the academic members of the lecturing and programme management team within ABDO College.

Deciding questions of fact does not involve academic judgement. Examples include:

- Whether a student advertised someone else to do the work for them
- Whether a student paid someone else to do the work for them
- Whether there was intent to cheat
- Whether the correct academic conventions were used
- Whether a student used a prohibited electronic device in an examination.

There is no appeal possible against professional or academic judgement.

1.4 The Burden and Standard of Proof

The 'burden of proof' determines whose responsibility it is to prove an issue.

The act of plagiarism does not require intent on the part of the student; the act of plagiarism itself is sufficient for plagiarism procedures to be initiated.

Under this policy document, the burden of proof rests principally with the College. The College must prove the student has committed plagiarism. The student should not have to disprove the allegation made by the College, its instructors, or its tutors.

There are occasions where a student needs to prove they have or have not done something, or that something happened. For example, if two students are accused of cheating, and one student provides compelling evidence the other student cheated, the other student needs to rebut that evidence. Students will also need to prove any mitigating factors they rely on when the College considers a penalty.

The 'standard of proof' is the level of proof required.

Under these plagiarism procedures, the standard of proof is based on the balance of probabilities. This means that it is more likely than not that something happened. The standard of proof is higher than simply believing that something is likely to have happened. Furthermore, the decisions must be supported by appropriate evidence.

The more severe the penalty, the greater the need for evidence to support the decision to uphold the allegation of academic misconduct. This means that the more serious the allegation the stronger the evidence needs to be before concluding that the allegation is established on the balance of probabilities.

1.5 Stages in the Plagiarism Process

Due to the lack of robust evidence-based requirements in much of the work submitted through the VLE (discussed in the previous sections), the College identifies a difference between plagiarism that arises from simple copying, and the more serious acts of collusion and active cheating.

The following policy stages aim to clarify the procedures that are initiated and enacted when the College identifies plagiarism of any kind within a student's work. Two separate pathways are utilised:

- A. In the first instances, simple copying within a student's submitted work is dealt with by the student's tutor, or whichever person is responsible for the first-marking of the work. Simple copying will be escalated to the College as described hereafter.
- B. All instances of collusion, active cheating, or other instances of gross academic misconduct identified must be referred directly through the College's Misconduct proceedings (see Section 2).

Pathway A: Simple Copying

The first marker is responsible for initiating the *simple copying* pathway (see definition of copying in Section 1.2). As stated above, in the first instances this plagiarism is dealt with by the first marker.

The simple copying protocols apply to each new academic year, and unless referral to the College's misconduct proceedings is required due to the persistent nature of the copying is required, any sanctions imposed are not cumulative across academic years or programmes.

In the absence of gross academic misconduct, it is expected that students are taken through these stages sequentially. Where the College identifies more serious instances of misconduct, they withhold the right to refer the student to the College's misconduct investigation procedures, detailed in Section 2.

Stage 0: The first instance of copying – Advisory stage

The following process is undertaken:

- This stage should be approached and delivered as advisory in nature.
- The tutor issues the student an informal warning. The student is made aware that the warning is informal in nature, and the tutor is available to offer any support required.
- The tutor clearly highlights the instances of copying within the submitted work and supports the student with their understanding of the requirements around avoiding plagiarism.
- The student is directed to re-read Section 1 of the College's Academic Integrity and Conduct Policies.
- The student is informed of the possible repercussions of further instances of plagiarism.
- The informal warning is clearly recorded in the 'general comments' of the VLE's feedback area of the relevant submitted work.
- The answer guide is returned to the student along with the feedback files, as per the standard marking protocols.
- Other than if moderation is required, there is no need to inform the College of applying this advisory stage.

As stated previously, the academic judgement of the tutor cannot be the subject of an appeal. As this stage is advisory, and without penalty, it is unlikely that the student will require utilisation of the College appeals procedure for any parts of this stage. There is no requirement for the tutor to advise the student of the appeals procedure when issuing this advisory informal warning. The student can appropriately utilise the College appeals procedure if they feel necessary.

Stage 1: Second instance of copying

Where the tutor utilises academic judgement and identifies a second instance of copying, a minor sanction is imposed. The following procedure is followed:

- The tutor clearly highlights the instances of copying within the submitted work and supports the student with their understanding of the requirements around avoiding plagiarism.
- The student is directed to re-read Section 1 of the College's Academic Integrity and Conduct Policies.
- The student receives no marks for the element(s) of the submitted work that have been identified as being copied. E.g., if a single statement is copied the marks available for that statement are not awarded.
- The student is informed of the possible repercussions of further instances of plagiarism.
- Both the original grade and the final grade (following application of the penalties) are recorded in the 'general comments' of the VLE's feedback area of the relevant submitted work.
- The student is informed that the College's Appeals Procedure is included in full in the College's Student Complaints Procedure.
- The answer guide is returned to the student along with the feedback files, as per normal marking protocols.
- The tutor will inform the relevant programme co-ordinator using the VLE's messaging system. The message should include the programme name and year of study, student name, assignment number, and state that a stage 1 plagiarism sanction has been imposed.
- The sanction is recorded on the students tracking document by the programme co-ordinator.

As stated previously, the academic judgement of the tutor cannot be the subject of an appeal. As the sanction at this stage is minor, it is unlikely that the student will require utilisation of the College appeals procedure, however the student can appropriately utilise the College appeals procedure if they feel necessary.

If the student disagrees with the minor sanction, and this cannot be resolved through a supportive discussion with the tutor, as an alternative to the formalised appeals procedure the tutor can request that the submitted work be moderated by the programme co-ordinator. The programme co-ordinator will aim to moderate the work within seven days and inform the tutor and student of the outcome. All communication will be recorded on the student's personal file.

The final penalised grade is used when calculating a student's eligibility to sit programme and/or professional examinations.

If the grade-penalty imposed results in a fail-grade being awarded for a Core Competency assignment the standard Core Competency Protocols are utilised, and no answer guide is returned.

Stage 2: Third instance of copying

Where the tutor utilises academic judgement and identifies a third instance of copying, a further sanction is imposed. The following procedure is followed:

- The tutor clearly highlights the instances of copying within the submitted work and supports the student with their understanding of the requirements around avoiding plagiarism.
- The student is directed to re-read Section 1 of the College's Academic Integrity and Conduct Policies.
- The student receives no marks for the entire question, where any part of that question includes instances of copying. E.g., where copying is identified within questions parts 1b and 3c, a grade of zero is awarded as the total for Questions 1 and 3.
- The student is informed of the possible repercussions of further instances of plagiarism.
- The tutor provides appropriate feedback for all elements of all questions.
- The answer guide is returned to the student along with the feedback files, as per normal marking protocols.
- Both the original grade and the final grade (following application of the penalties) are recorded in the 'general comments' of the VLE's feedback area of the relevant submitted work.
- The tutor informs the student through the general comments section, that the relevant programme co-ordinator will automatically moderate the submitted work and will inform the student if the sanction is upheld.
- The student is informed that the College's Appeals Procedure is included in full in the College's Student Complaints Policy.
- The tutor will inform the relevant programme co-ordinator using the VLE's messaging system. The message should include the programme name and year of study, student name, assignment number, and state that a stage 2 plagiarism sanction has been imposed.
- The programme co-ordinator moderates the submitted work and informs the tutor of the outcome of the moderation. The programme co-ordinator will aim to moderate the work within 10 working days of receiving the notification of the stage 2 sanction.
- Following moderation, if the programme co-ordinator upholds the sanction, they will contact the student and their registered primary supervisor to inform them that the sanction is upheld. The student will be offered pastoral support to ensure they can achieve appropriate academic conduct levels when submitting future work. This may include a face-to-face or online meeting to discuss the plagiarism and sanctions. The student and supervisor should also be informed of the possible repercussions of further instances of plagiarism, and the effects low average grades could have on their eligibility to enter their professional examinations.
- The sanction is recorded on the students tracking document by the programme co-ordinator and all communication is recorded on the student's personal file.

- Where the programme co-ordinator finds that on the balance of probabilities simple plagiaristic copying did not occur, the student and tutor is informed, and the grade reverted to the original grade.

The final penalised grade is used when calculating a student's eligibility to sit programme and/or professional examinations.

If any grade-penalty imposed results in a fail-grade being awarded for a Core Competency assignment the standard Core Competency Protocols are utilised, and no answer guide is returned.

Stage 3: Further instances of copying

As the student has been fully informed, and appropriately supported regarding the academic conduct expected in relation to plagiarism, the sanction imposed for this stage is more significant. The following procedure is followed:

- The tutor clearly highlights the instances of copying within the submitted work.
- The student is directed to re-read Section 1 of the College's Academic Integrity and Conduct Policies.
- A grade of zero is recorded for the submitted work.
- The tutor provides appropriate feedback for all elements of all questions.
- The answer guide is returned to the student along with the feedback files, as per normal marking protocols.
- Both the original grade and final zero grade is recorded in the 'general comments' of the VLE's feedback area of the relevant submitted work.
- The tutor informs the student through the general comments section, that the relevant programme co-ordinator will automatically moderate the submitted work and will inform the student if the sanction is upheld.
- The student is informed that the College's Appeals Procedure is included in full in the College's Student Complaints Procedure.
- The tutor will inform the relevant programme co-ordinator using the VLE's messaging system. The message should include the programme name and year of study, student name, assignment number, and state that a stage 3 plagiarism sanction has been imposed.
- The programme co-ordinator moderates the submitted work and informs the tutor of the outcome of the moderation. The programme co-ordinator will aim to moderate the work within 10 working days of receiving the notification of the stage 3 sanction.
- Following moderation, if the programme co-ordinator upholds the sanction, they will contact the student and their registered primary supervisor to inform them that the sanction is upheld. The student will be offered pastoral support to ensure they can achieve appropriate academic conduct levels when submitting future work. This may include a face-to-face or online meeting to discuss the plagiarism and sanctions. The student and supervisor should also be informed of the possible repercussions of further instances of

plagiarism, and the effects low average grades could have on their eligibility to enter their professional examinations.

- The sanction is recorded on the students tracking document by the programme co-ordinator and all communication is recorded on the student's personal file.
- Where the programme co-ordinator finds that on the balance of probabilities simple plagiaristic copying did not occur, the student and tutor is informed, and the grades reverted to the original grade.

The programme co-ordinator will consider if the student's behaviour is serious or persistent enough to call into question their fitness to continue studying their approved qualification and consider referring the student to a misconduct panel (see part 2 for further details).

The final penalised grade is used when calculating a student's eligibility to sit programme and/or professional examinations.

If the zero grade imposed results in a fail-grade being awarded for a Core Competency assignment the standard Core Competency Protocols are utilised, and no answer guide is returned.

Pathway B: Collusion, Active Cheating, or other identified Gross Academic Misconduct.

All instances of collusion, active cheating, or gross academic or behavioural misconduct must be referred directly to the College's misconduct investigation procedures.

2. INVESTIGATING GROSS ACADEMIC MISCONDUCT, & FITNESS TO TRAIN REFERRALS

2.1 General Information

Education and training should provide a safe space for students to develop and learn, and it is understood by the College that effective learning will include mistakes being made by students. The College does not consider it necessary to treat all mistakes by students as requiring an academic misconduct investigation or constituting a potential impairment in their fitness to undertake training (as per Opticians Act 1989).

This policy document provides the framework for investigating gross academic misconduct. Its purpose is to ensure a safe and effective learning environment, and safeguard transparency, fairness, and proportionality within the College's procedures for all students.

The aim of this document is to ensure:

- Procedures are appropriate and set up without unnecessary delay.
- Establish that there are no conflicts of interest between investigators, panellists, and the student.
- Ensure students are informed that they are under investigation and why, along with being provided with appropriate support by the College.
- Students understand how the investigation will be carried out, including what the student can expect, how they will be informed throughout, and how they contact the appropriate person.
- Reasonable adjustments have been considered and implemented.
- Students understand how a hearing may proceed in the absence of the student.
- All parties have an equal opportunity to present evidence.
- Investigators and panellists apply the civil standard of proof, being 'on the balance of probabilities' to their findings of fact.
- The student understands that they can request that the hearing is held in public.
- Appeals procedures are clearly defined and available to all students, including information on the Office of the Independent Adjudicator (OIA) for Higher Education.
- Ensure students are supported throughout the procedure.

As per the General Optical Council's (GOC) own guidelines, most complaints against a student and instances of academic misconduct are better dealt with by the educational body / provider and/or the employer, and that regulatory input is not always necessary or proportionate.

If an investigation under the College's Misconduct Procedures finds the student's behaviour is serious or persistent enough to call into question their fitness to continue studying their approved qualification, the College will refer the case to the GOC fitness to train panel proceedings.

In deciding whether to resolve a student's fitness to train issue using the College's Misconduct Procedures or whether to refer to the GOC, the College will consider how the student's behaviour, conduct, or health may impact the safety of patients, the public, other students or staff, or the public's trust in the profession. It is likely that most complaints regarding academic misconduct or inappropriate behaviour will first be investigated using the College Misconduct Procedures detailed hereafter, and a decision made as to whether a Fitness to Train referral is required. In severe instances of unacceptable behaviour, or where circumstances prevent the investigatory process to be carried out, the College may refer the student directly to the GOC's Fitness to Train procedures.

Section 2.5 provides further details regarding a referral being made to the GOC's Fitness to Train procedures.

The GOC requires any registrant who has been through a formal fitness to train process by their educational provider to declare this on their application for

renewal, regardless of the outcome. The investigating officer or misconduct panel will include information about this requirement in the outcome letter. The GOC will also require evidence that any undertakings or conditions have been completed and appropriately monitored and reviewed.

There is a clear, formal appeals process (see Section 3 for full details). The College will include appropriate information regarding the students right to appeal within any outcome letters.

2.2 Burden and Standard of Proof

The 'burden of proof' determines whose responsibility it is to prove an issue.

The act of gross academic conduct does not require intent on the part of the student; the act of misconduct is sufficient for disciplinary procedures to be initiated.

Under this policy document, the burden of proof rests principally with the College. The College must prove the student has committed gross academic misconduct. The student should not have to disprove the allegation.

There are occasions where a student needs to prove they have or have not done something, or that something happened. For example, if two students are accused of cheating, and one student provides compelling evidence the other student cheated, the other student needs to rebut that evidence. Students will also need to prove any mitigating factors that they rely on when the College considers the penalty.

The 'standard of proof' is the level of proof required.

Under these procedures, the standard of proof is based on the balance of probabilities. This means that it is more likely than not that something happened. The standard of proof is higher than simply believing that something is likely to have happened. Furthermore, the decisions must be supported by appropriate evidence.

The more severe the penalty, the greater the need for evidence to support the decision to uphold the allegation of academic misconduct. This means that the more serious the allegation the stronger the evidence needs to be before concluding that the allegation is established on the balance of probabilities.

2.3 Gross Academic Misconduct

Examples of student conduct that are gross academic misconduct include, but are not restricted to:

- Collusion (see definition under Section 1).
- Supporting or promoting plagiarism.

- Active Cheating (see definition under Section 1)
- Actions that lead to the student fraudulently obtaining an approved optical qualification.
- Violating the College's Digital Teaching and Capture Policy.
- Submitting fraudulent extenuating circumstances or negotiated learning plan claims or falsifying evidence in support of extenuating circumstances claims.
- Impersonating or attempting to impersonate another student or instructor, including misrepresentation of identity.

Any conduct that breaches the GOC's Standards of Practice for Optical Students is generally considered to be gross behavioural misconduct, as is breaching elements of Section 13D of the Opticians Act 1989 (included in full in Section 2.5).

2.4 Investigation Procedures

2.4.1 Initiation of the procedure

The Programme Co-ordinator for the relevant programme is responsible for initiating the misconduct procedures for all distance-learning formative coursework elements submitted through the online learning platform. As soon as misconduct is suspected in relation to the assessment of coursework by the Distance Learning Tutor it will be reported to the relevant Programme Co-ordinator.

The Programme Lead is responsible for initiating misconduct procedures for all other instances of gross academic misconduct. The Programme Lead may nominate another member of the Programme Management Team to undertake the responsibilities set out in the procedures.

2.4.2 Misconduct Relating to the Contravention of Examination Regulations

The invigilators will act in the case of any student suspected of contravening the examination regulations in a formal written examination, open book examination, or other in-class test:

- A full report of the incident must be written immediately after the examination by the invigilator(s) and submitted to the Programme Lead or their nominee.
- Upon receipt of such a report the Programme Lead or their nominee will consider if there is sufficient evidence to support an allegation of gross academic misconduct.
- The Programme Lead or their nominee will determine whether the case should be referred for further investigation under these misconduct procedures.

2.4.3 Provision of Evidence

At all stages within the procedure, there is an expectation that the appropriate evidence held by the College in relation to the alleged misconduct will be shared with the student concerned in advance of any interview with the student or panel hearing.

2.4.4 Investigation Stage

The purpose of the investigation stage is to decide whether there is a case to answer around whether a student's fitness to train is impaired through committing gross academic misconduct.

The investigation must be proportionate, weighing up the interests of patients, fellow students, College staff members, and the public against those of the student.

The Programme Lead will appoint an investigating officer, or officers (*IO*) to consider the case and will pass all informally collated evidence to their nominated *IO*.

The investigating officer (*IO*):

- a. Should not, as far as possible, be the student's distance learning tutor or a staff member that has been providing the student ongoing pastoral support; and, where the misconduct relates to submitted assessed work, the investigator should not be the person undertaking the initial marking of the work.
- b. Must be able to carry out the investigation appropriately and effectively and have a detailed understanding of the misconduct procedures and the rights of the student.
- c. Must keep full and contemporaneous records of the investigation.

For misconduct relating to the submission of the distance-learning formative coursework elements it is expected that the Programme Co-ordinator will lead the investigation; or the Subject Lead for the relevant subject(s), where this is not possible.

The *IO* will contact the student to inform them that an initial investigation is being carried out, and make it clear to the student what is being investigated. This is to ensure the *IO* and the student understand the purpose and scope of the investigation and possible outcomes. Any information within the complaint relating to other recognisable persons will be redacted before being communicated to the student.

The student is invited to make a personal statement in writing and is referred to the relevant sections of the College's Academic Integrity and Conduct Policies: this personal statement could also include any extenuating circumstances the student felt led to the offence. The student should be given seven days to

provide their personal written response; this can be extended a further seven days where there is good cause, such as the student being ill or having other pressing reasons.

The aim is to complete the initial investigatory stage within twenty days of the appointment of the *IO*; this may be extended if the student requests the additional seven days to formulate their initial written response. After reviewing the evidence, the *IO* should make a written report of the results of the investigation, which details all the evidence gathered.

The *IO* should present their findings to another member of the Programme Management Team who takes the decision-making (*DM*) position. It is not appropriate for the *IO* to be the *DM* as this could result in a unilateral decision being taken without outside input; also, it could produce a conflict of interest if the *IO* were called to present the case on behalf of the College in a subsequent GOC Fitness to Train or Fitness to Practice hearing.

2.4.5 Early Resolution Stage

The member of the Programme Management Team nominated as the *DM* should establish whether the disciplinary matter is capable of Early Resolution, in the first instance. This should occur within five working days of the appointment of the *DM*.

The student and the *DM* will engage in a discussion about the allegations and collated evidence (including the student's written personal statement), either in person or by means of a telephone or online audio/video conferencing. Where a discussion is not possible the *DM* may agree to accept a further written statement. When a student declines to meet with the *DM* or provide a written statement, the *DM* will conclude the Early Resolution Stage based on the evidence collected.

In cases considered to be of a minor nature, and the *DM* is comfortable that on the balance of probabilities that the student breached academic misconduct policies, the student will receive their disciplinary action directly from the *DM*. The possible outcomes decided upon by the *DM*, following completion of the Early Resolution stage, include, but are not limited to:

- i. Conclude the matter with no further action.
- ii. State further training is required.
- iii. Agree specific undertakings. For example, where significant plagiarism or collusion is identified in formative work the student may be required to write a new formative competency assignment relating to the core competencies or indicative content within the original piece. Or requiring the writing of a reflective piece to ensure the student demonstrates understanding of their role as a safe and effective professional and of the required future conduct.

- iv. Issue a formal written warning. This may be required where the investigation does not consider that there is sufficient evidence to state gross misconduct or call into question a student's fitness to train, but there is a requirement for the College to deal with the student's behaviour in another way. The warning should include the consequences of future misconduct, and is entered onto the student's College record. The exact period of time the warning applies to will be clearly noted in the correspondence informing the student of the outcome.
- v. Requiring the student to provide a written apology. The student should make a statement to any individual containing an admission of error or discourtesy accompanied by an expression of regret.

When issuing any penalty / sanction (ii-iv) above the written outcome must include a clear and firm deadline for completion or undertaking of the penalty or condition.

Where a student openly admits to a minor offence, the timing of the admission itself should be considered when considering what penalty to apply. Other mitigating factors to consider may include, but are not limited to:

- a. The offence is a minor example of a serious offence.
- b. It is a first offence.
- c. The student admits the offence at the earlier opportunity.
- d. The student expresses remorse.
- e. The student presents evidence of compelling personal circumstances, including any relevant disabilities.

Where the student contests the decision of the *DM*, the student may request the *DM* or Programme Lead to refer the case to a full Misconduct Panel.

Where any sanction is imposed at the Early Resolution Stage the student will be offered support from a mutually agreed member of College staff. The *DM* may also recommend that the student is offered ongoing pastoral support as appropriate.

Where the *DM* considers there is serious misconduct, or there is evidence of persistent misconduct, notification will be sent to the Programme Lead that the case requires:

- i. The Immediate suspension of the student pending further enquiries.
- ii. Referral of the matter to a College Misconduct Panel.

In the case of serious misconduct issues or convictions the *IO* and *DM* may present the findings directly to the misconduct panel or refer directly to the GOC Fitness to Train procedures.

Following completion of the Early Resolution stage the *DM* must inform the student in writing of:

- a. The decision and the reason for the decision.
- b. The outcome of the investigation at the Early Resolution stage, and the reasons for the penalties where imposed, or the reason for referring the allegations to a misconduct panel.
- c. The consequences of agreeing to an outcome and/or penalty at this stage and the right to request a misconduct panel.
- d. Whether the offence will be recorded and where, and whether it will be considered in future disciplinary proceedings and in what circumstances.
- e. Informing the student that the GOC requires any registrant who has been through a formal fitness to train process by their educational provider to declare this on their application for renewal, regardless of the outcome.
- f. The name of the mutually agreed member of College staff that is to be allocated to provide ongoing pastoral support and their contact details.
- g. How and where to access support, including details of the Office of the Independent Adjudicator for Higher Education.

The *DM* will also decide an appropriate timescale for the sanctions to be imposed, and a deadline for any remedial action by the student to be undertaken; again, this will consider any extenuating or mitigating circumstances, and be proportionate to the to the breach of professional standards.

Where the outcome of the proceedings requires the student to undertake sanctions (*i – v* above), the student will be required (with the support of any allocated staff member) to complete the sanction within the timescale clearly agreed in their outcome letter. These sanctions will be monitored by the *DM*: if the student fails to meet the obligations of the sanction the *DM*, in consultation with the Programme Lead, will decide the appropriate course of action to take, which may involve referral to a Misconduct Panel. All actions will be clearly recorded by the *DM*.

All outcomes of the investigation will be recorded, and then communicated by the *DM* to the student, *IO*, Programme Lead, the student's registered supervisor(s) and when deemed necessary the student's distance-learning tutor. Where a member of staff has been mutually agreed to provide pastoral support, they will also receive a copy of the outcome letter. This communication must be provided in writing; but, to ensure accessibility, the student has the right to request the *DM* (or their mutually agreed member of College staff providing pastoral support) explain the outcomes and provide further clarity through a further meeting. This can be carried out face-to-face or through online audio/visual conferencing.

2.4.6 Misconduct Panel Stage

The role of the misconduct panel (*MP*) is to:

- Make an independent decision on a student's fitness to train, based on the evidence gathered and presented to them by the investigator(s).
- Determine if the evidence collated by the *IO* is found proven or not proven.

- Determine whether any proven evidence indicates the student has breached College misconduct policies or professional standards.
- Determine any sanctions as appropriate.
- Document clearly the decision-making process and the rationale for the decision taken.
- Communicate the outcome to the relevant parties indicating explicit reasons for the decision as appropriate.

The *MP* must consider each case on its own merits and circumstances and make decisions on the balance of probabilities about the facts of the case and use their judgement to determine whether the student's fitness to train is impaired.

MP members must be able to execute their role on the panel effectively and appropriately. Panellists must:

- Be fair-minded and willing to hear the full facts of the case before reaching a decision.
- Know and understand the rules and regulations of the College and have an appropriate knowledge of the rules and regulations around the GOCs Fitness to Train and Standards of Practice for Optical Students.
- Be prepared to seek appropriate expert advice, especially in cases involving health or impairment issues.
- Make sure the misconduct proceedings are fair, transparent, and proportionate.

The *MP* must consist of three members: two persons from the programme management team, and one lay member of College staff. One of the two members sourced from within the programme management team may be replaced with an external registrant where there are conflicts of interest within the programme management team.

A fourth member of the *MP* may be required where the misconduct relates to a health issue of the student, or if the welfare of the student is under concern; this fourth member will take the role as a 'wellbeing representative' for the student. The fourth panel member will not advise to the possible outcome of the proceedings, other than acting in the best interests of the student.

One member of the *MP* will be stipulated to act as chair, whose responsibility extends to ensuring accurate records are maintained, and the communicating of the outcomes of the misconduct procedures. Members of the *MP* will keep complete confidentiality over the proceedings and evidence collated; if an external registrant is used to supplement the panel, they will be required to sign a confidentiality agreement before undertaking their role on the *MP*.

The *MP* will seek to complete the procedures as quickly as possible. It is aimed to complete the misconduct panel proceedings within twenty days following referral from the *DM*. All delays in the proceedings must be recorded clearly by the *MP* chair.

The *MP* members will individually consider the evidence collated by the *IO* and *DM*, including written statements provided by the student, and consider them alongside the College's misconduct codes and professional standards. The chair will then set a misconduct panel meeting and the student invited to attend and given the opportunity to submit an additional written statement beforehand. The student must be given a notice period of five working days to attend the panel meeting. An additional five days may be allowed if the student provides evidence of any extenuating circumstances.

At any stage of the procedures, when attending a meeting in person or through audio/visual online conferencing, the student has the right to be accompanied by a 'friend'. A 'friend' in this case is defined as another registered student of ABDO College, or their registered supervisor or line manager from their registered practice. In all cases, the friend may speak on behalf of the student where this is agreed to beforehand, and the student has provided explicit written consent.

In the case of the non-attendance of the student, the panel will proceed in the student's absence.

Additional information may be permitted to be tabled at the meeting at the discretion of the Chair. Members may ask questions of the student, and the student may ask questions of the panel, their friend, or their 'wellbeing representative'. The panel may adjourn the meeting if necessary.

When all presented evidence has been heard the panel will discuss the case in private and make a decision as to the outcome.

Before the completion of the *MP* proceedings and the final outcomes being recorded, the chair will perform a quality assurance audit to make sure all procedures have been followed correctly from the point the original complaint was received.

Panel members must exercise their professional judgement in coming to a conclusion regarding the outcome and any sanction. They must ensure that if a sanction is required it is proportionate to the breach of professional standards, and that it deals justly and fairly with the student and their fitness to practice issues.

2.4.7 Outcomes and Sanctions Imposed by the Misconduct Panel

The possible outcomes of the *MP* proceedings are as follows:

- Following consideration of the evidence the case is not proven. In this case the student receives no warning or sanction. However, the student is supported to reflect on their situation by a mutually agreed member of College staff.

- Following consideration of the evidence the case is proven, which could be in part or in full. In this case the *MP* reviews mitigating and aggravating factors to determine whether the facts as deemed proven constitute misconduct within the College's misconduct policies, or an impairment of Fitness to Train.

If the case is proven and the panel determine that the student has committed gross academic the *MP* will decide a sanction proportionate to the risk to patients, service users, colleagues, staff, and the general public. The following list of sanctions is indicative; alternative sanctions may be made as appropriate to each individual case:

- i. Specific undertakings are required. For example, where significant plagiarism or collusion is identified in formative work the student may be required to write a new formative competency assignment relating to the core competencies or indicative content within the original piece. Or requiring the writing of a reflective piece to ensure the student demonstrates understanding of their role as a safe and effective professional and of their required future conduct.
- ii. The student receives a formal written warning. This may be required where the investigation does not consider that there is sufficient evidence to state gross misconduct or call into question a student's fitness to train, but there is a requirement for the College to deal with the student's behaviour in another way. The warning should include the consequences of future misconduct, to be entered onto the student's College record. The exact period of time the warning applies to will be clearly noted in the correspondence informing the student of the outcome.
- iii. The student is required to provide a written apology. The student should make a statement to any individual containing an admission of error or discourtesy accompanied by an expression of regret.
- iv. The student is asked for evidence of improvement and reflection, or other conditions imposed by the Panel via a formal learning agreement.
- v. The student is required to take remedial action.
- vi. The student is suspended from the programme for a specified period, including any period required to undertake further investigations. Or required to restart the programme from a specified point. i.e., resitting the academic year or undertaking a portion thereof.
- vii. The student is withdrawn from the programme and excluded from the College.
- viii. The student is referred to the GOC for Fitness to Train procedures.

Where any sanction is imposed the student will be offered support from a mutually agreed member of College staff. The Panel may also recommend that the student is offered ongoing pastoral support as appropriate. The Panel will also decide an appropriate timescale for the sanctions to be imposed, and a deadline for any remedial action by the student to be undertaken; again, this will

consider any extenuating or mitigating circumstances, and be proportionate to the to the breach of professional standards.

Where the outcome of the proceedings requires the student to undertake sanctions *i - v* above, the student will be required (with the support of any allocated staff member) to complete the sanction within the timescale clearly agreed in their outcome letter. These sanctions will be monitored by the *MP* Chair: if the student fails to meet the obligations of the sanction the Chair, in consultation with the allocated member of staff, will decide the appropriate course of action to take, which may involve re-referral to a panel. All actions will be clearly recorded by the Chair.

All outcomes of the Panel will be recorded, and then communicated by the Chair to the student, *IO*, *DM*, Programme Lead, the student's registered supervisor(s) and when deemed necessary the student's distance-learning tutor. Where a member of staff has been mutually agreed to provide pastoral support, they will also receive a copy of the outcome letter. This communication must be provided in writing; but, to ensure accessibility, the student has the right to request the Chair (or their mutually agreed member of College staff providing pastoral support) explain the outcomes and provide further clarity through a further meeting. This can be carried out face-to-face or through online audio/visual conferencing.

The Chair is to inform the student in writing of:

- a. The decision and the reason for the decision.
- b. The outcome of the Misconduct Panel, and the reasons for the sanctions, or the reason for referring the allegations to the GOC's Fitness to Train Procedure.
- c. The consequences of the outcome and/or sanction.
- d. Whether the offence will be recorded and where, and whether it will be considered in future disciplinary proceedings and in what circumstances.
- e. The relevant timescales and mechanisms for review.
- f. The name of the mutually agreed member of College staff that is to be allocated to provide ongoing pastoral support and their contact details.
- g. Informing the student that the GOC requires any registrant who has been through a formal fitness to train process by their educational provider to declare this on their application for renewal, regardless of the outcome. This also applies to applications to other GOC approved optical qualifications.
- h. How and where to access support, including the College's appeals procedure and details of the Office of the Independent Adjudicator for Higher Education.

2.4.8 Feedback on Assessed Work

When an allegation of gross academic misconduct is made in relation to submitted work, no feedback on the assessed work or provisional mark will be given to the student. Where the outcome of the investigation does not substantiate the allegation of gross misconduct, the student receives confirmation of the provisional mark and all appropriate feedback.

2.4.9 Investigating Joint or Group Allegations of Gross Academic Misconduct

Under these procedures, the College may investigate joint or group allegations. These are allegations against two or more students. The College will deal with these cases in a way that is fair to all the students involved.

Where possible, the same *IO*, *DM*, or *MP* will consider the case against all the students involved, either at a joint hearing or individually.

The College will enable all students involved to hear and respond to what the others have said, and the evidence provided. The intention is to consider joint or group allegations at a single meeting with all students in attendance. Students will also be given the opportunity to speak to the *DM* or *MP* privately so they can raise matters relating to mitigation or aggravation.

Where it is not possible or practical for matters to be considered at a single hearing, the College will ensure there is a consistent approach for all the students involved.

Students will be informed of any intention to hold a group hearing and offered to object where they feel there are extenuating circumstances, such as allegations of coercion or bullying and harassment by the other students within the complaint; the student may also wish to raise health concerns that should be considered in relation to a group hearing.

Where joint or group allegations are made, a decision will be made for each student individually, taking account of their particular circumstances. However, the intention is there should be broad consistency in the penalty given to all students who commit the same offence with similar circumstances.

2.5 Fitness to Train Referrals

The standards of practice for Optical Students sets out the minimum standards of behaviour and performance that is expected of registered students to remain on the GOC register. A breach of these standards may give rise to concerns about a student's fitness to train.

Where an initial investigation and or student fitness to train hearing raises concerns that are considered so serious that there may be an impact on broader public protection, the reputation of the sector, or is otherwise in the public interest, section 2 of the Acceptance Criteria should be considered for information about the complaints that may be accepted by us.

A student's Fitness to Train is called into question when their misconduct raises a serious or persistent cause for concern about their ability to continue to study an approved qualification.

The College, as per GOC guidance, will consider the following questions on a case-by-case basis when considering whether a student's conduct has crossed the fitness to train threshold:

- a. Has the student's behaviour deviated from the expectations set out in the Standards for Optical Students?
- b. Has the student's behaviour harmed patients or put patients at risk?
- c. Has the student shown a deliberate or reckless disregard for professional or clinical responsibilities towards patients, tutors, other students, or colleagues?
- d. Has the student behaved dishonestly or in a way designed to mislead others?
- e. Could the student's conduct or behaviour undermine public confidence in the sector more generally if the provider did not act?
- f. Is the student's health or activity and participation limitations compromising the safety of patients, tutors, other students, or themselves?

The College will consider these specific grounds and questions, and consult the GOC's Acceptance Criteria protocol, including the non-exhaustive list of allegations are unlikely to result in a formal investigation. This list includes 'concerns that would have been appropriately addressed at a local level and regulatory intervention would be disproportionate'.

The Opticians Act 1989 Section 13D provides the specific grounds upon which the fitness to undertake training of student registrant also can be impaired:

- a. misconduct,
- b. a conviction or caution in the British Isles for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales would constitute a criminal offence,
- c. the registrant having accepted a conditional offer under s302 Criminal Procedure (Scotland) Act 1992 or agreed to a penalty under s115A of the Social Security Administration Act 1992,
- d. the registrant, in proceedings in Scotland for an offence having been the subject of an order s246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 discharging him [sic] absolutely,
- e. adverse physical or mental health, or,
- f. a determination by a body in the United Kingdom responsible for the regulation of Health and Social Care profession to the effect that his [sic] fitness to practice as a member of that profession is impaired.

The GOC's 'triage' function will be utilised for all Fitness to Train referrals, whose protocols state 'there is an ambition to make the initial decision within six weeks, provided all the relevant information is provided'. GOC Triage contact details - Email: ftp@optical.org , in Writing: FTP Department, 10 Old Bailey, London, EC4M 7NG

The Standards for Optical Students do not expressly require a student to refer themselves to the GOC for any Fitness to Train concern outside of the annual

registration /renewal period. However, this should be considered in line with the expectations in respect of standards of behaviour and performance, and the duty of candour which requires students to be 'open and honest...with relevant organisations'.

3. STUDENT APPEALS PROCEDURE

N.B. Students studying in partnership with Canterbury Christchurch University (CCCU) are subject to the University's Academic Appeals and Student Complaint Procedures in relation to the elements of the course delivered as part of their University Programme. See the relevant CCCU Blackboard and website for full details.

3.1 Introduction

ABDO College is committed to providing a high-quality educational experience for all students. The College recognises however that from time-to-time problems do arise and welcomes the opportunity to correct mistakes and to respond constructively when students are dissatisfied with a particular service or other aspect(s) of programme provision. Where an academic appeal is upheld, we will where possible seek to put things right for a student. If an academic appeal is not upheld, we will give reasons for the decision.

Many appeals can be resolved at an informal level. Students are generally expected to have pursued appropriate informal resolution prior to bringing a formal appeal. Academic queries can often be resolved through informal open communication with the relevant lecturer, tutor, or programme co-ordinator, and therefore avoiding a formalised academic appeal.

Where informal resolution has not resolved the issue, students may enter the formal procedure at 'Stage One'. If at the end of Stage One, a student is still not satisfied that the academic appeal has been adequately addressed, they may be able to request a 'Stage Two' review of the outcome. The College's Student Appeals Procedure ('the Procedure' hereafter) ends with Stage Two. Once the College's Procedure has been exhausted students have the right to submit their complaint for independent external review by the Office of the Independent Adjudicator for Higher Education (OIA). The student may also feel it necessary to utilise the College's Student Complaints Procedure.

The Procedure is not a legal process. It serves primarily as the formal mechanism through which consideration can be given to whether ABDO College has applied its regulations and procedures correctly and/or delivered its services to students satisfactorily, and any decision at was both reasonable and proportionate. Where there is dispute over the facts of the case, the standard of proof shall be the balance of probabilities.

Legal representation is not permitted at any meeting held under this Procedure. If a student initiates legal proceedings against ABDO College or its Staff, any complaint on the same or related matter will normally be paused until those proceedings are complete.

Where appropriate, the College will make reasonable adjustments at any stage of the proceedings to accommodate the needs of students with protected characteristics. Students with any particular requirements should contact the Head of Operational Services (shertz@abdocollege.org.uk) so that we can discuss any adjustments that may be necessary.

Responsibility for the day-to-day operation of the Procedure lies with the Operational Services Team, who can be contacted any time by phone, on 01227 738829 Option 1.

Where an academic appeal is made under this Procedure, the original decision shall stand until the final outcome of the Procedure is known.

This document aims to provide clear and transparent resources for students where they feel a mistake has been made in relation to their programme provision.

3.2 Who may appeal under this Procedure

The Procedure can be used by all registered students of ABDO College. Recent graduates or students in interruption may also submit an appeal about the College's provision so long as they are within the time scales set out in Section 3.4.

Academic appeals relating to work submitted by students registered with partner institutions, where the work contributes directly to the grade or award delivered by that partner institute cannot be made under this procedure. Student complaints by these students *may* be made under this procedure, depending on the nature of the complaint. Queries should be addressed to Operational Services.

Appeals from groups of students can be considered under this procedure. Group complaints should be submitted on a single Appeals Form signed by all parties, with one nominated student to act as the point of contact for the process. The College will communicate with the nominated student, who will be responsible for keeping the group informed about the progress of the appeal.

Complaints regarding other ABDO College students should not be made under this procedure. Nor should concerns regarding bullying, harassment by ABDO College Staff. In these cases, please contact Operational Services or College Principal directly and consult the Student Complaints Procedure.

3.3 Academic Judgement:

Details of 'academic judgement' are provided in Section 1.3 of this policy document. Appeals founded on a student's disagreement with academic judgement in respect of their work cannot be considered under this procedure. Appeals cannot be considered simply on the basis of disagreement with the markers' (or moderators') assessment and academic decision properly arrived at in accordance with approved procedures. In this context, disparities in a student's performance between assessed works are not necessarily evidence of procedural irregularity or bias in the assessment process.

3.4 Time Limits

Students are encouraged to submit an appeal as soon as possible after the event in question, as this facilitates timely investigation and enables the College to take prompt corrective action where necessary. At the most, appeals must be submitted within two calendar months of the event giving rise to the complaint or the return of the assessed work given rise to the academic appeal.

Appeals submitted beyond this time frame will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the complaint was not raised in a timely manner. Where an appeal or complaint is deemed out of time, the College will issue a Completion of Procedures Letter on request, noting the reason why the appeal was not considered and advising the student that they may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.

The College is committed to dealing with all appeals as quickly as reasonably possible and will seek to follow the time limits set out in this Procedure. Students can expect that the College will normally have completed its consideration of an appeal within 60 calendar days of its submission. However, from time to time there may be a reason for delay, particularly in more complex cases. In such circumstances students will be informed of any delay and the reason for it.

3.5 Advice and Support

Students are welcome to seek advice or clarification on the operation of the Procedure from the Operational Services (OpS) Team. The OpS team are not in a position to provide support with the drafting of complaints as this would conflict with their role in the process.

Students that hold ABDO membership have access to free legal advice and support as part of their registration. The Office of the Independent Adjudicator (OIA) for Higher Education provides free support to students.

Most students accessing the Procedure are adults, and the College's contract is with the student. For this reason, we request that students personally liaise with

the relevant persons regarding their case unless there is a good reason preventing them from doing so. We cannot accept appeals made on behalf of students by ABDO College staff, staff at partner institutions, parents, or other third parties. In exceptional cases where a third party does represent a student, written consent is required from the student before any information in connection with the case is disclosed. The College's consent to such arrangements may be withdrawn at any time if the behaviour of the third party is not appropriate. The College will only communicate with one party at a time.

The sole purpose of any inquiries made under this Procedure will be to investigate the grounds of the academic appeal made by the student; the Procedure will not in any way constitute or be seen to constitute a disciplinary process against the members of ABDO College staff.

3.6 Disclosure and Confidentiality

We will deal with appeals discreetly and sensitively, and students will be treated without discrimination or disadvantage. It is nevertheless necessary to provide a copy of the written academic appeal to any members of staff whose response is required to address the appeal fully. Where an appeal is taken forward and concerns the actions of an individual member of College staff, that individual will be given the opportunity to respond. That individual will also have the right to be accompanied and/or assisted at any meeting by a 'friend', who must be a ABDO College staff member. The role of the friend is to provide moral support during a meeting or hearing. They cannot make representations nor cross-examine any other party at a meeting of the Appeals Panel.

The outcome of the Procedure will be communicated to anyone who has been deemed the subject of the Complaint by Operational Services.

In some rare cases a duty to breach confidentiality may exist, typically where it is necessary for the safety of the student or of other people. Students will be required, as part of their submission of an appeal, to give explicit consent to the above approach to the operation of the disclosure.

This Procedure complies with the standards set out in the Data Protection Act 2018 and GDPR Regulations.

3.7 Grounds for Academic Appeal

This procedure relates to academic appeals.

The grounds for a student complaint are wide, and no exhaustive or directive list is possible, or would serve to inform the student. In short, it is any complaint that falls outside the remit of an academic appeal are dealt with in separate procedures. Students will generally benefit from clarity around what constitutes an academic appeal.

An academic appeal is a request to review a decision made by an academic body on your progression, assessment, extenuating circumstances, academic conduct or award. An academic complaint may include any matter affecting the academic status of a student, such as perceived inadequate supervision or maladministration of an academic programme. The following list is not exhaustive:

- Appeals on the grounds of procedural irregularity, bias, or academic decisions being made without awareness of mitigating circumstances.
- A Decision Maker or Misconduct Panel require you to undertake additional work but did so without good cause.
- An extenuating circumstances application was appropriately submitted but not properly considered.
- There has been a material administrative error that has not been properly remedied and had a detrimental effect.
- The assessment of your work was not conducted in accordance with the current regulations, frameworks, protocols, or conventions for the programme.
- Alleged deficiency in teaching/supervision received for some or all parts of the programme.
- Alleged unsatisfactory delivery/administration of a programme of study.
- A decision not to readmit a student to the College on the grounds of unsatisfactory academic performance.

Academic appeals cannot be made against:

- The academic or professional judgement of examiners or panel members.
- The decision made on the quality of assessed work (including professional practice) or the criteria being applied to assess the work.

3.8 STAGE ONE Submission and Consideration of Complaint

If following attempts to resolve the matter informally, a student wishes to pursue a formal appeal, they must complete a Stage One form ([appendix 1](#)) and submit this through the method detailed on the form. The Procedure cannot be initiated until a signed Stage One form has been received. Simple notice of an intention to appeal given in writing by a student shall not be deemed to constitute a formal appeal and will not be accepted.

In submitting an appeal form, students should state clearly what it is they are appealing against, why they are dissatisfied, and what it is that they would like to see done to resolve this issue. The appeal should encompass everything that the student would like to see addressed; new elements cannot be introduced later in the process. If an appeal relates to several different issues, students should ensure that these are clearly distinguished.

All sections of the Stage One form must be completed by the student. If a form is incomplete and is missing any necessary information, it will be returned to the

student for completion. The timescales outlined in this procedure will only begin once a fully completed Stage One form has been received.

Students are encouraged to submit relevant supporting documentation and evidence with their Stage One form. Operational Services is unable to seek evidence on a student's behalf. It is the student's responsibility to provide this with their appeal. Where documentation includes data relating to third parties, we reserve the right to redact or remove such material before proceeding, so far as is practicable without undermining the substance of the complaint.

On receipt of the form the Operational Services (OpS) Team will acknowledge the receipt to the submitting party and will conduct an initial assessment of the case against the scope and criteria set out in Sections 3.1 to 3.7 above. If, in the view of the OpS in consultation with the Chair of the Complaints Panel (CP), this assessment indicates that there are no valid grounds for consideration of the matter under the Procedure, the student will be advised of reasons for this within ten working days of receipt.

Where it is considered that the matter should more properly be considered under a different Procedure the student will be informed of this within ten working days and the appeal will not be progressed. By agreement with the student, the matter may be referred direct to the appropriate member of the Programme Management Team for consideration under the relevant procedure.

Where the initial assessment of an appeal shows that it is eligible for consideration under this Procedure, the Chair of the Complaints Panel will review the appeal. The student will be notified within ten working days of receipt of the complaint whether the matter will be progressed. Where an appeal raises multiple issues, we reserve the right to progress part of the appeal.

If it is decided not to proceed with the appeal, the Chair of the Complaints Panel will inform the student in an Outcome Letter, giving reasons for this decision. A student who is dissatisfied with this decision may request a review under Stage Two.

Where an appeal is progressed, the Chair of the Complaints Panel will submit the form and any supporting documentation to the relevant academic unit with a request for a written response: this should be received within ten working days. Where the nature of the appeal is such that in the opinion of the Chair of the Complaints Panel a named individual would be most able to respond, the appeal may be sent to that member of staff directly. In developing the response, the person(s) may consult any member of staff who are able to provide relevant information. The College Principal will also receive a copy of the complaint.

The response from the department concerned will be forwarded to the student, who will be given five working days to comment on any matters of factual accuracy. This does not constitute an opportunity to introduce new elements into

the complaint which have not previously been considered and on which the members of staff concerned have not had an opportunity to comment. This timescale may be subject to extension where circumstances require and on the agreement of the Chair of the Appeals Panel. The Chair of the Appeals Panel may however proceed with taking a decision if the response is not forthcoming by the stated deadline.

The Chair of the Appeals Panel will then determine whether a decision on the complaint can be reached on the basis of the written material. In cases where a decision can be taken, the Chair of the Appeals Panel will notify all parties, in the form of an Outcome Letter, normally within ten working days of the student's comments on factual accuracy. The Outcome Letter will confirm whether the appeal has been upheld, partially upheld, or not upheld, and will give reasons for the decision and details of any action the College proposes to take as a result.

Where a student is dissatisfied with the decision of the Chair of the Appeals Panel, they may apply for a review by the Appeals Review Panel through submitted a Stage Two form.

Where the Chair of the Appeals Panel concludes that further consideration of the complaint is necessary, or where it is not possible to reach a suitably informed decision without discussion with the parties concerned, the Chair will refer the matter to a meeting of the full Complaints Panel.

3.9 The Appeals Panel

Where the appeal is referred to a meeting of the Appeals Panel ('the Panel' hereafter), the Panel will consider the complaint and in so doing will:

- (i) accord equal procedural treatment to both or all parties concerned;
- (ii) seek further clarification of the written evidence from whomever it feels appropriate;
- (iii) interview the parties concerned.

The membership of the Panel will be as follows:

- College Principal or Programme Lead
- Programme Co-ordinator
- Senior Tutor or Lecturer

A member of staff from OpS will be appointed to act as Secretary to the Panel. All documentation will be passed through the Secretary and there will be no direct communication, either written or oral, between the Panel and either the student or the member of staff concerned.

Where necessary, an independent expert in the field of study or related discipline may be appointed, subject to the agreement of all parties, to advise the Panel

either orally or in writing.

The conduct of the Panel meeting will be determined by the Chair of the Panel in order to ensure that the complaint is heard in such manner as s/he considers appropriate and fair.

All documentation relating to the appeal will normally be received by all parties no later than ~~ten~~ working days before the meeting of the Panel. No further communications of any sort will be accepted for consideration by the Panel after this time except at the discretion of the Chair.

A single written record of the meeting will normally be made by the College for the purpose of providing a factual record in the event of the decision going to Review.

Both the student and the member(s) of staff concerned are entitled to be present throughout a Panel meeting except when the Panel deliberates on its decision. Only in exceptional circumstances, and with the agreement of all parties, will individuals be heard separately. Each party will be entitled to be accompanied during the Panel meeting by a 'friend'.

Requests by either the student or member(s) of staff concerned to call witnesses will be decided by the Chair of the Panel. Where agreed, the presence of either party (or of witnesses) at a Panel may be through virtual means such as video or telephone conferencing.

If any party fails to attend the Panel meeting, the Panel may proceed and determine the complaint in the absence of that party.

3.10 The Decision of the Appeals Panel

The decision of a Panel will be reached by a majority vote of the members of the Panel and shall be announced as the decision of the Panel.

The votes of individual Panel members shall always be treated as confidential and there shall be no disclosure either of such votes or of information showing whether the decision was reached by a unanimous or a majority vote.

The Panel may adjourn for a period not exceeding five working days for the purpose of reaching its decision and/or deciding upon the appropriate action to be taken.

The Panel will complete a written statement of its findings and decision, in the form of an Outcome Letter, normally to be issued within ten working days of the date of the meeting. The Panel is authorised to impose a solution the area of ABDO College towards which the appeal occurred. Any compensating action proposed in the light of the complaint will not be implemented until it is clear if a

review of the Panel's findings will be made and, if so, until the outcome of the review is known.

Subject to the rights of review, all decisions made in accordance with these procedures shall be binding on all parties.

3.11 STAGE TWO Appeal Review

Stage Two will only be initiated once Stage One has been completed. The purpose of the review stage is not to reinvestigate the appeal itself but to address concerns about the decision, on any of the grounds set out below.

A student holding an Outcome Letter, either following a meeting of the Appeals Panel or following a decision taken by the Chair of the Appeals Panel, may under certain circumstances apply for a review of that decision. To apply for a review, the student must complete an Appeal Review Form and submit it to OpS within ten working days of the date of the Outcome Letter. An Appeal Review submitted beyond this timeframe will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the review was not requested in a timely manner. Where an Appeal Review is deemed out of time, OpS will issue a Completion of Procedures Letter on request, noting the reason why the Appeal Review was not considered and advising the student that they may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.

The student must sign and date the Stage Two Appeal Review Form ([appendix 2](#)), and include a statement explaining why they remain dissatisfied, attaching where appropriate any new evidence. All sections of the Appeal Review Form must be completed by the student and include a statement explaining why they remain dissatisfied, attaching where appropriate any new evidence. OpS is unable to seek evidence on a student's behalf. It is the student's responsibility to provide this.

Students should note that a disagreement with the decision reached on their appeal does not in itself constitute grounds for seeking a review. Requests for a review of a decision can only be submitted on the grounds of:

- (i) *procedural irregularity* in the way in which the decision was reached;
- (ii) *new evidence* that was not available during consideration of the complaint and where it would have been impossible for that evidence to have been made available at the time;
- (iii) the decision was not reasonable given the circumstances of the case.

If an Appeal Review Form is not received within 10 working days, we will assume that the student does not wish to request a review. Where a student subsequently requests a Completion of Procedures Letter, The College will issue a Completion of Procedures Letter, noting that the student did not engage with the Appeals Review procedures in a timely manner and advising the student that

he/she may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.

OpS will acknowledge receipt of the Appeal Review Form and will assess the application to determine whether there are grounds for a review.

Where, in the view of OpS, the information submitted contains no grounds for further consideration of the appeal by an Appeals Review Panel, the student will be informed of this and will be issued with a Completion of Procedures letter within ten working days of the receipt of the Review Form.

If the facts of the case indicate that the appeal decision did not take into account all the relevant information which had been provided by the student, OpS, in consultation with the Chair of the Appeals Panel, may issue an Amended Outcome Letter which details any new or additional action the College proposes to take.

There shall be no right to request a further review of the outcome as set out in the Amended Outcome Letter. On receipt of the Amended Outcome Letter, if the student is dissatisfied with the outcome, the student may request a Completion of Procedures Letter be issued which will advise the student that he/she may be able to make a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education.

Where the information submitted contains grounds for further consideration of the appeal by the Appeals Review Panel, OpS will refer the matter to the members of the Appeals Review Panel.

The constitution of the Panel will be as follows:

- a) The Chair or Vice Chair of the Trustees of ABDO College.
- b) An academic member of staff, from the Lecturing Staff, Programme Co-ordinators, or Senior Tutors.
- c) A Senior Member of Staff from the College's partner organisations, including CCCU and ABDO Examinations and Registration.

Those appointed to the Panel will not have had any prior involvement in the case.

The Appeals Review Panel will proceed as follows:

- a) Where the Review is granted on the grounds of new evidence, the Chair of the Appeals Review Panel will determine within five working days whether a further response from the specific person(s) is necessary. Where such a response is deemed necessary, the review material will be sent to the relevant person(s) within two working days, together with a full copy of the original appeal and Outcome Letter, with a request for a response within ten working days;
- b) Where the Review is granted on the grounds of procedural irregularity or where a case is made that any compensating action was inadequate, the Review paperwork and original appeal will be sent within two working days to

- the individual who was Chair of the Appeals Panel under Stage One, with a request for a response within ten working days;
- c) After receipt of any responses under (a) and (b) above, the Appeal Review Panel will consider the review application and the response.

The Appeals Review Panel may carry out its work by correspondence or may arrange a meeting by agreement between its members. In either case, a member of staff from OpS will be appointed to act as Secretary to the Review Panel.

Where the Appeals Review Panel will carry out its work by correspondence, the Panel will make a determination which will be communicated to the student and all other relevant parties by the Secretary, normally within three working weeks of the receipt of the Appeals Review Form.

In cases where a meeting is deemed necessary, the procedures relating to the conduct of meetings and the confirmation of a decision by the Appeals Panel will apply, with the exception that the outcome will be confirmed in a Completion of Procedures letter rather than an Outcome Letter.

The Appeals Review Panel will have the power to reverse or modify the decision reviewed in any way that it thinks fit, or to direct that the matter be referred back to the original Panel for reconsideration.

A Completion of Procedures Letter will normally be issued five working days after a decision is reached on the Stage Two review. If this timescale is to be extended for any reason, the student will be advised of this in writing.

The outcome of the Appeal Review will conclude the College's consideration of the complaint and will be confirmed in the form of a Completion of Procedures letter.

Once a student has received a Completion of Procedures letter confirming that the internal procedures of the College have been concluded, they have the right to submit their complaint for review to the Office of the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied. A student choosing to do this must do so no later than twelve months from the date of the Completion of Procedures letter, using the OIA's Scheme Application form. The procedures and the form are available from the website of the OIA: <https://oiahe.org.uk> .

4. HEALTH CONDITIONS

Students are expected to behave as responsible professionals throughout their education and training. The College will accommodate people with a range of ambitions and different backgrounds, as well as those with health conditions and disabilities. This includes making reasonable adjustments for students with an impairment affecting their ability to achieve the outcomes required on graduation and during the course. Reasonable adjustments should reflect the requirements

of the Equality Act 2010 in Great Britain or the Northern Ireland Act 1998 Part VII Equality of Opportunity Section 75.

Adjustments cannot be made to the outcomes of any misconduct proceedings. However, reasonable modifications to the circumstances under which the investigation, panel hearings, or assessments are taken will be made. This may include reasonable adjustments for students where the disability relates to mental health. Adjustments may include agreeing with the student a longer period to respond to allegations, or to complete any undertakings or conditions that have been imposed.

It may be appropriate to consider a student's disability that might mitigate the seriousness of the offence when setting penalties. In most cases, health conditions and/or disabilities will not raise fitness to train concerns, provided the student receives the appropriate care and any reasonable adjustments necessary to study and work safely.

A student with a disability might engage in plagiarism, academic or behavioural misconduct for reasons unrelated to their disability. In such cases, the College might take disciplinary action in the same way as it would for any other student. If a student appears unable to engage with the disciplinary process the College may suspend the investigatory or disciplinary process until the student is able to receive the appropriate support.

We would not expect students with a disability or health concerns to be more susceptible to having their fitness to train called into question. Where there are concerns, these tend to be because an individual shows a lack of insight into the impact of their disability or health condition and/or does not take the necessary action(s) to manage the condition resulting in an increased risk to patient safety.

In most cases, health conditions and/or disabilities will not raise fitness to train concerns, provided the student receives the appropriate care and any reasonable adjustments necessary to study and work safely. Providers should offer ongoing support and regular reviews of the student's progress and encourage all students to register with a local GP (and other healthcare professionals as appropriate), who will be able to offer them support and continuity of care.

Very occasionally, a chronic or progressive health condition may mean it is not possible for a student to meet the outcomes required for the approved qualification despite the reasonable adjustments that have been put in place. If a student cannot demonstrate the necessary competencies and all options for support and adjustments have been explored without success, it may be necessary to begin formal fitness to train procedures.