



## Hull York Medical School

### Code of Practice on Academic and Fitness to Practise Appeals

|   |  |
|---|--|
| <b>Approval Process:</b>                        |  |
| <b>Committee</b>                                | <b>Outcome/Date of approval</b>  |
| Hull York Medical School Board of Studies       | 11 <sup>th</sup> June 2019   |
| Hull York Medical School Joint Senate Committee | 25 <sup>th</sup> July 2019 and Chair's Action taken on 5 <sup>th</sup> August 2019 |
| <b>To be implemented from:</b>                  | <b>6<sup>th</sup> August 2019</b>  |
| Next due for review:                            | In advance of 2020-21  |
| Responsibility to update:                       | Head of Quality and Standards  |

|                                  |                             |
|----------------------------------|-----------------------------|
| <b>Publication:</b>              |                             |
| <b>Location</b>                  | <b>Date</b>                 |
| Hull York Medical School website | 6 <sup>th</sup> August 2019 |

To obtain this Code of Practice in an alternative format please contact [governance@hyms.ac.uk](mailto:governance@hyms.ac.uk)

## Definitions

The following terms will apply throughout this Code of Practice:

- Academic appeal:** means a request for a review of a decision of an academic body charged with decisions on student progression, assessment and awards<sup>1</sup>.
- Chair of HJSC:** means the Chair of the Hull York Medical School Joint Senate Committee or their nominated deputy.
- Day:** means a calendar day.
- Fitness to practise Appeal:** means a request for a review of a decision of a Student Fitness to Practise Committee (or any Hearing Panel established by that Committee) under the Hull York Medical School Code of Practice on Fitness to Practise.
- Fitness to study Appeal:** means a request for a review of a decision of a Student Fitness to Study Panel Hearing under the Hull York Medical School Code of Practice on Fitness to Study.
- Foundation School:** means the group of institutions offering training according to national guidance to foundation doctors across a wide range of different settings and clinical environments.
- Foundation doctor:** means a graduate of the Hull York Medical School MB BS programme holding provisional registration with the General Medical Council.
- Foundation Programme:** means the initial period of training as a junior doctor in NHS hospitals of a student who graduates MB BS from the Hull York Medical School, up to and including the point at which a doctor needs to demonstrate meeting the requirements for full registration as a doctor with the General Medical Council.
- Informal Resolution** where there appear to be valid grounds for appeal, the Medical School will ascertain in discussion with the Chair of the Board of Studies and any other appropriate persons, if the matter can be resolved informally, and if so they will

---

<sup>1</sup> Quality Assurance Agency Quality Code 2013

take such action provided that it is in accordance with the current regulations. Informal resolution can only be considered once a formal appeal has been submitted, and where that appeal is accompanied by the necessary supporting evidence.

**Programme:** means any academic activity, and/or clinical placement or experience, undertaken by a student for the purpose of achieving the award of credits, a certificate, diploma or degree, or for the purpose of achieving progression within training and meeting requirements for registration as a doctor with the General Medical Council, as prescribed in the relevant regulations.

**Secretary of HJSC:** means the Secretary of the HYMS Joint Senate Committee or their nominated deputy 'the Appeals Administrator'.

**Supporter:** means a friend, fellow student, Students' Union representative<sup>2</sup> or member of Hull York Medical School staff who may assist the student with their appeal. This is a University process and so attendance of legal representation as a supporter is not permitted although students may seek legal advice before and after any discussions which take place.

## Abbreviations

|              |  |
|--------------|--|
| <b>GMC</b>   | <b>General Medical Council</b>                   |
| <b>HJSC</b>  | <b>HYMS Joint Senate Committee</b>               |
| <b>MB BS</b> | <b>Bachelor of Medicine, Bachelor of Surgery</b> |
| <b>QAA</b>   | <b>Quality Assurance Agency</b>                  |

Students are strongly encouraged to consider the detail of this Code carefully in conjunction with the Hull York Medical School Student Guidance Notes on 'How to submit an Appeal', which can be found at: <http://www.hyms.ac.uk/staff-and-students/regulations-policies-and-codes-of-practice>

---

<sup>2</sup> Reference to Students' Union throughout this Code means Hull University Union (HUU), York University Students' Union (YUSU) or the Graduate Students' Association (GSA) – all of which are available as a source of support and advice dependent on the student's programme of registration.

Students should also refer to the Good Practice Framework for Handling Complaints and Academic Appeals published by the Office of Independent Adjudicators (2016).  
Web-link: <http://www.oiahe.org.uk>

## 1. Contents

|     |   |    |
|-----|---|----|
| 2.  | Scope of the Code of Practice on Academic and Fitness to Practise Appeals ..... | 5  |
| 3.  | Decisions which may be appealed.....  | 6  |
| 4.  | Distinction between appeals and complaints .....                                | 7  |
| 5.  | General principles.....   | 7  |
| 6.  | Legitimate grounds for appeal .....   | 8  |
| 7.  | Matters which do not constitute grounds for appeal .....                        | 9  |
| 8.  | Deadline for lodging an appeal .....  | 9  |
| 9.  | Compliance with regulations and external guidance .....                         | 10 |
| 10. | Privacy, confidentiality and data protection .....                              | 10 |
| 11. | Informal resolution .....   | 11 |
| 12. | Investigation of the appeal.....  | 12 |
| 13. | Determination of the presence of grounds for appeal.....                        | 14 |
| 14. | Membership of the Appeal Committee .....  | 14 |
| 15. | In advance of the Appeal Hearing.....   | 15 |
| 16. | The Appeal Hearing.....   | 15 |
| 17. | Powers of the Appeal Committee.....   | 16 |
| 18. | Review.....   | 18 |
| 19. | Recording and monitoring of appeals .....                                       | 21 |

## **2. Scope of the Code of Practice on Academic and Fitness to Practise Appeals**

2.1. This Code of Practice applies to:

2.1.1. The decisions of the academic Boards/Committees to which powers have been delegated by the Hull York Medical School Board of Studies. This currently includes (but is not limited to) all Boards of Examiners set up under Hull York Medical School regulations, the Exceptional Circumstances Committee, the Student Fitness to Practise Committee (and any Hearing Panels established by that Committee), as well as the relevant committees of the Foundation Schools delegated to provide Foundation Programme training for Hull York Medical School medical graduates.

2.1.2. All Hull York Medical School students studying for awards offered jointly by the University of Hull and the University of York. It also applies to foundation doctors who are undertaking the first year of their Foundation Programme.

2.1.3. Appeals against decisions regarding progress on both academic and fitness to practise grounds.

2.2. Appeals against suspension or termination decisions recommended on fitness to study grounds are not subject to this code. Students wishing to appeal against a recommendation to suspend or terminate their programme on fitness to study grounds should refer to the Code of Practice on Fitness to Study<sup>3</sup>.

2.3. Where the issues raised affect a number of students, those students can submit an academic appeal as a single 'group appeal'<sup>4</sup>. In practice these appeals will be dealt with in the same way as an individual appeal, and as laid out in this Code. They will follow the same process as outlined in the flow diagram in Appendix One. Any appeal submission on behalf of the group must clearly stipulate how the group was established and how the student representative has been determined and confirmed. Depending on the size of the group all students or a number of representatives will be permitted to attend any subsequent meeting/Panel hearing.

2.4. No person will be permitted to take part in the making of a decision regarding an appeal where they have an interest through being a current tutor, mentor, or supervisor of the student making the appeal, or through being a member of the academic Board/Committee against which the appeal is made.

---

<sup>3</sup> <https://www.hyms.ac.uk/assets/docs/codes-of-practice/code-of-practice-on-fitness-to-study.pdf>

<sup>4</sup> Any individual student must decide if they wish to proceed by submitting an individual appeal or a single group appeal but may not do both. Any appeal submission (individual or group) can only be made on legitimate grounds for appeal as outlined in Section 5.

- 2.5. Any person who may be involved in the making of a decision regarding an appeal will be required to declare an interest where they have any other material connection with the student, and will thereby be disqualified from being involved in the making of the decision.

### **3. Decisions which may be appealed**

- 3.1. Subject to Section 2.1 above, a Hull York Medical School student may appeal against the following recommendation or decision:
- 3.1.1. To terminate the student's programme of study for non-compliance with expected standards of academic integrity and conduct, attendance and/or submission requirements of the programme i.e. Academic Misconduct;
  - 3.1.2. To terminate the student's programme of study on grounds of professional unsuitability or professional misconduct i.e. fitness to practise;
  - 3.1.3. To impose a suspension or condition which may arise as a result of a Student Fitness to Practise Hearing.
  - 3.1.4. To exclude the student from an examination, dissertation, placement or other form of study or assessment forming part of the student's programme of study;
  - 3.1.5. To award or refuse to award the student the degree or any classification of the degree;
  - 3.1.6. To terminate the student's programme of study for failure to satisfy the appropriate Board of Examiners, including where a request for exceptional circumstances has been rejected.
- 3.2. Subject to Section 2.1 above, a foundation doctor<sup>5</sup> may appeal against a decision of a Foundation School to refuse to affirm or certify that the foundation doctor has met the criteria specified for professional competence necessary for progression within the Foundation Programme; and necessary for a recommendation that the foundation doctor meets the requirements for full registration with the General Medical Council.
- 3.3. In accordance with the Hull York Medical School Policy on Harassment, a student will not be put at risk of disadvantage, discrimination or victimisation, as a result of lodging an appeal in accordance with this Code of Practice.

---

<sup>5</sup> All references to 'student' in this Code of Practice include a foundation doctor bringing an appeal under Section 2.2.

#### **4. Distinction between appeals and complaints**

- 4.1. This Code of Practice will apply only to academic appeals and fitness to practise appeals, understood as the request to review decisions regarding the progress of the student on their programme of study, including the award of any qualification as a result of that progress. Other matters of dispute involving a student and Hull York Medical School or either University, or department or section thereof, will be termed “complaints”.
- 4.2. A complaint is defined as the expression of a specific concern about the provision of a course or a programme of study, or a related academic service, and is subject to consideration in accordance with the Hull York Medical School Code of Practice on Investigation and Determination of Student Complaints.
- 4.3. In the event of a set of circumstances legitimately giving rise to grounds for both appeal and complaint the Chair of the HJSC and the Head of Quality and Standards from the Hull York Medical School will jointly determine in consultation with the student the manner in which the two matters will be resolved, discuss the potential implications for the student and the appropriate timescale. All parties will ensure that the requirements of the respective Codes of Practice are adhered to fully.

#### **5. General principles**

- 5.1. The Hull York Medical School and the Universities of Hull and York will use all reasonable endeavours to comply with the time limits set out in this Code of Practice. In exceptional circumstances it may be necessary for time limits to be varied, in which case the student will be notified and a revised timeframe agreed.
- 5.2. The Hull York Medical School and the Universities of Hull and York will make reasonable adjustments to the procedure set out in this Code of Practice if required by a student’s disability or for other good reason. Where a student might have mental health difficulties guidance will also be given about accessing suitable support services, and if necessary the appeal may be suspended until such time as the student has accessed the support required, and by implication is fit to fully take part in the appeal.
- 5.3. At all stages of the procedure the student may be accompanied by a supporter, who may be a friend, fellow student, Students’ Union representative or member of the Hull York Medical School staff. This is a University process and so attendance of legal representation is not permitted although students may seek legal advice before and after any discussions which take place.

- 5.4. A student may seek support and advice on all aspects of this Code of Practice from the Students' Union.
- 5.5. The Hull York Medical School and the Universities of Hull and York will ensure that staff involved in the consideration of appeals have successfully completed appropriate equality and diversity training.
- 5.6. The Hull York Medical School and the Universities of Hull and York will use all reasonable endeavours to ensure staff involved in the consideration of appeals have successfully completed training relating to fair and sensitive treatment of students.
- 5.7. The Hull York Medical School and the Universities of Hull and York will ensure that staff involved in the consideration of appeals have appropriate support and resources to fulfil their role in relation to appeals.
- 5.8. Evidence submitted in support of an appeal will be considered on the balance of probabilities. This means decisions will be made according to whether, on the balance of probabilities, it supports the case for appeal.

## **6. Legitimate grounds for appeal**

A student may appeal on one or more of the following grounds:

- 6.1. There is evidence that was not brought to the attention of the Exceptional Circumstances Committee at the time of their decision, that would have led them to a different decision on the student's exceptional circumstances; and there is **good reason**<sup>6</sup> why the evidence was not presented at the appropriate time. If this evidence is subsequently submitted as part of the appeal process it may be appropriate for this to be considered by the Exceptional Circumstances Committee as part of the informal resolution process.
- 6.2. Demonstrable procedural irregularities in the conduct of the assessment process of such a nature as to cause reasonable doubt as to whether the result would have been different if they had not occurred.
- 6.3. Demonstrable procedural irregularities in the conduct of any process leading to a decision of a relevant Board/Committee.
- 6.4. Evidence of prejudice or bias on the part of one or more of the examiners and/or any member of the relevant Board/Committee.

---

<sup>6</sup> Please refer to the Good Practice Framework for Handling Complaints and Academic Appeals (Office of Independent Adjudicators, Dec 2016) and the Hull York Medical School Policy of Exceptional Circumstances both of which outline specific examples of when an appeal or submission of exceptional circumstances would not be considered.



- 6.5. That there are reasonable grounds to believe that the recommendation or decision by the relevant academic Board/Committee was manifestly unreasonable.

## **7. Matters which do not constitute grounds for appeal**

The following shall not be deemed legitimate grounds for appeal and will be rejected automatically:

- 7.1. Challenge to academic judgement, i.e. a student cannot submit an appeal simply because they believe that they deserve a better mark or a different degree classification.
- 7.2. Lack of awareness and knowledge of the relevant Hull York Medical School/Foundation School regulatory framework.
- 7.3. Lack of awareness and knowledge of the requirements for the submission of exceptional circumstances.
- 7.4. Disagreement about the outcome of any consideration of exceptional circumstances submitted i.e. a student cannot submit an appeal simply because they believe their exceptional circumstances should have been accepted.
- 7.5. Issues related to allegations of harassment, bullying, or discrimination, for which the Hull York Medical School Policy on Harassment applies.
- 7.6. Complaints relating to the quality of teaching or supervision or other circumstances that relate to the delivery of a programme of study (such issues should be properly raised as they arise, and prior to assessment or examination, via the Hull York Medical School Code of Practice on Investigation and Determination of Student Complaints).

## **8. Deadline for lodging an appeal**

- 8.1. A student wishing to appeal must lodge a statement in writing using the designated form, which can be obtained from the Hull York Medical School website i.e. <http://www.hyms.ac.uk/about-us/regulations-policies-and-codes-of-practice/codes-of-practice>. The completed form must be submitted within 28 days of the date on which notice of the recommendation or decision was served on the student in writing. A student wishing to lodge multiple statements relating to separate appealable decisions should treat each decision independently and in accordance with the deadlines for each. For example, where a student wishes to submit both a Fitness to Practice appeal and Academic appeal. Appeals received after the deadline will normally not

be considered. All late appeals will be referred to the Chair of the HJSC to determine whether exceptional circumstances apply.

- 8.2. Notice of the recommendation or decision will be considered to have been served once it has been posted to the student's local or home address, as recorded at the time on the Hull York Medical School Student Record. It is the responsibility of the student to ensure that their current address is recorded correctly.
- 8.3. The completed statement of appeal must be accompanied by supporting evidence. In exceptional circumstances where a student is unable to provide supporting evidence at the time of lodging an appeal, they should indicate on the statement the nature of the further evidence, the reasons for the difficulty in obtaining it, and the date by which it can be submitted. It is normally expected that such evidence be provided within 14 days of the submission of the appeal, where this is not possible the student must indicate the reasons why and an alternative timeline for consideration.
- 8.4. Failure to lodge an appeal as outlined in Sections 8.1, 8.2 and 8.3 will result in forfeiture of the right to appeal.
- 8.5. A student to whom a degree award is conferred at a graduation ceremony, either in person or in absentia, will be deemed to have accepted that award and all marks and classifications which constitute the award. No appeal will thereafter be considered, except an appeal by a foundation doctor in accordance with Section 3.2.

## **9. Compliance with regulations and external guidance**

- 9.1. All appeals will be handled in accordance with this Code of Practice, and the precepts set out in the Quality Assurance Agency UK Quality Code for Higher Education, Advice and Guidance: Concerns, Complaints and Appeals (2018). The principles of fairness, consistency, equity and equal opportunities are embodied in the regulations and ordinances approved by the Senates of the University of Hull and the University of York.
- 9.2. It will be the responsibility of the HJSC to oversee compliance with this Code of Practice, to interpret it when necessary, and to issue any additional guidance as deemed appropriate.

## **10. Privacy, confidentiality and data protection**

- 10.1. Any appeal raised by a student will be treated with the highest level of confidentiality that can be maintained. The Hull York Medical School, the Universities of Hull and York and any other relevant body (e.g. Foundation School) will only disclose confidential information relating to any appeal to

members of staff who are directly involved in the administration and consideration of an appeal, and as necessary to allow an open and fair investigation and for the outcome of the investigation to be reported appropriately. This is in order both to protect the privacy of the student and to protect members of staff from unsubstantiated public allegations.

- 10.2. Due to the nature of the decisions which can be appealed, students cannot submit appeals anonymously.
- 10.3. Depending on the nature of the appeal, the information gathered may include third party data, opinion and information which was provided in confidence. This information needs to be handled consistently and fairly and in accordance with common data protection principles, making it clear to all parties that the sharing of this information is agreed for the purposes of reaching an informed and fair decision.
- 10.4. The relevant laws covering the processing of personal information are the Data Protection Act 2018, General Data Protection Regulation 2018 and the Equality Act 2010.

## **11. Informal resolution**

- 11.1. The submission of a formal appeal in accordance with this Code of Practice will not prevent the parties of the matters in dispute from reaching an informal resolution at any time prior to the final resolution of the dispute by the HJSC.
- 11.2. Without prejudice, the appointed Investigating Officer will play a key role in liaising with the parties to reach an informal resolution where this is appropriate to do so, and in accordance with this Code of Practice. The Investigating Officer will, based on the clarity and fullness of information provided in the documentation they receive:
  - 11.2.1. Make a request to the Hull York Medical School to consider informal resolution based on a review of the received appeals documentation, and before meeting the student if they judge the documentation to be sufficiently clear to explain the reason for the request.

and/or

- 11.2.2. Make a request to the Hull York Medical School to consider informal resolution following an interview with the student to clarify the grounds on which the student is submitting the claim, and which is supported by appropriate evidence.
- 11.3. Consideration of informal resolution shall be undertaken by the Hull York Medical School Appeal Resolution Sub-Group. This Sub-Group is constituted

by nominated members of the Hull York Medical School Board of Studies specifically for the consideration of informal resolution of appeals.

- 11.4. Where an appropriate agreement between the parties can be reached, such informal resolution and any conditions agreed between the parties will be approved by the Hull York Medical School Appeal Resolution Sub-Group on behalf of the Hull York Medical School Board of Studies.
- 11.5. The process of reaching agreement on the conditions of an informal resolution is dialogic and Hull York Medical School will endeavour to respond to students' queries relating to informal resolution within 14 days of receipt via the Investigating Officer.
- 11.6. Informal resolution offers will be sent from the Appeal Resolution Sub-Group to the Investigating Officer.
- 11.7. Where an informal resolution is offered and accepted by the student they will be required to withdraw their appeal and this must be confirmed by the student in writing.
- 11.8. A record is kept of all informal resolutions decisions made by the Appeal Resolution Sub-Group on behalf of the Hull York Medical School Board of Studies along with the basis of all such decisions.
- 11.9. The Appeals Administrator will record when informal resolution is offered and accepted or rejected by students, for reporting to HJSC.
- 11.10. Following acceptance of an informal resolution, the Appeal Resolution Sub-Group will inform relevant staff of the conditions agreed within the resolution.

## **12. Investigation of the appeal**

- 12.1. On receipt of the statement of appeal and supporting evidence, the Appeal Administrator will record the date of receipt, check for accuracy and completeness and forward the statement and evidence to an Investigating Officer.
- 12.2. The Investigating Officer is appointed by the Chair of HJSC and will act impartially. This appointment will normally be on the basis that Hull registered Hull York Medical School students will have a Hull Investigating Officer, and York registered students will have a York Investigating Officer.
- 12.3. The Investigating Officer will review the statement of appeal and supporting evidence. As outlined in Section 11 above, the Investigating Officer may consider that based on the quality of documentation and evidence submitted that consideration of informal resolution may be considered at that early stage.

In such an event the Investigating Officer may request that the Hull York Medical School consider an informal resolution at that point.

- 12.4. The Investigating Officer, in order to clarify the issues raised in the appeal, will normally invite the student to an interview, either face to face or via electronic means to give them the opportunity to further explain the matters raised in the appeal. The student will be entitled to be accompanied by a supporter at this interview in accordance with Section 5.3. Such a supporter may prompt and encourage, but will not be permitted to speak on the student's behalf at this stage. The interview will normally take place within 14 days of receipt of the appeal.
- 12.5. Once the Investigating Officer is satisfied that they have received sufficient information from the student to identify the issues raised in the appeal, they will determine whether or not the appeal should be rejected at this stage in accordance with Section 12.6.
- 12.6. The Investigating Officer will reject the appeal where it falls within those matters which do not constitute legitimate grounds for appeal as set out in Section 7, seeks to challenge a decision which falls outside those listed in Section 3 or is otherwise ineligible to be considered under this Code of Practice. The student will be notified in writing within 7 days of the Investigating Officer's decision. The student will have the right to request a review within 14 days of the Investigating Officer's decision in accordance with Section 18.
- 12.7. If the Investigating Officer does not reject the appeal at this stage they will provide copies of the statement of appeal and supporting evidence to the Hull York Medical School /Foundation School. The Investigating Officer will also serve notice of the specific questions or issues on which a response is required, and any documents required which are held within the Hull York Medical School /Foundation School and which are deemed material to the appeal.
- 12.8. The Hull York Medical School /Foundation School will make a formal written response to the issues raised by the Investigating Officer and student, including any request for consideration of informal resolution. They must normally respond to the Investigating Officer within 14 days of receiving the request.
- 12.9. When the Investigating Officer is satisfied with the received response, any informal resolution offer and/or documents, they will send the response and documents to the student within 5 days and invite the student to submit a further written response within 14 days of being served with the School's response.

### **13. Determination of the presence of grounds for appeal**

- 13.1. Once the Investigating Officer is satisfied that all relevant evidence has been received from the student and the Hull York Medical School /Foundation School, and that the requirements of Section 12 have been satisfied, but no informal resolution has been offered or accepted, they will meet with the Chair of HJSC<sup>7</sup>. The purpose of this meeting is to determine whether the statement of appeal, supporting evidence, and responses from the School demonstrate grounds for appeal.
- 13.2. The meeting between the Chair of HJSC and the Investigating Officer will be attended and formally recorded by the Appeal Administrator. The decision on whether grounds for appeal have been demonstrated is recorded including the reasons for the decision.
- 13.3. Where the Chair of HJSC and the Investigating Officer determine that grounds for appeal have not been demonstrated they will reject the appeal, and the student and School will be informed in writing, within 5 days, setting out the reasons for the rejection. The student will have the opportunity to request a review of this decision as outlined in Section 18.
- 13.4. Where the Chair of HJSC and the Investigating Officer determine that grounds for appeal have been demonstrated, an Appeal Committee will be established by the Chair of HJSC to conduct an appeal hearing.

### **14. Membership of the Appeal Committee**

- 14.1. The membership of the Appeal Committee must take into consideration the desirability of diversity, and the context of equal opportunities policies at both host universities. The composition is decided by the Chair of HJSC and normally consists of the following members:
  - 14.1.1. The Chair of the Appeal Committee, who will be normally the Chair of HJSC unless there is a conflict of interest, in which case an appropriate authorised representative will be invited to act as Chair.
  - 14.1.2. Two other members of HJSC; or where the appeal is against a decision described in Section 3.2, one other member of HJSC and an appropriately qualified external member drawn from a list of names held for this purpose by the Medical Schools Council or another person external to the Hull York Medical School and the Universities of Hull and York of equivalent background and standing.

---

<sup>7</sup> This meeting may be face to face and/or via other means such as Skype or video/teleconference.

- 14.2. The Appeal Committee will be empowered to call any witness or other person whom it deems qualified to provide relevant evidence.
- 14.3. There shall be a Secretary to the Appeal Committee who is responsible for ensuring that all documentation and notifications are dealt with in accordance with this Code of Practice.
- 14.4. The Chair of HJSC will be responsible for ensuring that members of the Appeal Committee are familiar with the contents of this Code of Practice prior to the Appeal Hearing.

## **15. In advance of the Appeal Hearing**

- 15.1. The hearing will be held as soon as reasonably practicable, but in any case normally within 6 weeks of the decision that grounds for appeal have been demonstrated.
- 15.2. The student will be informed in writing of the time, date and venue of the hearing, with at least 21 days' notice, via recorded delivery to the address notified by the student on the approved appeal form. This will be taken as evidence that the necessary information has been communicated to the student.
- 15.3. The appointed Secretary to the Appeal Committee will ensure that all parties are provided with copies of any written statements or other evidence which is likely to be relied upon or otherwise considered at the hearing.
- 15.4. Failure by the student to attend the hearing without good cause will be taken as evidence of the student's intention to withdraw the appeal. Good cause will be determined by the Chair of the Appeal Committee. An appeal may be heard in absentia with the student's agreement.
- 15.5. For students whose country of domicile is outside the United Kingdom, or for those who are unable to attend any Hearing in person, it may be necessary with the agreement of the student, to put arrangements in place so that the hearing may be undertaken via alternative means, such as video conferencing or other appropriate forms of technology.

## **16. The Appeal Hearing**

- 16.1. The student will have the right to be heard in person by the Appeal Committee. They may be accompanied by a supporter. The student must notify the Secretary of the Appeal Committee of the details of any supporter at least 7 days prior to the hearing. The supporter is permitted to speak on the student's behalf but in accordance with Section 16.5 the student will be required to

answer any questions put to them and to provide information directly as required by the Appeal Committee.

- 16.2. At the student's request, in addition to their supporter as identified in Section 5.3, an academic supporter<sup>8</sup> is also entitled to be present throughout the giving of evidence, to provide advice to the student and relevant information to the Appeal Committee as either the student or Appeal Committee considers helpful.
- 16.3. Representatives of the Hull York Medical School will attend the hearing to respond to the appeal.
- 16.4. The student and the Medical School representatives may call any witness or other person whom they deem qualified to provide relevant evidence, which may include representatives of the School (and Department(s) if relevant) against whose decision the appeal was lodged.
- 16.5. Both parties are entitled to be present while evidence is presented by any witness, and to question any such witness.
- 16.6. At a time determined by the Chair of the Appeal Hearing, the representative of the Hull York Medical School will be permitted to question the student and vice versa.
- 16.7. All proceedings of the Appeal Committee will be minuted by the appointed Secretary.
- 16.8. The Secretary of the Appeal Committee will be responsible for providing advice to the Appeal Committee on relevant regulations and procedures. Any questions, for example to clarify points made for the record, will be put via the Chair; otherwise the Secretary will not take part in proceedings.
- 16.9. Once the Appeal Committee is satisfied that all of the evidence has been presented and the parties have been given equal opportunities to make their case, the Appeal Committee will consider its decision in private.

## **17. Powers of the Appeal Committee**

- 17.1. The duty of the Appeal Committee will be to consider all the evidence presented before it and to determine whether the appeal should be allowed or rejected by deciding whether any or all of the grounds in Section 6 have been satisfied.

---

<sup>8</sup> This supporter may vary depending on the stage of the student/graduates' studies, and may include (but is not limited to), educational supervisor, research supervisor, mentor, etc.



- 17.2. Where the Appeal Committee determines that the appeal should be rejected, the decision of the Appeal Committee will be deemed final subject to the right of the student to request a review in accordance with Section 18. The student will be informed in writing of the Appeal Committee's decision within 5 days of the hearing.
- 17.3. In accordance with Section 18, after the review period has expired the student will be sent a Completion of Procedures letter.
- 17.4. The Completion of Procedures letter<sup>9</sup> will advise the student that any further consideration of the case should be directed to the Office of the Independent Adjudicator for Higher Education, in respect of the University of their registration acting on behalf of the Universities of Hull and York jointly.
- 17.5. Where the Appeal Committee determines that the appeal should be allowed, it will declare the decision against which the appeal was lodged invalid, and make one or more of the following orders as it judges appropriate:
  - 17.5.1. That the relevant Board/Committee be required to reconsider its decision in the light of the evidence presented at the hearing.
  - 17.5.2. That the original evidence which led to the decision be re-assessed by different examiners or panel members from those assessing it previously and the relevant Board/Committee be required to make a fresh decision in the light of the re-assessed evidence.
  - 17.5.3. That in the case of a decision resulting from assessment of a piece of coursework, dissertation, project or similar, the student be permitted to submit a fresh piece of work within a deadline determined by the Appeal Committee, and for a fresh decision to be made on the basis of its fair assessment.
  - 17.5.4. That in the case of a decision resulting from an examination mark, the student be entitled to sit a further examination as a first or second attempt and a fresh decision to be made on the basis of its fair assessment.
  - 17.5.5. That another order be made as the Appeal Committee deems appropriate (subject to Section 17.7 that they cannot be empowered to award any credit or any qualification). For example, where the student is to be reinstated subject to specific conditions.

---

<sup>9</sup> OIA Guidance on Completion of Procedures Letters: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters/>

- 17.6. Any order made under Section 17.5 may be accompanied by narrative guidance from the Appeal Committee to the relevant academic Board/Committee.
- 17.7. The Appeal Committee will not be empowered to award any credit or any other qualification (including achievement of progression requirements or good standing on fitness to practise grounds), or to order the raising or lowering of any mark or degree classification.
- 17.8. The Appeal Committee will be empowered to make any additional recommendation relating to issues arising from the appeal as it deems appropriate, for example advice for the future on the way any similar decision making process is conducted, or guidance that should in future be provided to students to support them in achieving requirements.
- 17.9. The student will be notified in writing of the Appeal Committee's decision within five days of the hearing. The student will also receive a copy of the minutes of the hearing once those are finalised.

## **18. Review**

### **Stage 1 – Decision of the investigating officer to reject appeal**

- 18.1. HJSC will be informed, at its next full meeting, of the decision of the Investigating Officer under Section 12.6
- 18.2. The decision of the Investigating Officer will not be subject to further challenge unless it can be demonstrated that :
  - 18.2.1. the decision to reject the appeal was not in accordance with section 12.6 this Code of Practice; or
  - 18.2.2. The Investigating Officer acted outside their jurisdiction under this Code of Practice.
- 18.3. A student who wishes to challenge a decision of the Investigating Officer, on one of the grounds outlined above in Section 18.2 should write to the Appeal Administrator within 14 days of being informed of the decision of the Investigating Officer, detailing the evidence supporting the challenge.
- 18.4. This evidence will be reviewed by two members from the Universities that are members of HJSC. The decision of the review panel will be:
  - 18.4.1. Confirmation of the Investigating Officer's decision and rejection of the challenge; or

- 18.4.2. Acceptance of the appeal as valid, and continuation of the appeals process by either invitation for the Medical School to consider informal resolution, or the appointment of a new Investigating Officer to investigate the case in accordance with Section 12.
- 18.4.3. Where a new Investigating Officer is appointed to investigate the appeal, they shall meet with the student as part of their investigation.
- 18.4.4. Once the Investigating Officer is satisfied that they have received sufficient information from the student to identify the issues raised in the appeal, they will meet with the Chair of HJSC in accordance with Section 13 to determine whether there are grounds for the appeal (having given due consideration to the merits of first approaching the School to seek consideration of an informal resolution if deemed appropriate).

### **Stage 2 – Decision of the Investigating Officer and Chair of HJSC**

- 18.5. HJSC will be informed, at its next full meeting, of the decision of the Investigating Officer and Chair of HJSC under Section 13.1
- 18.6. The decision of the Investigating Officer and Chair of HJSC will not be subject to further challenge unless it can be demonstrated that :
  - 18.6.1. the decision to reject the appeal was not in accordance with section 13.1 this Code of Practice; or
  - 18.6.2. the Investigation Officer and Chair of HJSC acted outside their jurisdiction under this Code of Practice.
- 18.7. A student who wishes to challenge a decision of the Investigating Officer and Chair of HJSC, on one of the grounds outlined above in Section 18.6 should write to the Appeal Administrator within 14 days of being informed of the decision of the Investigating Officer and Chair of HJSC, detailing the evidence supporting the challenge.
- 18.8. This evidence will be reviewed by two members from the Universities that are members of HJSC. The decision of the review panel will be:
  - 18.8.1. Confirmation of the Investigating Officer and Chair of HJSC's decision and rejection of the challenge; or
  - 18.8.2. Acceptance of the appeal as valid, and continuation of the appeals process by arrangement of an Appeal Hearing.

### **Stage 3 – Decision of the Appeals Committee**

- 18.9. HJSC will be informed, at its next full meeting, of the decision of the Appeals Committee under Section 17.2
- 18.10. The decision of the Appeals Committee will not be subject to further challenge unless it can be demonstrated that:
  - 18.10.1. the decision to reject the appeal was not in accordance with section 17.1 this Code of Practice; or
  - 18.10.2. the Appeals Committee acted outside its jurisdiction under this Code of Practice.
- 18.11. A student who wishes to challenge a decision of the Appeals Committee on one of the grounds outlined above in Section 18.10 should write to the Appeal Administrator within 14 days of being informed of the decision of the Appeal Committee, detailing the evidence supporting the challenge.
- 18.12. Where a request is received in accordance with Section 18.10, the matter will be considered by the full HJSC, in the absence of the Chair of HJSC, the members of the Appeal Committee, and the Medical School Staff who considered informal resolution of the appeal and/or that attended the appeal hearing. This may require the scheduling of an extraordinary meeting to avoid undue delay.
- 18.13. In reviewing the decision of the Appeal Committee in accordance with Section 18.12, HJSC may call on members of the Appeal Committee or Medical School Staff to answer questions about the conduct of the hearing that will enable the full HJSC to reach a decision. The decision of the review by HJSC will be:
  - 18.13.1. Confirmation of the Appeals Committee's decision and rejection of the challenge, resulting in a completion of procedures letter which will be sent to the student within 5 days of the date of the final decision. This letter will advise the student that any further consideration of the case should be directed to the Office of the Independent Adjudicator for Higher Education, in respect of the University of their registration acting on behalf of the Universities of Hull and York jointly; or
  - 18.13.2. Acceptance of the appeal as valid, re-constitution of an Appeal Hearing by a new Appeal Committee not involving any of the members of the previous Appeal Committee.

## **19. Recording and monitoring of appeals**

- 19.1. The Appeal Administrator will be responsible for keeping a record of the following information in relation to each appeal:
- the type of decision(s) against which the appeal is lodged;
  - the ground(s) on which the appeal is based;
  - the outcome of the appeal;
  - the time taken for each stage;
- 19.2. On completion or resolution of an appeal, the Appeal Administrator will invite the student to provide any feedback they have on the Appeals Procedure for the purpose of informing future practice.
- 19.3. HJSC will receive an anonymised annual report on appeals decided within each academic session, summarising the information referred to above in Section 19.1.
- 19.4. As part of the annual report, HJSC will, where it is appropriate to do so, make recommendations to the Hull York Medical School, or other bodies (e.g. Foundation School), as to the:
- adequacy of advice, guidance and support mechanisms for students;
  - adequacy of staff development and support for those operating the appeal procedures;
  - level of understanding of staff and students of the procedures;
  - effectiveness of the overall procedures in meeting their aims.
- 19.5. This annual review of the appeal process and procedures should ensure that they remain effective, consistent with current law and regulations and that they are not overly burdensome on the student.

Hull York Medical School

Appendix One: Code of Practice on Academic and Fitness to Practise Appeal Process

This Appendix is part of the HYMS Code of Practice on Academic and Fitness to Practise Appeals. It outlines the appeal process in six stages. All stages will normally be completed within 90 days. Informal resolution can be achieved at any stage of the process.

