



Members Disciplinary Procedures

1. The principles behind the procedure Introduction

- 1.1. All students become members of the Institute of Clinical Science and Technology (ICST) when they are enrolled onto a course delivered by ICST. This procedure is relevant to all enrolled students, irrespective of the type of course on which they enrolled, for example a single short course or an ICST validated higher education programme. Equally this procedure applies to all those who are enrolled onto a course as an individual paying customer, by utilizing a voucher or code provided by an industry or other partner, as part of a larger Healthboard or CCG Cohort or in any other way.
- 1.2. All Institute staff, members, contractors and visitors have a right to work, study and learn in a safe environment and any unacceptable conduct which jeopardises this will be investigated and addressed.
- 1.3. The security and integrity of Institute property or property used by the Institute or its agents in the conduct of its work, must be safeguarded and any unacceptable conduct which jeopardises this will be investigated and addressed to ensure that security and integrity are maintained.
- 1.4. An attempt will be made where possible to resolve unacceptable conduct issues informally and any investigation and necessary action will be undertaken as speedily as possible, normally within 90 days from the start of the formal process (unless prevented by vacation periods, police investigations or other circumstances outside the Institute's control). The 90-calendar-day timeframe requires the member to engage with the disciplinary process by meeting all the Institute's stipulated deadlines for submission of materials and attending the meetings the member is invited to at each stage of the Disciplinary Procedure.

2. Scope

2.1. This procedure applies to any Institute member who:

- a) Is registered and enrolled at the Institute; or
- b) Was enrolled at the Institute at any time in the previous twelve months; or
- c) is on interruption; and
- d) is suspected of being in breach of the conditions set out in the enrolment declaration; and/ or
- e) is suspected of having committed a disciplinary offence under this procedure.

2.2. The Institute reserves the right to carry out and/or complete the disciplinary process in relation to members who withdraw from the Institute.

2.3. The procedure does not apply to academic misconduct (which will be dealt with in accordance with the Academic Misconduct section of the Assessment and Examination Procedure). Unacceptable conduct may be dealt with under this procedure whether it occurs on the Institute's premises or outside its premises, for example on a workshop, and examination centre, work placement or online.

2.4. The Institute also operates a Fitness to Study Procedure for all ICST validated higher education programmes of study and members may find themselves subject to the application of both procedures at the same time. Depending on the individual circumstances of each incident, the Institute reserves the right to either suspend one procedure until the outcome of the other, or decide not to pursue a procedure in favour of the other.

3. Responsibilities

3.1. The Principal has the overall responsibility for this policy.

3.2. The Director of Student Services and Head's of Departments are responsible under the Institute's Health and Safety Policy for the safety of staff, members, contractors and shall take immediate action to ensure the safety of staff, members and visitors where this is put at risk by unacceptable conduct. They are responsible for operating the disciplinary process and making decisions about individual cases.

3. The Director of Student Services is responsible for co-ordinating and centralising the disciplinary process and keeping a



record of all disciplinary incidents and outcomes.

4. All Institute staff and members are responsible for reporting unacceptable conduct which they witness or of which they have evidence.

4. Disciplinary offences

4.1. Any member will be subject to the disciplinary process under this procedure if they are suspected of committing a disciplinary offence as defined below. The following list is not intended to be exhaustive:

- a) **Conduct which prevents, obstructs or disrupts:**
 - i. Teaching, learning or research carried on as part of the wider programme of teaching, learning or research, on field-work and placements/ internships and/or professional or work experience; or
 - ii. The administration of the Institute; or
 - iii. The discharge of the duties of any member, member of staff, faculty, contractor or any visitor to the Institute; or
 - iv. The holding of, or the orderly conduct of, any meeting, webinar or activity of, or connected with, the Institute;
- b) Possession, use, distribution, supply of and/or trade in illegal substances and drugs, including any psychoactive substances (as defined in the Psychoactive Substances Act 2016);
- c) Spiking the drinks of others;
- d) Smoking in "No Smoking" areas (including e-cigarettes);
- e) Any activity constituting a breach of any Institute policy on equality and diversity;
- f) Possession, use or threat of use of a weapon;
- g) Refusal to produce proof of identity when requested to do so by an authorised representative of the Institute without a reasonable excuse;
- h) Engaging in or assisting, enticing or encouraging others to engage in deliberate or intentional conduct which is dangerous, violent, aggressive, disruptive, abusive, intimidating, indecent, dishonest or corrupt;
- i) Deliberate or reckless damage to property of the Institute or property used by the Institute or its agents in the conduct of its work, or the property of any member, member of staff or visitor to the Institute;
- j) Misuse or unauthorised use of Institute premises, facilities, or items of property, including misuse of computers and networks;
- k) Misuse or unauthorised use of Institute intellectual property or confidential information (including assessment materials);
- l) Offering, promising or giving a financial or other bribe to a member of Institute staff, agent or contractor;
- m) Conviction of a criminal offence by any court of a competent jurisdiction, including an offence committed outside Institute premises;
- n) Conduct resulting in the member receiving a formal police caution or other penalty imposed by the police regardless of whether the member is actually charged or convicted of an offence;
- o) Any action likely to cause injury to any person or impair the safety of Institute premises or premises used by the Institute or its agents in the conduct of its work;
- p) Distributing or publishing a poster, notice, sign or any publication which is offensive, intimidating, threatening, indecent or illegal or is calculated to make others fearful, anxious, offended or apprehensive;
- q) A breach of any Regulation of the Institute;
- r) Any action which is regarded by any professional society, university or other partner in any programme of



study, as unacceptable to that partner, including professional misconduct.

- s) Any act that is likely to be detrimental to the Institute's reputation or relationship with its partners, agents, faculty, the medical and wider community.
- t) Failure on the part of a member reported under this procedure to acknowledge, observe and/ or co-operate with any investigation, formal interview, appeal, sanction or other process arising from that report (including failure to attend a disciplinary meeting or hearing);
- u) Deception and fraud;
- v) Any immigration offence;
- w) Any action likely to bring the Institute into disrepute;
- x) Making malicious or vexatious disclosures regarding malpractice in connection with the Institute;
- y) Putting the health and safety of self or others at significant risk;
- z) Other serious misconduct that, in the reasonable belief of the local manager, should be dealt with under this procedure.

4.2. Making a disclosure in good faith under the Institute's Speak Up policy shall not be regarded as unacceptable conduct.

5. Member Conduct under police investigation

- 5.1. If member conduct reported under this procedure is also subject to police investigation, the local manager will ask the member to give consent for the police to provide information to the Institute on the progress of the police investigations.
- 5.2. Where possible, the Director of Student Services will monitor the police investigation and share the information with the Institute Solicitor to enable h/er to advise the local manager if and when they should continue/defer/resume investigation under this procedure.
- 5.3. The Institute reserves the right to either suspend or continue with the disciplinary process in cases where the police investigation is ongoing, or has been suspended or discontinued.
- 5.4. Where the member is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Institute reserves the right to take a decision based on the available evidence.
- 5.5. Whilst a police investigation is under way the Institute's normal policy is to provide any reasonable support to a member involved in continuing their studies safely, and abiding by any bail conditions that may have been placed on them if practicable to do so. Where possible, the Institute will make reasonable adjustments to members' academic programmes to help them ensure their own safety, the safety of others and/or to comply with any bail conditions which have been placed on them.

6. Members with disabilities

- 6.1. The Institute aims to create a safe environment for all members and staff. All unacceptable behaviour has to be addressed and if a member has a disability, their behaviour may be addressed under this procedure. It is not a defence to claim that they have mental health issues, are under particular stress or that a disability caused them to behave in an unacceptable way. It is not a defence to claim that the behaviour was caused or influenced by drugs or other substances, even if prescribed for a recognised medical condition.
- 6.2. The Institute will take a member's particular circumstances into account however, when investigating incidents, and when deciding a course of action. All efforts will be made to support disabled members under investigation. Human Resources will be informed of the investigation if a member's mental health is considered to be affected or in question. Members who are registered with the Disability & Dyslexia Support (DSS) Service, or who the Institute considers to have emerging mental or other health difficulties, can expect the Institute to consider their personal circumstances in the application of this procedure. Members may find themselves subject to the application of both this Disciplinary procedures and the Fitness to Study procedure at the same time.
- 6.3. The Institute will also make reasonable adjustments to this process for members with disabilities, or other relevant



protected characteristics under the 2010 Equality Act. Members should discuss the appropriate adjustments with our DDS service.

7. Use of data

- 7.1. The Institute will collect data on disciplinary outcomes at each stage of this procedure and any complaints in relation to the disciplinary process submitted by members to any regulators (including the OIA), **and use the data:**
- a) Internally for reporting, evaluation, learning and training; and
 - b) For ICST validated higher education programmes, externally for discussion with regulators in the higher education sector.
- 7.2. The data used by the Institute for the purposes in paragraphs 7.1 a) and b) will be anonymised. Personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 1998 (the "DPA") of members subject to a disciplinary process may be used as long as it meets the conditions for processing as set out in the DPA.

8. Reporting

- 8.1. All Institute staff who become aware of a report of a disciplinary offence through some other means (for instance through a health and safety report, or if the conduct is reported to them in person or by email) will ensure that the matter is reported through the correct channel either by advising the individual who witnessed the offence, or if necessary by reporting the matter themselves and attaching any email or other evidence to their report.
- 8.2. Reports may not be made anonymously. Individuals may request confidentiality if they do not wish their personal details to be available to the member or members involved in the disciplinary procedure. If confidentiality is requested, the Director of Student Services will consult the Institute Solicitor to determine whether the incident form can be accepted confidentially. If the report cannot be accepted it will not be forwarded to the local manager, and the Institute Solicitor will write to the individual who has requested confidentiality with a statement of their reasons for rejecting the report. If a report is accepted confidentially the Institute Solicitor will redact the form and attach a short statement of reasons to the case file.

9. Informal Resolution

- 9.1. Minor conduct issues can often be resolved informally by the local manager. Discussion should be held in private and without undue delay whenever there is cause for concern. In some cases an informal verbal warning may be given, which will not form part of the member's formal disciplinary records. A note of any such informal discussions and oral warnings may be held on a Disciplinary file for the duration of the member's time at the Institute. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example because of the seriousness of the allegation, where a criminal activity is suspected or someone was hurt).

10. Formal process Stage 1 : Initial Investigation

- 10.1. On receipt of a disciplinary report, the Director of Student Services will make a record of the report.
- 10.2. Prior to starting the investigation, the Director of Student Services should consider who is the best person to conduct the investigation, giving consideration to any conflict of interest, and ask a suitably qualified person to take the investigation (investigating officer). At this stage the local manager is considered the most appropriate investigating officer if there is no conflict of interest.
- 10.3. Colleagues will not be considered to have a conflict of interest merely because they interviewed/questioned the member about the same issue at an earlier stage.
- 10.4. If there is no conflict of interest, the investigating officer will review the report and determine whether the conduct, if proven, could be considered a disciplinary offence.
- 10.5. **If, after reviewing the report, the investigating officer decides that continued access to the Institute by the member creates a significant risk in one or more of the following situations, namely that:**
- a) There will be a recurrence of unacceptable conduct by any one or more members;



- b) Staff, visitors, service users or any member will be harmed; or
- c) Due process under this procedure will be inhibited or impeded,

S/he shall immediately submit a record to the Head of Member Services of that decision with clear reasons and a recommendation that the member be suspended temporarily from access to all or any part of Institute premises, Institute activity, and/or placement/internship and/or professional or work experience until the disciplinary procedure is concluded.

- 10.6. Following a decision to suspend under 10.5, the Director of Student Services will write to the member setting out clear charges (e.g. linked to breaches of the conditions as set out in any terms and conditions accepted by the member, any enrolment declaration and/or disciplinary offences within this procedure), supported by the statement of the basic alleged facts, the decision to suspend and the reasons for the decision.
- 10.7. After reviewing the report, the investigating officer will conduct an investigation. The investigation will be conducted as rapidly as possible, and normally within 10 working days of the report being made. The Institute reserves the right to extend this period during holidays and exam times.
- 10.8. **As part of the investigation the investigating officer will:**
- a) Interview the member(s) alleged to have conducted themselves unacceptably;
 - b) Identify and interview any other relevant witnesses or obtain written witness statements from them;
 - c) Seek documentary evidence where appropriate (e.g. emails, logs from relevant Institute systems or other relevant evidence); and
 - d) Consider any previous formal written warnings or letters of advice given to the member.
- 10.9. Guidance for conducting investigation interviews with members and witnesses is set out at Appendix 2.
- 10.10. Where a member is invited to an investigatory interview, the investigating officer will write to the member at least seven working days in advance inviting the member to the interview and explaining the reason for the interview and the allegations made against the member.
- 10.11. If the member fails to attend the interview meeting without good reason, or is unable to do so on more than two occasions, the Institute reserves the right to progress the matter on the evidence available.

11. Companion at meetings

- 11.1. The member has the right to be accompanied by either a friend or a representative of the Student's' Union at all meetings under this procedure. The member must provide to the investigating officer the names, postal and email addresses (for the circulation of papers) of the chosen companion (if any) in good time before any meetings.
- 11.2. The companion may take notes on the member's behalf, make representations at the interview and ask their own questions and may confer privately with the member but may not answer any questions on the member's behalf.
- 11.3. The Institute has the right to ask the member to choose another companion for the meeting if their companion is unavailable to attend a meeting on two or more dates suggested by the Institute.
- 11.4. The Institute may also ask the member to choose a different companion if the Institute believes that the chosen companion may cause a conflict of interest or if their presence may prejudice the meeting.
- 11.5. The Institute may, at its discretion, allow the member to bring a companion who is not a fellow member or a representative of a Student's Union in certain circumstances e.g. if this will help the member overcome a difficulty caused by a disability provided the companion is not legally qualified or professionally engaged in legal practice.
- 11.6. The Institute may allow a legally qualified companion at meetings under this procedure in exceptional circumstances, provided the companion appears in a non-legal capacity and their presence is required to help the member overcome a difficulty caused by a disability.

12. Conducting Investigations



- 12.1. If at the end of the investigation the investigating officer considers that, based on the evidence available, there are no reasonable grounds to conclude that the alleged behaviour took place or disciplinary offence was committed, the investigating officer will take no further action and the case will be closed. The investigating officer will write to the member to inform them of the outcome within seven working days of the matter closure.
- 12.2. If at the end of the investigation, the investigating officer considers that, based on the evidence available, there are reasonable grounds to conclude that the alleged behavior took place or disciplinary offence was committed, the investigating officer will invite the member to a disciplinary meeting within meeting within 10 working days of completion of stage 1 of the investigation.
- 12.3. At the end of the investigation, the investigating officer shall prepare a report with the results of the investigation and submit it to the Director of Student Services and any Disciplinary Panel (where applicable).

13. Dealing with matters summarily

- 13.1. If the member subject to the investigations under this procedure admits his or her guilt before any disciplinary meeting under this procedure, the investigating officer may (where they think appropriate to do so) dispose of the disciplinary meeting and deal with the matter summarily
- 13.2. **Prior to dealing with the matter summarily, the investigating officer must:**
- a) Explain to the member potential consequences of dealing with matters summarily;
 - b) Outline a range of penalties that may be imposed on the member for the offence in question; and
 - c) Seek the member's consent to do so.
- 12.3. **If the member agrees for the matter to be dealt with summarily, they will sign a statement in which they:**
- a) Admit misconduct;
 - b) Acknowledge awareness of the potential consequences of that admission under this procedure; and
 - c) Agree to the disposal of the disciplinary process without a disciplinary meeting.
- 12.4. The investigating officer may then dispense with a disciplinary meeting and if, having considered the evidence, they are satisfied of the member's guilt, proceed to impose a penalty under this procedure.
- 12.5. **It will not be appropriate to deal with a matter summarily if:**
- a) Criminal activity is suspected;
 - b) Someone was hurt; or
 - c) There is a threat of the member being excluded from the Institute.

14. Formal process, Stage 2: Disciplinary meeting

- 14.1. Disciplinary meetings are undertaken when the investigating officer, having conducted the relevant interviews and considered all the available evidence, thinks that there are reasonable grounds to believe that the alleged behaviour or misconduct took place.
- 14.2. The purpose of the disciplinary meeting is to ensure that the member against whom an allegation has been made has the opportunity to understand and, if necessary, rebut all the evidence against them and also has the opportunity to explain or to extenuate their misconduct, or to mitigate any possible penalty.
- 14.3. Members are always met with individually, even if the allegation has been made against a group.
- 14.4. The investigating officer will invite the member to attend a disciplinary meeting in writing within 10 working days of completion of the investigation, providing the date, time and place of the disciplinary meeting. The meeting will be held as soon as reasonably possible but the member will be given at least seven working days' notice to prepare their case based on the information provided by the Institute.
- 14.5. The notice will inform the member of the allegations against the member, the basis of those allegations and what the likely range of consequences will be if it is decided after the disciplinary meeting that the allegations are true.
- 14.6. **Where appropriate, the investigating officer will also include:**



- a) A summary of relevant information gathered during the investigation;
- b) A copy of any relevant documents which will be used at the disciplinary hearing; and
- c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible will be provided while maintaining confidentiality.

14.7. Section 11 of this procedure dealing with companions at meetings also applies to this stage of the procedure.

14.8. If the member or the companion cannot attend the disciplinary meeting, the member should inform the investigating officer immediately and the investigating officer will arrange an alternative time. The member must make every effort to attend the meeting, and failure to attend without good reason may be treated as a disciplinary offence in itself. If the member fails to attend without good reason, or is unable to do so on more than two occasions, the Institute reserves the right to take a decision based on the available evidence.

14.9. The disciplinary meeting will normally be conducted by the investigating officer, in the presence of a note-taker (if available) but for complex cases the Director of Student Services shall arrange a Disciplinary Panel.

14.10. **Any Disciplinary Panel shall consist of:**

- a) A senior member of the academic or Leadership team with no prior involvement in the matter (to Chair the meeting)
- b) The investigating officer (to present the case but not in a decision-making capacity); and
- c) One other member of the academic or senior staff with no previous involvement in the matter.

14.11. Where members who have an identified disability are considered, a member of the Institute Disability and Dyslexia or relevant HR representative will be required to be part of the panel.

14.12. The members of the Disciplinary Panel may also invite a note-taker to the meeting.

14.13. The member invited to attend the disciplinary meeting will also be given an option to present their case either in person or in writing if the member prefers to do so. All written documents from the member or their companion must be received at least three working days prior to the disciplinary meeting.

14.14. At the disciplinary meeting the investigating officer/the Panel will go through the allegations against the member and the evidence that has been gathered. The member will be able to respond and present any evidence of their own. The companion may also make representations as described in section 11 of this procedure.

14.15. The Institute and the member may ask relevant witnesses to appear at the disciplinary meeting. The member needs to give the investigating officer sufficient advance notice to arrange their attendance. The member will be given the opportunity to respond to any information given by a witness. However, the member will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Institute decides that a fair meeting could not be held otherwise.

14.16. The disciplinary meeting may be adjourned if further investigations need to be carried out, such as re-interviewing witnesses in the light of any new points the member raises at the hearing. The member will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

14.17. Following the disciplinary meeting the investigating officer or (where applicable) the members of the Disciplinary Panel will consider whether they believe the allegation made against the member to be proven.

14.18. If at this stage the allegations have not been proven or the member was considered innocent, the investigating officer or (where applicable) the members of the Disciplinary Panel will take no further action and will write to the member who was the subject of the investigation to confirm the outcome and the reasons. The individual who reported the conduct will also be informed that the case is closed.

14.19. If the allegation is considered to be proven, depending on the nature of the disciplinary offence, the investigating officer or (where applicable) the members of Disciplinary Panel will decide on the appropriate penalty as described below.

14.20. The investigating officer or (where applicable) a member of the Disciplinary Panel will notify the member in writing



of the outcome of the disciplinary meeting, the reasons for the decision and (where relevant) any imposed penalty within ten working days of the disciplinary meeting. Where possible, the investigating officer will also explain this information to the member in person.

14.21. Further guidance on the process for conducting disciplinary meetings is at Appendix 3.

15. Penalties

15.1. The investigating officer or (where applicable) the Disciplinary Panel shall have discretion in choosing the appropriate penalty for any disciplinary offence under this procedure. The reasons for the choice of the penalty shall be recorded in writing and shared with the Director of Student Services and the member.

15.2. **Penalties under this procedure are as follows:**

- a) An action plan and conditions for improvement of the member's conduct (be reviewed within 2 months of being issued); and/or
- b) A formal warning; and/or
- c) Community service; and/or
- d) A fine (up to £200); and/or
- e) Payment of compensation; and/or
- f) Payment of clearing up/repair costs; and/or
- g) Relevant training; and/or
- h) Partial or full suspension; and/or
- i) Exclusion

15.3. Where a member who has previously received a formal written warning ought to receive a further formal written warning, the Disciplinary Panel will have discretion to exclude the member from the Institute.

15.4. **In exercising discretion under 15.1, the investigating officer and under 15.1 and 15.3, the Disciplinary Panel shall have regard to:**

- a) Whether action has already been taken by another body (such as a medical society, university or other partner or the owners of any premises/property which are the subject of the member misdemeanor);
- b) Whether there is evidence of remorse on the part of the member (for instance evidence that they have apologised, made restitution or improved their behaviour since the incident);
- c) Any partner or professional body standards or regulations that apply; and
- d) Any mitigating and/or aggravating factors.

15.5. Every formal written warning shall be a permanent part of the member's record.

15.6. The person who reported the conduct will be informed of any outcome.

15.7. If there is clear evidence that material loss or damage was caused by the conduct, the investigating officer or (where applicable) the Disciplinary Panel may require the member to pay financial compensation to the person or persons who suffered the loss or damage.

15.8. The investigating officer and (where applicable) the Disciplinary Panel may impose a partial or a full suspension under this procedure and partially or fully restrict access to any of the Institute premises, activities, services and/or placements/internships and/or professional or work experience during the suspension. Members shall be entitled to use DDS services during the suspension unless expressly prohibited to do so by the Disciplinary Panel, e.g. on the grounds of health and safety.

15.9. When the investigating officer makes a decision to suspend (and in the case of the Disciplinary Panel, to suspend or exclude) a member, they will notify the Head of Member Services. The Head of Member Services will action the suspension or exclusion and write to the member informing them of the suspension or exclusion.

15.10. It shall not be considered confidential that a member has been excluded or suspended by the Institute.



16. Illegal substances

16.1. The Institute has a zero tolerance approach to illegal substances.

16.2. The disciplinary offence under 4.1 b) is punishable as follows:

	First offence	Second offence	Third offence
a) Possession or use of illegal substances	Student can choose either: <ul style="list-style-type: none">• £100 fine; or• Attendance at a drugs awareness course	1 week's suspension; and £100 fine	Exclusion
b) Trade, supply or distribution of illegal substances	Suspension or Exclusion depending on the severity of the offence	Exclusion	

17. Formal process, Stage 3: Review

17.1. If the member is dissatisfied with Stage 2 of the Disciplinary Procedure outcome, they have 10 days from receiving the outcome letter to request a review by the Principal against the decision.

17.2. Requests for a review will be granted on limited grounds, namely:

- A review of the procedures followed at the formal stage;
- Consideration of whether the Disciplinary Procedure outcome (including any penalty imposed) was reasonable in all the circumstances; or
- New material evidence is provided which the member was unable, for valid reasons, to provide earlier in the process.

17.3. The member needs to submit requests for a review to the Director of Student Services in writing, or by having someone submit such a request on their behalf, accompanied by the written consent from the member for someone else to act on their behalf. The member should set out their concerns clearly and succinctly and provide evidence to substantiate the issues raised (where possible) and outline what outcome they are seeking. The receipt of the request will normally be acknowledged within five working days of receiving it.

17.4. The Director of Student Services will decide whether the grounds for a request have been satisfied and whether the request for a review can be granted. If the request can be granted, the Principal or her/his nominee will review the matter.

17.5. At Review, the Principal (or her/his nominee) will consider whether:

- The relevant procedures were followed during the formal stage;
- The Disciplinary Procedure outcome (including any penalty imposed) was reasonable in all the circumstances;
- The member received clear reasons for the outcome at the formal stage; and
- (In cases where a member wants to rely on new evidence) the evidence is new and whether the member has provided valid reasons for not supplying any new evidence earlier.

17.6. The outcome of Review will be that the Principal (or her/his nominee) either upholds the outcome made at the formal stage, or makes a different finding which overturns the outcome. Decisions taken by the Principal (or her/his nominee) at the Review stage are final. If the outcome of the Review is favourable to the member, it will be communicated to the member by letter within 28 days of the Review request being accepted by the Institute. The member can, however, request the Institute to provide the member with a Completion of Procedures (COP) Letter within 30 days of the date of the outcome letter. Where such request is made, a Completion of Procedure (COP) will be provided within 14 days of the request. If the outcome of the disciplinary process is unfavourable to the member, the outcome will be communicated to the member by a COP automatically within 28 days of the Review request being accepted by the Institute.



17.7. If this deadline is not deliverable, the Institute will contact the member to explain the delay and set a new deadline for the response. The Institute reserves the right to extend the period it needs for response during vacation and exam periods.

17.8. Once the process under this procedure has been completed, the Investigating officer will write to the person who reported the conduct to confirm the case outcome and that the case is closed.

18. Independent external review

18.1. For all ICST Validated higher education programmes, once the Review stage has been completed, and within twelve months of the date of the Completion of Procedures Letter, the member is entitled to ask the Office of the Independent Adjudicator (OIA) to review the Institute's handling of the disciplinary matter under this procedure.



Appendix 1: The Institute of Clinical Science and Technology Student Disciplinary Incident Report Form

Use this form to report any incident of unacceptable conduct by a Institute student. Please attach any evidence (such as emails) which you have.

Your name	
Your ICST staff/student ID	
Name of witness (if not you)	

Date of Incident	Time of Incident	Location of Incident

If you want us to treat this report in confidence, please explain why below

If you request confidentiality we will not give your name or any other details about you to anyone else. If we cannot fairly investigate your complaint without breaching your confidentiality we will write to you to explain that we will not investigate.

Name and ID number (if known) of student who caused the incident	
Date of this form	

Please describe the incident in your own words below

--



Appendix 2: Conducting Investigation Interviews with Members and Witnesses

Interviews are undertaken as part of an investigation into allegations of misconduct. Interviews are undertaken with the member(s) against whom the allegations have been made and any staff or members who may be usefully called as witnesses.

The only purpose of the interview process is to gather evidence relating to the alleged incidents. Witnesses are always interviewed individually and in any event may not be accompanied by the member who is the subject matter of the investigation/act as a note taker.

Prior to the interview

Prior to the interview the investigating officer should:

- a) Consider whether they, or any colleague they may wish to invite to the meeting as a note taker, could be considered to have a conflict of interest, and if there is a conflict of interest ask another suitably qualified person to take over the investigation/act as a note taker.
- b) Consider whether any reasonable adjustments may be required.
- c) Arrange a suitable confidential space for the interview(s). If several interviews are to be held close together, the investigating officer shall take care that witnesses do not have to wait together.
- d) Write to the member at their postal and email address, giving at least seven days' notice of the date, time and place of the interview and confirm:
 - i. What the allegations are;
 - ii. The potential outcomes should the allegations prove to be correct; and
 - iii. Their right to be accompanied in accordance with the Member Disciplinary Procedure
- e) Write to the witness at their postal and email address, giving at least seven days' notice of the date, time and place of the interview.
- f) Specify in that letter what the allegations are, and whether the witness is merely a witness, or whether allegations have been made against them.
- g) Include in that letter a copy of this policy.
- h) Advise the witness of the SU Advice service and confirm the witness's right to be accompanied by a friend or SU representative.

At the interview

At the interview the investigating officer should:

- a) Arrange for an accurate note (but not a verbatim note) of the interview to be taken.
- b) Introduce themselves, any note-taker they have invited to the interview, the witness, and the witnesses friend or SU representative.
- c) Confirm that the only purpose of the interview process is to gather evidence relating to the alleged incidents.
- d) Inform the member/witness of the alleged offence.
- e) Question the member/witness about what they did, saw, or heard in relation to the alleged offence.
- f) Invite the member/witness to make a statement. It will not be appropriate at this stage to attempt explain or to extenuate the misconduct, or to mitigate any possible penalty, but there may be relevant matters relating to what the witness did, saw, or heard which were not in the investigating officer's list of questions.
- g) Invite the member/witness to name any additional witnesses who may be relevant to the matter, and to present any other evidence they may have.
- h) Advise the member/witness of the next stage of the process.
- i) Conclude the interview.



After the interview

After the interview the investigating officer should:

- a) Decide whether to interview any witnesses whom the member/witness interviewed may have suggested.
- b) Review and finalise the note of the interview.
- c) Forward the note of the interview to the member/witness, normally within 10 working days.
- d) Permit the member/witness to comment on the note of the interview, but not permit them to edit or change it in any way. The final record of the interview shall consist of the note and any comments submitted by the member/witness.

Appendix 3: Procedure for conducting disciplinary meetings

Prior to the meeting

The investigating officer should:

- a) Consider whether any colleague they may wish to invite to the Disciplinary meeting could be considered to have a conflict of interest, and if there is a conflict of interest ask another suitably qualified person to get involved in the process. Colleagues will not be considered to have a conflict of interest merely because they interviewed the member at an earlier stage in the process, but any other involvement with the member is likely to be considered a conflict of interest.
- b) Consider whether any reasonable adjustments may be required.
- c) Arrange a suitable, confidential space for the meeting.
- d) Write to the member at their postal and email address, giving at least seven working days' notice of the date, time and place of the disciplinary meeting.
- e) Confirm that the member is required to attend the meeting but give the member an option to present their case to the Disciplinary Panel either in person or in writing if the member prefers to do so.
- f) Confirm that all written document from the member or their companion must be received at least three working days prior to the disciplinary meeting (unless agreed by the investigating officer otherwise).
- g) Provide the complete file of evidence gathered to date, including all witness statements.
- h) Specify in that letter what the allegations are, and what penalties are available under this policy.
- i) Include in that letter a copy of this policy and any other relevant policies (such as a professional code of conduct).
- j) Advise the member/witness of the Student's Union Advice service and confirm the member/ witness's right to be accompanied by a friend or Student's Union representative.

It may be appropriate to redact witness statements in the evidence pack sent to the member in certain cases to remove the names of witnesses or other individuals. Any proposal to redact more than a name, or to remove any evidence from the pack, is potentially a violation of the member's right to natural justice and must be agreed in advance by the Institute Solicitor.

At the Meeting

At the meeting, the investigating officer or (where applicable) the members of the Disciplinary Panel should:

- a) Arrange for an accurate note (but not a verbatim note) and/or recording of the meeting to be taken.
- b) Introduce themselves, any note-taker they have invited to the meeting, the member, and the member's companion.
- c) Check that member has read and understands this policy and any other relevant policies (such as a professional code of conduct) and explain them where appropriate.
- d) Inform the member that any information provided must be truthful or additional disciplinary allegations may result.
- e) Remind the member of the alleged offence.
- f) Confirm that the purpose of the meeting is to ensure that the member has the opportunity to understand and, if necessary, rebut all the evidence against them and also has the opportunity to explain or to extenuate their misconduct, or to mitigate any possible penalty.
- g) Review relevant evidence.
- f) Permit the member to challenge any evidence.
- g) Invite the member to make a statement. It will now be appropriate for the member to attempt to explain or extenuate the misconduct, or to mitigate any possible penalty.



- h) Confirm next steps.
- i) Conclude the meeting.

If the member does not appear at the Disciplinary meeting on more than two occasions without a reasonable excuse, the investigating officer or (where applicable) the Disciplinary Panel may deal with the alleged disciplinary offence and impose a penalty in the member's absence.

After the meeting

After the disciplinary meeting the investigating officer or (where applicable) members of the Disciplinary Panel should:

- a) Decide what account to take of the representations made by the member at the meeting.
- b) Review and finalise the note of the meeting.
- c) Decide on an outcome and (if appropriate) a penalty.
- d) Write to the member, normally within ten working days, including the note of the meeting, the outcome of the process, the reasons for the decision and, if appropriate, the penalty that has been imposed. If a formal warning is to be given, this letter will constitute the formal warning
- e) Ensure that the outcome letter clearly explains the decision, the reasoning behind the decision, and the critical evidence on which that reasoning was based.
- f) Ensure that the outcome letter reminds the member of the relevant Review route (section 17 of this policy)
- g) Indicate that the investigating officer will not enter into any further correspondence about or discussion of the matter except as arising from a Review submitted under section 17 and
- h) **Make an Institute record of the decision and send it to the Director of Student Services stating;**
 - ii. Allegations
 - ii. Each party's case
 - iii. Summary of evidence
 - iv. Which evidence was preferred and why
 - vi. Decision
 - vii. Reason for Decision and
 - viii. Sanctions