

Fitness to Practise Policy and Procedure

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Fitness to Practise Policy and Procedure

1. Introduction

- 1.1 The National Institute of Teaching (NIoT) has a responsibility to ensure that trainees who are admitted to, registered on and graduate from professional programmes are fit to practise and accordingly will provide trainees¹ with appropriate teaching, support and guidance. However, situations or circumstances may arise where a trainee's fitness to practise is called into question.
- 1.2 The NIoT's ITE programme is regulated by the Department for Education (DfE). At the point of entry to their study all entrants are required to undergo a fitness to teach process. This involves the completion of a health questionnaire by the NIoT's designated provider.
- 1.3 This policy and procedure sets out how the NIoT will respond to concerns about a trainee's fitness to practise.
- 1.4 This policy and procedure should be considered in conjunction with the NIoT's Fitness to Study Policy, the NIoT's Academic Regulations and the NIoT's Non Academic Misconduct Policy and Procedure. Cases relating to a trainee's health should normally be considered under the Fitness to Study Policy.

2. Delegation of Authority

- 2.1 The National Institute of Teaching's Academic Board has delegated its authority to govern trainee conduct within the areas of fitness to practise to those individuals named in this policy and procedure.
- 2.2 The NIoT's Academic Board will receive a report annually on cases considered under this policy and procedure.

3. Purpose and Scope

- 3.1 This policy and procedure applies to all trainees on the NIoT's Initial Teacher Education programme. Throughout this policy 'trainees' refers to both trainees and apprentices. If any aspect refers to one group specifically this will be explained.
- 3.2 Trainees have an obligation to familiarise themselves with and comply with the DfE's professional code of conduct (<https://www.gov.uk/government/publications/teachers-standards>), the NIoT's Trainee Code of Conduct and the principles set out in Section 4 of this policy and procedure. Failure to comply with these codes and meet these standards may result

¹ The word trainee is used throughout, and it encompasses all trainees in various routes as well as apprentices. If aspects of the policy relate to a particular group this will be explained.

in a trainee's fitness to practise being called in question and the procedure set out in Section 9 being invoked.

- 3.3 Whilst trainees may not yet be professionally qualified or registered, it is important that they always conduct themselves professionally. The purpose of this is to justify and maintain the trust and confidence that the public places in the teaching profession and to promote and maintain proper professional standards and conduct.
- 3.4 The policy and procedure applies from the offer of a place with the NIoT to the completion of a trainee's study. It is not restricted to activities during term time or on placement, on campus, Associate College site or placement provider premises, or in respect of the NIoT or placement activities. It applies to conduct on the Internet or on social media.
- 3.5 Fitness to practise relates to matters of conduct (including behaviour at NIoT, on placement and in trainees' personal lives), professional suitability (including health and character) and performance (both academic and practice).
- 3.6 Issues relating to health and wellbeing may be addressed using the Fitness to Study policy. The Safeguarding policy and procedure may also be used depending on the issue. The Director of Registry Services along with the Head of ITE will determine the most appropriate policy to follow. Each case is considered on an individual basis.
- 3.7 In implementing this policy and procedure the NIoT will take into account the need to:
 - a. Protect children, other teachers and their families
 - b. Safeguard children and other vulnerable groups
 - c. Understand and uphold appropriate standards of conduct and behaviour
 - d. Maintain public confidence in students and/or trainees and the professions they represent
 - e. To have regard to the principles of natural justice
 - f. Operate having regard to prevailing diversity, equality and inclusion legislation as set out in the Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/contents>)
 - g. Maintain confidence in the ability of the NIoT to deal appropriately with fitness to practise issues
 - h. Respect confidentiality
 - i. Promote a professional learning culture for trainees and for the NIoT, where matters of concern (where appropriate) are used proactively to promote openness and learning, in the interests of trainees future personal and professional development
- 3.8 Concerns raised about a trainees fitness to practise under this policy and procedure may result in one or more the following outcomes or sanctions for the trainee. This list is non-exhaustive:
 - a. No further action
 - b. Reasonable adjustments being made to address any identified issues
 - c. A verbal or written warning

- d. Conditions and/or undertakings
- e. Withdrawal or temporary suspension from placement
- f. Temporary suspension from the NIOT
- g. Termination of the programme with permanent expulsion from the NIOT

3.9 These outcomes and sanctions are put in place for public protection and to promote trainees' learning and personal development.

4. Professional Conduct Required of Trainees

4.1 This section sets out a series of standards of conduct for trainees studying on the NIOT's ITE programme. As set out in Paragraph 3.2 above, trainees have an obligation to familiarise themselves with and comply with the DfE's professional code of conduct (<https://www.gov.uk/government/publications/teachers-standards>) and the NIOT Trainee Code of Conduct, as outlined in the Trainee and Apprentice Programme Handbook.

4.2 Trainees on Initial Teacher Education programmes are expected to abide by Part 2 of the Teachers' Standards (DfE, 2012), which are quoted in paragraphs 4.5a – 4.5d:

- a. A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.
- b. Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
 - i. treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
 - ii. having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
 - iii. showing tolerance of and respect for the rights of others
 - iv. not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
 - v. ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law
- c. Trainees must have proper and professional regard for the ethos, policies and practices of the school in which they teach, be aware of the policies regarding conduct of their placement school, and maintain high standards in their own attendance and punctuality.
- d. Trainees must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

4.7 A non-exhaustive list of the types of concerns that may result in this policy and procedure being invoked are as follows:

- a. Concerns about the trainee emerge from a third party (i.e. a tutor or mentor in a school setting) which indicate that there is a need to question their fitness to practise
- b. The trainee has told a member of the NIoT that they have a problem and/or provided information which indicates that there is a need to question their fitness to practise
- c. The trainee exhibits behaviour which is inappropriate or does not comply with other standards set out in Section 4
- d. The trainee is accused of intimidation of teachers, pupils, carers
- e. A trainee is accused of acting in a violent manner
- f. A trainee is accused of fraudulent behaviour, including in relation to NIoT or placement provider funds
- g. The trainee is arrested on suspicion of committing or receives a conviction for committing a criminal offence
- h. The trainee is accused of failing to rectify behaviour that has been subject to any other disciplinary action by the NIoT
- i. The trainee is accused of inappropriate behaviour towards others
- j. The trainee is accused of failing to act in a way to ensure the safety and wellbeing of all pupils
- k. The trainee is accused of breaching confidentiality
- l. The trainee is accused of breaching safeguarding protocols

5. Reporting Concerns

- 5.1 Concerns about a trainee's fitness to practise may be received from any source, including (but not limited to) NIoT staff, children, placement partners or other partner agencies, service users, or members of the public.
- 5.2 Concerns about a trainee's fitness to practise should be reported immediately to the trainee's Head of ITE, to ensure that appropriate action is taken.
- 5.3 Where the trainee is an existing registrant, the NIoT may report a fitness to practise concern to the DfE and these issues may result in a revocation of an existing registration.

6. Temporary Suspension

- 6.1 Where a concern is raised about a trainee's fitness to practise, they may be temporarily suspended from placement and/or NIoT pending consideration of the concern under the Fitness to Practise Procedure set out in Section 9.
- 6.2 A trainee will normally only be temporarily suspended for one of the following reasons:
 - a. The trainee poses a risk of harm to themselves, pupils, other students, NIoT staff or staff at partner organisations
 - b. The allegation represents a potential or actual threat to the safety, security, health, wellbeing, good order, or reputation of the NIoT, its members, an external organisation or placement provider, or members of the public

- c. The allegation creates a risk to trust and confidence in or proper operation of the profession
 - d. Any delay in taking action may result in a further breach of the Trainee Code of Conduct
- 6.3 Suspension will never be an automatic approach and alternatives will be considered. If suspension is considered the appropriate route, it will not prejudice any investigation under procedure set out in Section 9 and suspension from placement will normally only be invoked in consultation with the placement partner organisation as appropriate. Temporary Suspension is not used as a penalty in the context of this policy and procedure. The NIoT will consider ways in which the impact of temporary suspension on the trainee can be mitigated.
- 6.4 Temporary Suspension pending consideration of a concern under the procedure set out in Section 9 may be authorised by the following persons:
 - a. For temporary suspension from placement, by the Head of ITE .
 - b. For temporary suspension from the Institute, by one of the following:
 - i. The NIoT's Executive Director of Programmes
 - ii. The NIoT's Chief Operating Officer
 - iii. The NIoT's Director of Registry Services
- 6.5 The trainee will be informed in writing of the suspension and the reasons for it, together with its terms.
- 6.6 In all circumstances where temporary suspension is imposed, the original decision-maker will continue to review the conditions in place on an ongoing basis.
- 6.7 A trainee subject to temporary suspension is entitled to request a review of the decision:
 - a. For temporary suspension from placement, the review should be conducted by the NIoT's Director of Registry Services.
 - b. For temporary suspension from the NIoT, the request for a review should be submitted to the NIoT's Director of Registry Services, who will arrange for the review to be conducted by a senior officer as set out in Paragraph 6.4b with no prior involvement in the matter.

7. Allegations involving the police, external bodies or Professional, Statutory and Regulatory Bodies (PSRB's)

- 7.1 Where a police investigation, criminal proceedings or other external investigation has been or may be initiated in relation to a concern raised under this policy and procedure, the NIoT may suspend its consideration of the matter under this or any other regulation, policy or procedure (at any stage) until such investigation and/or proceedings have been concluded. The NIoT's consideration of a matter under this policy and procedure may be resumed at any stage should the NIoT deem it to be appropriate in the circumstances.

- 7.2 The NIoT may take action in respect of a trainee under this policy and procedure notwithstanding the trainee's conviction or acquittal in criminal proceedings or a finding by a Professional, Statutory and Regulatory Body (PSRB). The NIoT is not bound by the outcome of any criminal prosecution or external proceedings, although the NIoT may in its discretion take any penalty imposed by a criminal court or other authority into consideration in determining any outcome to be imposed under this policy and procedure.
- 7.3 All concerns about fitness to practise involving the police or an external agency should be reported immediately by the relevant member of staff to the Institute's Director of Registry Services.

8. Sources of Support, Information and Advice

- 8.1 A trainee is entitled to have a supporter present at any meeting or hearing held under this policy and procedure. The supporter should normally be a current registered trainee of the NIoT, a friend or family member, a trade union representative or a member of staff employed by the NIoT e.g. a tutor.
- 8.2 The role of the supporter is to provide advice and emotional support but is not normally an advocacy role. Neither the NIoT nor the trainee will normally be permitted to be represented by a legal practitioner at meetings or hearings held under this policy and procedure. A supporter cannot act both as a witness and as a supporter.
- 8.3 Further advice is available to all parties through the NIoT 's Registry Department.

9. Fitness to Practise Procedure

- 9.1 Where a concern is raised that a trainee has failed to uphold the standards of the relevant professional code of conduct, the Trainee Code of Conduct or the principles set out in Section 4 of this policy and procedure, it should be referred for consideration under this procedure to determine whether or not the student is fit to practise.
- 9.2 There are three stages of the Fitness to Practise Procedure:
- Stage 1: Early Resolution
 - Stage 2: Formal Consideration
 - Stage 3: Fitness to Practise Panel
- 9.3 Attempts will normally be made to address fitness to practise concerns in an informal and supportive context at a local level and, wherever possible and appropriate, all efforts will be made to resolve a concern at Stage 1. However, in serious cases, the NIoT reserves the right to proceed straight to Stage 2. Advice can be sought from the NIoT 's Director of Registry Services regarding the stage of this procedure that the concern should be addressed at.

Stage 1: Early Resolution

- 9.4 At Stage 1 the Head of ITE (or nominee) will normally meet the trainee to discuss the concern. The trainee should be given full details of the concern and will have an opportunity to respond.
- 9.5 In advance of the meeting, the trainee should be informed of their right to bring a supporter to the hearing in line with Section 8.
- 9.6 Following discussion with the trainee, the Head of ITE will determine one of the following:
 - a. That the concern does not fall within the scope of this policy and procedure and should be referred to a different policy or procedure, such as the Fitness to Study Policy.
 - b. That the trainee is fit to practise, in which case the concern will be dismissed, and no further action will be taken.
 - c. That there is an outstanding concern about the trainee's fitness to practise, in which case they will take one of the following actions:
 - i. Give appropriate advice and guidance, which may or may not include an oral warning, and place a note on the trainee record, which may be referred to in any future fitness to practise proceedings. The trainee will be informed in writing that a note has been placed but that it does not constitute a written warning
 - ii. Refer the matter to Stage 2 of the Fitness to Practise Procedure
- 9.7 The Stage 1 meeting will normally be held within 5 working days of receipt of the concern.
- 9.8 The trainee will receive a letter setting out the decision at Stage 1 within 5 working days of the meeting, which will contain reasons for the decision.

Stage 2: Formal Consideration

- 9.9 The purpose of Stage 2 is to provide an open and transparent process of investigation and consideration of serious or repeated concerns relating to fitness to practise.
- 9.10 A concern may be referred to Stage 2 as a result of consideration at Stage 1 or if, in the view of the Head of ITE, the concern is sufficiently serious that it should be referred straight to Stage 2.
- 9.11 To initiate Stage 2, the Head of ITE will ask the Director of Registry Services to appoint an investigator, who will normally be another Head of ITE, or may be the Head of Faculty.
- 9.12 The investigator should gather all existing information and documentation relating to a concern, including conducting interviews with or requesting statements from any witnesses where necessary, and then invite the trainee to a meeting.
- 9.13 The invitation to the trainee should include the following information:
 - a. Details of the allegation that has been received.
 - b. That the allegation is being considered at Stage 2.
 - c. A copy of any relevant documentation.

- d. That the trainee is entitled to bring a supporter as set out in Section 8 of these regulations; and
 - e. The names of any attendees at the meeting.
- 9.14 In the meeting, the investigator should discuss the concern and give the trainee an opportunity to respond and give their own perspective.
- 9.15 The investigator may hold additional meetings with the trainee or any other parties.
- 9.16 Further to the meeting, the investigator should recommend the following:
 - a. That no further action should be taken
 - b. To allow the trainee to continue fully on the programme but recommend that appropriate advice is given as to future conduct whilst enrolled on the programme. At this stage it may be necessary, for the trainee's benefit, to require the trainee to attend an alternative placement.
 - c. To allow the trainee to continue on the course with a formal action plan. The plan will be supportive, designed to enable the trainee to sustainably demonstrate they are professionally suitable and will be monitored by the Head of ITE (or nominee). It may also be necessary, for the trainee's benefit, to require the trainee to attend an alternative placement. Failure to adhere to the plan may lead to this policy being re-invoked at this or a later stage.
 - d. To recommend an oral warning is given and a note placed on the trainee's record, which may be referred to in any future fitness to practise proceedings.
 - e. To recommend to the Director of Registry Services that a Stage 3 Fitness to Practise Panel be convened.
- 9.17 The Director of Registry Services will consider the report of the investigator and either accept or vary the recommendation. The Director of Registry Services will write to the trainee setting out their decision and giving reasons. A copy of the decision letter should be kept on the trainee's record.
- 9.18 The Stage 2 Formal process will normally be completed within 20 working days from the first report of the concern. If, due to unforeseen circumstances, this timeline cannot be adhered to, the trainee will be informed at the earliest opportunity of the delay and the reason why.

Stage 3: Fitness to Practise Panel

- 9.19 Where the Director of Registry Services considers that a Fitness to Practise Panel should be convened, they should make a request in writing to the NIoT's Chief Operating Officer. The request should include copies of all the relevant information collected by the investigator at Stage 2.
- 9.20 At their discretion, the NIoT's Chief Operating Officer may ask the Director of Registry Services for further information or ask for the concern to be reconsidered at an earlier stage.
- 9.21 If the Director of Registry Services agrees then the Director of Registry Services will convene a panel and nominate a chair. A chair should be selected from the senior leadership team and someone who also has relevant experience.

- 9.22 The purpose of the Fitness to Practise Panel is to hear concerns, to make a decision about whether or not a trainee is fit to practise and to determine an appropriate outcome.
- 9.23 The membership of the Fitness to Practise Panel will comprise a members of the NIoT's senior leadership team and senior programme staff involved with the delivery of the trainee's programme.
- 9.24 All members of the Panel will be impartial and panels will usually be made up of three members.
- 9.25 In the event of a panel being made up of two members and there is a a tied decision, the Chair will have the casting vote.
- 9.26 The NIoT's Chief Operating Officer will appoint a suitable person to act as Clerk to the Panel.
- 9.27 The trainee will be informed of the date of the hearing and the composition of the Panel, as well as details of the concern and a copy of all the information to be considered by the Panel no less than 5 working days beforehand. The trainee will be informed of their right to bring a supporter to the hearing in line with Section 8.
- 9.28 The trainee may submit a written statement and copies of any relevant information to the Panel but should do so no less than 2 working days beforehand.
- 9.29 The investigator will attend the meeting to set out the concern and relevant evidence. The investigator will not propose or comment on any outcome or penalty which might be imposed and will not be involved in the deliberations of the Fitness to Practise Panel in any way.
- 9.30 The trainee and the investigator are entitled to call witnesses before the panel. They should provide to the Clerk the names of any witnesses they intend to call no less than 2 working days beforehand.
- 9.31 The Panel may at the discretion of the Chair adjourn a hearing and request additional evidence from either party. The Panel will normally reconvene within 7 days, and the parties will be given at least 2 days' notice of the time and date of the reconvened hearing.
- 9.32 The Fitness to Practise Panel meeting is a confidential meeting and will be held in private.
- 9.33 The trainee will usually be required to attend the meeting of the Panel virtually. If the trainee fails to attend without 'reasonable explanation', the Panel may consider the case and reach a decision in the trainee's absence. The Chair will have discretion as to what constitutes a 'reasonable explanation'.
- 9.34 The Panel's proceedings will normally be as follows:
- a. The members of the Panel have a preliminary discussion without the trainee, the trainee's companion or the investigator being present.
 - b. The trainee, the trainee's chosen supporter and the investigator are invited to the meeting and the Chair introduces all those present.

- c. The Chair checks that the trainee and companion have received details of the case against the trainee and any supporting documentation, and that they understand fully the nature of the allegation and the purpose of the Fitness to Practise Panel.
 - d. The Chair explains the order of proceedings to the trainee.
 - e. The concern and any supporting evidence are presented by the investigator, who may call witnesses.
 - f. Members of the Panel and the trainee are invited by the Chair to ask the investigator and any witnesses questions related to the case or evidence.
 - g. The Chair then invites the trainee to put forward verbally to the Panel their response to the concern and to call any witnesses.
 - h. Members of the Panel and the investigator are invited to put questions to the trainee and any witnesses.
 - i. At any time during the Panel hearing the trainee may ask the Chair for a recess.
 - j. The Chair invites the investigator to make any final response or remarks.
 - k. The Chair invites the trainee to make any final response or remarks.
 - l. The Chair closes the meeting and the Panel deliberates.
- 9.35 The Panel will determine whether or not, on the balance of probabilities, the trainee is fit to practise.
- 9.36 If the Panel finds that the trainee is fit to practise, the concern will be dismissed and no further action will be taken.
- 9.37 If the Panel determines that there is an outstanding concern about the trainee's fitness to practise, or that in its view the trainee is unfit to practise, it may at its discretion apply one of more of the following:
- a. Permit the trainee to continue on the course with no sanction required. The Head of ITE may be asked to give advice to the trainee on their future conduct or engagement whilst enrolled on the programme. If appropriate, the Panel can recommend that an oral warning is given and a note placed on the trainee's record, which may be referred to in any future fitness to practise proceedings.
 - b. Permit the trainee to continue on the course with a formal action plan. The plan will be supportive, designed to enable the trainee to sustainably demonstrate they are professionally suitable and will be monitored by the Head of ITE (or nominee). Failure by the trainee to adhere to the plan will be viewed as a further fitness to practise issue and the Fitness to Practise Policy and Procedure may be re-invoked at this or an earlier stage. The action plan may, where appropriate, include referral to Occupational Health or other NIoT services. A record of the action plan will be held in the trainee's file, which may be referred to in any future fitness to practise proceedings.
 - c. Issue a formal written warning, which will be placed on the trainee's record for a period of time to be determined by the Panel, including up to and after the duration of the trainee's course. The trainee will be notified that while the warning remains on the file any reference given by the NIoT for employment or further study may include a statement that the trainee was subject to a Fitness to Practise Panel hearing during the programme. Details of the allegation or the outcome will not be given in the reference.

- d. The Panel may require discontinuation of a placement. The NIoT may share, as appropriate, information about a trainee's professional and/or academic progress with placement providers, including (but not limited to) the outcome of a Fitness to Practise Panel hearing. Whilst the NIoT will take all reasonable steps to secure an alternative placement, placement providers may refuse to accept particular trainees, and this may legitimately jeopardise the trainee's ability to complete the course.
 - e. Suspend the trainee from the course for a defined period of time, with return subject to conditions to be determined or delegated by the Panel (e.g. recovery from health issues or resolution of other relevant or mitigating factors).
 - f. Require the trainee to transfer to another programme of study for which a professional award will not be made.
 - g. Expel the trainee from the NIoT. Subject to the recommendation of a Programme Assessment Board, the trainee may be eligible to receive any exit award to which they are entitled.
- 9.38 In determining whether or not to apply one or more outcomes as set out in Paragraph 9.37, the Panel will consider the seriousness of the allegation; the circumstances and context; personal circumstances of the trainee, including any mitigation; previous findings under this policy and procedure or any other NIoT regulation, policy or procedure.
- 9.39 Any penalty/sanction should be proportionate to the offence(s) and individual circumstances, and due regard given to the feasibility of discharging the actions or sanctions.
- 9.40 The trainee will receive in writing the outcome of the Panel within 10 working days of the Panel, including the decision, the reason for the decision and details of any sanction to be applied or further action to be taken. The trainee shall be informed of the right to appeal against the decision in accordance with Section 10 of this policy and procedure.

10. Right of Appeal

- 10.1 A trainee who wishes to appeal against a decision regarding Fitness to Practise Stage 3 may do so in writing to the NIoT.
- 10.2 Appeals may only be based on one or more of the following grounds:
- a. That relevant material new evidence which was not reasonably available at the time of the Stage 3 Panel can be provided;
 - b. That there has been a failure of due process; and/or
 - c. That the decision was unreasonable and/or the outcome disproportionate.
- 10.3 A trainee should make a request to appeal in writing to the Director of Registry Services within 10 working days of the date of the Stage 3 decision letter referred to at Section 9.40 above.

- 10.4 The notice of appeal must be accompanied by a concise written statement from the trainee that identifies precisely the grounds upon which the appeal is based, and a summary of the appeal case itself. A request to appeal submitted without this information will not be taken further.
- 10.5 The NIoT's Chief Operating Officer will determine whether grounds for appeal have been met and will advise the trainee within 10 working days of receipt of notification.
- If grounds for appeal have been met, the NIoT's Chief Operating Officer will convene an Appeal Panel.
 - If no grounds for appeal have been met, the appeal will be dismissed, and a Completion of Procedures Letter will be issued.
- 10.6 If the Chief Operating Officer determines that grounds have been met, they will convene the Appeal Panel and it will be chaired by a member of the NIoT Executive and will consist of other senior members of NIoT staff who have had no previous involvement in the case.
- 10.7 The Appeal Panel may at its discretion co-opt a senior practitioner from an employer partner organisation relevant to the trainee's programme who has experience of dealing with Fitness to Practise in the workplace and has not been involved in the case at an earlier stage.
- 10.8 A Clerk to the Appeal Panel will be appointed by the NIoT's Chief Operating Officer.
- 10.9 Once the Panel has been convened, the trainee will receive an invite to the Appeal Panel.
- 10.10 Following its consideration of the case, the Appeal Panel will take one of the following actions:
- Uphold the decision of the Stage 3 Panel in full
 - Uphold the decision of the Stage 3 Panel but substitute the original outcome or sanction for a less severe outcome or sanction
 - Set the decision aside and determine that the allegation should be dismissed
 - Set the decision aside and require the Stage 3 Panel to reconsider its decision
- 10.11 The decision of the original Panel shall remain in effect until an appeal has been considered by an Appeal Panel, and only varied if so decided by that Panel.
- 10.12 The Clerk to the Appeal Panel will notify the student in writing of the decision of the Panel within 7 days of the hearing and will issue the trainee with a Completion of Procedures Letter.
- 10.13 The decision of the Appeal Panel is final.

11. The Office of the Independent Adjudicator

- 11.1 The Office of the Independent Adjudicator (OIA) is an independent body set up to review student complaints. The OIA provides a free and independent scheme for the review of student complaints. Upon receipt of a Completion of Procedures Letter issued as part of this procedure, you can make an application to the OIA to review your

complaint within 12 months of the date of the letter. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>.

12. General Matters

- 12.1 The NIoT will take account of relevant legislation such as the Data Protection Act 2018 and the General Data Protection Regulations, the Equality Act 2010 and the general rights and expectations of a student to confidentiality.
- 12.2 The NIoT will process personal data relating to fitness to practise concerns in line with its Data Protection Policy and Privacy Notice for Trainees.
- 12.3 In exceptional cases the NIoT reserves the right at any stage to vary the procedures set out in this document in the interests of fairness and/or health and safety.
- 12.4 The NIoT may withhold the award of a trainee who is subject to ongoing consideration under this policy and procedure.
- 12.5 The NIoT may refuse admission, re-admission or enrolment to any programme of the NIoT, or the provision of any other service or facility, to a trainee until consideration of a concern under this policy and procedure is concluded.