**Final, Formal Review**

# Context and Formal Procedures

Following a hearing by the Professional Requirements Committee, Appeals Panel or the outcome of a formal Complaint, an appeal submitted by the student against the formal decision may be allowed, subject to the discretion of the Chief Operating Officer ([COO)](#COO" \o "the COO is the chief administrative officer of the College and has formal responsibilities for good governance in the College, in particular he is the officer to Council the body that is the ‘top’ governance body in the College) as specified below.

# Right of Review and Allowable Grounds for Review

* 1. A review must be requested in writing and lodged with the COO [within 28 calendar days](#within_28_calendar_days" \o "so students need to act promptly and be aware of why a review might be allowed – see 2.2 below) of the announcement of the decision which is to be the subject of the review. The grounds for the review must be clearly stated as part of the request and appropriate documentation supplied.
  2. The COO will allow an review to be heard if he is satisfied that any of the following criteria apply:
     1. That there is new [evidence](#evidence" \o "the student points out something new that was not available at the time of the hearing and probably could not have been available then) that could not have been, or for good reason was not, made available at the time of the hearing;
     2. That evidence can be produced of significant [procedural](#procedural" \o "The student can show evidence that the Committee did not follow these procedures and that the error was significant. So, e.g., getting your written response on day 8 and not day 7 after the hearing is an error, (continued...)) [error](#error" \o "(...continued) but it is not significant and would not have altered the Group’s decision. On the other hand, not having sent a key piece of evidence to you or bringing in a new ‘allegation’ on the day of the hearing, would be significant) made before or during the hearing.
     3. Any remedy or outcome proposed by the previous decision is manifestly unreasonable.

# Direction of Proceedings and Timings

* 1. The COO will check that the procedures of the previous stage have been followed correctly. If they have not then a Review will automatically proceed.
  2. If the COO decides to allow a review to be heard, s/he will appoint a Review Group. The COO will also appoint a Secretary (“the Secretary”) to the Committee [independent of previous proceedings.](#independent_of_previous_proceedings" \o "so the review process is independent of what went before)
  3. The final formal review should take no longer than 30 days in total without good reason being provided to the student.
  4. In cases arising from the Complaints Procedure, and especially those involving supervision, student complaints against other students, or tutor support, the COO may encourage the parties involved to engage in a mediation process. If mediation is accepted then the current Review will be complete.
  5. If the COO does not allow a review that decision will represent Completion of the College’s Procedures and the student will have recourse to the Office of the Independent Adjudicator (OIA) if they remain dissatisfied. ([www.oiahe.org.uk](http://www.oiahe.org.uk)). Accordingly, the student will receive a Completion of Procedures letter outlining the reason for the decision.

# Review Group

* 1. **Terms of reference of the Review Group**

To consider cases referred to it by the COO and determine whether the evidence is of sufficient significance to cast doubt upon the reliability of the decision arrived at by the original committee;

* 1. **Composition of the Review Group**
     1. The Review Group will be comprised as follows:

1. Chair, appointed by The Principal
2. One member with acknowledged expertise in the area in question (e.g. student support, supervision of research students, research area)
3. The President of the Student Union or his/her nominee
4. One member experienced in the dealing with the preceding procedure (Appeal, Complaint, Fitness to Practise).
   * 1. The Group may not include any person previously associated with the case, or who has any other significant connection with the case or the student, including involvement as an adviser to any party.
     2. One or more members of the Group may be external to the RVC.
     3. The quorum for the Group will be three. The Chair shall have a casting vote in the event of a tie.
   1. **Review Group procedure**
      1. For the purpose of the hearing, a decision by the Chair on any point of procedure will be binding.
      2. The Secretary will supply the members of the Group and the appellant, in advance of the hearing, with the grounds for review with supporting documentation and the papers presented at the hearing from which the review arises.
      3. If on receipt of the papers a member of the Group discovers they have a connection with the appellant or the case they must inform the Secretary immediately. The Chair and the COO will determine if the connection represents a significant conflict of interest requiring replacement or absence of the member of the Group.
      4. After consulting with the Group the Chair will determine whether or not to hold a hearing.
5. **Procedure if a hearing is to be held**
   1. At least 14 days’ notice of the date, time and venue of the Review Group hearing will be given to all parties.
   2. The appellant has the right to be accompanied by a [supporter](#supporter" \o "You should bring a person who will give you good moral support and understand your situation. It's not an adversarial legal process; it's a College process that observes the requirements of natural justice. Legal representation is permitted). The name of the supporter must be supplied to the Secretary at least two working days in advance of the meeting.
   3. The appellant will have the [right to be present](#right_to_be_present" \o "this means you will hear all of the information that the Group will use to make its decision) during the hearing except for instances specified below.
   4. The hearing in the presence of the appellant will be voice recorded under the supervision of the Secretary. Private sessions of the Group will not be recorded but summary notes will be taken by the Secretary.

5.5 The student making the review will present her/his case against the decisions.

5.6 The Review Group will consider the documents outlined above and may call persons connected with the proceedings from which the review arises to address the Group.

5.7 The Review Group, at its discretion, at any time during the hearing of a review order the room to be vacated, or may itself move to another room for [private discussion.](#private_discussion" \o "Sometimes everyone needs a break to reflect or take stock so the remainder of the meeting can proceed purposefully and not ‘go round in circles’) Only the Review Group and the Secretary to the hearing will be entitled to be present at such times.

* 1. At the conclusion of the presentations and the questions, the student may address the Group and the Chair may make a statement.
  2. The Chair will inform the student how and when the [decision will be communicated](#decision_will_be_communicated" \o "This might be by phone or in person after the meeting or at a later date. It will always be followed up in writing) to them.
  3. The Review Group will normally reach its decision without adjournment, but may adjourn for a period not exceeding seven days to finalise their decision.
  4. The decision of the Review Group will be made in private. The decision will be reached by a majority vote of the members of the Group and will be announced as the decision of the Group. The votes of individual Group members will be treated as confidential.

# Review Group outcome

* 1. The Review Group may reject or uphold the appeal made by the student as a result of the Review
  2. Where the Review Group upholds the review, the Group may order one of the following measures:

1. that the previous decision be set aside and that the case be reconsidered by the appropriate formal stage
2. that the previous decision, conditions or remedy be modified or reversed as specified by the Review Group. In this circumstance, the Review Group should direct whether or not the record of events should be removed from the student’s record.
   1. The decision and order of the Review Group, together with its reasons, will be announced by the Chair and will be sent in writing by email to the RVC address of the appellant, and to the Chair of the prior formal stage from which the review arose. In communicating the decision of the Review Group, the Chair will indicate the reasons for the decision.
   2. A decision of the Review Group will be final and will represent Completion of the College’s Procedures and the student will have recourse to the Office of the Independent Adjudicator (OIA) if they remain dissatisfied. ([www.oiahe.org.uk](http://www.oiahe.org.uk/)). A Completion of Procedures letter will be issued within 28 days of the decision.

# Suspension of Proceedings

If at any stage the Secretary, the Chair of the Review Panel or the student judge that the student is too unwell to continue with the process then the proceedings shall be suspended until the student is considered well enough to continue. In the case of a partially completed hearing the Chair may determine that the hearing be completed *[in absentia](#in_absentia" \o "Undergoing these procedures isn’t easy and we don’t want to make anyone who isn’t well even more unwell. Neither to we want students just to ‘dip out’ if they are not really unwell).*

# Records

* 1. The voice recording of hearings will form part of the record.
  2. A detailed formal report of the outcome and the reasons for the outcome will be made by the Secretary.
  3. The record of hearings will be kept for 7 years or 2 years after the student completes their study, whichever is the longer.
  4. The outcome of any hearing will form part of the student’s record unless the Review Group [directs otherwise](#directs_otherwise" \o "the Group would ‘direct otherwise’ if their opinion was that no ‘taint’ should be left on the student’s record).

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