Fitness to Practise Procedure

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Contents

1	About the Policy	3
2	Policy Statement	3
3	Possible Concerns	3
4	Referral to EAST SCITT	4
5	Investigating Fitness to Practice Concerns	4
6	Fitness to Practice Committee	4
7	Outcomes of Investigation	5
8	Support for Trainees	5
9	Publishing Policy	6
10	Review Date	6

1. About the Policy

Purpose

EAST SCITT has a responsibility to ensure that trainee teachers following our programme of study, which leads to a professional qualification, registrable with a statutory regulatory body are suitable to enter that profession.

The purpose of this policy it to provide guidelines to be applied to situations, in which a trainee teacher's fitness to practice is called into question due to conduct, behaviour or health raises serious, inappropriate, unprofessional, or persistent concerns. These concerns must be relevant to their suitability to continue on any programme of study which leads to a professional qualification with a professional, statutory and regulatory body (DfE).

2. Policy Statement

EAST SCITT Fitness to Practice procedures are detailed below. This guidance explains the procedure for an investigation into concerns about a trainee teacher's fitness to practice.

The Department for Education (DfE) set a clear baseline of expectations for the professional practice and conduct of teachers, from the point of qualification in The Teachers' Standards.

The Teachers' Standards are used to assess all trainee teachers working towards Qualified Teacher Status (QTS), and all those completing their statutory induction period. They should also be used to assess the performance of all teachers subject to the Education (School Teachers' Appraisal) (England) Regulations 2012.

The Teachers' Standards should be used in conjunction with the Department for Education Teacher Misconduct regulations to ultimately determine whether a trainee teacher is fit to practice upon qualification, as well as while they are studying.

These two documents are:

The Teachers' Standards (Department for Education, June 2013).

Teacher Misconduct – Disciplinary procedures for the regulation of the teaching profession (Department for Education, April 2013)

Those applying this policy must ensure that proceedings take into account the need to:

- Protect pupils, teaching staff, and the public.
- Declare and uphold appropriate standards of professional and personal conduct and behaviour in line with the QTS Teacher Standards (Part 2) (DfE, 2012).
- Maintain public confidence in trainee teachers.
- Maintain confidence in the ability of EAST SCITT to appropriately deal with fitness to practise.

3. Possible Concerns

The following issues may become fitness to practice concerns, but only at the point that all other routes for consideration or improvement are exhausted.

3.1 Health

Health problems are not usually a fitness to practice concern. Most trainee teachers with a health problem (physical or mental) are able to succeed in their programme with appropriate healthcare and pastoral support.

Sometimes, a trainee teacher is diagnosed with a condition, or their physical and/or mental health deteriorates to a point which renders them unfit for further study or practice. In these instances, it is often clear to the trainee teacher and EAST SCITT that the programme is no longer suitable. We will support trainee teachers in this position with guidance on alternative study or career options.

Health issues normally only raise fitness to practice concerns if:

- A trainee teacher fails to acknowledge or manage their condition.
- A trainee teacher shows a lack of insight into the impact of their condition on study or practice.
- A trainee teacher refuses to interrupt or withdraw from the programme despite having a physical or mental illness which renders them unfit for practice and registration, either temporarily or permanently.
- A trainee teacher has failed to disclose or given false information about a medical condition likely to limit the candidate's ability to communicate with children, manage classes and secure safe and effective learning.

3.2 Behaviour

Behaviour that raises a fitness to practice concern typically includes actions that compromise the integrity of the profession, endanger or cause distress to pupils or violate professional standards.

Breaches of Professional Behaviour will be managed under the EAST SCITT Code of Conduct. Once the misconduct procedures are concluded, EAST SCITT will then consider whether there are fitness to practice concerns that need to be addressed.

3.3 Misconduct

Cases of suspected misconduct (disciplinary or academic) will be managed under the EAST SCITT Code of Conduct.

Disciplinary procedures might be initiated due to concerns such as:

- Conduct incompatible with the professional standards of a teacher.
- Application to the training is such that an appropriate professional standard is unlikely to be reached.
- Inability to achieve an appropriate professional standard.
- Fraudulent information has been given at application or induction.
- Some other substantial reason.

Once the misconduct procedures are concluded, EAST SCITT will then consider whether there is fitness to practice concerns that need to be addressed.

4. Referral to EAST SCITT

Concerns about a trainee teacher's fitness to practice may be raised by a number of sources, including but not limited to: EAST SCITT staff, school partnership staff, tutors, education staff outside EAST SCITT, school pupils, other trainees, EAST staff or members of the public.

Anonymous or verbal notifications of concern will not normally be accepted.

All trainee teachers are required to inform EAST SCITT of any change or potential change in their Disclosure and Barring Service (previously Criminal Records Bureau) check status. Convictions, cautions, warnings, reprimands and penalty notices issued after initial EAST SCITT enrolment and registration and before graduation must be declared to EAST SCITT immediately (as per the Trust's Safeguarding Policy). The appropriate points of contact are EAST SCITT Tutors, SCITT Director or Phase Leads.

5. Investigating Fitness to Practice Concerns

When a concern is raised, the EAST SCITT Director, will consider whether a fitness to practice investigation is required or whether a different course of action is appropriate. In some circumstances, a concern may be sufficiently serious or clear cut for a recommendation to be made that the EAST SCITT Director refers the case directly to the Fitness to Practice Committee without further investigation.

Concerns which require investigation will be considered by the EAST SCITT Director in liaison with the Primary Lead and/or Secondary Lead. The quality of the investigation is crucial in achieving the outcome of quality fitness to practice decisions.

The purpose of the fitness to practice investigation is to:

- Identify the exact nature of the concern.
- Identify, collate and analyse all relevant information exploring the concern.
- Identify whether the information identified points to a potential risk to public safety, breach of professional standards or impact on the reputation of the profession relating to their professional, statutory and regulatory bodies (DfE).

The Investigation should be carried out in a timely manner remembering where possible to minimise disruption to the teacher training programme. This may not be always possible if statements from external individuals or medical or other assessments are required. Investigations will normally be concluded, or a meeting with the trainee teacher held, within 28 days of the notification.

The standard of proof applied to the factual stage of the proceedings is based 'upon the balance of probabilities.

The EAST SCITT Director is responsible for taking appropriate action, based on its investigation. The trainee teacher will be notified when a decision to refer or investigate is made.

6. Fitness to Practice Committee

The Fitness to Practice Committee will usually comprise two senior members of EAST staff, but in some cases one member of the Committee may be a member of the teaching profession from one of EAST SCITT's partnership schools. Members of the Committee will not previously have been directly involved in the case being considered. Their role will be to consider the evidence gathered during the Investigation in its entirety, to determine whether the trainee teacher's fitness to practice impaired.

The Fitness to Practice Committee may request further information relating to the concern (including statements from individuals involved in the situation / incident etc.). The investigators may also require a trainee teacher to attend a Committee meeting for further discussion.

Trainee teachers will be notified of the requirement to attend a Committee meeting via email as soon as possible and no less than 7 days in advance. The email will set out the concerns raised, the date, time and venue of the meeting and who will sit on the Committee. A trainee teacher may be accompanied by another

trainee, a friend, a family member or a member of their professional organisation. If the trainee teacher is to be accompanied, the name of the person attending should be notified to the individual who issued the Committee invitation at least 48 hours in advance of the meeting. That person will not be allowed to speak on the trainee teacher's behalf, but the Committee Chair will have the discretion to consider representations from the trainee teacher for the accompanying individual to make a statement.

Trainee teachers will also be invited to submit a written statement and supporting documentation (if relevant) no later than 48 hours in advance of the Committee meeting. A trainee teacher will be provided with copies of any other documentation being considered by the Committee.

Panel meetings are minuted and a copy of the notes is provided to the trainee teacher.

7. Outcomes of Investigation

If the Fitness to Practice Committee is satisfied that there is no impairment to the trainee teacher's fitness to practice, it will recommend to the EAST SCITT Director that this is 'No further action be taken'.

In cases which are not clear cut, the Committee may also seek the opinion of an appropriately qualified practitioner in that profession to inform the recommendation.

If the Committee determines that there are valid concerns about a trainee teacher's fitness to practice it will recommend one of the following courses of action:

- Primary or Secondary Lead or Tutor level remedial or supportive measures only – this will trigger the Support Plan and Cause for Concern Procedure.
- Termination of the trainee teacher's place on the programme of Initial Teacher Training.
- Financial implications are outlined in the Trainee Contract.

7.1 Notification of Outcome

The EAST SCITT Director will provide the trainee teacher with formal written notification of the outcome of the Committee's investigation, usually within 7 days of the Committee meeting or completion of the investigation.

The trainee teacher will be advised of any further requirements of them (either supportive or remedial) or of a decision to terminate their training. They will also be advised that copies of all paperwork relating to an investigation will be filed with the outcome letter on the trainee teacher's file and may be referred to in any future fitness to practice matters. The written notification will also indicate whether the matter should be declared to the relevant professional regulatory body.

7.2 Right of Appeal

A trainee teacher is entitled to appeal against any fitness to practice decision made. Appeals should be made in writing to the EAST SCITT Director within 14 days from the date of the Notification of Outcome from EAST SCITT.

A trainee teacher wishing to appeal a decision may do so if new, relevant evidence, not available to the original hearing becomes available.

8. Support for Trainees

Being subject to a fitness to practice investigation can be a stressful time for a trainee. There are a number of sources for support and advice which EAST SCITT recommends trainees take advantage of:

- SCITT tutors (or equivalent)
- Professional body – many professional bodies provide free or reduced rate trainee membership which includes an advisory and support service to trainees who are subject to fitness to practice procedures. This includes the Education Support Partnership.

9. Publishing policy

This procedure will be available through the EAST SCITT website and our documentation. A copy is available from the SCITT office.

10. Review date for the policy

This policy will be reviewed and agreed by the Strategic sub committee on a biannual basis.