



Southend SCITT
Trainee Suitability to Practise Policy and Procedures

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Introduction

There may be occasions when an individual is judged not to be suited to a career as a teacher. Concerns about trainees may take many forms and may be raised by staff, other trainees or by persons external to the Southend SCITT.

Fitness to practise is *“being suitably qualified and prepared, and demonstrating appropriate skills, conduct, values and attributes, to perform a particular professional role as recognised by the relevant professional body”*. In the case of teachers this means being able to meet the Teachers’ Standards (2012).

The SCITT has policies for disciplinary procedures and fitness to study. It should be noted that whilst these are stand-alone policies they may also inform each other.

This policy should, therefore, be read in conjunction with the ‘Southend SCITT Disciplinary Policy’ and the ‘Southend SCITT Guide to supporting trainees who are experiencing difficulties.’

Principles

The SCITT will at all times endeavour to ensure that:

- It supports trainees to achieve fitness for practice
- It always considers its obligations under the Equality Act 2010
- The trainee is made aware of any issues as they arise
- It always allows for a fair process to be followed
- It obtains clear and documented evidence from placement providers

Judgements will be made in relation to the evidence that will rely on the burden of proof. The burden of proof lies with the provider and the standard applied is the balance of probability (civil standard).

- The trainee will be made aware of allegations against them
- The trainee will have seen all evidence against them
- Both parties will be heard
- Reasonable notice of hearing will be given
- Panels will be free of any perception of bias
- The trainee may select who accompanies them but the SCITT reserves the right to raise objections where there is a clear conflict of interest
- Historic evidence may only be submitted where clear relevance can be proved

Initiating Concerns

The 'Trainee Suitability to Practice Procedures' might be initiated by concerns such as the following, in addition to those set out in the Southend SCITT Disciplinary Policy:

- 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;
- A medical or physical condition such that it would be impossible to serve as a teacher;
- Fraudulent information has been given at application or induction;
- Plagiarism
- Forgery
- Criminal record
- Domestic issues e.g. child protection concerns
- Failure to disclose convictions
- Unsafe practice
- Ill-health
- Lack of respect
- Failure to self-reflect
- Incompetence
- Poor attitude
- Failure to follow dress code
- Inappropriate use of mobile phone
- Some other substantial reason.

The stages described on the next page are not necessarily sequential.

Stage One

Where the SCITT Course Director and/or the Head Teacher /Headteacher's SLT representative, of the trainee's A placement school consider that the trainee appears to be, prima facie, unsuitable for any one of the above reasons, an informal meeting will be arranged with the trainee to discuss the concerns. The trainee will be advised of the action required to overcome these concerns and made aware that the consequence of non-compliance may be the early termination of the training. A letter of expectation will be sent to the trainee within five working days of the meeting.

Appeals Against A Stage One Assessment

Trainees have a right to appeal against an assessment on the following grounds:

- Maladministration;
- Mitigating circumstances;
- New information becoming available.

Where it is felt relevant and appropriate, at this stage, the Trainee may be referred to the SCITT counselling team.

Stage Two

Failure to address issues discussed at Stage One:

If the trainee is unable to satisfactorily address the concerns discussed at the informal meeting, then a formal meeting between the trainee and two members of the SCITT Steering Group and the SCITT Course Director will be convened, Apsp – Professional Suitability Panel. This meeting will address any failure to comply with the requirements set out in the letter of expectation. If the outcome of this meeting concludes that the Trainee remains non-compliant then the matter will be referred to Disciplinary Panel for consideration of suspension or removal from the course as per procedures set out in the Disciplinary and Complaints Policy. The trainee may be accompanied by a friend or representative of a Student Union. Legal representation is excluded from these procedures.

Serious misdemeanours:

Most serious misdemeanours will be dealt with using the SCITT disciplinary policy and procedures. Implementation of the Disciplinary Procedure is a serious matter and any trainee brought within it is advised to seek assistance from an appropriate body such as the Student or Trade Union.

- The members of the panel should not have been involved in any previous stages. The trainee or apprentice may be accompanied by a friend or representative of a Student Union. Legal representation is excluded from these procedures.

Recommendation for a Professional Suitability to Practice Panel

Typically a panel will be recommended following stage 2 or in the event of a serious misdemeanour. However, panels may also be convened at the recommendation of the Chair of the SCITT Steering Group or by the annual Recommending/ Examination Board following a failed teaching practice.

Professional Suitability Panel– Processes and procedures

1. *Introduction*

- 1.1. The SCITT has a duty to oversee the education of trainees or apprentices and take action when there are concerns about a trainees fitness to practise. Where concerns of this nature arise the SCITT will convene a Professional Suitability Panel (PSP) and will share information regarding individual cases with regulatory bodies in line with their requirements.
- 1.2. The purpose of the PSP Policy is to ensure the provision of a timely, transparent and consistent response to matters of trainee or apprentice conduct considered to be a major cause of concern (see section 5.2 below).
- 1.3. The definition of Professional Suitability is unsuitable conduct, including misconduct, or behaviour which falls short of misconduct but impinges on a trainee’s professionalism on placement or in other professional settings.
- 1.4. If a trainee with a disclosed disability is called to a PSP the chair of the panel will ensure that all reasonable adjustments had been made to support the trainee or apprentice before commencing panel proceedings.
- 1.5. The procedures of the PSP Policy take procedural precedence over those issued under the SCITT Disciplinary Procedures and the trainee or apprentice Code of Conduct.
- 1.6. The SCITT Director has authority delegated by the Steering Group to suspend a trainee, pending investigation, with immediate effect from all or part of a programme where the trainee or apprentice’s alleged conduct, health or character is such that it is inappropriate for the trainee or apprentice to remain on the programme.
- 1.7. Trainees who are referred to the Professional Suitability Panel will be advised of the support available to them by their ITT Co-ordinator and will be advised to contact their Union.

2. Terms of Reference of the Student Professional Suitability Panel

- 2.1. To hear the allegations and the trainee's response to those allegations, regarding his/her conduct, professional practice and/or the ability to conduct him/herself in line with the requirements of the relevant regulatory body;
- 2.2. To decide whether the allegation is proved and, if so, to decide on the appropriate sanction. (Note: Panels use the standard of proof that is applied to civil proceedings, that of the balance of probability);
- 2.3. To compile a brief annual report for the SCITT Steering Group;
- 2.4. 2.4.To ensure that the requirements of relevant Regulatory bodies and the Vetting and Barring Scheme relating to notification of outcomes of PSP are met.

3. Membership of the Student Professional Suitability Panel

- 3.1. The PSP will comprise a quorum of three members.
- 3.2. The Chair of the Panel will be selected from the Steering Group. The chair will have no prior knowledge of the case being considered.
- 3.3. The Panel will normally consist of:
 - One headteacher; (member of steering group or non member)
 - One member of the steering group
 - One external person, who is not a collaborative partner, this person will be of a seniority that means they have the capacity to employ staff in their setting;
- 3.4. The following persons will be invited to attend the panel meeting to present the evidence:
 - 3.4.1. the SCITT Director (investigating presenter), or nominee;
 - 3.4.2. the trainee, if they chose to attend, and their representative (see 4.9) if the trainee chooses to bring one.
- 3.5. A secretary will minute the meeting and maintain records of Panels.
- 3.6. Panel members will be advised of the rules and regulations of the SCITT and other relevant statutory regulations.
- 3.7. All members of the Panel have a duty to declare before the Panel meets any conflicts of interest in cases presented to the Panel. This may be of a private or personal nature as well as in a professional context. Where it is the case that there is or could

be a conflict of interest, the prospective Panel member will make this known to the Chair at the earliest opportunity.

3.8. The trainee or apprentice will be informed in advance of who the panel members will be in order to provide them with the opportunity to raise any concerns or objections.

3.9. The investigating presenter will not take part in the decision making process.

4. Procedure

4.1. When a trainee suitability issue is received the SCITT Director will initially identify the nature and subsequent management of the issue. If a minor issue is identified the SCITT Director will investigate and action using SCITT procedures.

4.2. If it is established that the issue is of a *major concern* the Steering Group will be contacted to nominate a Chair for the PSP, who will then be notified by the SCITT Director, or nominee, via a referral, to determine the relevant procedure and if appropriate invoke the PSP procedure. Case logging will commence.

4.3. If a major cause for concern is identified the trainee will be informed by the Chair of the case against them, made aware of their rights and directed to relevant trainee disciplinary policies.

4.4. The SCITT Director may suspend the trainee or apprentice from all or part of the programme pending the outcome of the PSP. This may include being neutrally withdrawn from placement.

4.5. The Panel will normally meet within twenty working days of the notification to the trainee that the Panel will be convening.

4.6. The trainee will be given at least 14 days notice of the date for the panel.

4.7. Investigations of a serious nature, often take an extended period of time to complete. In these circumstances, the Chair will keep the trainee informed and updated on the progress of the investigation at regular intervals.

4.8. The SCITT Director (investigating presenter), will normally be responsible for commissioning an investigation then reporting and presenting the particular trainee case to the PSP. The preceding investigation will involve liaison with all relevant parties. A written report which includes a timeline of events and pertinent evidence will normally be circulated to Panel members in advance of the

- Panel meeting. The report will be made available to the trainee in advance of the Panel meeting, and will be presented during, the Panel meeting.
- 4.9. The Secretary to the Panel will distribute all documentation being presented at the Panel meeting to each member of the Panel, the trainee, the SCITT Director, together with notice of the meeting and the time and place at which it will be held. The documents and notice shall normally be sent not less than five working days before the date set for the meeting of the Panel. In exceptional cases the Chair of the Panel may permit the later submission or circulation of papers.
- 4.10. The trainee will be invited to attend and speak about the concerns raised. A trainee attending for interview may be accompanied by a friend who may be a fellow student of the SCITT, a member of staff, or a union representative who may speak on his/her behalf. The trainee will be advised of his/her right to submit a written statement before the Panel meeting; this must be sent to the Secretary not less than three working days before the Panel meeting is scheduled to take place.
- 4.11. All additional information, from any party, will be circulated not less than 3 days before the meeting and papers will not normally be permitted to be tabled at meeting.
- 4.12. Members of the Panel may ask questions of the trainee and the SCITT Director. The trainee and SCITT Director may also ask questions of each other.
- 4.13. The PSP may adjourn proceedings if necessary.
- 4.14. The Chair of the PSP is responsible for communicating the outcome to the trainee and all relevant parties. This also includes informing regulatory bodies and any other organisations as required.

5. Definitions of Issues regarding student professional suitability

5.1. Minor Issue

- 5.1.1. Minor issues will be dealt with through the normal programme or pathway procedures.

5.2. Major Issue

- 5.2.1. A major issue is one in which the trainee has:
- 5.2.1.1. .been investigated concerning, charged with or found guilty of a criminal offence and/ or
 - 5.2.1.2. breached the Code of Professional Conduct issued by a relevant Statutory body and/ or
 - 5.2.1.3. breached the SCITT's Code of Student Conduct and/ or

- 5.2.1.4. a chronic poor physical or mental health which affects a trainee's behaviour or fitness to practise, which cannot be addressed by Reasonable Adjustments and/or Occupational Health Support, and that may affect the safeguarding of vulnerable groups and/ or
- 5.2.1.5. demonstrated unsuitable conduct which falls short of misconduct but impinges on trainee or apprentice's professionalism on placement or in other professional settings.

6. Decision Making

- 6.1. Any case of alleged trainee misconduct referred to the PSP will be thoroughly investigated. The resultant outcome and decision must be based on all the evidence presented.
- 6.2. The burden of proof rests with the SCITT. It must prove that the trainee is not fit to practise. The standard of proof is the same applicable to civil proceedings, that of the balance of probability.
- 6.3. Panel members must exercise their own personal and professional judgement in coming to a conclusion regarding the decision and sanction. They must ensure that any recommended sanction is proportionate to the behaviour found proved, and that it will deal effectively with the fitness to practise issue(s).
- 6.4. If the trainee has a conviction or caution the relevance, seriousness and circumstances in which the offence was committed must be taken into account. For example:
 - Whether the conviction or caution was disclosed
 - The relevance of the offence to the chosen profession
 - The degree of risk posed to children/ public
 - The circumstances surrounding the offence
 - The trainee's explanation of the offence
 - The trainee's commitment to work safely and effectively, upholding the trust and confidence of children / public.
- 6.5. The possible decisions and sanctions of Panel hearings are as follows:
 - 6.5.1. Outcomes:
 - 6.5.1.1. There is no case to answer
 - 6.5.1.2. The trainee receives no warning or sanction as there is no case to answer. However the trainee is supported to reflect on their situation and experience. The case is referred back to the Steering Group (and copied to the SCITT Director) and may be treated as a minor issue (see 5.1 above)
 - 6.5.1.3. There is a case to answer and the Panel recommends a sanction (see below).
 - 6.5.1.4. Indicative sanctions (alternative sanctions may be made as appropriate to individual cases):
 - 6.5.1.4.1. Securing an apology from the trainee
 - 6.5.1.4.2. The trainee receives a warning if there is evidence of misconduct but the trainee's fitness to practise is not impaired to a point of requiring any of the actions listed below

- 6.5.2. The trainee receives a sanction – beginning with the least severe and proportionate to the risk as follows:
 - 6.5.2.1. Being graded as Cause for Concern or unsatisfactory as appropriate within the programme rules
- 6.5.3. Undertakings and conditions:
 - 6.5.3.1. Putting in place remedial and or pastoral support
 - 6.5.3.2. Asking for evidence of improvement and/ or reflection via a formal learning contract
 - 6.5.3.3. Imposing other conditions via a formal learning contract
 - 6.5.3.4. Requiring the trainee or apprentice to retake part of the programme
 - 6.5.3.5. Suspend from professional programme for a specified period of time
 - 6.5.3.6. Withdrawal from the professional programme with the ability to re-register in the future
 - 6.5.3.7. Withdrawal from the professional programme without the ability to re-register in the future but with possible transfer to another non-professional programme
 - 6.5.3.8. Suspend or exclude the trainee with immediate effect from SCITT premises and/or services. The decision to impose such a penalty should include a recommendation as to whether the penalty should or should not be suspended before a review of the decision has taken place,(if this is requested by the trainee).
- 6.6. Where the case has been found against the trainee, the Panel decision and sanctions will be conveyed in writing to the relevant University Examination Board. The Chair of the PSP will be responsible for communicating the outcome and sanctions of the PSP to the trainee and all relevant parties, including regulatory bodies and other organisations as required, in keeping with the trainee or apprentice Disciplinary Procedures.
- 6.7. When a lesser penalty is deemed suitable, the Panel recommends a supportive and formative approach is taken with the trainee.
- 6.8. In the event that the PSP comes to a view where it is felt that wider public interest may be involved, guidance and assistance will be requested from the Lead School's (SHSG) Solicitor.
- 6.9. Outcomes and sanctions made by the Panel will be clearly documented and will be attached to the relevant trainee file. Any subsequent incidents may be considered in light of earlier warnings
- 6.10. The trainee shall have the right to appeal, notwithstanding section 7 below.

7. Appeal Process

- 7.1. There is no right of appeal by the trainee or apprentice against the **professional judgment** of the PSP.
- 7.2. Notice of any appeal must be given in writing to the SCITT Director within five working days of the written notification to the trainee of the outcome of the PSP, clearly stating the grounds upon which the appeal is made. These may be, for example:
 - On procedural grounds,
 - Against the severity of the disciplinary action, or
 - Where the trainee considers that there has been an error of judgement on a point of fact.
- 7.3. All appeals will be heard by the Steering Group's Disciplinary/Dismissal Appeal Committee. The decision of this Committee is final, subject to the trainee's rights at law.
- 7.4. The appellant will be given at least fourteen working days notice (unless otherwise mutually agreed) of the appeal hearing in writing. An appeal hearing will normally be a re-hearing and the procedure will be as for the original hearing.
- 7.5. The trainee will be informed of the rights of appeal, the grounds and the procedures at the time when the decision is communicated.
- 7.6. The SCITT Director will be informed in all cases of the decision conveyed by the Chair of the PSP and will inform the relevant staff when any request for an appeal has been received.
- 7.7. The decision of the PSP shall take effect and remain in force pending the decision of an Appeals Panel.
- 7.8. The SCITT Director (or their nominee) will inform the regulatory body of any appeal being lodged, and the outcome of the appeal.

Approved by the SCITT Steering Group

Autumn Term 2018