



FITNESS TO PRACTISE POLICY

Presented to:

Full Trustees' Meeting

29 March 2018

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¹ This is the date the policy was approved by the meeting

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FITNESS TO PRACTISE

1. Introduction

- 1.1 These regulatory procedures are applicable to trainees enrolled in a Teach East programme of study which leads Qualified Teacher Status (QTS). Such programme will hereinafter be referred to as 'Professional Programme'.
- 1.2 In addition to meeting the learning outcomes of a Professional Programme, trainees must satisfy Teach East that, in respect of their health and conduct, they meet the requirements of professional bodies. Teach East may be required to sign a declaration confirming that an individual is a safe and suitable entrant to the given profession and is 'Fit to Practise'. Teach East may also be required to have in place arrangements for terminating enrolment on a programme or an element within a programme where a trainee has been found unfit to practise.
- 1.3 Professional Programmes normally require a trainee to undertake placements and/or work based practice/learning and Teach East has a duty both to the trainee and to the public to ensure that any risk or harm is minimised. Fitness to Practise procedures apply equally to all placements and training centres which forms part of the Professional Programme.
- 1.4 Although disciplines may have specific external regulatory requirements for determining Fitness to Practise (which may be known by different titles), it is expected that the generic procedures contained within this document will form the basis of all Fitness to Practise procedures applied to enrolled trainees.
- 1.5 Programmes undertaken in or with a collaborative partner institution, but where academic authority lies with Teach East, shall be subject to the procedures described in this document.
- 1.6 These regulations operate in conjunction with the other Teach East regulations. Care should be taken to ensure that the procedures invoked are appropriate to the circumstances. There may be circumstances when more than one set of procedures must be invoked.
- 1.7 If a trainee registered on a Professional Programme is under investigation by the profession it is the trainee's responsibility to communicate this information to a Teach East Director. The outcome of this investigation should be reported in writing to the Chair of the Fitness to Practise Panel.
- 1.8 These Fitness to Practise procedures are applicable to enrolled trainees. They recognise that an offer of a place by Teach East on a Professional Programme may be conditional upon the applicant being deemed fit to practise, which could require, for instance, satisfactory completion of a Disclosure and Barring Service (DBS) check or a declaration of the applicant's good health. Once enrolled, a trainee must disclose any changes to circumstances which could affect their continued fitness to practise, for instance a subsequent criminal conviction, a change in health status, or a complaint or disciplinary matter that arises during a practice placement.
- 1.9 Heads of School/Academic Subject Leaders/Academic Course Leaders must ensure that trainees are informed of the standards of academic performance, health, behaviour, attitude and attendance expected of them for a declaration of fitness to practise to be made. In this context, trainees must be informed of the profession's own fitness to practise standards which will contribute to the declaration by Teach East.

- 1.10 Trainees who are under investigation within these procedures are recommended to seek advice and guidance from a union representative.
2. **Definition of Fitness to Practise**
- 2.1 The essence of Fitness to Practise is defined as:
- ‘Where a trainee is enrolled on a programme that leads directly to, or that satisfies a necessary condition of, a professional qualification, and/or which gives the right to practise in teaching he/she shall not engage in any conduct which renders him/her not fit to be admitted to and practise that profession.’
- 2.2 Examples of circumstances that might render a trainee unfit to practise are given below.
This list is not exhaustive, and the examples may not all be applicable to every programme.
- 2.2.1 **Conduct**
- Offences against the vulnerable, including children, the elderly and the mentally incapacitated.
 - Exploiting the vulnerability of a student or others, including to establish a sexual relationship.
 - Chronic drug or alcohol abuse.
 - Acting in a violent manner on or away from school/training premises.
 - Conviction of a criminal offence.
 - Intimidation of fellow trainees, students, parents, professional clients or staff.
 - Failure to rectify behaviour that has been subject to any disciplinary actions under Teach East of placement school regulations.
 - Repeated inappropriate behaviour towards others.
 - Falsification of professional records.
 - Failing to act in a way to ensure the safety and wellbeing of those who are vulnerable.
- 2.2.2 **Health**
- Significant health issues.
 - Severe and relapsing mental illness.
 - Being a carrier of a serious communicable disease.
- 2.2.3 **Other**
- Providing false or inaccurate statements or answers on self-declaration forms.
3. **Principles and Procedures**
- 3.1 The principles underpinning these procedures are that they:
- Reflect rules of natural justice.
 - Presume a trainee to be innocent of any allegation until proven on balance of probabilities.
 - Are transparent and involve timely resolution of Fitness to Practise.
 - Include procedures for independent review and decision making.
 - Encourage the resolution of problems at a local level wherever possible.
 - Enable Teach East to fulfil its statutory and ethical responsibilities to professional bodies, the trainee and the public at large.
 - Enable Teach East to ensure compliance with relevant legislation.
- 3.2 Where possible and appropriate, concerns related to Fitness to Practise should be addressed initially, through an informal approach, at the local level. For example, any concern can first be discussed with mentor/line manager at the placement school.

Should this approach fail to resolve the matter then the following Fitness to Practise procedures should be used.

3.3 Information about any individual involved in Fitness to Practise procedures will be dealt with confidentially and privacy respected. However, it may be necessary to disclose information to others in order to resolve concerns over Fitness to Practise and in these circumstances the parties concerned will be informed of such disclosure.

3.4 Whoever initiates formal Fitness to Practise procedures will not suffer any disadvantage or discrimination as a result of taking such action in good faith. However, if such action is judged to have been made frivolously, vexatiously or with malice, by a trainee, disciplinary action may be taken, and if an employee, client or other individual associated with the provider is involved, Teach East will undertake to discuss the matter with the appropriate managers of the organisation to determine if any further action should be taken.

4. **Preliminary Investigation**

4.1 Any allegation of concern that a trainee enrolled on a programme coming under the scope of these regulations may be unfit to practise must be made via formal notification, normally in writing and promptly and submitted to the Teach East Director.

4.2 Upon receipt of an allegation, the Director should decide within five working days whether the issue can be resolved informally, or whether to arrange for a preliminary investigation into the trainee's fitness to practise. In certain circumstances, the Director may need to take immediate action to safeguard all parties, but without prejudice to the outcome of the investigation.

4.3 If it is decided that a preliminary investigation is required to determine whether a *prima facie* case exists, a Teach East Director will carry out the investigation, or appoint an appropriate person.

4.4 Reports from 'experts' may be requested by the Investigating Officer in respect of the trainee's health, and these reports may be disclosed to other individuals as necessary for the proper conduct of the investigation and any subsequent proceedings. This requirement may include reports from a trainee's GP, a medical professional appointed by Teach East, social workers, probation officers and the police.

4.5 The Investigating Officer will be responsible for determining whether to:

- Dismiss the allegation without further action.
- Issue a formal warning to be placed on the trainee's record, and inform the trainee that any future conduct will be monitored and that consideration of any future misconduct whilst registered on the programme will take such warning into account.
- Refer the allegation to the Teach East Fitness to Practise Panel.

4.6 If the Director considers the allegation is so serious as to threaten the safety of others, he/she may seek the approval of the Chair of the Executive Committee for an immediate temporary suspension of the trainee's studies.

4.7 Teach East may be required to notify a professional body of cases at the point when an allegation is first investigated, when it is referred to the Teach East Fitness to Practise Panel, or when a trainee is suspended from a programme of study.

4.8 If a trainee wishes to appeal against an outcome following a preliminary investigation, they should submit a request in writing by completing the complaints/appeals form, within ten working days from the date of Teach East's decision. The trainee must clearly set out the grounds for appeal and provide any appropriate supporting

evidence.

- 4.9 The appeal may only be considered on either or both of the following grounds:
- Irregularities in the conduct of the Fitness to Practise procedures of such a significant nature as to cause reasonable doubt whether the preliminary investigation would have reached the same decision had they not occurred.
 - Personal circumstances or new evidence not known to Teach East when the allegation was investigated, and which can be shown to be relevant to the case, and which for valid reason could not be provided at an earlier date in the process.
- 4.10 An appeal against the decision made as a result of the Fitness to Practise investigation conducted by Teach East would be reviewed by an independent, senior member of staff from the Executive Committee. The decision will be communicated to the trainee in writing as soon as possible and normally within ten working days. The decision will be final as far as the Teach East's internal procedures are concerned.
- 4.11 If the trainee wishes to appeal the decision made by Teach East he or she may complete the complaints/appeal form and follow the appeal procedure from Level 3.