



## **Fitness to Practise Policy**

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# FITNESS TO PRACTISE POLICY

## 1. PURPOSE

The purpose of this Fitness to Practise policy is to provide clear procedures for dealing with concerns raised by Ripley ITT SCITT or its partner schools about a trainee's fitness to practise.

Nothing in this policy is intended to form the basis of a contract between the SCITT and Trainee. The SCITT may amend this policy at any time.

## 2. SCOPE

- a. This policy can be used by anyone who is employed by Ripley ITT SCITT or its partner schools for the duration of the training and up to 12 months after completion of the training.
- b. This policy does not cover:
  - complaints or appeals raised by trainees which are covered in the Ripley ITT SCITT Complaints and Appeals policies
  - admissions to the Ripley ITT SCITT course which are covered in the Ripley ITT SCITT Admissions policies
  - appeals relating to failure of placement or the award of QTS, which are covered in the Ripley ITT SCITT Appeals Policy
  - non-payment of fees which is covered in the Ripley ITT SCITT fees policy
- c. This policy has been written with reference to the Secretary of State's ITT Criteria and Supporting Guidance and the OIA Good Practice Framework.

## 3. DEFINITIONS AND EXAMPLES

For the purposes of this policy, fitness to practise is defined as:

*Having the skills, knowledge, character and health required to teach safely and effectively and without putting young people at risk.*

Examples of concerns this Policy covers include:

- Persistent lateness or absence
- Inappropriate use of social media sites
- Failure to comply with programme requirements (completion of records, following Ripley ITT SCITT procedures, preparedness to teach)
- Breach of confidentiality
- Dishonesty or fraud (failure to declare at admissions stage, falsifying qualifications or records, bursaries)
- Drug, alcohol or substance misuse
- Persistent inappropriate behaviour or attitude

- Aggressive, violent or threatening Behaviour
- Suspension, exclusion or self-withdrawal from placement
- Criminal conviction or caution
- Failure to disclose any new criminal convictions or cautions acquired during the training programme
- Concerns relating to disability or health and well being
- Failure to disclose any changes to disability or health and wellbeing during the training programme
- Damage to or theft from property of Ripley ITT SCITT or its partner schools
- Financial misconduct
- Health and well being
- Safeguarding concerns
- Not having the necessary knowledge of English
- Failure to meet the Professional Teacher Standards relating to professional conduct

Please note that the above is not an exhaustive list and the SCITT fully reserves its right to identify other conduct which may be subject to the terms of the policy.

#### **4. GENERAL PRINCIPLES**

- a. Ripley ITT SCITT aims to provide an inclusive training programme for the Trainees it serves.
- b. Ripley ITT SCITT and its partner schools recognise that Trainees are still learning about the professional standards and conduct required in the teaching profession.
- c. Ripley ITT SCITT will seek to discuss concerns informally with a Trainee unless the issue giving rise to the Fitness to Practise concern is sufficiently serious
- d. Ripley ITT SCITT expects all parties to act reasonably and fairly towards each other, and to treat the processes themselves with respect.
- e. Ripley ITT SCITT will work to ensure this policy is used fairly, proportionally and in a timely way.
- f. Ripley ITT SCITT will ensure that decisions are taken by people without actual or perceived conflicts of interest and that all involved will ensure an appropriate level of confidentiality through the process, without causing disadvantage.
- g. Trainees will be offered the opportunity to be accompanied by a friend, family member or representative from a Teaching Union or Students' Union.
- h. Ripley ITT SCITT will put all the outcomes of any investigation in writing for the Trainee. A Completion of Procedures (COP) letter will be used at 'end points' in the process.

## **5. STAGES IN THE PROCESS**

There are four potential stages within this policy as follows:

1. Informal Stage: 'Cause for Concern'
2. Formal Stage
3. Review Stage
4. Independent external review (OIA)

*Appendix A provides a flowchart to illustrate the stages of Ripley ITT SCITT's Fitness to Practise process. This flowchart includes the timeframe for each stage of the process*

Please note that audio and/or video recording of any discussions or meetings by Trainees at any stage of this policy is strictly prohibited. Any breach of this direction may be treated as a serious disciplinary issue.

### **Stage 1: Informal: Cause for Concern**

Trainers should initially email the SCITT Director/School Direct Programme Leader outlining their concerns.

The SCITT Director/School Direct Programme Leader will:

- notify the Trainee of the nature of the concern in writing
- arrange an informal meeting with the Trainee
- listen to the Trainee's explanation of events
- inform the Trainee of the support that is available at this stage
- decide whether further investigation is required

At this stage there are 4 possible outcomes:

1. The concern is discussed with the Trainee and not taken further.
2. The SCITT Director/Programme Leader seeks further investigation and alerts a member of the Executive Steering Group to the concern.
3. A specified outcome is given. This may include: a verbal warning, permission to continue on the programme under close supervision, an At Risk/Remediation Action Plan, self-referral to GP.
4. Suspension from training. Ripley ITT SCITT and South Cumbria School Direct reserve the right to suspend a trainee from their training if an allegation is deemed to pose a potential risk to members of the SCITT/School Direct Programme, its partner schools or pupils.

### **Stage 2: Formal Stage**

Where a trainee's Fitness to Practise is being considered because of previous findings under the Ripley ITT SCITT's disciplinary process or as a result of a criminal conviction, a formal

investigation of fact is not generally required and the evidence available from a previous process may suffice to cover the issues being examined at Stage 2 of this policy. Otherwise an investigation will be required to establish the facts of the case in accordance with the procedure set out below. The Investigating Officer should have had no previous involvement in the case.

## **DISABILITY, HEALTH AND WELLBEING**

If the concern relates to the Trainee's disability, health or wellbeing the SCITT Director may request that the Trainee is referred to the Occupational Health Service. The Trainee will be provided with a copy of the referral upon request. The outcome will be reported back to the SCITT Director, and Ripley ITT SCITT will act on the recommendations.

## **CONDUCT AND CHARACTER**

If the concern relates to the Trainee's conduct or character, an Investigating Officer (normally a member of the Executive Steering Group) will be assigned to examine and explore the concern in greater detail.

The Investigating Officer may interview the trainee and other relevant people during this process.

The purpose of the investigation is to:

- identify the exact nature of the concern(s)
- identify, collate and analyse all relevant information exploring the concern(s)
- identify whether the information gathered points to a risk to young people, breach of the Professional Standards for Teachers, breach of professional trust or impacts on the reputation of the teaching profession.

The Investigation report along with the supporting evidence will be reviewed by the SCITT Director.

The SCITT Director will:

- review the report and decide on appropriate actions
- write to the Trainee informing them of the decisions
- make suggestions for future learning and support that is available

The SCITT Director may meet with the Trainee to discuss the outcomes of the investigation. At this stage the possible outcomes are:

- a. permission to continue on the programme without change.
- b. permission to continue on the programme with a proviso.
- c. Permission to continue on the programme with a formal written warning on file.

Written warning - If a written warning or sanction is given the following information will be given to the Trainee in writing:

- the reason for the warning or sanction
- the intended purpose of the warning or sanction

- the expected duration of the warning or sanction
- whether or not the trainee's Fitness to Practise will be considered again.

If it is found that the Trainee's Fitness to Practise is likely to be impaired, a full Fitness to Practise Committee Hearing will be convened.

### **Fitness to Practise Committee Hearing**

The Trainee will receive notification in writing of:

- The date, time and venue of the Hearing
- Details of the composition of the panel
- Notification of their right to be accompanied by a friend or Trade Union representative (no legal representatives will be permitted)
- A copy of the information to be considered at the Hearing
- The deadline by which the Trainee can submit any additional information pertaining to the case (after which the additional information will not be taken into account)

If the Trainee has a disability and requires special arrangements or reasonable adjustments before or during the hearing they should inform the Fitness to Practise Committee well in advance of the meeting.

Attendance at the Committee Hearing is obligatory. If a trainee is absent due to illness they must supply a medical certificate. If the Trainee is absent without reasonable explanation the Committee can consider the case in their absence.

The Committee, drawn from three members of the Executive Steering Group, will:

- confirm that the Trainee has received all the relevant paperwork
- ask the Investigating Officer to summarise their findings of the investigation that has taken place
- ask the Trainee questions relating to different aspects of the case
- adjourn the hearing to allow the committee to deliberate and reach an outcome

At this stage the possible outcomes are:

1. That the Trainee is not Fit to Practise and:
  - is suspended from training until such a time as undertakings, recommendations or conditions by the committee have been met
  - dismissed from the Ripley ITT SCITT programme
2. The Concern is dismissed
  - The Committee will inform the Trainee of a remedy and whether an apology is required.
3. Permission to continue on the programme with a formal written warning on file.
  - The Committee will write to the Trainee informing them on their decision.

### **Appeals**

The Trainee has the right to appeal against the decision of the Fitness to Practise Committee Hearing.

If the Trainee wishes to appeal they should inform the Chair of the Committee in writing outlining the reasons for the appeal within 10 working days of the outcome having been given to the Trainee.

### **Stage 3: Review Stage (final internal Ripley ITT SCITT stage)**

If the Trainee is dissatisfied with the outcome of the formal stage, he or she can request a review. A review may cover:

- a review of the procedures followed at the formal stage
- a consideration of whether the outcome was reasonable
- any new material evidence that the Trainee was unable, for valid reasons, to provide at Stage 2

The review will not:

- re-hear the complaint afresh
- involve a further investigation

An appeal must have been considered at the formal stage (Stage 2) before it can be escalated to the review stage.

If an appeal reaches this stage, a Review Panel drawn from Ripley ITT SCITT Executive Steering Group will consider the way in which the complaint was investigated in Stage 2. The Trainee will be invited in writing to attend a hearing and given 10 school days' notice of the hearing date.

- Trainees will be offered the opportunity to be accompanied by a friend, family member or representative from a Teaching Union or Students' Union (legal representative will not be permitted).
- The Trainee will be provided with information about the composition of the panel, a copy of the evidence to be considered and information about the support that is available to them including contact details.
- The panel will consist of three members of the Executive Steering Group. They will consider the evidence.
- A record of the meeting will be taken recording the date, people in attendance and a brief summary of the meeting.

The Panel will consider the following questions:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all the circumstances?
- Has the Trainee received clear reasons why the appeal was rejected at the earlier stage?
- If new material evidence has been provided, has the Trainee given valid reasons for not supplying this earlier?
- If new material evidence is submitted, would this have altered the determination at Stage 2?

The Review Panel, having considered the material submitted to them may:

1. overturn the outcome of the formal stage and recommend a remedy
2. refer the appeal back to the formal stage for reconsideration
3. uphold the outcome of the formal stage.

The Chair of the Review Panel will write to the Trainee with their decision and an outline of the reasons for their decision within three working days of the hearing. Where appropriate, this letter will also advise the Trainee on their right to appeal to the OIA, the time limit for doing so and where and how to access advice and support with this process.

#### **Stage 4: Independent External Review (OIA)**

Once the review stage is completed, the Trainee is entitled to ask the Office of the Independent Adjudicator for Higher Education (OIA), the independent ombudsman service, to review his or her appeal about the outcome of the Ripley ITT SCITT Fitness to Practise process. The appeal should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter from the Chair of the Review Panel.

#### **1. DATA PROTECTION**

- Ripley ITT SCITT will retain data related to the investigation for 7 years from the start of the investigation and after this time all data will be deleted. All data will be stored securely during this time.
- All investigations will be treated confidentially. Ripley ITT SCITT will only disclose information to those who need it to investigate or to respond to the issues raised.
- When a Trainee responds to an investigation they should only include any necessary information about third parties. Evidence provided must focus on the impact that a third party has had on the Trainee themselves and kept to that which is necessary for the submission being made. For example, if the investigation is based on the health of a family member, Ripley ITT SCITT do not need to see the detailed medical information about that person.