**Fitness to Practise**

**2023 – 2024**

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| **Purpose** |

The purpose of this Fitness to Practise policy is to provide clear procedures for dealing with concerns raised by West Midlands Consortium or its partner schools about an Associate Teacher’s fitness to practise.

Due to the vocational nature of the PGCE and School Direct training courses and recognising that the fundamental tenet of the profession of a teacher is the care and protection of children ‘in loco parentis’, it is a requirement under The Education Act 2002 for the health of all applicants to ITT to be assessed. The standards used to assess are specified in the Department for Education’s ‘Fitness to Teach’ guidance. The aim of the fitness requirements is to ensure that a future teacher has both the physical and mental fitness to perform their duties without putting children and young people at risk. However, there is a duty on West Midlands Consortium to ensure that health and safety or child protection requirements are not used spuriously to justify discrimination against a disabled student (Equality Act 2010). Every decision is made considering the individual, not any one condition – each case will be looked at individually, on its merits and in the light of the particular circumstances.

Medical and personal information disclosed during the assessment processes will be held ‘in confidence’ by WMC. Medical details will only be given to others outside of the organisation in so far as it is necessary for them to discharge their management responsibilities in accordance with the Data Protection Act.

This process guidance is designed to complement WMC regulations and any relevant policies produced by Staffordshire University.

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| **Scope** |

This policy can be used by anyone who is employed by WMC or its partner schools for the duration of their training and up to 12 months after completion of the training. This policy does not cover:

* Complaints or appeals raised by ATs which are covered in the WMC Complaints and Appeals Policies
* Appeals relating to Failure of Placement or the award of QTS which are covered in the WMC Appeals Policy
* Non-payment of fees

This policy has been written with reference to the DfE’s ITT Criteria Supporting Guidance, May 2021 which can be found here <https://www.gov.uk/government/publications/initial-teacher-training-criteria>

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| **Definitons and Examples** |

For the purpose 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
* 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 or exclusion from placement
* Criminal conviction or caution
* Concerns relating to disability or health and well-being
* Damage to or theft from property of WMC or its partner schools
* Financial misconduct
* Health and well-being

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| **General Principles** |

1. WMC aims to provide inclusive training programmes for the ATs it serves
2. WMC and its partner schools recognise that ATs are still learning about the professional standards and conduct required in the teaching profession
3. WMC will seek to discuss concerns informally with an AT
4. WMC expects all parties to act reasonably and fairly towards each other and to treat the processes themselves with respect
5. WMC will work to ensure that this policy is used fairly, proportionally and in a timely way
6. WMC 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
7. ATs will be offered the opportunity to be accompanied by a friend, family member or representative from a Teaching Union or Students’ Union
8. WMC will put all of the outcomes of any investigation in writing for the AT.

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| **Stages in the Process** |

There are four potential stages within this policy as follows:

* Informal stage
* Formal stage
* Review stage
* Independent external review (OIA)

Stage 1: Informal

ATs should initially contact their relevant Course Leader outlining their concerns. The AT’s Course Leader will:

* Notify the AT of the nature of the concern in writing
* Arrange an informal meeting with the AT
* Listen to the AT’s explanation of events
* Inform the AT 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 AT and not taken further
2. The Course Leader seeks further investigation and alerts the Director of ITT
3. A specified outcome is given. This may include: a verbal warning, permission to continue on the programme under close supervisions, an enhanced support plan, referral to the Director of ITT
4. Suspension from training. WMC reserve the right to suspend an AT from their training if an allegation is deemed to pose a potential risk to members of the SCITT or its partner schools.

Stage 2: Formal Stage

**Disability: Health and Well-Being**

If the concern relates to the AT’s disability, health or well-being, the Director of ITT will request that the AT is referred to the Occupational Health Service. The AT will be provided with a copy of the referral. The outcome will be reported back to the Director, with the AT’s consent, and WMC will act on the recommendations made.

**Conduct and Character**

If the concern relates to the AT’s conduct or character, an Investigating Officer will be assigned to examine and explore the concern in greater detail. The Investigating Officer may interview the AT 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 Director of ITT who will:

* Review the report and decide on appropriate actions
* Write to the AT informing them of the decision
* Make suggestions for future learning and support that is available

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

1. Permission to continue on the programme without change
2. Permission to continue on the programme with a proviso
3. 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 AT 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 AT’s Fitness to Practise will be considered again

If it is found that the AT’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 AT will receive notification 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
* A copy of the information to be considered at the hearing
* The deadline by which the AT can submit any additional information pertaining to the case (after which additional information will not be taken into account)

If the AT has a disability and will require special arrangements, they should inform the Fitness to Practise Committee well in advance of the meeting.

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

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

* Confirm that the AT has received all relevant paperwork
* Ask the investigating officer to summarise their findings of the investigation that has taken place
* Ask the AT questions relating to different aspects of the case
* Ask the AT to leave the room until a decision has been made
* Invite the AT back into the room to hear the outcome

At this stage the possible outcomes are:

That the AT 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 WMC training programme

The concern is dismissed

* The committee will inform the AT of a remedy and whether an apology is required

Permission to continue on the programme with a formal written warning on file

* The committee will write to the AT informing them of their decision

Appeals

The AT has the right to appeal against the decision of the Fitness to Practise Committee hearing. If the AT wishes to appeal they should inform the Chair of the Committee in writing outlining the reasons for the appeal.

Stage 3: Review Stage (final WMC internal WMC stage)

If the AT is dissatisfied with the outcome of the formal stage, they 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 AT 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 the Management Group will consider the way in which the complaint was investigated in Stage 2. The AT will be invited in writing to attend a hearing and given 10 days’ notice of the hearing date.

* ATs will be offered the opportunity to be accompanied by a friend, family member or representative from a Teaching Union or Students’ Union
* The AT 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 Management 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 the circumstances?
* Has the AT received clear reasons why the appeal was rejected at the earlier stage?
* If new material evidence has been provided, has the AT given valid reasons for not supplying this earlier?

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 consideration
3. Uphold the outcome of the formal stage

The Chair of the Review Panel will write to the AT 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 AT of 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 AT is entitled to ask the Office of the Independent Adjudicator for Higher Education (OIA), the independent ombudsman service, to review their appeal. 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.

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| **General Data Protection Regulations** |

* WMC will retain data related to the investigation for 15 months 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. WMC will only disclose information to those who need it to investigate or to respond to the issues raised
* When an AT 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 AT themselves. For example, if the investigation is based on the health of a family member, WMC do not need to see detailed medical information about that person.
* Data will be processed in line with the requirements and protections set out in the UK General Data Protection Regulation.

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| **New Applicants** |

The WMC Administrator will send an ITT health questionnaire to every applicant with an offer of a place on one of our courses.

WMC will assess the fitness of applicants; approval may be given on the basis of the questionnaire alone or may require a doctor’s report, a phone call or an assessment by Occupational Health. WMC will make any necessary contact with applicants to seek further information, arrange appointments or obtain consent to contact the applicant’s own doctor.

Where an individual has been cleared but requires adjustments, this will be confirmed directly with them in writing.

Where an individual is not considered to be fit for teacher training, this will be confirmed directly to them in writing.

The final decision on an individual’s admission to an ITT course is made by the Director of ITT.

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| **Current Associate Teachers** |

Any concerns regarding the health of an Associate Teacher will be discussed with them at the earliest opportunity with their Course Leader and/or the Director of ITT. The need to refer to OH will be explained to them and agreement reached for this to happen. A referral form will be completed and sent to OH.

OH will assess the Associate Teacher using the ‘Fitness to Teach’ standards as a guide. Consent will usually be sought to write to the AT’s GP and request medical reports (where appropriate) before reaching any decision. If consent is refused, the consequences of this will be explained to the AT by OH and WMC will be informed of this refusal.

Where an AT is not considered to be fit to continue teacher training, this will be confirmed directly to them in writing. OH will gain their consent to advise WMC of this decision. If consent is refused, the consequences of this will be explained to the AT by OH and WMC will be informed of their refusal.

If any particular medical conditions are stipulated by OH, these will be explained to the AT and they will also receive these in writing. OH will gain their consent to advise WMC of this decision. If consent is refused, the consequences of this will be explained to the AT by OH and WMC will be informed of their refusal.

On-going support will be offered and follow-up meetings with OH will be agreed with the AT as appropriate.

The final decision on an AT’s continuation on the course is made by the Director of ITT.