

Sacred Heart Newcastle SCTT

Fitness for registration and fitness to practise Policy

The SCITT has responsibility in respect of trainees who are following a programme of study leading to a professional qualification which is registrable with a statutory regulatory body. These regulations are specific to trainees following a course of study leading to Qualified Teacher Status (QTS).

The SCITT must be satisfied that the trainee would be a safe and suitable entrant to the teaching profession, and thus would be fit for registration and fit to practice (Awarded QTS).

Definition and remit

A trainee shall be deemed to be unfit for registration and to practise if found to demonstrate any health condition, behaviour or attitude which would render that trainee a person not fit to be admitted to and practise in the teaching profession.

Constitution of a 'Fitness to Practise' panel - A panel of 5 individuals drawn from the membership of SCITT Strategic Board [must exclude the Accounting officer] and other educational settings (See Appendix A for details). Each panel must elect a named Chair prior to hearing any case.

Cases beyond the remit of Fitness to Practise panel

Failings in academic performance fall within the remit of an Academic Progress review and not 'fitness to practise'. These must not be brought via the Fitness to Practise panel.

Representation at a Fitness to Practise panel

A trainee facing an allegation of being unfit for registration and to practise may be represented at any point in the proceedings by a teaching colleague or SCITT member or by a representative of the Trainee's Teaching Union.

The trainee may also be accompanied by a family member or a friend (either from inside or outside the SCITT) but that person will not be allowed to speak on the trainee's behalf, unless this is an agreed reasonable adjustment. However, the Chair of the review panel (or Appeal Panel) will have the discretion to consider representations from the trainee for the friend or family member to make a statement.

Referral to the Fitness to Practise panel

There shall be two possible routes of referral to the Fitness to Practise panel:

- a) *Misconduct*: where a trainee faces an allegation of misconduct under the terms of the SCITT's non-academic Misconduct policy, the case shall be considered by the SCITT

leadership. Where such a trainee is found guilty of misconduct, the SCITT Director shall consider the findings, in accordance with the SCITT's fitness to practise procedures, to determine whether the case is serious enough to be referred to the Accounting Officer for consideration by the Fitness to Practise panel.

- b) *Other matters justifying referral:* where a trainee demonstrates behaviour and/or health issues which do not constitute misconduct under the non-academic misconduct policy but raise issues of fitness for registration and practise, the SCITT shall investigate internally, in accordance with the SCITT's fitness to practise procedures, and determine whether the case should be referred to the Accounting Officer for consideration by the Fitness to Practise panel. Where the SCITT Director determines that a case should be referred for consideration by the Fitness to Practise panel, they shall notify the Accounting Officer in writing as soon as possible.

The Accounting Officer may only act in those cases that have been formally notified to them. Upon receiving notification from the SCITT Director, the Accounting Officer shall convene a meeting of the Fitness to Practise panel. The Accounting Officer cannot be a member of this panel.

Where a case is referred to the Accounting Officer and the trainee is appealing the findings of the SCITT leadership team's misconduct findings, the Accounting Officer shall not take action to convene a meeting of the Fitness to Practise panel until they have heard and reviewed the appeal.

A trainee undertaking a school placement may be temporarily removed from this, under the relevant academic/ non-academic misconduct policy, pending an investigation.

Fitness to practise hearing procedure

Written notice of the hearing date will normally be sent to the trainee and SCITT Director at least 14 days before it is due to take place. The names of the Panel members, and any witnesses, together with all documentary evidence, including copies of witness statements, will normally be sent at least 14 days before the hearing date.

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The trainee may present documentary material or witnesses in their defence or mitigation. Documentary material for consideration by the Panel and/or the names of any additional witnesses and written copies of their evidence, must be sent to the Accounting Officer at least seven days in advance of the hearing. This evidence will be sent immediately to the panel by the Accounting Officer.

For the purpose of the hearing, a decision by the panel on any point of procedure will be binding.

Both the SCITT Director (or their nominee) and the trainee will have the right to be present throughout the hearing except as provided for below.

The SCITT Director or their nominee, will present the SCITT's case to the panel. The trainee (or their representative) will be invited to reply. Either party may call witnesses and present documentary evidence, provided that any such evidence or the names of witnesses had previously been received by the Accounting Officer and made available to the other party.

The Panel may also call upon other persons (whether members of the SCITT or not) to provide advice on specific aspects of the case, either in person or in writing, provided that the names of any such persons have previously been made available to all parties.

The Panel may ask questions of all those called before it, and the representative of the SCITT or the trainee may raise questions through the Chair of the Panel.

The Panel may, at its discretion, at any time during the proceedings order the room to be vacated, or members may themselves retire to another room for private discussions. Only the Panel and the Clerk will be entitled to be present at such times.

At the conclusion of the presentations and the questions, the trainee may address the Panel and the Chair may make a statement.

At any time during the proceedings, the Chair may order the Panel to adjourn, for a period not normally exceeding seven days, for the purpose of deciding on the verdict or order to be made or for other good cause.

The Panel will consider its verdict in private.

All decisions of the Panel will be reached by a majority vote of the Panel members but will be announced as a decision of the Panel. The votes of the individual Panel members will be treated as confidential. In the event of a tie, the Chair will have an additional casting vote.

The Chair of the Panel will announce the decision and indicate the grounds on which the decision has been reached. A written copy of the decision and order will normally be sent out to the trainee within seven days of the date of the decision being announced

Outcome of hearings

Based on the previously determined findings and the evidence submitted to the Panel, the Panel is required to reach one of the following decisions:

- a) that the trainee is unfit for registration and practise;
- b) that the trainee is not unfit for registration and practise.

A trainee under consideration by the Fitness to Practise Panel shall be presumed to be 'not unfit' unless 'unfitness' can be proven to the satisfaction of the Panel.

Where the Panel finds that the trainee is unfit for registration and to practise, it will make one of the following orders:

- a) that the trainee's registration on the programme of study be terminated;
- b) that the trainee should undergo medical treatment or other appropriate remedial action, during which the trainee may be suspended. In such cases a time limit must be specified, and continuation on the programme shall be at the discretion of the SCITT Director and the Chair of the Fitness to Practise Panel.

Where the trainee is not permitted to continue, the traineeship will be terminated.

Where the Panel finds that the trainee is not unfit for registration and to practise, no further action will be taken.

The decision, together with reasons for the Panel's decision, will be communicated to the trainee and the SCITT Director and any other interested parties. A copy of the findings, decision and order will be placed on the trainee's file, and the trainee advised that the findings may be taken into consideration in the event of any future hearings by the Fitness to Practise Panel. Where a trainee's registration has been terminated on the grounds that s/he is unfit for registration and practise, the findings, decision and order will be communicated to the relevant regulatory body.

Appeal

Following a hearing by the Fitness to Practise Panel, an appeal submitted by the trainee against the decision of the Panel may be allowed by the Accounting Officer subject to the criteria below.

An appeal must be requested in writing lodged with the Accounting Officer within 14 days of the date of written notification of the decision which is to be the subject of the appeal. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.

The appeal will be heard if the Accounting Officer is satisfied that either or both of the following criteria apply:

- a) that there is new evidence, that could not have been, or for good reason was not, made available at the time of the hearing, and sufficient evidence remains that the appeal warrants further consideration;
- b) that evidence can be produced of significant procedural error on the part of the SCITT before or during the hearing, and sufficient evidence remains that the appeal warrants further consideration;
- c) there are other grounds considered applicable by the Accounting Officer, including compassion.

If the appeal is to be heard an Appeal Panel will be appointed. The trainee will be advised in writing, of the decision on the appeal application, normally within 28 days of its receipt. In the event that an appeal is rejected, reasons will be given.

Appeal Panel procedure

For the purpose of the hearing, a decision by the Panel on any point of procedure will be binding.

The Accounting Officer will send written notice of the Appeal date, together with copies of all papers to be considered by the Appeal Panel, to the trainee at least 14 days before the hearing date. If the trainee wishes to present any further evidence, this material must be supplied to the Accounting Officer at least seven days before the Appeal date. The Accounting Officer will supply the members of the Appeal Panel, at least seven days in advance of the hearing, with the grounds for appeal with supporting documentation, the papers presented at the hearing from which the appeal arises and a statement from the SCITT Director and/or Chair of the Fitness to Practise Panel in response to the grounds for appeal.

The trainee will have the right to be present during the hearing except as provided for in below.

The trainee making the appeal or their representative will present their case against the decision.

The Appeal Panel will consider the documents and may call persons connected with the proceedings from which the appeal arises to address the Panel, provided that the names of any such persons have previously been made available to all parties.

The Appeal Panel may, at its discretion, at any time during the hearing of an appeal order the room to be vacated, or may itself move to another room for private discussion. Only the Panel and the Clerk to the hearing will be entitled to be present at such times.

The Appeal Panel will normally reach its decision without adjournment, but may adjourn for a period not exceeding seven days for the purpose of deciding on the order to be made upon the appeal.

The decision of the Appeal Panel will be reached by a majority vote of the members of the Panel and will be announced as the decision of the Panel. The votes of individual Panel members will be treated as confidential.

Appeal Panel Outcome

The Appeal Panel may reject the appeal or uphold the appeal. Where the Appeal Panel upholds the appeal, the Panel may order one of the following measures:

- a) that the decision of the Fitness to Practise Panel be set aside and that the Fitness to Practise Panel re-hear the case;
- b) that the decision and/or order of the Fitness to Practise Panel be modified or reversed.

The decision and order of the Appeal Panel, together with its reasons, will be announced by the Chair and will be sent in writing normally within seven days of the appeal hearing to the trainee, and to the Chair of the Fitness to Practise Panel from which the appeal arose. In communicating the decision of the Appeal Panel, the Chair will indicate the grounds upon which the decision is based.

A decision of the Appeal Panel will be final.

Appendix A

Fitness to Practise Panel

The terms of reference of the Fitness to Practise Panel shall be:

- a) to consider cases referred by the Accounting Officer;
- b) to determine, on the basis of the findings and evidence presented to it, whether the trainees are unfit for registration and practise;
- c) to make appropriate decisions; and
- d) to advise the Strategic Board on issues relating to fitness for registration and practice.

The membership of the Fitness to Practise Panel shall be:

- a) a Chair (Member of the SCITT Strategic Board)
- b) Two additional members of the SCITT Strategic Board; and
- c) two senior members of the teaching profession. These members may be members of the academic staff of Sacred Heart High School or of any other education institution.

Staff of the same Department/School as the trainee against whom the case has been made, or who have had prior knowledge of or contact with the trainee, or prior knowledge or a connection to the case, shall be excluded from the membership of the Fitness to Practise Panel. All members of the Fitness to Practise Panel must be present for a hearing to proceed. Proceedings of the Fitness to Practise Panel shall normally be held in private. Any request for the hearing to be held in public will be for determination by the Chair and shall be at their absolute discretion.

Fitness to Practise Appeal Panels

The terms of reference of the Fitness to Practise Appeal Panel shall be:

- a) to consider appeal cases referred to it;
- b) to determine whether the ground(s) of appeal have been met;
- c) to make appropriate decisions; and
- d) to advise the Strategic Board on issues relating to fitness for registration and practice.

The membership of the Appeal Panel shall be:

- a) a Chair (A Headteacher independent of the case in question)
- b) a senior member of the Strategic Board (not previously involved in the case)
- c) a senior member of the teaching profession. This member may be a member of the academic staff of Sacred Heart High School or of any other education institution; and
- d) a current trainee, drawn at random from the cohort

Staff or trainees of the same Department/School as the trainee making the appeal, or who have had prior knowledge of or contact with the trainee or their case, shall be excluded from the membership of the Fitness to Practise Appeal Panel.

The quorum of the Fitness to Practise Appeal Panel shall be three, and shall include the Chair and the senior member of the teaching profession. The Chair shall have an additional casting vote where necessary.

Proceedings of the Fitness to Practise Appeal Panel shall normally be held in private. Any request for the hearing to be held in public will be for determination by the Chair and shall be at their absolute discretion.