



Trainee Fitness to Practise

Procedural Guidance for Staff and Trainees involved in PLS ITT programme.

Introduction

PLS has a responsibility to ensure that trainees following a programme of study leading to a professional qualification which is registrable with a statutory regulatory body are suitable to enter that profession.

PLS Fitness to Practise procedures are detailed below. This guidance explains the procedure for an investigation into concerns about a trainee's fitness to practise.

This policy can be used by anyone who is being trained by PLS for the duration of the training

The Department for Education (DfE) set a clear baseline of expectations for the professional practice and conduct of teachers, from the point of qualification in The Teachers' Standards, which were introduced on 1 September 2012.

The Teachers' Standards are used to assess all trainees working towards Qualified Teacher Status (QTS), and all those completing their statutory induction period. They should also be used to assess the performance of all teachers subject to the Education (School Teachers' Appraisal) (England) Regulations 2012. The Teachers' Standards should be used in conjunction with the Department for Education Teacher Misconduct regulations to ultimately determine whether a trainee is fit to practise upon qualification, as well as while they are studying. These two documents are:-

- Teacher Misconduct – Disciplinary procedures for the regulation of the teaching profession (Department for Education, updated April 2018)
- The Teachers' Standards (Department for Education, updated June 2013)

This policy has also been written with reference to the Secretary of State's ITT Criteria Supporting Guidance, March 2016.

Purpose of Procedure

These guidelines are to be applied only to situations in which a trainee's fitness to practise is of concern to PLS. PLS will go through our Cause of Concern Procedures which factor in trainees Fitness to Teach Practise.



The following issues may become fitness to practise concerns but only at the point at which all other routes for consideration are exhausted.

1. *Health* – health problems are not usually a fitness to practise concern. Most trainees with a health problem (physical or mental) are able to succeed in their programme with appropriate healthcare and pastoral support. Sometimes, a trainee is diagnosed with a condition which renders them unfit for further study or practise. In these instances, it is often clear to the trainee and PLS that the programme is no longer suitable. We will support trainees in this position with guidance on alternative study or career options. Health issues normally only raise fitness to practise concerns if:
 - a trainee fails to acknowledge or manage their condition
 - a trainee shows a lack of insight into the impact of their condition on study or practise
 - a trainee refuses to interrupt or withdraw from the programme despite having a physical or mental illness which renders them unfit for practise and registration, either temporarily or permanently.

If the concern relates to the Trainee's disability, health or wellbeing the Directors will request that the Trainee is referred to the Occupational Health Service. The Trainee will be provided with a copy of the referral.

The outcome will be reported back to the Directors, with the Trainee's consent, and PLS will act on the recommendations.

2. *Misconduct* – cases of suspected misconduct (disciplinary or academic) will be managed under the PLS Trainee Misconduct Procedures. Once the misconduct procedures are concluded, PLS will then consider whether there are fitness to practise concerns that need to be addressed. See Removal of Trainee from placement policy which addresses movement to alternative placement.

Referral to PLS

Concerns about a trainee's fitness to practise may be raised by a number of sources, including but not limited to: PLS Tutors, PLS Directors, Partnership staff- Subject mentor/ PCM/ITT lead, Subject leads, Subject facilitators, school pupils, other trainees, or members of the public. Anonymous or verbal notifications of concern will not normally be accepted.

All trainees are required to inform PLS of any change or potential change in their Disclosure and Barring Service (previously Criminal Records Bureau) check status. Convictions, cautions, warnings, reprimands and penalty notices issued after initial PLS enrolment and registration and before graduation must be declared to PLS **immediately**. The appropriate points of contact are PLS Tutors or Directors.



Investigating Fitness to Practise Concerns

When a concern is raised, the PLS Directors, will consider whether a fitness to practise investigation is required or whether a different course of action is appropriate. In some circumstances, a concern may be sufficiently serious or clear cut for a recommendation to be made that the Directors refers the case directly to the Fitness to Practise Committee without further investigation.

Concerns which require investigation will be considered by the Directors. PLS Directors are responsible for making a recommendation to a member of the Strategic board for appropriate action, based on its investigation.

The trainee will be notified when a decision to refer or investigate is made. Investigations will normally be concluded, or a meeting with the trainee held, within 28 days of the notification.

Fitness to Practise Committee

The Committee will usually comprise two senior members of staff from Sydney Russell School, St Angela's or St Edwards, but in some cases one member of the Committee may be a member of the teaching profession from one of PLS partnership schools not directly involved with the trainee. Members of the Committee will not previously have been directly involved in the case being considered.

The Committee may request further information relating to the concern (including statements from individuals involved in the situation / incident etc.). The investigators may also require a trainee to attend a Committee meeting for further discussion.

Trainees will be notified of the requirement to attend a Committee meeting via email as soon as possible and no less than 7 days in advance. 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 email will set out the concerns raised, the date, time and venue of the meeting and who will sit on the Committee. A trainee may be accompanied by another trainee, a friend, a family member or a member of their professional organisation if they wish. If the trainee is to be accompanied, the name of the person attending should be notified to the individual who issued the Committee invitation at least 48 hours in advance of the meeting. That person will not be allowed to speak on the trainee's behalf but the Committee Chair will have the discretion to consider representations from the trainee for the accompanying individual to make a statement.

Trainees will also be invited to submit a written statement and supporting documentation (if relevant) no later than 48 hours in advance of the Committee meeting. A trainee will be provided with copies of any other documentation being considered by the Committee.

Panel meetings are minuted and a copy of the notes is provided to the trainee.



Outcomes of Investigation

If the Committee is satisfied that there is no impairment to the trainee's fitness to practise, it will recommend to the PLS Director that:

- no further action be taken.

If the Committee determines that there are valid concerns about a trainee's fitness to practise it will recommend one of the following courses of action:

- Director or Tutor level remedial or supportive measures only – this will trigger the Support Plan and Cause for Concern Procedure
- Termination of the trainee's place on the programme of Initial Teacher Training as per Removal of Trainee from PLS Programme policy

Notification of Outcome

The Directors will provide the trainee with formal written notification of the outcome of the Committee's investigation, usually within 7 days of the Committee meeting or completion of the investigation. The trainee will be advised of any further requirements of them (either supportive or remedial) or of a decision to terminate their training. They will also be advised that copies of all paperwork relating to an investigation will be filed with the outcome letter on the trainee file and may be referred to in any future fitness to practise matters. The written notification will also indicate whether the matter should be declared to the relevant professional regulatory body.

Contested Decisions

A trainee may not wish to contest a decision. A trainee wishing to contest a decision must request re-consideration of their case by the Fitness to Practise Committee. This should be done in writing to the PLS Directors within 14 days from the date of the outcome notification from PLS.

Support for Trainees

Being subject to a fitness to practise investigation can be a stressful time for a trainee. There are a number of sources for support and advice which PLS recommends trainees take advantage of:

- PLS Personal tutors (or equivalents)/ Subject mentor/ School PCM/ITT lead
- Professional body – many professional bodies provide free or reduced rate trainee membership which includes an advisory and support service to trainees who are subject to fitness to practise procedures.

<https://chartered.college/>

General Data Protection Regulations



PLS 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. PLS 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. For example, if the investigation is based on the health of a family member, PLS do not need to see the detailed medical information about that person.