

UNIVERSITY *of York*
The Department of Education

PGCE Fitness to Practise Procedure

**Guide for Placement School Mentors and
Professional Tutors**

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Introduction

This guide explains what to do in relation to any fitness to practise situation affecting a University of York PGCE Beginning Teacher.

Should a partnership school have any concerns with regards to a Beginning Teacher's fitness to practise, **the procedures below must be followed by the Professional Tutor and/or General Mentor in the school.**

Appropriate Appendices are included at the end of the document as follows:

- Appendix 7(a): Fitness to Practise Committee Process overview
- Appendix 8a: Suspension from Practice Procedure (by the Placement Provider)
 - **This is the process all placement schools MUST follow if they wish to recommend a suspension from the placement setting for any University of York Beginning Teacher.**
- Appendix 9a: Stage 2 - Fitness to Practise Investigation Process
- Appendix 9b: Stage 2 - The Role of the Investigating Officer - Fitness to Practise Committee
- Appendix 9d: Stage 3 - Fitness to Practise Committee – Investigation meeting record

Fitness to Practise: What does it mean?

Fitness to Practise means having the **skills, knowledge, character** and **health** to practise the profession safely and effectively. As Beginning Teachers are students on a programme leading to registration with a Professional, Statutory and Regulatory Body (DfE), they are expected to demonstrate that they will be able to meet the professional standards expected by the teaching profession.

Developing Beginning Teachers' skills, knowledge and professional values for safe and effective practice are part of the overall programme of education they are following. Beginning Teachers receive feedback and are regularly assessed on these aspects of their Fitness to Practise, both in theory and during their Placement Experiences. However, a Beginning Teacher's Fitness to Practise is not just about their skills and knowledge.

Fitness to Practise also includes issues relating to a Beginning Teacher's **conduct & character**. This involves anything that they do in their professional or personal life that may impact upon the public and pupils - particularly their safety or the trust and confidence that they place in the education profession.

A Beginning Teacher's own **health and well-being** are other important parts of their Fitness to Practise; therefore we have a role in supporting Beginning Teachers to maintain sufficient health & well-being to practise safely and effectively. To achieve this, we work in partnership with the trainee and the University's chosen Occupational Health & Well-Being Service, as well as with placement schools who are members of the University of York School Partnership.

A student's fitness to practise is called into question when their conduct, behaviour or health raises serious, inappropriate, unprofessional, or persistent concerns regarding their suitability to continue on any programme of study which leads to a professional qualification with a professional, statutory and regulatory body (DfE).

What issues raise concern about a student's fitness to practise?

A range of issues may raise concern about Fitness to Practise amongst students. The most common concerns that we deal with as a Fitness to Practise Committee are:

- Health or Disability Concerns
- Cheating or Plagiarising
- Inappropriate use of Social Media (in line with teacher union guidance)
- Failure to comply with Programme Requirements (*non-attendance, vaccination requirements etc*)
- Breach of Confidentiality
- Dishonesty or Fraud (*DfE Student Bursary, Falsifying Qualifications or Documents etc*)
- Drug, Alcohol or Substance Misuse
- Inappropriate or Unprofessional Attitudes or Behaviour
- Aggressive, Violent, Threatening or Bullying Behaviour
- Criminal Conviction or Caution.

How will the FTP Committee deal with a concern about a Beginning Teacher's Fitness to Practise?

The Fitness to Practise Committee: (i) protects the public and pupils; and (ii) supports the Beginning Teacher in the development of their Fitness to Practise; by using a staged approach to dealing with any matters of concern.

We always start with an informal approach and **the majority of concerns are managed at the Informal Stage (Stage One)** of our processes.

Our process has one pre-stage and three FTP stages:

- **Pre-investigation stage** – when concerns are initially raised by a person or party with the PGCE team.
- **Informal Stage (Stage One)** – at course level with the PGCE team and partners
- **Investigation/Assessment Stage (Stage Two)** – at FTP level with the PGCE team
- **Formal Stage (Stage Three)** – at FTP level with partnership school representation

Whilst the ultimate goal of any Fitness to Practise processes is to protect the public and pupils, we recognise that PGCE Beginning Teachers are still learning about the expectations and standards of conduct of their intended profession. Very often our recommendations to Beginning Teachers emphasize what a Beginning Teacher can do to promote their learning and

professional development to enhance their conduct and behaviour. This is often the outcome at the Informal Stage of our processes.

Sometimes our processes recommend that there is additional monitoring of a Beginning Teacher's progress. In exceptional circumstances (after the Formal Stage of our process) we may recommend a sanction, or recommend to the Board of Studies that a Beginning Teacher is discontinued from their programme of study.

At all stages of the process, we advise that Beginning Teachers seek appropriate support, and ask any questions that they may have at the time. Beginning Teachers and school placement staff are also asked to remember the need for confidentiality, and acting honestly in any account of any events. Beginning Teachers are reminded that acting honestly means more than simply answering questions truthfully. It would be dishonest of a Beginning Teacher to allow the Committee to gain a false impression of a situation even if the Beginning Teacher did not actually lie to do so. Acting honestly throughout the Fitness to Practise process demonstrates appropriate professional values, and is likely to positively influence the decisions made by the Committee.

The stages of the process are explained in more detail in the following pages. Our correspondence with the Beginning Teacher always explains at which stage their case is being considered. If Beginning Teachers have any questions, they can ask these at any stage of the process.

Pre-investigation stage - notification

At this point, information raising/detailing concerns regarding a student's fitness to practise may come from a variety of different sources including: members of the general public; other students; practice school placement staff; family members/friends; University teaching and support staff; or from the student themselves.

The person or persons raising the concern must complete a notification of referral to list their concerns with the Fitness to Practise committee.

In the case of school staff, this must be sent by the school placement's **Professional Tutor** and/or the **CA University Tutor** to:

- secure email account: education-ftp@york.ac.uk
- DITE: claire.e.ball-smith@york.ac.uk
- The relevant CA lead tutor/s for the Beginning Teacher concerned

The DITE and relevant PGCE staff will then consider the merits of the concern.

The student will remain in placement/programme until such time that the informal stage of FTP investigation (Stage One below) commences.

The person or people who raise the concern must follow the FTP stage of guidance at all times. **There can be no changes made to the Beginning Teacher's entitlement of training programme at the Pre-Investigation Stage of the process.**

Stage One: Informal Stage

All of our official FTP processes commence with this stage. In this stage, the PGCE Team review the information that we receive and decide how best to deal with the concerns raised. Remember that we successfully deal with **most concerns at this Informal stage** of our FTP processes.

If a Beginning Teacher is being considered for suspension from their Placement Experience, although we will be notified of the details of this, our first recommendation will always be a joint meeting with the Beginning Teacher's University Tutor and/or Lead Tutor, and usually with the Beginning Teacher's placement Professional Tutor and mentor, to explore whether there are processes within the Placement Assessment process (e.g. PGCE Support Plan) that can be used.

For all other concerns, we deal with a Beginning Teacher's case individually and take into account the stage of the Beginning Teacher's professional development and the nature of the concern. Usually, this involves both the Beginning Teacher **and** the Partnership School staff or concern-raiser attending an **Informal Meeting** with either the DITE or nominated Deputy and the relevant University Tutor to discuss the matter. We will write to the Beginning Teacher briefly outlining the nature of the concern so that the Beginning Teacher is aware of this. This gives the Beginning Teacher an opportunity to seek help and support before the meeting.

At this **Informal Meeting** we will listen to the Beginning Teacher's explanation of events as well as that of the concerned party/s, and decide how to best to deal with the issues raised and how to proceed. In most cases, we suggest guidance and a range of further support (e.g. from the University Tutor, Student & Academic Support Service, YUSU, Open Door Team, or Disability Services).

In some cases, we decide that we need further information in order to make a decision, and the Beginning Teacher will progress to Stage Two of Fitness to Practise process (see Stage Two below) which is an **Investigation** or Assessment. In this case, it will be decided at this stage whether the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the second stage of the FTP procedure is undertaken.

What Help and Support is available at the Informal stage?

It is important that the Beginning Teacher does not go through this alone, but arranges for someone to help them prepare for, and accompany them to the Fitness to Practise Committee informal meeting.

Under University regulations any Beginning Teacher is entitled to be accompanied by a representative who may be a full-time member of the University or president or full-time officer of the University of York Students' Union (YUSU). The Advice and Support Centre of YUSU is based in James College (YUSU). It gives professional, independent and confidential advice, guidance and information on student academic and welfare issues, assists and represents students at all stages of the Fitness to Practise processes and signposts to University Student Support Services.

- York University Students Union (YUSU) Contact: (01904) 324207 or (01904) 323720, asc@yusu.org or visit in person between 10.00am and 4.30pm.
- Student Support Hub Contact: (01904) 324140, student-support@york.ac.uk or visit in person between 09.00am – 5.00pm (term time) and 10.00am and 4.00pm (outside term time) in Market Square.

They are likely to want to meet with the Beginning Teacher beforehand, and to discuss the issues with the Beginning Teacher, and it is vital that they have as much notice as possible.

If the Beginning Teacher has any queries or concerns regarding the **Informal Meeting** their point of contact should be by email to the [Fitness to Practise email account](#).

Stage Two: Investigation/Assessment Stage

At this stage of the FTP process, our goal is to gather more information about the concern that has been raised about a Beginning Teacher's fitness to practise.

If the concern about the Beginning Teacher's Fitness to Practise is about their **health or well-being**, this will involve a referral for an Occupational Health **assessment**. The Beginning Teacher will be given a copy of the referral, for their information, to make sure that the Beginning Teacher is fully aware of the nature of the request being made. The appointment details will be emailed to the Beginning Teacher's University email address. This is a confidential appointment between the Beginning Teacher and the Occupational Health team¹. The outcome will be reported back to the Fitness to Practise committee with the Beginning Teacher's consent and we will then be able to discuss and plan for any recommended adjustments, support or other follow up to enable the Beginning Teacher to practise safely.

If more information is needed regarding a concern about a Beginning Teacher's **conduct & character**, we will recommend an **Investigation**. Here, an **Investigating Officer** is identified and appointed to examine and explore the concern about their conduct and character in greater detail. The **Investigating Officer** will be an academic member of the Fitness to Practise Committee and/or PGCE Team who has not been involved in the raising of the concern and does not have a significant relationship with the Beginning Teacher.

The **Investigation** is carried out as quickly as possible and aims to minimise disruption to the Beginning Teacher's programme of study, however this may not be always possible. The Beginning Teacher and other relevant people will be interviewed as part of the **Investigation**. It is very important to maintain confidentiality during the **Investigation** process and for all parties to uphold Part 2 of the Teacher Standards at all times.

It is vitally important that the Beginning Teacher and any other parties act honestly at all times when being interviewed by the **Investigating Officer**. Acting honestly means more than simply answering questions truthfully. It would be dishonest of a Beginning Teacher to allow the **Investigating Officer** to gain a false impression of a situation even if the Beginning Teacher did not actually lie to do so. Acting honestly throughout the **Investigation** process demonstrates

¹ Occupational Health Works is an external company used for occupational health assessments in Health Sciences, Social Work and Education at the University of York.

appropriate professional values and is likely to positively influence the decisions made by the Committee.

The purpose of an **Investigation** is to:

- Identify the exact nature of the concern(s)/issue(s)
- Identify, collate and analyse all relevant information exploring the concern(s)/issue(s)
- Identify whether the information gathered points to a potential risk to public safety, a breach of professional standards, or impacts upon the reputation of the profession relating to QTS (DfE).

The **Investigation Report**, along with all of the supporting evidence, will be reviewed fully by the **Chair/Deputy Chair of Fitness to Practise Committee**. Two other members of the Fitness to Practise Committee will also review the report and from this, appropriate action is decided. We then write to the Beginning Teacher about this outcome and sometimes ask the Beginning Teacher to attend a meeting:

- If there is not deemed to be **sufficient evidence to proceed**, the Beginning Teacher will meet with the CA Lead Tutor and the DITE to consider lessons learnt, and to re-institute the Beginning Teacher's training programme. This gives the Beginning Teacher an opportunity to discuss suggestions for future learning and for the PGCE Team to give guidance on the Beginning Teacher's future conduct.
- If it is deemed that there is **sufficient evidence to proceed**, and it is found that a Beginning Teacher's fitness to practise is likely to be impaired, then the University will convene a full **Fitness to Practise Committee** hearing which is the final Formal stage of our processes (Stage Three – see below).

Again, at this stage, a decision can be taken as to whether or not the Beginning Teacher's placement may continue, or be temporarily halted whilst the FTP procedure is undertaken.

Stage Three: Formal Stage

This stage is the official Formal stage of the Fitness to Practise process.

At this stage, concerns about a Beginning Teacher's Fitness to Practise are presented to a **hearing** of the **Fitness to Practise Committee**. The role of the hearing is to consider the evidence received by the **Investigating Officer**. At this point, the **Fitness to Practise Committee Hearing Panel** has a responsibility to ask the Beginning Teacher questions to ensure that the concern(s)/issue(s) are explored and examined satisfactorily. It is the role of the **Fitness to Practise Committee Hearing Panel** to ensure that all evidence is looked at in its entirety, especially when the evidence and information is disputed.

The **Fitness to Practise Committee Hearing Panel** will determine whether a Beginning Teacher's **Fitness to Practise** is impaired and, if so, which sanction(s) (if any) are recommended to be applied to the case.

What will happen in the run up to the Fitness to Practise Hearing?

Unless already specified in correspondence from the **Fitness to Practise Committee**, the Beginning Teacher must continue to attend University and/or the practice placement.

At least one week before the **Fitness to Practise Committee Hearing** the Beginning Teacher will receive all of the written evidence which will be considered on the day. It is extremely important that the Beginning Teacher takes time to read these documents and discuss with their representative well in advance. The Beginning Teacher will also receive a copy of the **Department of Education Fitness to Practise Policy**.

The **Fitness to Practise Committee** will give the Beginning Teacher a deadline for any additional information pertaining to the case to be received by. Any information received after the given deadline will not be taken into account by the FTP Committee unless in exceptional circumstances and with agreement of the Chair/Deputy and with the Beginning Teacher's full consent. If significant new information is submitted too late to be circulated to everyone involved, the **Fitness to Practise Committee Hearing Panel** may need to be adjourned so that the new information can be considered.

If the Beginning Teacher has a disability and needs special arrangements they are asked to let the **Fitness to Practise Committee** know well in advance of the meeting (education-ftp@york.ac.uk).

Attendance at a **Fitness to Practise Committee Hearing** is obligatory. If the Beginning Teacher is ill and not able to attend, they will need to supply a medical certificate to the **Fitness to Practise Committee** (education-ftp@york.ac.uk). If the Beginning Teacher does not attend without a reasonable explanation, the committee can consider the case in their absence.

What will happen at the Fitness to Practise Committee Hearing?

The **Fitness to Practise Committee Hearing Panel** will usually convene about 30 minutes prior to commencement to decide on the format and the exact nature of the questions to ask the Beginning Teacher. These questions will be based upon the information included in the **Investigating Officer's/s' Report**. The Committee will be guided and led by the **Chair/Deputy Chair of the Fitness to Practise Committee**. In the meantime, the Beginning Teacher and their representative will either report to the Department of Education Reception and will be shown to a waiting area/or wait in an online waiting room. If in person, a member of the **Fitness to Practise Committee Hearing Panel** will collect the Beginning Teacher and their representative and take both into the hearing venue, where both will be shown to their seats.

The **Chair/Deputy of the Fitness to Practise Committee** will then introduce the committee members present; most will be academic staff from the Department but there will be at **least one senior teacher** from a **University of York Schools Partnership school/ organisation**. The **Chair/Deputy Chair** will ask the Beginning Teacher if they have received all of the necessary paperwork before the committee hearing can formally begin.

Initially the **Investigating Officer** will present a summary of their findings outlining any interviews which have taken place and any evidence which has been collected so far. The Beginning Teacher will then be asked questions by the committee members in turn. Each Committee member will focus on a slightly different area of the case. Remember, Committee members are not trying to 'catch the Beginning Teacher out'; rather they are trying to get a

better understanding of the facts that led to the situation. The Beginning Teacher will then be able to make some concluding remarks, giving the Beginning Teacher an opportunity to tell the Committee anything they think is important to the hearing. Whoever accompanies the Beginning Teacher will also be asked if they wish to say anything on the Beginning Teacher's behalf or clarify any points of order.

Once the questions are complete the Beginning Teacher will be asked to leave the room/virtual meeting to enable the **Fitness to Practise Committee Hearing Panel** to consider the case. When the **Fitness to Practise Committee Hearing Panel** has finally reached a decision, a member of the Committee will collect the Beginning Teacher/readmit the Beginning Teacher to the online meeting, and ask the Beginning Teacher to return to the room to hear the outcome.

The **Chair/Deputy Chair of the Committee** will ensure that the Beginning Teacher's welfare is always paramount. If for any reason the Beginning Teacher is finding it difficult, the Beginning Teacher can ask the **Chair/Deputy Chair** for a short break. If the Beginning Teacher should become upset or emotional in any way, the Beginning Teacher can ask for some time to compose themselves.

The Beginning Teacher should uphold Part 2 of Teachers Standards (DfE, 2012) at all times. It is vitally important that the Beginning Teacher acts honestly at all times, both when being interviewed by the **Investigating Officer** and when they are answering questions at the hearing itself. Acting honestly means more than simply answering questions truthfully. It would be dishonest of the Beginning Teacher to allow the **Fitness to Practise Committee Hearing Panel** to gain a false impression of a situation even if the Beginning Teacher did not actually lie to do so. Honesty, trustworthiness, sincerity and candour are all virtues that the Committee will be looking for when they are considering an FTP case.

All members of the **Fitness to Practise Committee Hearing Panel** will ensure that the hearing maintains a neutral stance by respecting the difficulty of the Beginning Teacher's position when appearing at the hearing. All members of the committee will ensure that their questions are neither confrontational nor oppressive. The Committee are trying to get a better understanding of the situation at hand.

What will be the possible Outcomes and Sanctions following the Committee Hearing?

When considering possible sanctions and outcomes, the **Fitness to Practise Committee Hearing Panel** will take into account the stage of the PGCE programme to ensure that sanctions are appropriate to the Beginning Teacher's development. The **Fitness to Practise Committee Hearing Panel** will also take into account the guidance set by the Teacher Standards (DfE, 2012) and the rules, regulations, and ordinances set by the University of York.

If the Beginning Teacher has raised significant mitigating circumstances during the **Fitness to Practise Committee Hearing** then these will be taken into consideration when deciding on the most appropriate course of action.

If at the conclusion of the hearing a unanimous decision cannot be reached by the **Fitness to Practise Committee Hearing Panel**, the opinion of the majority will prevail. If the Committee hearing reaches a hung decision, the **Chair/Deputy Chair** will decide upon the formal outcome(s) and/or sanction(s).

If the Beginning Teacher receives a warning or sanction, then it will be explained to the Beginning Teacher:

- Why they have received the warning or sanction.
- The intended purpose of the warning or sanction.
- The expected duration of the warning or sanction.
- Whether or when the Beginning Teacher's fitness to practise will be considered again.

Possible outcomes or sanctions may include the following.

That the trainee is **Fit to Practise** and is:

- permitted to continue on the programme without change
- permitted to continue on the programme in conjunction with provisos determined by the Panel
- permitted to continue with the programme under close supervision
- permitted to continue on the programme but with a formal reprimand or warning placed on the Beginning Teacher's file.

That the Beginning Teacher is **not Fit to Practise** and:

- is required to undertake an occupational health assessment
- the Beginning Teacher's studies are suspended until such time as any undertakings, recommendations or conditions imposed by the Committee have been fully met (normally an occupational health assessment)
- the Beginning Teacher is required to undertake any other action considered appropriate by the Committee to enable their successful completion of the remainder of the programme
- a recommendation is made to the Chair of the Board of Studies that the Beginning Teacher's programme of study leading to a professional qualification be terminated but that the Beginning Teacher be permitted to seek admission to an alternative academic qualification.
- a recommendation is made to the Chair of the Board of Studies that the Beginning Teacher's programme is terminated and that they are required to withdraw from the University. Subject to the recommendation of a Progression and Award Board, the Beginning Teacher may be eligible to receive any lower exit award to which they are entitled.

If there is a **sufficient evidence to proceed**, the Beginning Teacher can request an optional final meeting after the **Fitness to Practise Committee Hearing Panel** where the Stage 3 decision has been made, depending on the nature of the case. This meeting would be with the **Chair of the FTP Committee** and would be restricted to: (i) an explanation of the process followed; and (ii) the consequent reasons for the decision taken by the Stage 3 panel.

Out of courtesy, the **Chair of the FTP Panel** will let the concerned parties (who raised their concerns initially) know that the matter is closed, and notify the party of the outcome of the FTP procedure, including the attachment of a copy of the FTP Policy. The DITE will be copied into such correspondence.

Can a Beginning Teacher appeal against the outcome of a decision of the Board of Studies?

A Beginning Teacher has the right to appeal against a recommendation by the Department of Education Board of Studies to suspend or terminate their programme.

A recommendation to terminate the Beginning Teacher's programme is heard by the University of York **Special Cases Committee** (*Special Cases Committee has powers devolved by University Senate to deal with academic misconduct cases, appeals and suspension of studies*). The Beginning Teacher has the right to request that the **Special Cases Committee** hearing turn into an appeal against the recommendation from the Department of Education Board of Studies.

For further information please see [Regulation 6.7 of the University Ordinances & Regulations](#).

If, after exhausting the Appeals stage, the Beginning Teacher feels that the outcome is unreasonable in relation to the evidence, then a review may be requested from the Office of the Independent Adjudicator for Higher Education (OIA), within 3 months of the issue of a Completion of Procedures letter by the University of York.

Contact details for the Independent Adjudicator are:

Office of the Independent Adjudicator

Third Floor Kings Reach

38-50 Kings Road

Reading

Berkshire

RG1 3AA

Information may also be obtained directly from the [OIA website](#).

Appendix 7(a): Fitness to Practise Committee Process

PRE-INVESTIGATION (NOTIFICATION) STAGE

Notification of referral to/concerns with Fitness to Practise must be sent by the **school placement Professional Tutor** and/or the **CA University Tutor** to:

- secure email account: education-ftp@york.ac.uk
- DITE: claire.e.ball-sith@york.ac.uk
- The relevant CA lead tutor for the Beginning Teacher concerned

The DITE and relevant staff consider the merits of the concern. The student **remains in placement/programme until such time that the informal stage of FTP investigation commences.**

The source of the concern follows Pre-Investigation stage guidance at all times – **there can be no changes made to the Beginning Teacher's entitlement of training programme at this point in the process.**

INFORMAL STAGE (Stage 1)

- It will be decided at this stage whether the Beginning Teacher's placement may continue, or be temporarily halted whilst the FTP procedure is undertaken. **Suspension from practice if appropriate, cannot be imposed by the school placement at this or any prior stage (see policy for process)**
- Issue of health or conduct considered by the Chair/Deputy Chair
- No further action
 - Student returns to placement
- Action needed:
 - Student advised to access Student Support services i.e. Open Door, YUSU, Disability support
 - Student attends an informal meeting with DITE/University Tutor

INVESTIGATION/ASSESSMENT STAGE (Stage 2)

Student is recommended to seek support from University Tutor

- No further action
 - student returns to placement.
- Action:
 - Investigation is required

It will be decided at this stage whether the Beginning Teacher's placement may continue, or be temporarily halted whilst the FTP procedure is undertaken. **Suspension from practice if appropriate, cannot be imposed by the school placement at this or any prior stage (see policy for process).**

- Action:
 - Occupational Health referral
 - Occupational health referral for Assessment

- Occupational Health report received - No further action OR Recommended adjustments (OH support plan initiated).
- Case conference
- Meeting with Chair/Deputy Chair
- Additional monitoring, supervision or appraisal
- Progress to a Fitness to Practise Hearing

FORMAL STAGE (Stage 3)

Please note that the above descriptors outline typical processes, however as issues of Fitness to Practise are investigated and dealt with on a case-by-case basis, variations in this process may be applied to accommodate specific issues and requirements.

- No further action
 - no sanctions placed on the student record.
 - Student continues on their programme with additional monitoring, supervision or appraisal
- Action
 - Student continues on their programme with a formal warning issued by the Chair/Deputy of Fitness to Practise Committee and placed on the student's file
- Action
 - Recommendation to Board of Studies for Discontinuation

Appendix 8a: Suspension from Practice Procedure

Introduction

The Placement Providers (host schools) in the University of York Schools Partnership reserve the right to ask for the removal of a student from a Placement in any case in which they consider it appropriate to do so, having regard to the student's conduct/behaviour or professional suitability.

The authority for a request for suspension will rest with the Professional Tutor or nominated senior mentor.

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. Suspension from practice, if appropriate, **cannot be imposed by the school placement at any stage** (see policy for process) without following the due process outlined above.

The authority for imposing placement suspension will rest with the FTP Committee alone.

Procedure

In all cases, the Chair/Deputy Fitness to Practise Committee must be consulted and **both parties must follow the Suspension procedure**. Every effort should be taken to minimise the disruption to the student's programme of study at removal stage.

The Placement Provider (host school) must follow the process as attached.

What is the difference between Suspension and Exclusion?

Suspension

Suspension is the temporary removal from placement whilst an investigation is completed. This can happen IF:

- The University's FTP Committee agrees with the school that this is needed with immediate effect;
- There is adequate evidence produced by the parties raising the concern to suggest that this is needed.

If resolvable, the student may return to placement by agreement with the Placement Provider (host school).

Exclusion

Following suspension and investigation, if an issue cannot be resolved and further action is required, the student may not return to placement and is therefore **excluded** from practice.

Employer Organisation Sponsored Student Status – DfE salaried Beginning Teachers (i.e. NOT fee paying)

If a student is sponsored by an employer school as a salaried Beginning Teacher, disciplinary action will follow the Employer's policy but may also follow that of the Placement Provider. This will be agreed on an individual case by case basis and the student informed in writing.

Reasons for Suspension

Reasons for Suspension could be, but not inclusive of, the following:

- unsafe professional conduct/behaviour
- concerns about the student's health - physical or mental
- concerns about the health and safety of pupils/staff

The following **do not constitute sole reasons for suspension**:

- failure to meet QTS outcomes as listed in placement reviews
- failure to progress with an action plan identified in PGCE Support Plan.

In these cases the staff should notify the relevant CA lead tutor of concerns so that appropriate courses of action can be taken which are not included in the FTP process.

The student should be encouraged to seek support from their University Tutor/Lead Tutor at the University should they be suspended from practice. If the student feels that they cannot approach their University Tutor/Lead Tutor then they can seek assistance from the Academic & Welfare Manager/Development Coordinator at York University Students Union (YUSU) on (01904) 323720 or asc@yusu.org.

Process for Suspension and Exclusion from Placement Practice (by the placement school and University FTP Committee)

Step 1

A General Mentor or Professional Tutor has sufficient concerns regarding a student that they wish to consider the removal of the student from the placement setting and consider suspension with the University FTP Committee.

The General Mentor must contact the Professional Tutor to discuss the decision to recommend a suspension of the student from practice.

The Professional Tutor **immediately notifies:**

- 1) the student's **University Tutor/Lead Tutor** and
- 2) the **Fitness to Practise committee** using email education-ftp@york.ac.uk specifying the date, time and reason for the proposed suspension and confirm that the details of the proposed suspension are recorded in the student's e-portfolio and/or by email by the mentor/Professional Tutor and University Tutor.

Step 2

The student is sent home/back to the University and contacted before their next scheduled placement visit, with an explanation of why this action has been taken and instructions to contact their University Tutor /Lead Tutor immediately (either that day or the next working day).

This must be recorded in the student's e-portfolio and/or by email by the General Mentor or the member of supervisory staff to University Tutor/s.

The University will undertake the pre-investigation and the Stage 1 Informal Stage of the FTP Procedure BEFORE a decision is taken to enforce or not the school's request to suspend the placement. **It is important that NO SCHOOL temporarily halts ANY Beginning Teacher's placement work and programme UNTIL the Informal Stage of the FTP procedure has been completed.**

Step 3

The **student books a meeting with the University Tutor/ Lead Tutor** to discuss the proposed suspension/the concern raised by the concerned party. This meeting is documented in the student's personal record and the Director of Initial Teacher Education (DITE) is informed.

Step 4

The DITE and the University Tutor/Lead Tutor verbally discuss the reason for suspension and review the e-portfolio/ongoing record of achievement to decide on possible outcomes of action:

- Situation is recoverable**
- Unsafe Professional Conduct - behaviour requiring progression with suspension*
- Health issue*

* In some cases Health and Conduct – see 5b below.

**issues may need to be explored – see 5a below.

Step 5a

The **University Tutor/ Lead Tutor contacts the student and the General Mentor to mediate the situation** and discusses options for the student's return to practice, which may include an action plan (e.g. PGCE Support Plan). This is recorded in the e-portfolio/ongoing records of the student's profile.

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. **Suspension from practice, if appropriate, cannot be imposed by the school placement at any stage** (see policy for process) without following the due process outlined above.

The authority for imposing suspension will rest with the FTP Committee alone.

Step 5b

Referral to Fitness to Practise using the referral form.

Unsafe Professional Conduct - The DITE and University Tutor/Lead Tutor meets with the student and the YUSU representative to explain the process for the investigation, and the potential consequences for the student's time away from the placement school if the placement is temporarily halted. Policy is followed.

Health Issue - The DITE and University Tutor/Lead Tutor meets with the student, discusses the suspension and makes a referral to the Fitness to Practise Committee (who will follow the Occupational Health referral process). Placement is temporarily halted whilst health issues are investigated.

Step 6

Student attends an Occupational Health assessment, and the chosen OH provider makes recommendations on the student's fitness to practise to the Chair/Deputy of the Fitness to Practise committee.

No further action needed – The University Tutor/Lead Tutor informs the Fitness to Practise of the student's return to practice.

Step 7

If a recommendation of placement suspension is made whilst a Beginning Teacher is on an action plan (e.g. PGCE Support Plan), in which targets are failed, the mentor informs the trainee that by a suspension from practice, if recommended, (and therefore being unable to comply with the action plan) may mean that they have failed their placement. The student's ability to attend has been compromised and therefore they do not have the opportunity to achieve the QTS standards in this placement.

If the FTP allows the student to return to a placement or attend a new placement, they will commence the next placement with a 4 week action plan (e.g. PGCE Support Plan) by default.

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. **Suspension from practice, if appropriate, cannot be imposed by the school placement at any stage (see policy for process) without following the due process outlined above.**

The authority for imposing suspension will rest with the FTP Committee alone.

Step 8 - Outcomes of a Stage 2 Investigation

Where a student is deemed fit to return to practice with insufficient evidence to proceed the student will return to their placement.

Where a student is deemed fit to return to practice with requirements, the Chair/Deputy Fitness to Practise Committee notifies the student in writing confirming fitness (and any follow-up requirements), which is copied to the University Tutor/Lead Tutor. A warning will be put on the student's file with an agreed action plan (e.g. PGCE Support Plan). This is recorded in the student's e-portfolio or e-file.

Where the student is deemed not fit to return, the Chair/Deputy Fitness to Practise committee notifies the student in writing. Stage 3 (formal hearing) commences.

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. **Suspension from practice, if appropriate, cannot be imposed by the school placement at any stage (see policy for process) without following the due process outlined above.**

The authority for imposing suspension will rest with the FTP Committee alone.

Step 9 - Outcomes of a Stage 3 Full Fitness to Practise hearing

The Chair/Deputy of Fitness to Practise meets with the student and the YUSU representative to explain the process for the full Fitness to Practise hearing.

Where the student is deemed not fit to return, the Chair/Deputy Fitness to Practise committee notifies the student in writing. The Beginning Teacher will then be recommended to Board of Studies for Discontinuation of Studies.

Where the student is deemed fit to return, any reasonable adjustments identified by OH are noted. Students will be able to return to placement at the designated return date set down by the FTP Committee. A case conference may be required. **Leave of absence/withdrawal may also be advised** - The Leave of Absence return policy may stipulate that the student has to attend an OH review appointment on return. A case conference may be required. The student meets with their University Tutor/Lead Tutor and with a Fitness to Practise committee member to discuss options.

At these points in the process the student will be advised of the implications for the DfE requirement of days completed in school for QTS status to be achieved and the additional University Policy and Support mechanisms (i.e. YUSU).

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. **Suspension from practice, if appropriate, cannot be imposed by the school placement at any stage (see policy for process) without following the due process outlined above.**

The authority for imposing suspension will rest with the FTP Committee alone.

If there is **sufficient evidence to proceed**, the Beginning Teacher can request an optional final meeting after the **Fitness to Practise Committee Hearing Panel** where the Stage 3 decision has been made, depending on the nature of the case. This meeting would be with the **Chair of the FTP Committee** and would be restricted to: (i) an explanation of the process followed and (ii) the consequent reasons for the decision taken by the Stage 3 panel.

Out of courtesy, the **Chair of the FTP Panel** will let the concerned parties (who raised their concerns initially) know that the matter is closed, and notify the party of the outcome of the FTP procedure, including the attachment of a copy of the FTP Policy. The DITE will be copied into such correspondence.

Appendix 9a: Stage 2 - Fitness to Practise Investigation Process

The Core Membership of the Fitness to Practise Committee (Chair and Deputy Chair) determines that the student case requires a Stage 2 investigation and the following process is initiated:

Step 1

The Secretary, Fitness to Practise Committee, contacts the members of Fitness to Practise Committee to ascertain availability to act as an Investigating Officer.

It will be decided by the University's FTP Committee at Stage 2 of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. Suspension from practice, if appropriate, **cannot be imposed by the school placement at any stage** (see policy for process) without following the due process outlined above.

The authority for imposing suspension will rest with the FTP Committee alone.

Step 2

The Secretary, Fitness to Practise Committee, notifies Chair and Deputy Chair of availability and the Investigating Officer is then chosen.

(Note: The Investigating Officer appointed should not be the student's University Tutor or have had any previous involvement with the case).

Once identified, the Secretary, Fitness to Practise Committee, forwards the Investigation Pack to the named Investigating Officer. This pack contains:

- The Supervisor's Referral Form, together with any supporting evidence received.
- A copy of the letter sent to the student regarding the requirement to attend Fitness to Practise Committee.
- The Role of the Investigating Officer.
- Investigating Officer Checklist.
- Investigating Officer Meeting Record.

Step 3

The Investigating Officer commences the investigation process by contacting the student and other parties involved in the case to make interview arrangements.

The student should be interviewed as part of the LAST stage of the investigation, with appropriate representation as per the Fitness to Practise Policy.

The Investigating Officer interviews all parties involved and within an agreed timescale will:

- Complete Fitness to Practise Investigation Meeting Record(s) ensuring that these are dated and signed by all parties*
- Provide a summary report and a chronological timeline of activities.
- Submit all documentation to the Secretary, Fitness to Practise Committee.
If it appears that the process may be protracted, the Chair/Deputy Chair, Fitness to Practise Committee must be informed.

*All information sent via email MUST be password protected: education-ftp@york.ac.uk.

Step 4

The Secretary, Fitness to Practise Committee presents the relevant investigation paperwork to the Chair and/or Deputy Chair for review.

Step 5

The Chair/Deputy Chair reviews the investigation paperwork and determines the appropriate action in consultation with two members of the Fitness to Practise Committee.

(Note: Normally not from the same field/discipline of practice as the student).

Step 6

The student is then notified in writing within 5 working days of the outcome.

Step 7a

If there is a case: Requirement to attend a meeting with the Chair and/or Deputy Chair Fitness to Practise Committee. The Chair/Deputy Chair refers the student to attend a Fitness to Practise Hearing.

Step 7b

If there is not a case: No further action is required by Fitness to Practise Committee. Student remains under the review of Fitness to Practise Committee. Review timescale agreed.

Appendix 9b: The role of the Investigating Officer - Fitness to Practise Committee

The Investigative Process:

Concerns relating to a student's fitness to practise, whether from an academic member of staff or from an external contact (placement provider, member of the public etc), should be passed in writing to the Chair/Deputy of the Fitness to Practise Committee.

The Chair/Deputy of the Fitness to Practise Committee should authorise an initial investigation as to whether there are grounds for concern regarding a student's fitness to practise, as specified above.

The Chair/Deputy of the Fitness to Practise Committee shall promptly, and in any event within 5 working days refer the matter to an Investigating Officer for investigation and shall notify the student of:

- the details of the allegations against him/her/them; and
- the identity of the investigating officer; and
- any recommendation of suspension from their programme or limitations or conditions placed upon the continuance of his/her/their studies or supervised practise during the period of the investigation.

Note: *The Investigating Officer should not be the student's University Tutor nor should be called upon to provide evidence as part of the investigation. There should be no conflict of interests.*

At this point the Investigating Officer **may** request the people connected with the case to provide **written comments** on the student's conduct and/or health pertinent to the case, explaining why there is concern as to the student's fitness to practise. Factual information about the student's professional progress on the course and any other relevant documentation should also be provided.

The Investigating Officer shall interview relevant individuals including the student themselves using the Fitness to Practise Investigating Officer Checklist.

The student, in order that a report can be made on his/her/their fitness to practise on medical grounds, may be required to be assessed by a suitably qualified Health Practitioner as appointed by the University for this purpose.

Promptly on receipt of the report from the Investigating Officer, and in any event within 5 working days, the Chair of the Fitness to Practise Committee shall notify the student in writing of:

- the outcome of the investigation
- whether the matter is to be referred to the full Fitness to Practise Committee together for adjudication with full details of the procedures to be adopted

- the imposition, cessation, continuance or alteration (as the case may be) of any suspension or conditions/limitations placed on the student's studies.

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the Beginning Teacher's placement may continue, or should be temporarily halted, whilst the FTP procedure is undertaken. **Suspension from practice, if appropriate, cannot be imposed by the school placement at any stage (see policy for process) without following the due process outlined above.**

The authority for imposing suspension will rest with the FTP Committee alone.

Points to Remember throughout the Investigation:

- The IO must remain totally impartial throughout the Beginning Teacher's investigation.
- All information sent via email MUST be password protected - education-ftp@york.ac.uk
- Remember that at this stage these are allegations not proven fact.
- The IO must seek out what is the evidence to support the allegation(s).
- The IO will need to ascertain as much detail as possible, including a review of any incidents which have previously led to this investigation which may have already been resolved formally.
- The IO must interview the person making the allegation, the student and witnesses on both sides. The interviewees should be provided with at least three working days' notice and informed that they may be accompanied at the interview by a representative. For students this may be a full-time member of the University or president or full-time officer of the York University Students' Union (YUSU). For colleagues in practice this may be a working colleague or union representative.
- The IO should interview the student as part of the LAST stage on the investigation, so that the student is given the opportunity to respond to any issues which have arisen as part of your investigation.
- The IO should remind the student of the relevant Code of Conduct and reiterate the importance of honesty, accountability and integrity before starting the interview.
- When interviewing the student the IO should ask if they are aware of anyone else who the student feels can provide evidence related to the incident(s).
- The IO should keep in mind the balance between patient/service user and public safety, the overall interests of the student and the need to maintain trust in the relevant profession.
- **A précis must be taken of any interview** conducted as part of the investigative process. This must be signed and dated by the Investigating Officer and the interviewees. The IO must inform the interviewees that they shall be entitled to have sight of this record prior to a full Fitness to Practise Committee Hearing.
- Any interview with the student and other parties must be held face-to-face or by virtual face to face means. Where this is not possible/practicable a telephone interview may be held but a summary of the telephone discussion must then be provided in writing by the Investigating Officer and signed by the other party as an accurate representation of the discussion.
- The investigating processes should be concluded as swiftly as possible. If it is looking likely that this process may be protracted then the IO must inform the Chair/Deputy of the Fitness to Practise Committee.

- After the IO have concluded all of the required interviews and collated appropriate evidence the IO must then prepare a formal written report of their findings and submit this to the Chair/Deputy of Fitness to Practise Committee, attaching evidence as appropriate.

Appendix 9c: Fitness to Practise Committee – Investigation meeting record

Date and time of meeting:	
Meeting venue:	
Present:	
Explanation of the role of the Investigating Officer:	
Factual Information about the incident:	
Background information (e.g. surrounding circumstances including sickness):	
Previous history:	
Evidence:	
Contributing factors:	
Changes to the situation since the incident:	
It has been agreed that these notes are an accurate reflection of the interview held on the date above:	
Investigating Officer: <i>Print and sign</i>	
Date:	

Student: <i>Print and sign</i>	
Interviewee: Title/designation: <i>Print and sign</i>	
Date:	