

# FITNESS TO PRACTISE

## PROCEDURE

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## 1.1. BACKGROUND

As a provider which offers programmes in relation to education we have a duty to the public to ensure that all learners and those that are seeking to enrol on our programmes meet the standards of professional conduct. The Level 5 Diploma in Education and Training particularly is an Initial Teacher Training qualification. After completion of the course QTLS can be applied for from the Society of Education and Training. Therefore, there is an expectation placed on all those seeking to enrol on this programme and others relating to education behave in a professional manner while on the college premises, in their work places/teaching placements and generally all other times.

London School of Academics takes account of the UK Quality Code for Higher Education (Chapter B2) through ensuring that all those that want to enrol on the Diploma in Education and Training are aware of the conditions upon admission particularly those that could result in the refusal of admission or withdrawal from the programme once enrolled.

### Who does this procedure apply to?

All those seeking to enrol on any of the following programmes and those that are enrolled on the following programmes.

- ✓ Level 3 Award in Education and Training
- ✓ Level 3 Assessors Awards
- ✓ Level 4 Certificate in Leading the Internal Quality Assurance of Assessment Processes and Practice
- ✓ Level 5 Diploma in Education and Training

## 1.2. PROFESSIONAL STANDARDS

On successful completion of the Diploma in Education and Training learners will be entitled to apply for their teaching status QTLS which has equivalence to QTS. Learners are expected to follow both the teaching standards set out by the Department of Education and the Society for Education and Training professional standards, see the following links:

Teacher`s standards:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/283566/Teachers\\_standard\\_information.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283566/Teachers_standard_information.pdf)

Society for Education and Training professional standards:

[http://www.et-foundation.co.uk/wp-content/uploads/2014/05/4991-Prof-standards-A4\\_4-2.pdf](http://www.et-foundation.co.uk/wp-content/uploads/2014/05/4991-Prof-standards-A4_4-2.pdf)

<https://set.et-foundation.co.uk/professionalism/professional-standards/>

[https://set.et-foundation.co.uk/media/1848604/2014\\_01\\_01\\_code\\_of\\_professionaing\\_concerns\\_.pdf](https://set.et-foundation.co.uk/media/1848604/2014_01_01_code_of_professionaing_concerns_.pdf)

### 1.3. MATTERS OF CONCERN

The following details common matters of concern

#### Criminal matters:

Criminal matters include convictions, any cautions, penalty notices or reprimands. Also included is fraud and plagiarism. In accordance with the Prevent Duty arising from the Counter-Terrorism and Security Act 2015 activity, behaviour or views which show engagement, promotion or support for extremism, terrorism or radicalisation will be a matter of concern. It is important to state that where there are allegations of criminal activity it will be reported to the police or where appropriate referred to the Channel programme and until the outcome of the investigation is held the procedure for the fitness to practise will be suspended.

#### Inappropriate and unprofessional behaviour:

Any form of aggression, violence or behaviour which is threatening.

This includes displays of negative attitude and negative behaviour such as disrupted attendance, lack of commitment to responsibilities, poor communication, non-compliance to health and safety rules and non-compliance to London School of Academics Student Learning Agreement.

This also includes breaches of confidentiality, unlawful discrimination, dishonesty, the failure to ensure the maintaining of boundaries, the exploiting of vulnerable people, and harassment of any forms.

#### Disciplinary:

This includes disciplinary offences at London School of Academics, within your workplace or place of teaching placement.

Where a learner is subject to a disciplinary it will be investigated and the disciplinary procedure will be followed. In the event that the disciplinary is one of a serious nature a learner can be withdrawn from the course.

#### Health:

Any matters concerning the failure to take medical advice, the failure to seek medical advice or support where a situation arises, failure to take treatment for any mental health conditions, or conditions relating to drugs and alcohol. To add, failure to recognise health limits and ability.

It is important to note that London School of Academics work in accordance with the Equality Act 2010 therefore where a learner has a disability and are receiving appropriate medical care, care or support, the matter will not be a matter of concern to be raised. However, disclosure of disabilities or health conditions is a requirement for the purpose of making reasonable adjustments. It may be possible that the learner may not be able to complete studies due to certain health conditions affecting their ability.

Society for Education and Training code of practice:

Failure to follow the Society for Education and Training code of practice.

**1.4. PRIOR TO ENROLMENT**

All those that want to enrol on the programmes we offer must complete an enrolment form which requires them to state if they have any disabilities and criminal convictions which include cautions, penalty notices or reprimands. As part of the admissions process an interview will be conducted. Within this interview you will be asked if you have any criminal convictions and if you hold a current DBS record, full disclosure must be given, you will also be asked to present your DBS for photocopying.

Where an individual does not have an enhanced DBS they will be required to have one done either prior to enrolment or immediately after enrolment.

What happens where there are matters of concern?

All matters of concern identified will be investigated to determine if it would be appropriate for the person seeking to enrol on the programme of application to be enrolled.

**1.5. AFTER ENROLMENT TO LONDON SCHOOL OF ACADEMICS**

Information not declared and brought to light after enrolment will be investigated. Where inappropriate for the learner enrolled to remain on the course, they will be withdrawn and notification will be given to the awarding body City and Guilds.

All learners enrolled on the a programme are required to undergo enhanced clearance with the Disclosure and Barring Service (DBS) prior to enrolment. However London School of Academics recognise that this service can take time therefore if not possible to undergo this process prior to enrolment then learners must undergo it at the start of their programme. Learners will be required by London School of Academics to sign a Student Learning Agreement and declare any health conditions/needs they have.

Throughout their programme learners must give notice to the college within a reasonable time frame if there are matters of concern. Early notice will enable the college to refer the learner for support or make arrangements to support the learner. Key personnel to contact for the learner will be their Personal Tutor, Student Welfare Officer or/and Curriculum Manager.

1.6. STAGES OF THE FITNESS TO PRACTISE PROCEDURE

**Stage one: Consideration**

This is an investigatory stage where matters of concern raised regarding fitness to practise are referred to the Director of the college for consideration. At this stage the Director of the college and those of concern such as the Curriculum Manager and Governors will investigate the matter to determine if the concern is one of standing and needs future investigation.

No bias will be taken during any stages of this procedure. Investigations will consider the interests of the learner and the public therefore be proportionate.

**Stage two: Discussion**

After stage one, if the Director of the college or the nominated investigator holds the concerns to be one of standing they will invite the learner to an arranged meeting to discuss the matters of concern brought forward. This will enable the learner to give their view and provide their explanation. At this stage points of referral can be made to support the learner. Where it is the case that matters of concerns regarding fitness to practise need further consideration these will be referred by the Director of the College or the nominated investigator to the next stage which is a formal stage of the procedure.

**Stage three: Panel hearing**

At this stage concerns will be dealt with formally, the Director of the College or nominated investigator will write to the learner and inform them that their case has been referred to a panel for detailed consideration. The panel will decide if the learner is to be referred for support or withdrawn from the programme. The panel's decision will be sent to the learner of concern in writing and in this letter the learner will be advised where withdrawn to notify all relevant bodies including their places of teaching practice. The college will notify all relevant bodies of the withdrawal of a learner from the programme, this includes City and Guilds as well as Student Finance. Where a learner is withdrawn from the programme they are entitled to appeal against the decision made before actual withdrawal.

During a fitness to practice investigation learners will not be suspended from their studies except where there are serious allegations such of a nature which poses a danger to their peers or to those they teach.

## Appeal

After a panel decision the learner will have 15 days to appeal the decision on the basis that information was not considered or on procedural grounds. Find attached the Fitness to Practise Appeals application form.

### Stages overview:

<b>Stage one:</b>	<b>State two:</b>	<b>State three:</b>	<b>Appeal</b>
Consideration	Discussion	Panel Hearing	
Concerns are raised and considered. In-house support or referrals may be made to external organisations for support.	Learners will attend a meeting to share their view or provide an explanation. In-house support or referrals may be made to external organisations for support.	A panel will be appointed to hear the matter of concern. A letter will be provided at the start of this stage (28 days of notice will be given) and again once a decision has been reached notice will be given.	The learner can appeal the decision. The learner will have 28 days.

All information gathered for the fitness to practice procedure and any records in relation to the fitness to practice procedure will be kept with the upmost confidentiality and processed in line with the Data Protection Act 2018.

### Panel Hearing:

The following provides details on the panel appointment and meeting procedure.

Where there is a Panel Hearing, the Panel will consist of a Chair who will be a member of the London School of Academics Governance, two academic members of staff not from London School of Academics but within the teaching field and an academic member of staff from London School of Academics. The learner has the option of inviting a member of the Learner Representative Society to sit in on the hearing.

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Written notice will be given to a learner subject to a fitness to practice Panel Hearing of 30 days. Within the letter of notification the time, date, place of the hearing and the case brought against the learner will be stated.

### **Evidence considered during the Panel Hearing:**

-any information concerning the case given by the Director of College or the nominated investigator 30 days before the panel hearing

-any information provided to the Panel by the learner seven days before the hearing and no less than seven days.

-any evidence which is brought to light before or on the hearing day dependent on an agreement to take it into account by all Panel members.

-any evidence specifically requested by the Chair of the Panel

### **Arrangement of the Hearing:**

Hearings are normally held between 10am and 5pm

1. The Student Welfare Officer will present the case unless they are a witness to the alleged misconduct, in this case an appropriate other will be selected to present the case.
2. The Panel chair will hear from invited witness of the conduct being alleged, due to data protection the witness will not have entitlement to all documentation or information regarding the case, however will be able to give their account of the conduct witnessed. If the learner or/and a member of the Learner Representative Society attends the hearing they can appropriately cross examine the witness giving their account.
3. Depending on the alleged conduct comments of those in practice maybe requested. Where this is the case information regarding the alleged conduct will be provided with every effort to protect the learner subject to the hearing`s identity.
4. Character witnesses of the learner can be called to provide comments on the learner`s character.
5. The learner and/or a member of the Learner Representative Society can attend the hearing providing no less than 14 days` notice to the chair of the hearing.
6. The Panel will withdraw from the hearing to reach a decision. The Panel will not consider a decision in the presence of non-panel members.
7. A decision will be reached on the day of the hearing which could be beyond 5pm therefore where necessary alternative arrangements maybe made for the Panel to continue deliberation, notification will be given to the learner of the hearing.
8. Decisions are reached by a majority vote; the Chair will have a casting vote. No disclosure of individual members of the panel vote or the collective vote will be given.

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9. A written letter containing the Panel`s decision will be given to the learner within seven days of the reaching of a decision. A copy of this letter will be given to the Director of the College.

**Decisions which could be reached:**

<u>Decisions of fit for practise:</u>		
Complaint dismissal	Formal warning which will be held on the learner`s record for the programme duration. This will be taken into account where future concerns are raised.  -This decision may be disclosed to all relevant regulatory and awarding bodies and a transcript of the hearing can be provided where requested by a regulatory or awarding body.	Points of referral-advice and guidance will be given by the panel. This includes referral to the Channel programme in line with the Prevent Duty.
<u>Decisions for unfit for practise:</u>		
Withdrawal from programme, the learner may be eligible for a statement of credits depending on approval from City and Guilds (the programme awarding body).  -This decision may be disclosed to all relevant regulatory and awarding bodies and a transcript of the hearing can be provided where requested by a regulatory or awarding body.  Referral to the Channel programme in line with the Prevent Duty and/or withdrawal from the programme of study.		



**1.7. APPEAL:**

**Grounds for appeal:**

The Panel`s proceedings were not in line with the procedures set out.

The decision of the Panel was inappropriately harsh

New evidence has come to light which was not available or could not have reasonably been available to the panel.

**Stage One**

An appeal can only be brought within 28 days from the written notification of the Panel`s decision.

To appeal against a Panel decision an intention notice must be sent through letter or email to the Director of the College. This notice must detail all information and documentation relating to grounds for appeal.

**Stage Two**

Once the intention notice has been received a Chair will be appointed (this will be an independent person from the college but will be from the teaching profession). They will be shown the intention notice and information/documentation and then make a decision as to whether the appeal should proceed. Where an appeal does not proceed written notification will be given the Director of the College and the appellant. This notification will include reasons for not going ahead with the appeal.

**Stage Three**

Where the Chair decides the appeal should go ahead the Director of the College and the appellant will be notified in writing. The appellant will be allowed to continue studying their programme of study. An appeals panel will be appointed; this will consist of the following:

-A Chair

-Two members of the Society for Education and Training who are not London School of Academic staff or students.

The Appeals Panel will set a date for the appeal at the earliest opportunity. The Appeals Panel and the appellant will be given a report which contains; a summary of the decision reached by the Panel, the reason why the decision was made, evidence considered and the grounds for appeal by the appellant with new evidence submitted.

**Arrangement of Appeal Panel Hearing:**

Hearings are normally held between 10am and 5pm

1. The Student Welfare Officer will present the case unless they were involved in the Panel hearing as a witness.
2. The Appeals Panel Chair and members will discuss the ground for appeal taking account of all evidence presented. The Chair can hear from the Chair of the Panel hearing and the appellant and/or the Learner Representative from the Panel hearing.
3. A decision will be reached on the day of the Appeal hearing which could be beyond 5pm therefore where necessary alternative arrangements maybe made for the Appeal Panel to continue deliberation, notification will be given to the learner of the appeal.
4. Decisions are reached by a majority vote; the Chair will have a casting vote. No disclosure of individual members of the Appeal Panel vote or the collective vote will be given.
5. The Appeal Panel can reverse the decision of the Panel and modify the decision of the Panel. The Appeal Panel cannot modify the decision which would prove a harsher decision than the one reached.
6. The decision reached by the Appeal Panel will be final and the learner will be notified of their rights to appeal to the Office for Independent Adjudicators.
7. A written letter containing the Appeal Panel`s decision will be given to the appellant within seven days of the reaching of a decision. A copy of this letter will be given to the Director of the College. The letter will detail a summary of the proceedings. The learner will be notified of their rights with regard to appealing to the Office of the Independent Adjudicator.

**OFFICE OF THE INDEPENDENT ADJUDICATOR [OIA]**

The OIA is an independent body appointed to operate a student complaints scheme required by the Higher Education Act 2004 in England and Wales. The scheme came into operation in 2005 and applies to higher education providers from the 1st of September 2015. The role of the OIA is to review individual complaints brought forward against higher education providers. For more information visit the OIA`s website: [www.oiahe.org.uk](http://www.oiahe.org.uk)

Policy details:

Policy drafted by Soni Singh (Curriculum Manager) and Charlotte Saunders (Student Welfare Officer)

Policy approved by Sheila Singh (Managing Director)

Policy reviewed and Operational from 2<sup>nd</sup> of January 2019

## **Fitness to Practise Reporting Form**

By filling in and sending this form I declare that the information provided is correct and I am prepared to provide further information if required by London School of Academics.

### **Section one: Learner details:**

Details of the learner subject of concern

Full name	
Course details	
Tutor	

### **Section two: Statement of your reasons for reporting this learner for the Fitness to Practice Procedure** (additional sheets can be added):

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### **Section three: List of documents being attached as evidence:**

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### **Section four: Your details:**

Your academic details if staff, where a learner your details

Full name	
Course details	
Tutor	
Telephone number	
Email	

**Fitness to Practise Appeals form**

By filling in and sending this appeal form I declare that the information provided is correct and I am prepared to provide further information if required by London School of Academics.

**Section one: Person details:**

Full name	
Course details	
Tutor	
Telephone number	
Email	

**Section two: Statement of your appeal** (additional sheets can be added):

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**Section three: List of documents being attached as evidence:**

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**Section four: Nature of the redress sought** (additional sheets can be added):

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