



Trainee Fitness to Practise

Procedural Guidance for Staff and Trainees involved in NELTA Initial Teacher Training

Introduction

NELTA 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.

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

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, April 2013)

The Teachers' Standards (Department for Education, June 2013)

Purpose of Procedure

These guidelines are to be applied only to situations in which a trainee's fitness to practise is of concern to NELTA. The following issues may become fitness to practise concerns but only at the point at which all other routes for consideration or amelioration are exhausted.

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 NELTA 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.

Misconduct – cases of suspected misconduct (disciplinary or academic) will be managed under the Trainee Misconduct Procedures. Once the misconduct procedures are concluded, NELTA will then consider whether there are fitness to practise concerns that need to be addressed. If the suspected misconduct is sufficiently serious the fitness to practise concerns may be addressed immediately.

Referral to NELTA

Concerns about a trainee's fitness to practise may be raised by a number of sources, including but not limited to: NELTA staff, School partnership staff, personal tutors, education staff outside NELTA, school pupils, other trainees, Beacon Multi-Academy Trust staff or members of the public. Anonymous or verbal notifications of concern will not normally be accepted.

All trainees are required to inform NELTA 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 NELTA enrolment and registration and before graduation must be declared to NELTA immediately. The appropriate points of contact are NELTA Tutors or the NELTA Director.

Investigating Fitness to Practise Concerns

When a concern is raised, the NELTA Director, 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 NELTA Director refers the case directly to the Fitness to Practise Committee with or without further investigation.

Concerns which require investigation will be considered by the NELTA Directors. The NELTA Director is responsible for making a recommendation 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 Beacon Multi-Academy Trust staff, but in some cases one member of the Committee may be a member of the teaching profession from one of NELTA's partnership schools. 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 5 school days in advance. 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 or a member of their professional organisation. 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 NELTA Director that:

- no further action be taken.

In cases which are not clear cut, the Committee may also seek the opinion of an appropriately qualified practitioner in that profession to inform the recommendation.

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

Notification of Outcome

The NELTA Director will provide the trainee with formal written notification of the outcome of the Committee's investigation, usually within 10 working 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 may appeal. This should be done in writing by completion of an Appeal Form (NELTA website) and send it to admin@nelta.co.uk within five school days of receipt of the outcome letter, clearly setting out the grounds for appeal.

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 NELTA recommends trainees take advantage of:

- Personal tutors (or equivalents)
- 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.