

Suitability for Professional Practice Policy and Procedure

INTRODUCTION

All approved initial teacher education courses are required by the Department for Education to have in place procedures for assessing the suitability of their trainees for professional practice prior to admission to the course and throughout their studies. In addition, Universities are required to ensure that only those suitable for professional practice successfully complete their studies. All courses are, therefore, required to operate procedures that serve to review the suitability of individual students at any point during their training and to ensure that such procedures allow for the removal of students who are deemed unsuitable to continue with their professional training.

Students are required to maintain their suitability for professional practice and remain responsible for informing the relevant person (usually the Course Leader) in a timely manner of any changes to their circumstances that may have any impact upon their ongoing suitability (this may include, but is not limited to, the acquisition of new cautions, reprimands or convictions, involvement in disciplinary proceedings, health or more personal issues).

Where a student is deemed unsuitable to practice as a teacher, the University may require the student to leave the University and terminate his or her course of study. The University's Ordinances and, Regulations (including Student Discipline Ordinance) and Examination Rules (as published via relevant handbooks) apply to all students.

Behaviour that leads to the Suitability for Professional Practice Procedure being invoked may arise at **any time** during **any aspect** of the trainee's course of study, regardless of the source or location of the matter in question and may relate to recent or historical issues and may arise from academic, practice or personal areas of a trainee's life.

**Note: Although this document refers to DBS, the procedure will also apply to any authorities that replace these.*

Pre-course assessment of suitability

2.1 All applicants invited to attend for interview are required to complete a pre- course 'suitability declaration'. If candidates have concerns about what should be disclosed and how, they are invited to contact the Admissions Tutor directly.

2.2 All offers are made conditional upon receipt of satisfactory DBS (or later successor) and satisfactory health checks. Where information comes to light following these checks that was not included on self-declaration forms, the offer of a place will be withdrawn, regardless or not of whether the course has begun (students will have provisional registration only until all checks are returned and deemed satisfactory).

2.3 Health checks for this course are currently required and are carried out initially via self-declaration forms. These are sent from the education office to all applicants holding offers but are assessed independently by the university's Occupational Health service who will decide whether further information or an in-person assessment is required.

2.4 Certificates confirming health clearance or advising of concerns are sent to the admissions tutor and referrals to appropriate specialist services may be agreed in consultation with the student, particularly in relation to disabilities so that appropriate adjustments can be identified and supports established.

2.5 Trainees may be re-referred to Occupational Health at any point during their studies. This may be due, for example, to a period of extended sick leave, the development of a new health condition or to re-assess health needs prior to the beginning of placements. In addition, all students who are diagnosed with a disability (except SLDs) or a long term illness during their course will be re-referred for a new assessment in order to obtain up to date information and so that the impact and recommended adjustments for practice learning as well as academic work can be considered.

2.6 It is important to note that individually, as well as collectively, staff in the education department are committed to enabling diversity and fair access to the profession. The processes and procedures outlined here are intended to safeguard vulnerable members of society and ensure our compliance with all statutory duties in relation to student selection and progression, but in doing so we remain mindful of our obligations under equalities legislation.

2.7 Suitability declarations will be completed each year upon enrolment and re-enrolment and students are responsible for informing the Course Director of *any* changes that *may* affect their suitability in a timely manner rather than waiting until the next annual declaration takes place.

3. Referral to the Suitability for Professional Practice Procedure

This Procedure is to be used where it appears that a trainee is failing to maintain suitability for professional practice. Such circumstances may include, but should not be seen as being limited to: unprofessional behaviour, significant negative impact on pupil progress, behaviour which is damaging or dangerous to pupils, other trainees or partnership members; behaviour which creates an unacceptable risk to others or to the trainee him or herself; breaches of the Teachers' Standards – Section 2; the emergence of information about previous relevant matters not declared by the trainee.

4. Professional Assistance

Where it becomes clear that a trainee may be experiencing problems which give rise to concern about their suitability as a trainee teacher, and where the trainee wishes to address such problems with assistance, the trainee's tutor will normally advise the trainee to seek advice from the appropriate University provision (such as general pastoral support, careers advice, disability support, counselling, study skills) or external services. The trainee may be advised to temporarily withdraw from studies pending attempts to resolve the issues giving cause for concern.

5. Referral to the Suitability for Professional Practice Procedure

Any person who has concerns about the trainee's suitability may refer the matter to the Course Leader for consideration.

6. Stage One of the Suitability for Professional Practice Procedure

6.1 When the course leader is notified of concerns, he or she will evaluate the information and meet with the trainees to discuss the issues and outline the procedure. They should take such further advice as is necessary. In the case of a trainee on placement, the Course Leader may, having consulted with the school, suspend the trainee from placement pending investigation. The Course Leader may also refer the concerns to the Head of School, who may decide that the student should be suspended from studies pending investigation in accordance with the Regulations of the University.

6.2 Where the Course Leader believes the concerns may have substance, he or she will arrange to meet with the trainee to raise the concerns and ascertain their view/explanation. This will be informal and will not be minuted and will basically advise the trainees of the process. It will be followed up with an email outlining the suitability for Professional Practice Procedure.

6.3 The stage 1 formal meeting will then be set and the trainee's tutor or other member of course team (e.g. school partners) will normally be invited by the Course Leader to attend the meeting, and in any event will offer advice to assist the student in understanding the procedure and accessing appropriate support. Administrative support will be provided to produce a note of the key issues discussed and outcomes of the meeting. Where the Course Leader is also the tutor for the trainee concerned, temporary tutorial support will be provided by a different member of the course team until a conclusion is reached.

6.4 In planning for the meeting, the Course Leader will be mindful of any needs that may arise from any disabilities the trainee has disclosed to the university and will consider, in consultation with the trainee, how the process described here may reasonably be adjusted to reduce the impact of such disabilities upon their participation in this process. The University, as represented by the Course Leader, will be proactive in considering adjustments that may be required and will also determine the reasonableness of any additional adjustments requested by the trainee.

6.5 The trainee will have the right to be accompanied by an advisor or representative, and to make a written submission prior to the meeting should they wish to do so. The trainee will, in advance of the meeting taking place, provide in writing to the Course Leader the following: confirmation as to whether or not she or he will be accompanied, and by whom; any supporting written documentation the trainee wishes to provide; whether or not any additional adjustments for reason of disability are requested.

6.6 Following the meeting, the Course Leader may institute any further investigation deemed necessary, including meeting with the person who raised the concerns, to review the evidence and ascertain whether concerns remain or have been allayed. If concerns remain, the Course Leader will determine whether the concerns can be resolved at this stage without reference to a Suitability Panel hearing.

6.7 If the Course Leader, having consulted with the Head of School or other appropriate person, considers the concerns are justified but could be resolved without progressing to a Panel investigation and hearing, he or she will set the trainee targets for change, together with specific criteria for their achievement within an appropriately short time scale (usually weeks). The Course Leader will normally review the situation at the end of the time period and if he or she considers that the targets have been met the student will be permitted to remain registered on the course. If necessary, the Course Leader may set a continued programme of targets, which will be similarly closely monitored by the Course Leader, in consultation with the trainee's tutor, either until no further cause for concern exists or there is reason to move to Stage Two. Where the Course Leader considers that targets have not been met, Stage Two will be invoked.

6.8. If the Course Leader, having consulted with the Head of School or other appropriate person, considers the concerns remain and, in their professional judgment, are such that the concerns cannot be resolved at Stage One of this process, Stage Two will be invoked and the Chair of the Suitability Panel will be notified.

6.9 The Course Leader will keep a record of all matters resolved within Stage One. The notes of the Stage One meeting and relevant correspondence will be stored on the trainee's file until the end of their studies.

7. Stage Two Please note there may be exceptional circumstances where someone who has failed their Cause for Concern Process may move directly to Stage two of the Suitability for professional Practice Procedure. This may be due to serious concerns about impact on pupil progress or professionalism issues for example.

7.1 When concerns have not been allayed or resolved during Stage One of this procedure, the Course Leader will notify the student in writing that the case is to be referred to the Suitability Panel.

7.2 The role of the Suitability Panel is to operate Stage Two of the Suitability for Professional Practice Procedure. It shall normally comprise the following members: Chair – Director of ITE, University of Sussex (or their nominee); Headteacher representative from SCTER (or nominated representative) Headteacher or professional tutor, who shall have had no previous involvement with the case being considered, The Director of Student Experience. The Panel may be observed and advised by any person with specialist expertise requested to attend by the Chair. The Chair will arrange administrative support for the Panel.

7.3 Arrangements for the Panel hearing (including incorporation of adjustments to the process where this is appropriate due to needs arising from a student's disability) will be initiated and coordinated by the Chair, or nominee. The trainee will be given at least 5 working days' notice of a Panel hearing and the details of Panel membership. At the same time, the trainee and the Panel members will be provided with information about the Suitability for Professional Practice Procedure and details of the grounds for concern (the latter will be prepared by the Course Leader). The trainee will normally be provided with copies of any written reports and other relevant documentary evidence in the case at this stage. The Course Leader and the trainee may, at the discretion of the Chair, and through the Chair's prior agreement, ask certain witnesses to attend the hearing in person. The trainee should, by at least 5 working days in advance of the hearing, provide the Chair with the following clarifications and documentation:

- Whether or not he or she intends to contest the case presented;
- Whether, in what way and by whom he or she intends to be represented;

· Any written response to the case presented, including any supporting evidence or witness statements and the details of any witnesses they wish to be called.

The Chair (or nominee) will circulate these clarifications and materials to members of the Panel and to the Course Leader in advance of the hearing.

7.4 In any case where the trainee informs the Chair that he or she intends to be accompanied or represented by a legal advisor, or by a representative who is legally qualified, the University (as represented by the Course Leader) shall reserve the right to be accompanied or represented by a legal advisor. The University will not normally agree to defray costs incurred by the trainee in seeking specialist or legal advice, by their representative or by witnesses called by the student. Where no legal advisor accompanies the Course Leader, he or she may be accompanied by a colleague with appropriate experience for support and/or guidance during the hearing.

7.5 The Chair shall have discretion to arrange for the Panel itself to have access to legal advice.

7.6 The Panel, to be quorate, must have at least two-thirds of its members present. If the trainee does not appear at the hearing, the Panel may either proceed to deal with the case in the trainee's absence or, in the light of any mitigating circumstances communicated, agree to reschedule.

7.7 The hearing will observe the following procedure. Those participating may not change, extend or distort the procedure or roles set out below, except by prior agreement with the Chair of the Panel who may agree such variation where doing so may assist the process of assessing suitability for professional practice in the specific case being considered. In such cases, the trainee will be informed of this change and the reasons for this.

The Chair will summarise the nature of the case presented. The trainee will indicate whether s/he or the representative will speak on her/his behalf.

The Course Leader will present the case to the Panel and will then answer questions from the Panel and from the trainee. The Course Leader may call witnesses. Witnesses called by the Course Leader may also be questioned by the trainee (or his/her representative) and by members of the Panel. The trainee (or his/her representative) will make a statement of his/her case and then respond to questions from the Panel and the Course Director. The trainee may call witnesses who may be questioned on their evidence by the trainee (or his/her representative), by the Course Leader (or his/her legal representative) and by members of the Panel. If required, either the trainee or the Course Leader may request a break to consult with their advisor. At the conclusion of questioning, the trainee (or his/her representative) and the Course Leader (or his/her representative) will be invited in turn to present a short summary of their respective cases.

7.8 The Panel may accept a witness's written statement in evidence where it is impracticable for the witness to attend, or where in the opinion of the Panel it is reasonable to do so in order to allow an assessment of the trainee's suitability for professional practice to take place.

7.9 The Panel will reserve the right to request medical evidence, in which case the trainee will be asked to agree to medical reports or records being obtained. If the trainee refuses agreement, the Panel may draw an adverse inference. The Panel may also accept as evidence the outcomes of previous investigative procedures, e.g. the investigation of a complaint or misconduct that has clear relevance to the case before it.

7.10 The Panel may adjourn if, in their professional opinion, this is necessary. When an adjournment is required, the reasons for this and anticipated timescales will be explained to all parties.

7.11 At the end of a hearing, the parties will be asked to retire while the Panel makes its decision in accordance with the options available to it. The Panel's decision will normally be notified to the trainee and Course Leader in writing. This notification will outline key decisions and the basis for such decisions. Where it is feasible to do so, the Panel may offer an indicative, oral outcome at the end of the deliberation process. In such cases, the Panel will re-call the trainee (and representative) and the Course Leader (and his/her representative) to hear either: (a) its decision and summary rationale for that decision, or (b) that the Panel feels the need to consider its decision at further length.

7.12 The Panel will consider its decision in private. The options available to the Panel include, but are not limited to, the following:

- a) Decide that there are insufficient grounds for concern and dismiss the matter;
- b) Decide that there are grounds for concern but not sufficiently serious to result in termination of the course of study. In appropriate circumstances the Panel may decide upon an outcome or course of action that recognises the existence of concerns and this may include placing a formal warning on the trainee's record.

- c) Decide that there are serious grounds for concern which may be remediable and offer a course of remedial action with clear objectives and outcomes with a defined period for review. The Course Leader, assisted by the student's tutor, will monitor the student's attainment on targets for change. At the end of the review period the Panel will reconvene and decide whether the matter has been concluded satisfactorily or whether further steps should be taken, which may include termination of the trainee's course of study;
- d) Decide that there are sufficient grounds to conclude that the trainee is unsuitable for teaching and that the trainee's course of study should be terminated.

The above list of outcomes is not exhaustive, and the Panel may agree other outcomes as appropriate to the individual case under consideration. The Panel may decide to combine options under (b) and (c). The Panel will reach its decision by simple majority vote, with the Chair having a second and casting vote if necessary.

7.13 The Panel will report its decisions to the relevant Progress and Assessment Board and to the central Student & Academic Services.

7.14 The Course Leader will keep a record of all matters resolved within Stage Two and will regularly provide the SCTER Steering Committee with a factual report on such matters.

7.15 Where the decision is to terminate the trainee's course of study, the trainee will be advised by the Director of Student Support where to seek counselling and/or careers advice, including advice on the possibility of arrangements for transfer to other courses of study.

7.16 Where a trainee withdraws from a course pending a suitability hearing or prior to a Stage One meeting, in the absence of other legitimate grounds for withdrawing, the withdrawal will be noted as being suitability-related.

8. Where a trainee withdraws from a course pending a suitability hearing or prior to a Stage One meeting, in the absence of other legitimate grounds for withdrawing, the withdrawal will be noted as being suitability-related. Right of Appeal

8.1 The student has a right to appeal under the University Ordinance and Regulations for the Award of Degrees, which states:

A student shall have the right to appeal against a decision, made by a Suitability Panel in accordance with the Suitability for Professional Practice Procedure that the student is required to withdraw from the University on one or more of the following grounds:

- (a) That there is new evidence material to the decision that was not considered by the Suitability for Professional Practice Panel
- (b) that there was a procedural irregularity in the Suitability for Professional Practice process of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity
- (c) That the Suitability for Professional Practice Panel failed to comply with the guidance of the relevant professional body
- (d) That the panel reached a decision not consistent with a reasonable evaluation of the evidence placed before it.

8.2 Where an appeal is found to be admissible under Regulation 100 of the Regulations for the Award of First Degrees, the University Appeals Board shall convene an Appeals Panel for the purpose of examining an appeal made under Regulation 94. The Panel shall be composed of three members of the Appeals Board, namely a Chair, one academic faculty member with significant recent experience of a discipline requiring the determination of professional competence requirements (but who should not be from the appellant's Department), and one student member, with the addition of one senior professional co-opted to the Panel from the profession relevant to the appellant. The role of Chair and student member shall be restricted to members of the Appeals Board designated as candidates for these roles in the *Organisation of the University* document. The absence of any Panel member shall render the Panel inquorate.

8.3 Decisions of the Appeals Panel shall be reached by a simple majority vote of those members present and voting, with the Chair having a second and casting vote if necessary.

8.4 A nominee of the Registrar & Secretary shall act as Secretary of the Appeal Board and the Appeals Panel and shall attend their meetings.

8.5 Before lodging an appeal, the trainee must first discuss the matter with the relevant Head of School or Head of School's nominee.

8.6 To lodge an appeal, a written submission to the Registrar & Secretary must be received in the Registrar & Secretary's office within twenty-one days of the publication of the decision against which the appeal is made and stating the grounds of the appeal. Subsequent to lodging an appeal, the appellant may be required to complete a standard pro-forma, in a format prescribed by the Appeals Board.

8.7 The Appeals Board shall define a mechanism to determine whether appeals are admissible, in terms of being:

(a) Received in time (or, if received out of time, whether mitigating circumstances exist which justify waiving the normal time-limit); and

(b) That the grounds of the appeal are admissible.

8.8 Where an appeal is determined to be admissible it shall be considered by an Appeals Panel, in one of these ways:

(a) Where the appeal appears to be readily decidable in favour of the appellant on the basis of the evidence available, an Appeals Panel may reach a decision without the need for a hearing

(b) Otherwise, the appeal will be examined at a hearing, at which the appellant shall have the right (though not the obligation) to attend, and the Appeals Panel shall be entitled to ask (but not require) the appellant to attend, to provide further information.

8.9 An appellant who attends an Appeals Panel hearing shall be entitled to be accompanied by a person of his or her choice, who may represent him or her. If the appellant wishes to be so accompanied or represented, he or she shall inform the Registrar & Secretary accordingly at least five working days in advance of the time of the hearing and shall at that time also supply the name of that person.

8.10 The appellant should provide any written documentation relating to the grounds of their appeal at least five working days in advance of the hearing.

8.11 The Appeals Panel may secure further information relevant to those grounds for appeal through consultation with the Chair of the original Suitability Panel.

8.12 After the Appeals Panel hearing has been presented with the evidence in the case, the appellant (and the person accompanying him or her) shall withdraw while the Panel considers its decision in private. The Appeals Panel will normally invite the appellant (and the person accompanying him or her) to return to hear its decision. However, Appeals Panels reserve the right to defer immediate decision and instead to provide a later written decision. In such cases, the normal time-limit (for reaching a decision, formulating it in writing and dispatching it to the appellant) shall be seven working days unless otherwise specified by the Appeals Panel at the time of the hearing, in which case a specific reason for needing the additional time will be given to the appellant.

8.13 The Appeals Panel, whose decision shall be final, shall in the case of an appeal under regulation 95, either:

(a) Arrange for the appellant and the relevant Suitability for Professional Practice Panel to be informed that the appeal is not upheld and that the decision of the Suitability for Professional Practice Panel should not be altered; or

(b) Uphold the appeal and determine a remedy appropriate in the circumstances and inform the appellant and the Suitability for Professional Practice Panel accordingly.

8.14 Notwithstanding that an appeal has not yet been heard and decided, the University reserves the right to withdraw a student's registration with immediate effect.

Appendix VIII - Termination of Placements

This appendix should be read in conjunction with Appendix VII – Suitability for Professional Practice Policy and Procedure

1. Termination of Placements

In relation to questions of 'termination of placements', the starting point of the course is that this is a complex matter and the issue of termination of placements may arise for a number of reasons.

1.1 Termination of placements because of inadequate educational opportunities

For trainees who have to withdraw from a placement for this reason, every effort will be made to find an alternative placement and to minimise the implications for the trainee. This type of termination does not lead to suitability for professional practice procedures. Trainees remain registered with the University for their Academic Award.

Procedure

All decisions of this kind should normally be taken at a three-way meeting between trainee, Curriculum Tutor and Mentor. If tutors are not available because of sickness or any other reason, the relevant Course Leader will attend the three-way meeting. Trainees must not withdraw themselves from the school before this meeting has been held, or without the permission of the Curriculum Tutor or the Course Leader; if they do so, they may be deemed to have withdrawn themselves from the course.

1.2 Termination of placements because of irreconcilable personal differences

Some provision has to be made for these situations. The concept of 'irreconcilable personal differences' applies only to placements and only to the relationship between Mentors and trainee teachers.

Procedure

This will normally be identical to that above and every effort will be made to find an alternative placement. Trainees must not withdraw themselves from the school before this meeting has been held, or without the permission of the Curriculum Tutor or the relevant Course Leader; if they do so, they may be deemed to have withdrawn themselves from the course.

1.3 Termination of placements because of inadequate performance likely to create unacceptable risks or seriously unprofessional behaviour

Trainees should be given an opportunity to demonstrate competence against the Teachers' Standards before a final decision is made. In cases where the standard of competence is too low to allow a trainee to continue working in the school, the placement will normally be terminated so as to protect pupils, partnership colleagues and the trainee him/herself. In addition, placements may be terminated if unprofessional behaviour (e.g. persistent lateness or unauthorised absence) is unadjusted and places pupil learning and partnership at risk.

Procedure

The final judgement about risk to pupils must lie with the school concerned, but in order to make these decisions as fairly as possible, in the first instance a three-way meeting should be held, if at all possible, to consider the issues. In all cases where the grounds for concern about risk are serious enough to justify taking further action, the placement should be suspended. Normally the school Professional Tutor will make this decision to safeguard pupils and to allow time for all those involved to have an opportunity to reflect on whether termination of placement is essential. A final decision to recommend termination of placement should be made wherever possible at a three-way/four-way meeting, which would normally involve the Professional Tutor as well as the Mentor, curriculum tutor and trainee.

The Course Leader should be asked to confirm that termination of placements has taken place for reasons of inadequate performance likely to create unacceptable risks. Where there is a disagreement about the termination of the placement between University, curriculum tutor and the placement school, this will be noted but the decision of the school will be final as regards the ending of the placement.

Confirmation of a decision to terminate a placement on the grounds of 'inadequate performance likely to create unacceptable risks' raises questions about personal and/or professional readiness.

Once it has been confirmed that a placement has been terminated owing to 'inadequate performance likely to create unacceptable risks', the Suitability for Professional Practice Policy and Procedure may be invoked (see Appendix VII).

With the exception of those trainees referred to the Suitability for Professional Practice procedure, all trainees who, for whatever reason, have had their placements terminated must complete a subsequent placement within a period agreed by the Course Leader having regard to all the circumstances pertaining at the time, subject to an alternative school placement being found.