

Fitness to Practise Policy

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Relevant to:

All Department of Education Professional Students on Programmes Leading to Professional Registration.

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(Chair of Board of Studies, School Direct Manager representative/s/, Partnership representative, DITE).

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Introduction

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).

1. The Scope, Purpose and Principles of this Policy

- 1.1. The purpose of this policy is to make explicit the Department of Education's intentions, expectations and actions with respect to assuring applicants' and students' fitness to practise.
- 1.2. This policy applies to all students on any programme leading to a professional qualification and registration with the professional, statutory and regulatory bodies associated with teaching (DfE).
- 1.3. This policy applies to all applicants and students during their programme of study and where relevant, up to and including the point of confirming eligibility to register with a professional, statutory and regulatory body associated with teaching (DfE).
- 1.4. Those applying this policy must ensure that proceedings take into account the need to:
 - Protect pupils, teaching staff, and the public
 - Declare and uphold appropriate standards of professional and personal conduct and behaviour in line with the QTS Teacher Standards (Part 2) (DfE, 2012)
 - Maintain public confidence in students of the relevant profession
 - Maintain confidence in the ability of the Department of Education to appropriately deal with fitness to practise issues of students on programmes leading to QTS (DfE).
- 1.5. Those applying this policy will ensure that matters are handled efficiently within reasonable time periods (where possible) and ensure that outcomes are achieved and communicated clearly at all stages of the fitness to practise proceedings.
- 1.6. Every reasonable effort must be made to ensure that a fitness to practise case is expedited. In exceptional circumstances, timescales may be extended to ensure that the process is fair.
- 1.7. Students must be given a full opportunity to explain, respond or defend themselves. Students must be given the opportunity to seek appropriate representation from a representative of YUSU (University of York Students

Union). In exceptional circumstances and by prior agreement, students may be accompanied by another member of paid staff of the university.

- 1.8. Advice, if required, may be sought from other members of staff within the University of York and from the relevant professional, statutory and regulatory body (DfE) at any stage of the proceedings.
- 1.9. It is essential that all matters relating to these proceedings remain confidential to the parties concerned. The University of York reserves the right, and in some cases has a legal duty, to inform professional statutory and regulatory bodies (DfE) and/or organisations (the Police, Home Office, Social Services, NHS etc.).
- 1.10. On completion of the proceedings, copies of all correspondence will be placed in the Fitness to Practise folder in the PGCE student's electronic file.
- 1.11. The standard of proof applied to the factual stage of the proceedings is based 'upon the balance of probabilities'.

2. Principles relating to the Professional Behaviour of Students

- 2.1. Students are encouraged to aim for high standards in their personal and professional lives.
- 2.2. Students must comply with the University of York Ordinances and Regulations relating to the professional behaviour expected of students in order to demonstrate that they are fit to practise. These principles are broadly grouped into:
 - Relationships with Pupils and School Staff
 - Probity–Honesty, Trustworthiness and Acting with Integrity
 - Maintaining Good & Effective Practice
 - Working with Colleagues
 - Health
- 2.3. Students are required to behave in accordance with the rules, regulations, policies, procedures and codes of conduct of the relevant professional, statutory and regulatory body (Personal and Professional Conduct – Part 2 of the Teacher Standards (DfE, 2012)).
- 2.4. Students are required to conduct themselves in a professional manner consistent with reasonable expectations of behaviour within the profession associated with their programme of study at the University of York.
- 2.5. Students shall report to the appropriate authority (e.g. a professional, statutory and regulatory body (DfE) and to the University of York), actions by

others that may put school pupils, school staff, students, mentors and colleagues at risk.

- 2.6. Applicants and Students are required to disclose any criminal convictions (including spent convictions under the provisions of the Rehabilitation of Offenders Act 1974) and inclusion on the Disclosure & Barring Service 'barred Lists' prior to admission to the University of York and whilst the student remains registered on their programme of study. Should an applicant/student fail to disclose the required information and it subsequently is made known, the applicant/student will be referred to the Fitness to Practise Committee.
- 2.7. Students must be aware that their behaviour outside the practice placement environment, including in their personal lives and in the use of social media, may have an impact on their fitness to practise. Their behaviour at all times must justify the trust that pupils, staff and the public place in the teaching profession.
- 2.8. The following is a non-exhaustive list of common areas of concern relating to professional conduct and behaviour when it comes to fitness to practise:
 - Aggressive, Violent or Threatening Behaviour
 - Assault
 - Physical violence
 - Bullying
 - Verbal, Physical or Mental Abuse.
 - Cheating or Plagiarising
 - Cheating in examinations, portfolios, coursework, practical assessments or reviews
 - Forging a mentor's or University Tutor's name or signature
 - Passing off others' work as one's own
 - Inaccurate or falsified placement documentation.
 - Criminal Conviction or Caution
 - Child Pornography
 - Theft
 - Financial Fraud
 - Possession of illegal substances
 - Child Abuse or any other abuse
 - Physical violence
 - Failure to disclose convictions
 - Any safeguarding concern.
 - Drug, Alcohol and Substance Misuse
 - Driving whilst under the influence of alcohol or drugs

- o Alcohol consumption that affects teaching work or the work environment
 - o Dealing, possessing or misusing drugs even if there are no legal proceedings.
- Inappropriate Attitude or Behaviour
 - o Failure to accept and follow advice from the University of York and/or your placement provider
 - o Non-attendance in both theory and/or practice
 - o Poor application and failure to submit work
 - o Poor communication skills
 - o Poor time management and self-management
 - o Poor self-reflection
 - o Unsafe practice, incompetence
 - o Requiring supervision in excess of what is normally acceptable
 - o Personal accountability.
- Dishonesty or Fraud, including Dishonesty outside of the Professional Role
 - o Misrepresentation of previously-obtained qualifications
 - o Misrepresentation of previous experiences, skills and abilities
 - o Fraudulent CV's or other documents
 - o Falsifying references
 - o Financial fraud
 - o Falsifying research.
- Unprofessional Behaviour or Attitudes
 - o Breach of confidentiality
 - o Misleading pupils or parents/guardians about pupil learning or wellbeing
 - o Failure to obtain proper consent from a pupil or staff member
 - o Persistent rudeness to pupils, staff, colleagues or others
 - o Unlawful discrimination
 - o Sexual, racial or other forms of harassment
 - o Inappropriate conduct or failure to keep appropriate boundaries in behaviour
 - o Misuse of the internet and/or social networking sites
 - o Health and safety breaches
 - o Dress code breaches
 - o Phone use breaches
 - o Failure to engage with FTP investigations
 - o Poor mental or physical health directly affecting fitness to practise.

3. Principles relating to Student Health & Disability

- 3.1. Students should understand that their physical or mental health, or a learning disability, may be a relevant reason for them to be deemed unfit to practise, notwithstanding the requirements of the Equality Act 2010. As a consequence they may not be able to complete their programme of study for which they are enrolled.
- 3.2. Applicants will be required, as a condition of admission to a programme, to demonstrate that they meet the health requirements of the professional, statutory and regulatory body (DfE). The University of York, Department of Education will require applicants to fully complete a health questionnaire and declare all current and previous history of any health issues. The University of York, Department of Education reserves the right to refer the applicant to an Occupational Health assessment for specialist advice and guidance (see Appendix 1a).
- 3.3. Applicants are required to inform the University of York, Department of Education prior to admission about any conditions for which reasonable adjustments within the meaning of the Equality Act 2010 may need to be made to programme arrangements.
- 3.4. A student whose physical and/or mental health deteriorates while registered on their programme of study, should seek advice from their University Tutor in the first instance and, where appropriate their employer, about the implications for their continuation on their programme of study or their entry to their professional, statutory and regulatory bodies (DfE).
- 3.5. Students are required to inform their University Tutor of any changes in their physical and/or mental health and/or learning disability which could affect their fitness to practise. Students should also confirm this as part of their re-enrolment/re-registration process via e:Vision each academic year and during each phase of their professional course.
- 3.6. Students must be fit to practise their profession. The safety of pupils will always be the prime consideration. It is recognised that most students who have a physical disability or health or learning disability condition will register successfully. However, for a minority, a disability-related issue or a physical or mental health condition may make it impossible to meet the outcomes required by their programme of study. In a circumstance where a student cannot demonstrate the necessary level of competence, if all reasonable avenues open to the student and the University of York have been explored and a way forward cannot be mutually agreed, it would be appropriate to consider the student through fitness to practise proceedings in full discussion with the Departmental Disability Coordinator and/or University Disability Services.

3.7. The following is a non-exhaustive list of common areas of concern relating to student health when it comes to fitness to practise:

- Health Concerns and insight or management of these Concerns
 - o Failure to seek medical treatment or other support where there is a risk of harm to other people or themselves
 - o Failure to recognise limits and abilities, or lack of insight into health concerns that may place others at risk
 - o Refusal to follow and adhere to medical advice and guidance
- Chronic Alcohol, Substance or Drug Misuse
- Failure to maintain and follow any treatment or management plan
- Failure to disclose any health condition(s)
- Failure to Practise Safely including preventing transmitting infection to others
- Severe or relapsing Psychological/Mental Health conditions
- Recurring Physical Illness

4. Assessing Fitness to Practise during Admission and Enrolment

4.1. Application Stage

All students on programmes leading to a registration with the professional, statutory and regulatory body (DfE) are required to undergo an enhanced Disclosure and Barring Service (DBS) check at the point of enrolment. If a conviction or caution (or other information) is returned on this DBS check which had not previously been declared by the student/applicant on application or self-declaration or was not accurately described, the student will be referred through to the Fitness to Practise committee for further investigation.

- 4.1.1. To meet its obligations regarding fitness to practise the University of York, Department of Education is required to make an assessment based on the limited information available at the point of admission to the programme. The University of York, Department of Education may refuse application to individuals they believe are not fit to undertake a programme of study leading to a professional qualification and registration with a professional, statutory and regulatory bodies (DfE).

- 4.2. Both the application process through the DfE (via DfE Apply) and the University of York, Department of Education's programme application forms include a statutory requirement to declare criminal convictions and cautions. This is summarised in Appendix 2.

- 4.2.1. Applicants declaring a criminal conviction or caution will be contacted and asked to supply the Director of Initial Teacher Education (PGCE Programmes) and the central University Admissions Team with more detailed information (Appendix 3).
- 4.2.2. The Director of Initial Teacher Education and central Admissions Staff will anonymise this information before completing the Positive Disclosure and Barring Service Disclosure Summary Form (Appendix 4). This will then be distributed to senior members of staff within the University of York ITE Schools Partnership on behalf of the Chair and Deputy Chair of the Fitness to Practise committee.
- 4.3. Applicants declaring a disability and/or health condition at the application stage will also be likely to undergo further more in-depth assessment to ensure that reasonable adjustments can be made. This is likely to involve our contracted Occupational Health & Wellbeing Service and/or University of York Disability Services.
- 4.4. Student Self-Declaration at Enrolment and Re-enrolment
- At the point of enrolment and/or re-enrolment applicants/students complete a self-declaration via e:Vision (see Appendix 5a and 5b). Failure to declare relevant information via this method of self-declaration, which is subsequently brought to the attention of the University of York, Department of Education, is likely to result in fitness to practise proceedings.
- Applicants and Students are asked to make a declaration in relation to:
- Health
 - Disability
 - Criminal Convictions (including conditional discharge and cautions) even if spent, subject to the provisions of the Rehabilitation of Offenders Act 1974.
 - Disciplinary proceedings (current or past) by a professional, statutory and regulatory body (DfE).
 - Formal proceedings by local authority or police in relation to safeguarding of Children, Young People or Adults whose circumstances make them vulnerable, subject to the provisions of the Safeguarding Vulnerable Groups Act 2006.
 - Any other formal determinations which may relate to their fitness to practise
 - Professional indemnity (where relevant).
- 4.5. Any positive declaration will automatically be referred through to the Fitness to Practise committee, where clarification will be sought from the applicant/student and an appropriate member of the Department of Education.

5. The Fitness to Practise process for managing concerns raised about students

5.1. Receiving Information; Initial Consideration of a Case (Pre-Investigation Stage) and Informal Stage

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 placement staff; family members/friends; University teaching and support staff; or from the student themselves (see Appendix 6).

- 5.2. Information raising/detailing concerns regarding a student's fitness to practise must be supported by written or other evidence detailing the alleged issue/concern. Anonymous reports will not normally be considered, although the Chair of Board of Studies (Chair of Fitness to Practise Committee); Director of Initial Teacher Education (Deputy Chair of Fitness to Practise Committee); a senior member of the PGCE team; and/or a member of the wider department staff (with relevant expertise); may at their discretion withhold from the student the identity of the complainant.

Please note that receipt of such information does not automatically equate to a suspension of placement practice, therefore placements will continue as normal until the committee has had time to consider the evidence.

- 5.3. After receiving the initial written information and associated evidence, the DITE and relevant PGCE staff will meet to discuss the most appropriate way forward.

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 student's entitlement of training programme at the Pre-Investigation Stage of the process.**

The needs of the student, their stage of programme, the nature of the alleged issue/concern and the implications for public protection are carefully considered. An assessment based on the evidence presented will be made about whether to bring this to the student's attention if not already known. The DITE/Deputy DITE may consult with the Chair/Deputy Chair of the FTP Committee and/or any Department staff supervising the student, and /or other Support Services within the University as well as the Professional, Statutory and Regulatory Body (PSRB) regarding the plan for progression where appropriate. This is to establish as far as practicably possible that the evidence provided is not of a vexatious nature.

In certain circumstances, no further action may be indicated at this point, if the DITE and PGCE staff decides there is not sufficient evidence to proceed.

Usually, the student is, at the earliest opportunity, notified of any Fitness to Practise concern. A staged approach to dealing with concerns is adopted.

The stages are:

- Pre-investigation stage (submission of concern and initial consideration)
- Informal Stage (Stage One)
- Investigation/Assessment Stage (Stage Two)
- Formal Stage (Stage Three)

Students will be contacted (via their University email account) and given information about the process that clearly indicates the stage of the concern.

5.4. Pre-Investigation Stage (Notification and initial Consideration)

Information raising/detailing concerns regarding a student's fitness to practise is received from a source (from members of the general public; other students; practice placement staff; family members/friends; University teaching and support staff; or from the student themselves).

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 investigation commences (see 5.5).** The source of the concern follows the Pre-Investigation stage guidance at all times.

It will be decided by the University's FTP Committee at each stage of the FTP process whether or not the student'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 staff at any stage.** A school can however recommend a suspension of placement when raising their concern alongside supporting evidence.

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

5.5. Informal Stage (Stage One of the FTP Procedure)

All cases should start with the Informal Stage as this enables the student to seek advice and support in accordance with University regulations (see Appendix 7: Fitness to Practise: a guide for students).

The student attends an Informal Meeting with the DITE and the relevant University Tutor to explain their account of events and demonstrate their response to the concerns raised. This offers an opportunity for the student

to inform the Fitness to Practise Committee of any relevant issues or mitigating circumstances that have not previously been raised.

The outcome of the Informal Stage may be:

- **Not sufficient evidence to proceed:**
No further action, student returns to placement;
A recommendation to seek support & guidance from the DITE or their University Tutor and/or the Chair/Deputy Chair may suggest further action for the relevant University Tutor to undertake with the student
- **Further investigation needed:**
The student may progress to the Investigation/Assessment (Stage 2) of the process.
- **Suspension from Practice**
The Chair/Deputy Chair of Fitness to Practise Committee reserve the right to remove a student from a practice without notice if their ability to engage in the provision of safe and effective practise is compromised.
This may be prior to beginning Fitness to Practice proceedings or at any stage during the process. The authority for suspension will rest with the Director of Initial Teacher Education or nominated Curriculum Area Lead Tutor and the Chair/Deputy Chair of Fitness to Practise Committee (see Appendices 8a and 8b).
It will be decided by the University's FTP Committee at this stage of the FTP process whether or not the student'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.
- Students who have been recommended for Suspension from Practice by the FTP Committee and/or the DITE will continue to follow their programme of development remotely (Appendix 8a) and progress to Stage 2
- Progressing to Stage 2 of the process **may** therefore include a Suspension from Practice.

Following the Informal Stage One meeting, the Fitness to Practise Committee will write to the student clearly indicating the outcome.

6. Stage 2 Investigation/Assessment Stage

6.1. Health and Well-being

If more information is needed regarding the health & well-being of a student, the Chair/Deputy Chair will utilize the Occupational Health Referral Policy (See Appendix 1a).

6.2. Conduct and/or Behaviour

If the Chair/Deputy Chair of Fitness to Practise Committee decides that more information is needed regarding a conduct & behaviour concern an investigation will be undertaken.

An investigating officer will be appointed from within the membership of the Fitness to Practise Committee and/or the PGCE Team. This will be a member of academic staff who has not been involved to date with the case and does not have a significant relationship with the student (i.e. not their direct University Tutor) (see Appendices 9a, 9b, 9c).

The quality of the investigation is crucial in achieving the outcome of quality fitness to practise decisions. The purpose of the fitness to practise 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 identified points to a potential risk to public safety, breach of professional standards or impact on the reputation of the profession relating to their professional, statutory and regulatory bodies (DfE).

6.3. The **Investigation** should be carried out in a timely manner remembering where possible to minimise disruption to the student's programme of study. This may not be always possible if statements from external individual(s) or medical or other assessments are required.

6.4. The student must be informed of the expected timescale where reasonably possible by the **Secretary of the Fitness to Practice Committee** in writing.

6.5. The investigation will result in an **Investigation Report** to the **Chair/Deputy Chair of Fitness to Practise Committee** outlining the following:

- The key concerns (both identified originally and those that have emerged as part of the investigation process)
- If the concern(s)/issue(s) relate to public/pupil safety, or to professional standards
- How the concern(s)/issue(s) relate to the relevant code of the professional, statutory and regulatory body (DfE) regarding conduct/expectations relating to professional behaviour.

- 6.6. The **Investigating Officer** will not make a conclusion as to whether or not a student's fitness to practise is impaired.
- 6.7. Reasonable discretion should be used by the **Investigating Officer** to filter out unsubstantiated vexatious or frivolous information during the Investigation stage.
- 6.8. The **Investigation Report** along with all of the supporting evidence will be reviewed fully by the **Chair/Deputy Chair of Fitness to Practise** in consultation with two members of the **Fitness to Practise Committee** to determine the appropriate action. If the **Chair/Deputy Chair of Fitness to Practise** in consultation with two members of the **Fitness to Practise Committee** find that the student's fitness to practise is likely to be impaired then they will progress the case to **Stage 3 Formal Stage** and the **Chair/Deputy Chair of Fitness to Practise Committee** will convene a full **Fitness to Practise Committee Hearing**.
- 6.9. If the **Chair/Deputy Chair of Fitness to Practise Committee** in consultation with two members of the Fitness to Practise Committee find that the case does not meet the threshold for progression to the Formal Stage (Stage 3) they will make a decision as to the most appropriate course of action. Possible actions are to:
- (i) **not sufficient evidence to proceed** - take no further action – student returns to placement/training programme.
Student attends a meeting with the DITE/CA Lead Tutor and/or Chair/Deputy Chair where guidance is given regarding conduct & behaviour
 - (ii) **sufficient evidence to proceed** – case proceeds to Stage 3 of the process (Formal Stage).
- 6.10. The **Chair/Deputy Chair of Fitness to Practise Committee** will write to the student to summarise the outcome at Stage 2 of the process.
- 6.11. Suspension from Practice**
- The **Chair/Deputy Chair of Fitness to Practise Committee** reserve the right to remove a student from practice without notice if their ability to engage in the provision of safe and effective practice is compromised. This may be prior to beginning Fitness to Practise proceedings or at any stage during the process. The authority for suspension will rest with the **Director of Initial Teacher Education** or **nominated University Tutor** and the **Chair/Deputy Chair of Fitness to Practise Committee** (see Appendix 8a).
- 6.12. Notification giving the reasons for suspension must be fully explained to the student as soon as the decision to suspend is made.

- 6.13. The public and pupil interest is more important than the student's interests when considering concerns/issues relating to safe and effective practice.
- 6.14. Students will not normally be suspended from engaging with University based learning due to fitness to practise issues/concerns unless the seriousness of the situation warrants this.

7. Formal Stage (Stage 3) The Role and Composition of the Fitness to Practise Committee Hearing

- 7.1. The Role and Composition of the hearing panel is to consider the evidence received by the **Investigating Officer**. The **Hearing Panel** will determine whether a student's fitness to practise is impaired and, if so, which sanction(s) (if any) should be applied to this case. The **Fitness to Practise Committee Hearing Panel** has the delegated authority from the professional, statutory and regulatory body (PSRBs) and the wider University of York to make decisions with regards to the case.
- 7.2. The **Fitness to Practise Committee Hearing Panel** has the responsibility to question the student 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 by the student.
- 7.3. A date and time is set for the **Fitness to Practise Committee Hearing Panel** and the members are set by the **Chair/Deputy Chair of the Fitness to Practise Committee**.
- 7.4. Normally the composition of the **Fitness to Practise Committee Hearing Panel** will be relevant members of the:
- **Fitness to Practise Committee** (including the Fitness to Practice Committee Secretary)
 - The **Investigating Officer**
 - At least one Senior representative from a **University of York ITE Schools Partnership organisation/school**
- 7.5. Where a student is sponsored by a practice partner organisation/school and they appear before the **Fitness to Practise Committee Hearing Panel**, the Senior representative will not normally be a member of that organisation.
- 7.6. The **Fitness to Practise Committee Hearing Panel** should represent the appropriate programme of study, and in relation to teaching, the appropriate field of practice (primary/secondary).

- 7.7. When establishing a panel for the **Fitness to Practise Committee Hearing**, a key requirement is for all panel members to be free from any perceived conflict of interest or bias with regard to the student or the case at hand.
- 7.8. At the point of invitation, all **Fitness to Practise Committee Hearing Panel** members will be asked by the **Chair/Deputy Chair** to declare any prior knowledge of the student or the case.
- 7.9. The **Investigating Officer** will be invited to the **Fitness to Practise Committee Hearing Panel** to answer any questions relating to the investigation process. The **Investigating Officer** will not take any part in the decision-making process.

8. Preparing for the Fitness to Practise Committee Hearing

- 8.1. As soon as a date and time is set for the **Fitness to Practise Committee Hearing** and the members are set, the student should be invited to attend and notified of the following information:
- A summary of the concerns raised.
 - The date, time and venue of the **Fitness to Practise Committee hearing**.
 - Their right to seek appropriate representation from a representative of YUSU (University of York Students Union) but not a legal or trade union representative. In exceptional circumstances and by prior agreement, students may be accompanied by another member of the University staff.
 - The composition of the **Fitness to Practise Committee Hearing Panel** members and the mechanism for challenging its composition based upon potential conflict or bias, with an appropriate deadline for the challenge.
 - Information on submitting a further statement, information, supporting evidence or references with an appropriate deadline for submitting this documentation.
- 8.2. Accompanying the letter should be the following:
- A copy of the **Investigation Report (Stage Two)**
 - Any supporting information gathered as part of the Investigation
 - The **Fitness to Practise Policy**
 - **Fitness to Practise: a guide for students**
 - The code of the relevant professional, statutory and regulatory body - **Part 2 of the Teacher Standards – Personal and Professional Conduct, (DfE, 2012).**

- 8.3. Should the student wish to submit further statements, information, supporting evidence or references in advance of the **Fitness to Practise Committee hearing**, they should do so by the deadline given. Where possible the student should also confirm the name and the role of the appropriate representative of YUSU (University of York Students Union).
- 8.4. The **Fitness to Practise Committee hearing** will only be rearranged in exceptional circumstances (such as hospitalisation) as the student is expected to prioritise attendance at the hearing above anything else.
- 8.5. If the student does not attend and is not represented, the hearing may proceed if the **Chair/Deputy Chair of the Fitness to Practise Committee hearing** is satisfied that all reasonable efforts have been made to contact the student.
- 8.6. The members of the **Fitness to Practise Committee hearing** will be sent confidential information packs prior to the hearing which include the date, time and venue of the **Fitness to Practise Committee Hearing** with a copy of the **Investigative Report** plus any supporting information gathered as part of the Investigation.
- 8.7. New evidence may **not** be presented or tabled without the advance express permission of the **Chair/Deputy Chair of the Fitness to Practise Committee hearing**.

9. The Fitness to Practise Committee Hearing

- 9.1. The **Fitness to Practise Committee Hearing Panel** will initially convene in private and hold a preliminary discussion based on the case history. It will identify the key facts of the case and the lines of questioning to be pursued. The **Chair/Deputy Chair of the Fitness to Practise Committee Hearing** will assign panel members to ask specific questions during the hearing.
- 9.2. The student, their representative from YUSU (University of York Students Union) are invited to join the meeting by the **Chair of the Fitness to Practise Committee Hearing Panel**. Other parties may also be asked to attend as deemed appropriate by the **Chair/Deputy Chair of the Fitness to Teach Committee** (e.g. school representatives).
- 9.3. The **Chair/Deputy Chair of the Fitness to Practise Committee hearing** will formally introduce the panel members and explain how the hearing fits in with the wider context of the **Fitness to Practise Policy**.
- 9.4. All members present at a **Fitness to Practise Committee Hearing** should ensure that proceedings are followed in concordance with University, Departmental and Fitness to Practise policy and procedures.

- 9.5. The **Chair/Deputy Chair of the Fitness to Practise Committee** role is to ensure that the principles of natural justice are followed.
- 9.6. Notes of the hearing will be taken by the **Secretary of the Fitness to Practise Committee**. These notes will be in narrative format and agreed by the **Chair/Deputy Chair of the Fitness to Practise Committee**. Notes will not be circulated to panel members but kept for record purposes.
- 9.7. The student will be given the opportunity to make a verbal statement should they wish to do so. The **Fitness to Practise Committee Hearing Panel** will then take it in turns to ask the student a series of questions relating to the investigative report and to the nature of the concern(s)/issue(s) raised.
- 9.8. The student will not normally be permitted to submit further documentary evidence however the **Chair/Deputy Chair of the Fitness to Practise Committee** may use their discretion to allow further documentary evidence where there is good reason to do so.
- 9.9. The student and their representative from YUSU (University of York Students Union) can confer at any time. If they wish to confer in private they may leave the room for a brief period of time to be agreed with the **Chair/Deputy Chair of the Fitness to Practise Committee Hearing**. All parties should then also leave the room.
- 9.10. When the **Fitness to Practise Committee Hearing Panel** have completed their questions the student and their representative from YUSU (University of York Students Union) will be invited to make a closing statement.
- 9.11. The **Chair/Deputy Chair of the Fitness to Practise Committee Hearing Panel** will then advise the student of the next stage of the process with regards to reaching a consensus of opinion on the outcome of the hearing.
- 9.12. The student, their representative from YUSU (University of York Students Union) will then be asked to leave the hearing.

10. Outcomes and Sanctions

- 10.1. Part of a fair and just hearing is that it gives adequately reasoned and balanced decisions. This is to ensure that all parties involved in the **Fitness to Practise Committee Hearing Panel** fully understand the decision and so that the decision of the panel hearing can be seen to uphold the professional standards and maintain trust and public confidence in the profession of the relevant professional, statutory and regulatory body (DfE).
- 10.2. The **Fitness to Practise Committee** must always keep in mind the balance between public and pupil/staff safety, the interests of the student and the overall need to maintain trust and public confidence in the profession of the

relevant professional, statutory and regulatory body (DfE). In the case of all student and professional teachers, this is governed by Part 2 of the Teacher Standards on Personal and Professional Conduct (DfE, 2012).

- 10.3. All decisions reached by the **Fitness to Practise Committee Hearing Panel** will be taken using guidance set by the relevant professional, statutory and regulatory body (DfE) and be consistent with the rules, regulations, and ordinances set by the University of York, Department of Education.
- 10.4. Should the student raise significant mitigating circumstances during the **Fitness to Practise Committee Hearing Panel** then these will generally be taken into consideration when deciding on the most appropriate outcome and sanction.
- 10.5. The **Fitness to Practise Committee Hearing Panel** will generally give 'due regard' to any evidence presented by way of formal mitigation. The purpose of any formal outcome(s) and/or sanction(s) is to protect public and pupil/staff safety rather than to act as a punishment for the student.
- 10.6. The standard of proof shall be based on the balance of probabilities, therefore whether the facts are more likely than not to be true.
- 10.7. The **Fitness to Practise Committee Hearing Panel** will need to make an overall decision and conclude one of the following:
 - 10.7.1. That the student **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 their file
 - 10.7.2. That the student **is not** fit to practise and
 - Is required to attend an Occupational Health assessment.
 - Is required to suspend their studies until such time as any undertakings, recommendations or conditions imposed by the Panel have been fully met (normally an occupational health assessment).
 - Is required to undertake any other action considered appropriate by the Panel to enable the student's successful completion of the remainder of the programme.
 - a recommendation is made to the Chair of the Board of Studies that the student's programme of study leading to a professional qualification be terminated but that the student be permitted to seek admission to an alternative academic qualification.

- a recommendation is made to the Chair of the Board of Studies that the student's studies are terminated and the student is required to withdraw from the University. Subject to the recommendation of a Progression and Award Board, the student may be eligible to receive any exit award to which they are entitled.
- 10.8. If a unanimous decision cannot be reached, the opinion of the majority will prevail. If the **Fitness to Practise Committee Hearing Panel** reaches a hung decision, the **Chair/Deputy Chair** will decide upon the formal outcome(s) and/or sanction(s).
- 10.9. Where a student is allowed to continue with the programme in conjunction with provisos determined by the **Fitness to Practise Committee Hearing Panel**, or when the studies have been temporarily suspended, they may be required to meet with the **Fitness to Practise Committee Hearing Panel** on further occasions in order that progress can be monitored.
- 10.10. If there is a **sufficient evidence to proceed** the student 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.
- 10.11. 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 must be copied into such correspondence.

11. Right of Appeal

- 11.1. Students have the right to appeal against a recommendation by the Department of Education Board of Studies/Graduate Schools Board to suspend or terminate their studies. A recommendation to terminate studies is heard by the University of York **Special Cases Committee**. The student has the right to request that the SCC hearing turn into an appeal against the recommendation from the Department of Education Board of Studies/Graduate Schools Board.
- 11.2. The appeals process for fitness to practise should follow the same process as academic appeals as set out at [Regulation 6.7 of the University Ordinances & Regulations](#)
- 11.3. When hearing an appeal case on the basis of fitness to practise, **SCC should include an external adviser who shall be a full member of the panel**, taking part in making decisions. The **external adviser must be someone**

who can reasonably be viewed by the relevant professional, statutory and regulatory body (DfE) as having the necessary experience, competence and authority to provide advice to a university body dealing with a hearing about fitness to practise potentially leading to termination or suspension. By way of example, an external advisor may be a **member of the relevant professional or regulatory body or a member of an equivalent body** (e.g. Associations of Heads of Departments of relevant area). The University should keep a list of names, revised and updated as necessary from time to time, representing a pool of such external advisers who would be reasonably viewed by the professional body as appropriately qualified to take on such a role.

- 11.4. The conduct of such hearings should follow the same procedures as those adopted for academic cases.
- 11.5. Both the student and the department shall have the right to present and respond to the case. The **Appeal Committee** should re-examine the earlier information, evidence, representations and findings and shall have the right to suspend the hearing to acquire more information, if it deems necessary, before making a decision.

12. External and Independent Review

- 12.1. If, after exhausting the Appeals stage, the student 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 1: Occupational Health Referral Policy

There are several instances when a referral for Occupational Health assessment can be considered.

- Students with health/disability/learning disability issues which have been identified at the commencement of the programme and have been passed as fit for the programme by Occupational Health at initial screening with/without conditions attached.
- Students who become unwell during their programme.
- Student returning from a Leave of Absence on health grounds.

Students with health/disability/learning disability issues identified at the commencement of the programme.

- **Health** - It is the student's responsibility to notify their University Tutor of the medical condition. If the University Tutor becomes concerned or the student notifies his/her University Tutor of a change in their health status, the University Tutor can refer the student to Fitness to Practise Committee for referral to Occupational Health for health assessment and monitoring.
- **Disability** – The department make a decision as to whether the student can be supported throughout the programme. If so, recommended support mechanisms will be received from University Disability Services and these will be implemented and monitored by the student's University Tutor. If the University Tutor feels that the student's health has changed, he/she/they should contact the Fitness to Practise Committee for referral for an Occupational Health assessment.

Students who become unwell during the programme

- **New condition diagnosed** – The University Tutor can refer the student to the Fitness to Practise Committee for referral to Occupational Health for health assessment and monitoring
- **Pre-existing health condition which was declared** – The University Tutor can refer the student to the Fitness to Practise Committee for referral to Occupational Health for health assessment and monitoring
- **Pre-existing health condition which was not declared** – The University Tutor can refer the student to the Fitness to Practise Committee. The Fitness to Practise committee can either:
 - recommend continuation on the programme with an Occupational Health referral and monitoring

- recommend discontinuation from the programme or recommend a period of Leave of Absence.

Students Returning from Leave of Absence

Occupational Health assessment is normally planned as a condition of return prior to the Leave of Absence being granted. The **Chair/Deputy Chair of the Fitness to Practise Committee** may highlight the need for an Occupational Health assessment when reviewing other health evidence supplied by the student during the Leave of Absence return process.

Referrals and Monitoring - Any University Tutor who wants to refer a student for Occupational Health assessment can also do so via the Fitness to Practise Committee.

Annual Enrolment – students are required to declare any changes to their health status since admission to the programme whilst enrolling online. Any changes can trigger a notification to the **Fitness to Practise Committee** and this will be followed up with the student and University Tutor.

- University Tutors can complete a preliminary referral form to **Fitness to Practise**. This information will be incorporated into the Occupational Health referral form.
- The **University of York ITE Schools Partnership** have been advised that any referral received using incorrect documentation should not be actioned and should be returned to the **Chair/Deputy Fitness to Practise Committee**.
- Referrals for Occupational Health assessment can be made and monitored by the Fitness to Practise Committee, whilst ensuring that confidentiality is maintained.

Return from Leave of Absence - Students returning from a Leave of Absence on medical grounds are advised that medical evidence is required to **confirm fitness to return** to the programme. This may mean that advice needs to be sought from the student's GP which could include a face-to-face appointment or a telephone consultation. In certain circumstances, the Department will accept clearance from another health/medical practitioner. This decision can be made by the **Chair/Deputy of the Fitness to Practise Committee**.

Referrals to Occupational Health can be made by the **Chair/Deputy of the Fitness to Practise Committee** in conjunction with the Student Assessments Office. Upon receipt of the Occupational Health report, the core membership of Fitness to Practise Committee can meet to consider any restrictions or adjustments to the programme which may be required. If the referred report specifies that follow up appointments or reviews are required then this will be monitored by the Fitness to Practise Committee.

Occupational Health Referral Process

Students with health/disability/learning disability issues who have been identified at the commencement of the programme and have been passed fit for the course by Occupational Health at initial screening with/without conditions attached.

Occupational Health Initial Screening: Issue identified, but student confirmed fit to commence the programme. Issues identified at Occupational Health Screening can be cleared by Fitness to Practise Committee prior to commencement on the programme.

Disability: If the Department can support the student, support mechanisms are to be put into place and monitored by Disability Services and their personal supervisor/University Tutor. If the personal supervisor/University Tutor is concerned, or the student notifies the department of a change in health status, the personal supervisor /University Tutor can refer the student to the Fitness to Practise Committee for referral for an Occupational Health assessment.

Health: It is the student's responsibility to notify their personal supervisor/University Tutor of the medical condition. If the personal supervisor/University Tutor becomes concerned or the student notifies his/her/their supervisor/University Tutor of a change in health status, the personal supervisor/University Tutor can refer the student to the Fitness to Practise Committee for referral for an Occupational Health assessment and monitoring.

Students who become unwell during the programme

New condition Diagnosed

- University Tutor can refer to OH/Fitness to Practise Committee for an Occupational Health assessment

Pre-existing condition – before registration

- University Tutor can refer to OH/Fitness to Practise Committee for an Occupational Health assessment

Pre-existing condition – after registration

- University Tutor can refer to OH/Fitness to Practise Committee
- Referral for an Occupational Health assessment for:
 - (i) recommendation for Leave of absence;
 - (ii) Continuation on programme with monitoring by Fitness to Practice;
 - (iii) Recommendation of Discontinuation of student on programme.

Appendix 2: Department of Education DBS Evaluation Process

DBS is the Disclosure and Barring Service

Step 1

DBS will be requested for ALL candidates offered a place on the programme.

Step 2

DBS form returned to Student & Academic Support Service and the Department of Education.

Step 3

Candidates with a DBS recording an offence will be contacted and asked to provide a written statement using the template provided and return to central admissions staff.

Step 4

Depending on the disclosed offence, the candidate may be asked to provide details of third parties* who can offer information regarding the offence.

Step 5

Candidates MUST provide this information within 2 weeks of the request: failure to do so will result in their offer being withdrawn

Step 6

Once all information is received it will be forwarded to the Student & Academic Support Services Manager to anonymise and process.

Step 7

Summary of information will be sent to a senior member of staff within the University of York Schools ITE Partnership, where it will be reviewed and a decision to accept or not will be made.

Step 8

Decisions from the DBS Panel will be returned to the Student & Academic Support Services Manager, who will then forward the information to the Department's Fitness to Practise Committee.

Step 9

The Fitness to Practise Committee will review and agree with the information and the decision by the DBS Panel forward decisions to the Student & Academic Support Services Manager.

Step 10

Candidates will be informed of the decision and whether they are able to commence the programme should they meet all other conditions of the offer.

Please note: Information regarding the offence/fixed penalty notice and the decision will be recorded anonymously in a spreadsheet for future reference by the Department when reviewing DBS procedures.

*third party information will only be requested where it may further inform the Department in its decision making process. Third parties may include, character references, probation officer reports or employer references.

Appendix 3: Positive Disclosure and Barring Service (DBS) candidate statement

To be completed by Interviewing staff if declared at interview/Apply form stage of application

Name:

DfE Apply number:

Age:

Date of Birth:

Conviction on DBS:

Age at time of conviction:

Programme Applied For:

To be completed by the candidate:

The questions below give you a template to use that will help you to complete your statement regarding any DBS Disclosure; the questions have headings to help you organise the information we require.

If you have committed more than one offence or have been issued with more than one fixed penalty notice (FPN) please make sure you complete the information relating to ALL offence convictions/FPN's.

If you have previously been a student at another university on a programme leading to professional registration and you have previously been subject to any disciplinary, conduct or fitness to practise investigations or hearings whilst on this programme of study, please declare this information in full below.

In your own words please describe the offence/fixed penalty notice that was recorded on your DBS Disclosure as fully as possible:

What were the circumstances surrounding or leading up to the offence/fixed penalty notice (if any):

Please explain how your situation has changed since the offence/fixed penalty notice (include personal development):

Please provide detailed information of any further evidence you are submitting which demonstrates positive changes in you or your circumstances or actions you have taken to move forward since the offence/fixed penalty notice. You can also include good character references from third parties (this may include character references, employer references, probation officer report, social worker report and youth offending team report etc):

If there is anything else you feel we should know please detail using the space below:

Appendix 4: Positive Disclosure and Barring Service (DBS) summary form

Anonymous Student Identity Number:

Date of Birth:

Programme applied for:

Start Date:

Decisions Made on DBS Disclosure:

Offence 1

Details of Offence:

Date of Offence/Incident/Fixed Penalty Notice:

Title of Offence/Incident/Fixed Penalty Notice:

Age at time of Offence/Incident/Fixed Penalty Notice:

Length of time since Offence/Incident/Fixed Penalty Notice:

Outcome/conviction:

Was the Offence/Incident/Fixed Penalty Notice declared on the DfE Apply form/during the interview?

Was it committed before or after application?

Was it committed before or after Interview?

Offence 2

Details of Offence:

Date of Offence/Incident/Fixed Penalty Notice:

Title of Offence/Incident/Fixed Penalty Notice:

Age at time of Offence/Incident/Fixed Penalty Notice:

Length of time since Offence/Incident/Fixed Penalty Notice:

Outcome/conviction:

Was the Offence/Incident/Fixed Penalty Notice declared on the DfE Apply form/during the interview?

Was it committed before or after application?

Was it committed before or after Interview?

Offence 3

Details of Offence:

Date of Offence/Incident/Fixed Penalty Notice:

Title of Offence/Incident/Fixed Penalty Notice:

Age at time of Offence/Incident/Fixed Penalty Notice:

Length of time since Offence/Incident/Fixed Penalty Notice

Outcome/conviction:

Was the Offence/Incident/Fixed Penalty Notice declared on the DfE Apply form/during the interview?

Was it committed before or after application?

Was it committed before or after Interview?

Summary

Does there appear to be a pattern to the offending? If so, describe it.

Candidate's explanation of the Offence/Incident/Fixed Penalty Notice and any circumstances surrounding it:

How has their situation changed since the Offence/Incident/Fixed Penalty Notice?

Does the referee make reference to the Offence/Incident/Fixed Penalty Notice? If so are they supportive of the candidate's application?

Summary of any third party evidence supplied:

University of York Schools Partnership DBS Panel:

- Decision made: Accept/ Reject
- Any comments from discussion

Fitness to Practise Committee:

- Decision made: Accept/ Reject
- Any comments from discussion

If the candidate is rejected:

- If the candidate is rejected can the candidate reapply? **Yes/No**
- If **Yes**, please indicate the timescale and any other issues the candidate may need to address:

Appendix 5: Annual Declaration of Good Health & Character & Travel (SITS Evision Registration/Enrolment)

Please read this carefully and then complete the appropriate statement as follows.

It is a DfE requirement that Professional Teachers are fit to teach at all times including health/ disability/ learning disability status.

The Department of Education at the University of York requires this declaration to be made annually in all professional programmes at the commencement of each new academic year.

For pre-registration programmes it is a condition of re-enrolment if a student returns the following academic year to complete their training programme that the student agrees to updating their annual declaration.

When working on placement for a school, arranged through the University and/or School Direct provider, students will generally be covered by the organisation's indemnity arrangements. Other placements (Primary/secondary/professional enrichment) are organised by the student themselves and not relevant here.

Students must normally live within reasonable travelling distance of their designated place of instruction for the duration of designated periods of study. For the purpose of the regulations, this will be interpreted as being within 40 miles of their designated place of instruction for full-time students. Where practice placements constitute part of a programme of study, these locations may be regarded as the designated place of instruction. Further details can be found in [Regulation 6.4 of the University Ordinances & Regulations](#)

The Board of Studies for Education is required to ensure that students understand the implications of this, including the risks of travelling whilst tired and also the fact that a student would be unable to cite distance to university or practice as a source of exceptional circumstances (mitigation). In reality, this means that a student may be required to travel to placement **anywhere** within the Department's practice placement circuit and this may add considerably to their travelling on a daily basis.

If a student indicates a change in either the status of their health, disability, learning disability and/or their criminal record, the University Tutor and Fitness to Practise Committee will be notified so that specific issue or issues can be discussed directly with the student. This is to ascertain if the student needs any additional support and also to see whether there are implications affecting the student's ability to study or undertake

placement practice. A change in the student's criminal record status may require the student to be excluded or suspended from practice until the issue is formally investigated and an enhanced Disclosure & Barring Service check obtained.

Character and Conduct declaration

A student should declare any penalty they have incurred. This should include any fixed penalty notices or penalty notices awarded by the police for disorder (for example any traffic offences including parking, speeding, driving without adequate insurance, drunk and disorderly, public disorder, vandalism, amongst many others). The student should also declare any court convictions.

The annual declaration does not supersede the student's responsibility to notify the Department of Education's Fitness to Practise Committee and PGCE Team in the event of any untoward incident or health diagnosis/issue. The student should also inform their University Tutor immediately in these circumstances. Please note that failure to disclose any illness, medical condition, learning disability or penalty notice/criminal conviction may compromise a student's future eligibility for registration on the Government Department for Education's Professional Register.

Health and Disability Status

Please select one of the following options (tick as appropriate):

I confirm that my state of physical and/or mental health and/or disability and/or learning disability remains the same as at my admission to the programme.

I confirm that my state of physical and/or mental health and/or disability and/or learning disability has changed since my admission to the programme.

Details:

Character and Professional Conduct Status

Please select one of the following options:

I confirm that my record in relation to my original Disclosure and Barring Service status remains the same as at my admission to the programme.

I confirm that my record in relation to my original Disclosure and Barring Service status has changed since my admission to the programme and I confirm that I have subsequently received a criminal conviction, caution or penalty from the police since my admission to the programme.

Details:

Reasonable Travel Distance to University

Please read the following and select once understood:

I confirm and fully understand that should I choose to live outside of the reasonable travel distance as recommended in the University Ordinance & Regulations (Regulation 6) for travel to theory or practice placement that I am unable to cite this as a reason for any **assessment** or **practice** related mitigation.

In reality this means that you may be required to travel to placement anywhere within the Department's placement circuit (North Yorkshire, West Yorkshire, East Yorkshire, South Yorkshire) and this may add considerably to your travelling on a daily basis.

Details:

Appendix 6: Referral of Student to Fitness to Practise committee

Personal Details and Programme Details

Name of Student:

Title (please tick):

Programme (and year of admission):

Subject/age phase:

Last Date of Attendance:

Date of Referral:

Grounds for Referral

- Mental Health
- Conduct/ Behaviour
- Other
- Learning Disabilities
- Health Disability
- Failure to Comply with Programme Requirements

Please give a full description of the circumstances leading to the referral to the Fitness to Practise Committee. This should include incident/nature of concern and any significant events or behaviour which have contributed to this referral:

Have you made the student aware of this referral to the Fitness to Practise Committee?
Delete as appropriate: Yes/No

University Tutor Name:

Signature:

Date:

Please attach any supporting information and or evidence and forward by email to education-ftp@york.ac.uk

Appendix 7: Fitness to Practise: a guide for students

This guide explains what to expect in relation to your contact with the Fitness to Practise Committee and gives information about the support available to you.

Fitness to Practise: What does it mean?

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

Developing your skills, knowledge and professional values for safe and effective practice are part of your overall programme of education. You receive feedback and are regularly assessed on these aspects of your Fitness to Practise, both in theory and during your Placement Experiences. However, your Fitness to Practise is not just about your skills and knowledge.

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

Your own **health and well-being** are another important part of your Fitness to Practise. Therefore we have a role in supporting you to maintain sufficient health & well-being to practise safely and effectively. To achieve this, we work in partnership with you and the University's chosen Occupational Health & Well-Being Service, as well as with your placement schools who are members of the University of York ITE Schools Partnership.

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

- Persistent Inappropriate Behaviour or Attitude
- Aggressive, Violent, Threatening or Bullying Behaviour
- Suspension or Exclusion from Practice Placement
- Criminal Conviction or Caution.

How will the FtP Committee deal with a concern about my Fitness to Practise?

The Fitness to Practise Committee protect the public and support you in the development of your 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 by the Informal Stage (Stage One) of our processes.

The process has one pre-stage and three FTP stages (see flowchart in Appendix (a)):

- 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/pupils, we recognise that you are still learning about the expectations and standards of conduct of your intended profession. Very often our recommendations to you emphasise what you can do to promote your learning and professional development to enhance your 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 your progress. In exceptional circumstances (after the Formal Stage of our process) we may recommend a sanction or recommend to the Board of Studies that you are discontinued from your programme of study.

At all stages of the process, we advise that you seek appropriate support, and ask any questions that you may have at the time. Please also remember the need for confidentiality, and acting honestly in your account of any events. Acting honestly means more than simply answering questions truthfully. It would be dishonest of you to allow the Committee to gain a false impression of a situation even if you 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 you should explain at which stage your case is being considered. If you have any questions please ask.

Pre-investigation stage

This is the stage where a third party raises concerns about your fitness to practise with the University (either the DITE or your main University Tutor/s).

At this point, information raising/detailing concerns regarding your 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 you yourself.

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 student concerned

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

As the student concerned, you 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 your entitlement of training programme at the Pre-Investigation Stage of the process.

Stage One: Informal Stage

All of our processes start officially 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 processes.

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

For all other concerns, we deal with your case individually and take into account the stage of your professional development and the nature of the concern. Usually, this involves both you and your Placement staff or the person/party raising concerns coming to an **Informal meeting** with either the DITE and the relevant University Tutor to discuss the matter. We will write to you briefly outlining the nature of the concern so that you are aware of this. This gives you an opportunity to seek help and support before the meeting (see below).

At this **Informal Meeting** we will listen to your 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 your University Tutor, Student & Academic Support Service, YUSU Student Academic and Welfare Team, Open Door Team, or Disability Services).

In some cases, we decide that we need further information in order to make a decision, and you will progress to Stage Two of Fitness to Practise process which is an Investigation or Assessment (see flowchart in Appendix (a)). In this case, it will be decided at this stage whether the trainee'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 you do not go through this alone, but arrange for someone to help you prepare for, and accompany you to the Fitness to Practise Committee informal meeting. Remember that help and support is always available to you.

Under University regulations you are 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 you beforehand, and to discuss the issues with you, and it is vital that they have as much notice as possible.

If you have any queries or concerns regarding the informal meeting your point of contact should be by email to the [Fitness to Practise email account](#)

Stage Two: Investigation/Assessment Stage

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

If the concern about your Fitness to Practise is about your **health or well-being**, this will involve a referral to Occupational Health for **assessment**. You will be given a copy of the referral, for your information, to make sure that you are fully aware of the nature of the request being made. The appointment details will be emailed to your University email address. This is a confidential appointment between yourself and the Occupational Health team. The outcome will be reported back to the Fitness to Practise committee with your consent and we will then be able to discuss and plan for any recommended adjustments, support or other follow up to enable you to practise safely (see Appendix (a) for the possible outcomes of this assessment).

If more information is needed regarding a concern about your **conduct & character**, we will recommend an **Investigation**. This is where an **Investigating Officer** is identified and appointed to examine and explore the concern about your 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 you.

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

It is vitally important that you 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 you to allow the **Investigating Officer** to gain a false impression of a situation even if you did not actually lie to do so. Acting honestly throughout the **Investigation** process demonstrates 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, 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 you about this and sometimes ask you to attend a meeting with the **Chair or Deputy Chair OR DITE and University Tutor** to discuss the outcomes of an **Investigation**:

- If there is **not deemed to be sufficient evidence to proceed**, you will meet with the **University Tutor** and the **DITE** to consider lessons learnt, and to re-institute your training programme. This gives you an opportunity to discuss suggestions for future learning and for the PGCE Team to give guidance on your future conduct.
- If it is **deemed that there is sufficient evidence to proceed**, and it is found that your 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 your placement may continue, or be temporarily halted whilst the FTP procedure is undertaken.

What Help and Support is available at Stage 2?

For an Occupational Health Assessment:

If you are attending Occupational Health for an **Assessment**, please see the Occupational Health Leaflet for details of how to access this service and who can support you (see Appendix B).

For a Stage Two Investigation:

It is important that you do not go through an **Investigation** alone. It is advisable to arrange for someone to help you prepare for, and accompany you to, any meetings including the interview with the Investigating Officer. Remember that help and support is always available to you.

Under University regulations you are 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 you beforehand, and to discuss the issues with you, and it is vital that they have as much notice as possible.

If you have any queries or concerns regarding the informal meeting your point of contact should be by email to the [Fitness to Practise email account](#).

Stage Three: Formal Stage

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

At this stage, concerns about your 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 stage the **Fitness to Practise Committee Hearing Panel** has a responsibility to ask you 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 (see flowchart in Appendix (a)).

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

What Help and Support is available at this Formal stage?

It is important that you do not go through this alone, but arrange for someone to help you prepare for, and accompany you to the **Fitness to Practise Committee hearing**. Remember that help and support is always available to you.

Under University regulations you are 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 you beforehand, and to discuss the issues with you, and it is vital that they have as much notice as possible.

If you have any queries or concerns regarding the informal meeting your point of contact should be by email to the [Fitness to Practise email account](#).

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

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

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

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

If you have a disability and need special arrangements please 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 you are ill and not able to attend, you will need to supply a medical certificate to **the Fitness to Practise Committee** (education-ftp@york.ac.uk). If you do not attend without a reasonable explanation, the committee can consider your case in your 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 you. These questions will be based upon the information included in the **Investigating Officer's Report**. The Committee will be guided and led by the **Chair/Deputy Chair of the Fitness to Practise Committee**. In the meantime you and your representative will report to the Department of Education Reception and will be shown to a waiting area. A member of the **Fitness to Practise Committee** will collect you and your representative and take you both into the hearing venue, where you will be shown to your 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 ITE Schools Partnership**

school/ organisation. The **Chair/Deputy Chair** will ask you if you 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. You will then be asked questions by the committee members in turn. Each Committee member will focus on a slightly different area of your case. Remember, Committee members are not trying to 'catch you out'; rather they are trying to get a better understanding of the facts that led to the situation. You will then be able to make some concluding remarks, giving you an opportunity to tell the Committee anything you think is important to the hearing. Whoever accompanies you will also be asked if they wish to say anything on your behalf or clarify any points of order.

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

The **Chair/Deputy Chair of the Committee** will ensure that your welfare is always paramount. If for any reason you are finding it difficult, please remember that you can ask the **Chair/Deputy Chair** for a short break. If you should become upset or emotional in any way, please do not be afraid to ask for some time to compose yourself.

You should uphold Part 2 of Teachers Standards (DfE, 2012) at all times. It is vitally important that you act honestly at all times, both when being interviewed by the **Investigating Officer** and when you are answering questions at the hearing itself. Acting honestly means more than simply answering questions truthfully. It would be dishonest of you to allow the **Fitness to Practise Committee Hearing Panel** to gain a false impression of a situation even if you did not actually lie to do so. Honesty, trustworthiness, sincerity and candour are all virtues that the **Fitness to Practise Committee Hearing Panel** will be looking for when they are considering your 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 your position when appearing at the hearing. All members of the committee will ensure that their questions are neither confrontational nor oppressive. Remember, the Committee are only 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 your programme to ensure that sanctions are appropriate to your 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 you have 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 you receive a warning or sanction, then it will be explained to you:

- Why you 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 your fitness to practise will be considered again.

Possible outcomes or sanctions may include the following:

1. That you **are Fit to Practise** and are:

- 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 your file.

2. That you **are not Fit to Practise** and:

- you are required to undertake an occupational health assessment
- your studies are suspended until such time as any undertakings, recommendations or conditions imposed by the Committee have been fully met (e.g. an occupational health assessment)
- you are required to undertake any other action considered appropriate by the Committee to enable your successful completion of the remainder of the programme
- a recommendation is made to the Chair of the Board of Studies that your programme of study leading to a professional qualification be terminated but that you be permitted to seek admission to an alternative academic qualification.
- a recommendation is made to the Chair of the Board of Studies that your programme is terminated and that you are required to withdraw from the

University. Subject to the recommendation of a Progression and Award Board, you may be eligible to receive any lower exit award to which you are entitled.

If there is **sufficient evidence to proceed**, you 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 must be copied into such correspondence.

Can I appeal against the outcome of a decision of the Board of Studies?

You have the right to appeal against a recommendation by the Department of Education Board of Studies to suspend or terminate your programme.

A recommendation to terminate your 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*). You have 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, you feel 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 7a: 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 student 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 student's entitlement of training programme at this point in the process.

INFORMAL STAGE (Stage 1)

- It will be decided at this stage whether the student'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 student'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 outlines 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 (b) Occupational Health - for details of how to access this service and who can support you please see the University's [Health and Wellbeing webpages](#).

Appendix 8a: Suspension from Practice Procedure

Introduction

The Placement Providers (host schools) in the University of York ITE 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 student'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.

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 students (i.e. NOT fee paying)

If a student is sponsored by an employer school as a salaried trainee, 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 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 Phase/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 provider)

Step 1

A 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 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 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 student'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 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 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 student'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 Occupational Health appointment, and OH specialist 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 student is on a Development Plan in which targets are failed, the mentor informs the student that by a suspension from practice, if recommended, (and therefore being unable to comply with

the development 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 Development Plan by default.

It will be decided **by the University's FTP Committee** at each stage of the FTP process whether or not the student'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 where there is not sufficient 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 Development 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 student'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 trainee will then be recommended to the 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 OH and have a 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 student'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 deemed fit to practise, the student returns to placement at the designated time, with a tripartite meeting arranged beforehand between Lead Tutor, Director of Initial Teacher Education and a member of the FTP Committee.

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 student'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 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 conflicts of interest.*

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 trainee'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 your Investigation:

- You must remain totally impartial throughout your 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.
- You must seek out what is the evidence to support the allegation(s).
- You 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.
- You 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.
- You 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.
- You 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 you should ask if they are aware of anyone else who the student feels can provide evidence related to the incident(s).
- You 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. You 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. 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 you must inform the Chair/Deputy of the Fitness to Practise Committee.
- After you have concluded all of the required interviews and collated appropriate evidence you must then prepare a formal written report of your 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 / Interviewee: <i>Print and sign</i>	
Title/designation:	
Date:	

Appendix 9d: Fitness to Practise Committee Investigator checklist

Question	Yes/No	Rationale	Comments
Have you received the Referral Pack?	Yes/No	-	If no, do not commence investigation.
Good practice requires investigation to <i>normally</i> be completed within 10 working days – can you achieve this?	Yes/No	-	If no, please notify Fitness to Practise Secretary and provide an expected date of completion.
Notes of interviews should be contemporaneous and signed by the interviewee at the time of completion. *It may be necessary to accept official email as identification/confirmation. In this instance emails must be password protected.	Yes/No	Unsigned data will not be accepted as evidence.	If no, please identify why not and ensure signatures are obtained as quickly as possible.
Do you have copies of any supporting evidence? Has this been signed by the person providing it?	Yes/No	Unsigned data will not be accepted as evidence.	-
Has the supporting evidence been included as appendices?	Yes/No	-	If no, please ensure appendices are attached in the appropriate order.
Have you written and signed a report of your investigation?	Yes/No	You will present this at the hearing in addition to all parties receiving a copy.	-

Have you listed the contents of your report with page numbers if relevant, in chronological order, including all relevant appendices?	Yes/No	This is very helpful when collating the evidence for the student and panel.	-
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