**Sacred Heart Newcastle SCITT**

**Fitness for registration and fitness to practise**

The SCITT has responsibility in respect of trainees who are following a programme of study leading to a professional qualification which is registrable with a statutory regulatory body.

## In addition to conferring the appropriate qualification, the SCITT must be satisfied that the trainee would be a safe and suitable entrant to the teaching profession, and thus would be fit for registration and fit to practise.

## These regulations are specific to trainees following a course of study leading to Qualified Teacher Status (QTS).

**Definition and remit**

A trainee shall be deemed to be unfit for registration and to practise if found by the Fitness to Practise Committee to demonstrate any health condition, behaviour or attitude which would render that trainee a person not fit to be admitted to and practise in the teaching profession.

Failings in academic performance, however, fall within the remit of the Academic Progress Regulations.

Representation

A trainee facing an allegation of being unfit for registration and to practise may be represented at any point in the proceedings by a teaching colleague or SCITT member or by a representative of the Trainee’s Teaching Union.

The trainee may also be accompanied by a family member or a friend (either from inside or outside the SCITT) but that person will not be allowed to speak on the trainee’s behalf, unless this is a reasonable adjustment, such as a sign language communicator or interpreter. However, the Chair of the Fitness to Practise Committee or Appeal Committee will have the discretion to consider representations from the trainee for the friend or family member to make a statement.

## **Referral to the Fitness to Practise Committee**

There shall be two possible routes of referral to the Fitness to Practise Committee:

1. *Misconduct*: where a trainee faces an allegation of misconduct under the terms of the Misconduct Regulations, the case shall be considered by the Misconduct Committee. Where such a trainee is found guilty of misconduct, the SCITT Director shall consider the findings, in accordance with the SCITT’s fitness to practise procedures, to determine whether the case should be referred to the Accounting Officer for consideration by the Fitness to Practise Committee (Strategic Board).

1. *Other matters justifying referral*: where a trainee demonstrates behaviour and/or health issues which do not constitute misconduct under the Misconduct Regulations but raise issues of fitness for registration and practise, the SCITT shall investigate internally, in accordance with the SCITT’s fitness to practise procedures, and determine whether the case should be referred to the Accounting Officer for consideration by the Fitness to Practise Committee.

Where the SCITT determines that a case should be referred for consideration by the Fitness to Practise Committee, the Faculty shall notify the Accounting Officer in writing as soon as possible.

The Accounting Officer may only act in those cases that have been formally notified to them.

Upon receiving notification from the SCITT Director, the Accounting Officer shall convene a meeting of the Fitness to Practise Committee.

Where a case is referred to the Accounting Officer and the trainee is appealing the findings of the Misconduct Committee, the Accounting Officer shall not take action to convene a meeting of the Fitness to Practise Committee until the appeal has been heard, and subject to the provision that the Appeal Committee, under the provisions of the Misconduct Regulations has rejected the appeal.

A trainee undertaking a school placement may be removed from this, under the Academic Progress Regulations*,* pending an investigation in accordance with this procedure.

## **Fitness to practise hearing procedure**

Written notice of the hearing date will normally be sent to the trainee and SCITT Director at least 14 days before it is due to take place. The names of the Committee members, and any witnesses, together with all documentary evidence, including copies of witness statements, will normally be sent at least 14 days before the hearing date.

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Neither the trainee nor the Committee may challenge the findings as previously determined by the Misconduct Committee.

The trainee may present documentary material or witnesses in their defence or mitigation. Documentary material for consideration by the Committee and/or the names of any additional witnesses and written copies of their evidence, must be sent to the Accounting Officer at least seven days in advance of the hearing. This evidence will be sent immediately to the Committee by the Accounting Officer.

For the purpose of the hearing, a decision by the Committee on any point of procedure will be binding.

Both the SCITT Director (or their nominee) and the trainee will have the right to be present throughout the hearing except as provided for below.

The SCITT Director or their nominee, will present the SCITT’s case to the

Committee. The trainee (or their representative) will be invited to reply. Either party may call witnesses and present documentary evidence, provided that any such evidence or the names of witnesses had previously been received by the Accounting Officer and made available to the other party.

The Committee may also call upon other persons (whether members of the SCITT or not) to provide advice on specific aspects of the case, either in person or in writing, provided that the names of any such persons have previously been made available to all parties.

The Committee may ask questions of all those called before it, and the representative of the SCITT or the trainee may raise questions through the Chair of the Committee.

The Committee may, at its discretion, at any time during the proceedings order the room to be vacated, or members may themselves retire to another room for private discussions. Only the Committee and the Clerk will be entitled to be present at such times.

At the conclusion of the presentations and the questions, the trainee may address the Committee and the Chair may make a statement.

The Committee will consider its verdict and order in private.

At any time during the proceedings, the Chair may order the Committee to adjourn, for a period not normally exceeding seven days, for the purpose of deciding on the verdict or order to be made or for other good cause.

All decisions of the Committee will be reached by a majority vote of the Committee members but will be announced as a decision of the Committee. The votes of the individual Committee members will be treated as confidential. In the event of a tie, the Chair will have an additional casting vote.

The Chair of the Committee will announce the decision and order and indicate the grounds on which the decision has been reached. A written copy of the decision and order will normally be sent out to the trainee within seven days of the date of the decision being announced

## **Outcome of hearings**

Based on the previously determined findings and the evidence submitted to the Committee, the Committee is required to reach one of the following decisions:

a) that the trainee is unfit for registration and practise;

b) that the trainee is not unfit for registration and practise.

A trainee under consideration by the Fitness to Practise Committee shall be presumed to be ‘not unfit’ unless ‘unfitness’ can be proven to the satisfaction of the Committee.

Where the Committee finds that the trainee is unfit for registration and to practise, it will make one of the following orders:

1. that the trainee’s registration on the programme of study be terminated;
2. that the trainee’s should undergo medical treatment or other appropriate remedial action, during which the trainee may be suspended. In such cases a time limit must be specified, and continuation on the programme shall be at the discretion of the SCITT Director and the Chair of the Fitness to Practise Committee.

Where the trainee is not permitted to continue, the traineeship will be terminated.

Where the Committee finds that the trainee is not unfit for registration and to practise, no further action will be taken.

The decision and order, together with reasons for the Committee’s decision, will be communicated to the trainee and the SCITT Director and any other interested parties. A copy of the findings, decision and order will be placed on the trainee’s file, and the trainee advised that the findings may be taken into consideration in the event of any future hearings by the Fitness to Practise Committee. Where a trainee’s registration has been terminated on the grounds that s/he is unfit for registration and practise, the findings, decision and order will be communicated to the relevant regulatory body.

## **Appeal**

Following a hearing by the Fitness to Practise Committee, an appeal submitted by the trainee against the decision of the Committee may be allowed by the Accounting Officer subject to the criteria below.

An appeal must be requested in writing lodged with the Accounting Officer within 14 days of the date of written notification of the decision which is to be the subject of the appeal. The grounds for the appeal must be clearly stated as part of the request and appropriate documentation supplied.

The appeal will be heard if the Accounting Officer is satisfied that either or both of the following criteria apply:

1. that there is new evidence, that could not have been, or for good reason was not, made available at the time of the hearing, and sufficient evidence remains that the appeal warrants further consideration;
2. that evidence can be produced of significant procedural error on the part of the SCITT before or during the hearing, and sufficient evidence remains that the appeal warrants further consideration;
3. there are other grounds considered applicable by the Accounting Officer, including compassion.

If the appeal is to be heard an Appeal Committee will be appointed. The trainee will be advised in writing, of the decision on the appeal application, normally within 28 days of its receipt. In the event that an appeal is rejected, reasons will be given.

## **Appeal Committee procedure**

For the purpose of the hearing, a decision by the Committee on any point of procedure will be binding.

The Accounting Officer will send written notice of the Appeal date, together with copies of all papers to be considered by the Appeal Committee, to the trainee at least 14 days before the hearing date. If the trainee wishes to present any further evidence, this material must be supplied to the Accounting Officer at least seven days before the Appeal date. The Accounting Officer will supply the members of the Appeal Committee, at least seven days in advance of the hearing, with the grounds for appeal with supporting documentation, the papers presented at the hearing from which the appeal arises and a statement from the SCITT Director and/or Chair of the Fitness to Practise Committee in response to the grounds for appeal.

The trainee will have the right to be present during the hearing except as provided for in below.

The trainee making the appeal or their representative will present their case against the decision.

The Appeal Committee will consider the documents and may call persons connected with the proceedings from which the appeal arises to address the Committee, provided that the names of any such persons have previously been made available to all parties.

The Appeal Committee may, at its discretion, at any time during the hearing of an appeal order the room to be vacated, or may itself move to another room for private discussion. Only the Committee and the Clerk to the hearing will be entitled to be present at such times.

The Appeal Committee will normally reach its decision without adjournment, but may adjourn for a period not exceeding seven days for the purpose of deciding on the order to be made upon the appeal.

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The decision of the Appeal Committee will be reached by a majority vote of the members of the Committee and will be announced as the decision of the Committee. The votes of individual Committee members will be treated as confidential.

## **Appeal Committee Outcome**

The Appeal Committee may reject the appeal or uphold the appeal. Where the Appeal Committee upholds the appeal, the Committee may order one of the following measures:

1. that the decision of the Fitness to Practise Committee be set aside and that the Fitness to Practise Committee re-hear the case;
2. that the decision and/or order of the Fitness to Practise Committee be modified or reversed.

The decision and order of the Appeal Committee, together with its reasons, will be announced by the Chair and will be sent in writing normally within seven days of the appeal hearing to the trainee, and to the Chair of the Fitness to Practise Committee from which the appeal arose. In communicating the decision of the Appeal Committee, the Chair will indicate the grounds upon which the decision is based.

A decision of the Appeal Committee will be final.

A trainee may be removed without notice from a school placement under the Academic Progress Regulations.

Useful Links

[Office of the Independent Adjudicator](http://www.kcl.ac.uk/aboutkings/orgstructure/ps/acservices/conduct/oia.aspx)