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ITE Fitness to Practise Policy and Procedure



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1. Purpose

- 1.1 The Fitness to Practise Policy and Procedure is designed to ensure that trainee teachers maintain the high standards required for safe and effective educational practice whilst providing a robust, transparent, and equitable approach where there are serious and significant concerns for an ITE trainee and their capacity to practise or adhere to specific professional, regulatory or statutory body requirements.

2. Guiding Principles

- 2.1. This policy has been created following the guidance from the Office of the Independent Adjudicator for Higher Education's [Good Practice Framework: Fitness to practise \(oiahe.org.uk\)](https://www.oiahe.org.uk/good-practice-framework-fitness-to-practise)
- 2.2. Fitness to practise is defined as the ability to meet professional standards; it is about character, professional competence and health. Someone is fit to practise if they have "the skills, knowledge, character and health to practise their profession safely and effectively".
- 2.3. Bath Spa University has a duty to ensure that trainees possess the necessary health, character, competence, and conduct to undertake and perform teaching duties safely and effectively.

This includes:

- Maintaining physical and mental health
- Demonstrating appropriate professional behaviour
- Adhering to professional standards and ethical guidelines
- Exhibiting competence in teaching skills and knowledge
- Ensuring trainees on a professional course are fit to practise in the teaching profession, or will be when they complete the course
- Protecting present or future trainees, school staff, children and young people in schools, Bath Spa University staff and members of the public
- Safeguarding public confidence in the teaching profession
- Complying with the requirements of professional/regulatory bodies such as the Department for Education
- Ensuring that trainees are not recommended for Qualified Teacher Status (QTS) that permits them to practise teaching if they are not fit to do so.

3. Scope and Expectations

- 3.1. This procedure is applicable to all current Bath Spa University ITE trainees, 'Bath Spa Teachers' (BSTs).

V1.

3.2. Examples of issues that may lead to fitness to practise concerns, if the BST's ability to meet the Teachers' Standards may be impaired, include, but are not limited to:

- academic misconduct (for example plagiarism, cheating in examinations, forging records);
- other disciplinary offences (for example antisocial, abusive or threatening behaviour, sexual misconduct, violence, bullying or harassment, damage to property, internet access abuse, substance/alcohol abuse);
- health and safety breaches;
- failure to disclose convictions or other information that the BST is required to disclose;
- inaccurate or falsified documentation;
- unsafe practice, incompetence or requiring too much supervision;
- unprofessional behaviour, including:
 - lack of respect, aggressive or poor attitude
 - indiscipline, failure to follow dress code, inappropriate use of mobile phone, poor time keeping, poor attendance;
 - failure to self-reflect, lack of insight;
 - failure to engage with investigations into unprofessional behaviour;
 - poor self-management, lack of personal accountability
 - dishonesty;
 - breaking school confidentiality;
- behaviour away from the BST's studies that impacts on their standing in the profession, including:
 - criminal conviction e.g. violent offence; offence of dishonesty;
 - disruptive behaviour in the community;
 - inappropriate use of social media;
- Safeguarding concerns;
- poor mental or physical health or physical impairment that interferes with the BST's ability to practise safely or causes significant disruption to the learning of those they teach;
- failure to seek help or engage with appropriate services in relation to health issues; and
- Unsatisfactory communication, IT or language skills.

3.3. This procedure is not for processing complaints.

4. Responsibilities

4.1. Institution

Bath Spa University is responsible for:

- Providing a supportive environment that promotes fitness to practise

V1.

- Offering resources and support for trainee teachers to maintain and improve their fitness to practise
- Ensuring that concerns about fitness to practise are addressed promptly and fairly

4.2. Trainee Teachers

BSTs are responsible for:

- Maintaining their own fitness to practise, and engaging in procedures as required
- Seeking help and support when needed from the University and / or their placement school
- Reporting any concerns about their own or other's fitness to practise particularly about Safeguarding and the Teachers' Standards

5. Fitness to Train to Teach

- 5.1. All BST applicants undergo a Fitness to Train to Teach assessment to assess whether there are any mental or physical health conditions that may affect their ability to meet statutory requirements for being fit to train to teach.
- 5.2. Fitness to practise concerns are distinct but not mutually exclusive from the fitness to train to teach process.
- 5.3. Fitness to Train to Teach processes apply to all BSTs and a BST's health and wellbeing.
- 5.4. If a BST's mental or physical health changes after registration, BSTs may be required to engage with Occupational Health processes, via a management referral.

6. Bath Spa University, ITE Safer Recruitment and Fitness to Practise

- 6.1. With due regard to DfE statutory ITE guidance, Bath Spa University and its partner providers are committed to recruiting candidates who show they have potential to train to teach and are fit to train through:
 - Detailed assessment of candidate application forms
 - Robust interview processes
 - Robust compliance checks (Enhanced DBS with children's barred list check and prohibition list check)
 - Occupational Health assessment prior to joining the course (Fitness to Train to Teach)

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A BST teacher personal and professional conduct contract based on the Teachers' Standards, is signed during the first two weeks of the course before commencement of any placement.

7. Timing

- 7.1. Concerns about a BST's fitness to practise may arise at any time throughout the teacher training course
- 7.2. Fitness to practise processes at Bath Spa University, including any appeals, will be completed as soon as possible, and where practicable, within 90 calendar days.
- 7.3. If a BST has been through related disciplinary proceedings, the fitness to practise process should be carried out as quickly as possible, and within 45 days of the disciplinary decision.
- 7.4. It may be reasonable for the process to take longer than 90 days where, for example, the case is complex. In those cases, Bath Spa University will keep the BST informed about the progress of the investigation, and when it is likely to conclude.

8. Support and Representation

- 8.1. BSTs are permitted to have someone to accompany or represent them at formal meetings and hearings. This can be a family member or friend, Students' Union representative or a colleague.
- 8.2. BSTs will be informed about where they can seek support, for example through Student Wellbeing Services, the Students' Union, or Education Support - [Education Support, supporting teachers and education staff](#)
- 8.3. BSTs can also seek support and advice from their teaching union.
- 8.4. BSTs will not normally need to seek legal advice, although they may wish to in serious cases.
- 8.5. Whether or not the BST has a representative, the BST will normally be expected to answer any questions about what has given rise to the fitness to practise concerns.

V1.

9. Reasonable adjustments to the process

- 9.1. Bath Spa University will consider in each case whether it can make reasonable adjustments to procedures to take account of the individual needs of the BST.
- 9.2. If it is decided that reasonable adjustments can be made, a record of these adjustments will be kept on file.

10. Relationship with other procedures

- 10.1. Fitness to practise concerns may arise from disciplinary or misconduct issues, from mental or physical health or a disability , and different procedures may apply in each case.
- 10.2. In the case that a fitness to practise concern is related to a BST's mental or physical health, or to a disability, Bath Spa University is aware of its duties under the [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/154) to make reasonable adjustments.
- 10.3. Bath Spa University will explain to the BST how the different processes will be followed in their case and in what order.
- 10.4. Fitness to practise is not disciplinary in nature. However, a disciplinary matter might lead to fitness to practise proceedings as part of assessing whether the behaviour that led to disciplinary action against the BST calls into question the BST's fitness to practise.
- 10.5. If a separate disciplinary process is conducted before fitness to practise proceedings, the BST should be given the opportunity to appeal the disciplinary outcome. Bath Spa University will not usually start fitness to practise proceedings until the internal disciplinary procedure is concluded (including any rights to appeal) unless it is necessary to take immediate action to protect children, other BSTs, staff members or others.
- 10.6. If a BST submits a complaint during fitness to practise proceedings, it may be appropriate to pause the fitness to practise process while the complaint is being investigated.
- 10.7. Bath Spa University will follow the OIA's guidance on issuing [Completion of Procedures Letters - OIAHE](#) when more than one procedure is being followed.

11. Behaviour that amounts to a criminal offence

- 11.1. If there is a criminal investigation or court proceedings, Bath Spa University will normally wait until the outcome of external investigation or proceedings before conducting an internal investigation.
- 11.2. Where a BST is acquitted of a criminal offence, or where the criminal investigation has been dropped, Bath Spa University may still take action under its disciplinary and/or fitness to practise process.
- 11.3. If the BST is convicted of a criminal offence, the case will be referred to the criminal convictions panel and may then be considered under this Fitness to Practise Policy

12. School Placements

- 12.1. Concerns around a BST's fitness to practise can arise from their school placement.
- 12.2. Where a school placement is suspended or terminated by the school because of concerns about the BST's fitness to practise Bath Spa University should carry out its own investigation into events which led to the termination.
- 12.3. It is reasonable for Bath Spa University to consider carefully the professional opinion of staff at the school placement, but it will also consider the BST's account of the case and investigate any factual disputes or allegations, including where the BST considers they have not been treated fairly.
- 12.4. If Bath Spa University decides that the BST should be allowed to continue with the course, it may not be possible for the BST to return to the same school placement because the relationship has broken down. In this circumstance, Bath Spa University will make every effort to find another school placement for the BST. It is reasonable for Bath Spa University to expect BSTs to positively engage in this process.
- 12.5. If it proves to be impossible to find an alternative school placement, Bath Spa University will discuss with the BST whether they might be able to transfer to another course, for Primary BSTs moving to a different age route, or return the following year.

13. The Fitness to Practise Process

- 13.1 Preliminary stage / cause for concern – support plan, action contract
- 13.2 Formal Stage – fitness to practise panel
- 13.3 Review Stage – appeal

13.4 Independent External Review (OIA)

13.1 Preliminary Stage / Cause for Concern

- 13.1.1. As good practice, Bath Spa University will tell a BST that concerns have been raised about their practice or behaviour, even if Bath Spa University decides to take no formal action.
- 13.1.2. Bath Spa University has a Support and Intervention Procedure for BSTs, consisting of a support plan and an action contract, which is outlined in the [Partnership Handbook](#). This process may be used to assess whether the BST's fitness to practise may be in question, or whether the concern is about less serious competency issues.
- 13.1.3. Bath Spa University may take immediate action in order to protect other BSTs, staff members and children/young people. For example, a BST may be suspended, or temporarily withdrawn from their school placement and training and/or studies
- 13.1.4. Bath Spa University may sometimes move straight to the Fitness to Practise procedure irrespective of any Support and Intervention procedures having been undertaken if the issue leading to the fitness to practise concern is considered sufficiently serious. It may also be appropriate to move to the Fitness to Practise procedure if the BST disputes the events or behaviour giving rise to the cause for concern or is not engaging in support provided to remedy the cause of concern.

13.2 The Formal Stage

- 13.2.1. Where the facts of a case have not yet been established, for example because the Support and Intervention procedure has been bypassed, or where further information is needed about the effects of the matter leading to concern about the BST's fitness to practise, the course team will conduct an investigation to gather the facts of the case before referral to the fitness to practise panel.
- 13.2.2. The member of staff investigating the case will meet with the BST as soon as possible. The BST should be given notice of the meeting and provided with enough information to allow them to respond to the concern(s), and a copy of this procedure and any other relevant procedures. The BST should also be informed how to access advice and support, and that they can be accompanied to any meetings.
- 13.2.3. The member of staff investigating the case may talk to staff at Bath Spa University, staff at the school placement, and/or other BSTs. They will also consider documents and other evidence, including any medical

evidence the BST provides in support of their case. They should also consider any wellbeing issues and liaise with Student Wellbeing Services as appropriate.

13.2.4. The staff member will produce a report based on their investigations which outlines the process followed, and the information gathered and their recommendations. The BST or their representative should receive copies of the information obtained during the investigation, a copy of the investigation report and information about the next steps in the process. Where necessary, Bath Spa University should anonymise personal information obtained during the investigation before sending it to the BST or their representative. The BST should also be informed who they can contact, with any queries about the progress of the case.

13.2.5. Where the investigator believes that the BST's fitness to practise may be impaired, the matter should be referred to a fitness to practise panel hearing. The investigator may present the case to the panel but should not be involved in the panel's decision making.

13.2.6. Where a BST's fitness to practise is being considered because of previous findings under a disciplinary procedure, failure to fully meet the agreed targets of an action contract, or as a result of a criminal conviction declaration process risk assessment, or as a result of any other formal process where the facts of the case have previously been established, a formal investigation of the facts is generally not necessary or required.

Fitness to Practise Panel

13.2.7. Once referred, the case will be reviewed by a Fitness to Practise panel. Membership of the Fitness to Practise Panel shall consist of:

- Academic Registrar or nominee (Chair);
- Student Registry Compliance and Safeguarding Manager;
- Director of Student Wellbeing Services or nominee;
- A member of staff from another School of Study nominated by the Chair
- Programme Directors or nominees;

Also in attendance:

- Partnerships Manager
- Secretary to the panel

The Chair shall be responsible for ensuring that all members of the Panel can act impartially and there are no actual or perceived conflicts of interest.

13.2.8. Bath Spa University will provide the BST in advance with information about the time, date and venue of the panel, who will be on the panel,

who will attend and what their role will be. BSTs must also be given a copy of the information to be considered before the hearing.

- 13.2.9. The BST will be invited to submit supporting evidence for the Panel to consider, for example, a doctor's letter or other professional third party and if they wish, any personal statement or written representation for the panel to consider.
- 13.2.10. The BST will be invited to attend the Panel meeting but is not required to do so. The BST will be advised that they can nominate individuals to meet the panel as witnesses and if the BST attends, they can bring a friend, family member, colleague or union representative.
- 13.2.11. The Panel may order the meeting agenda at its discretion, may invite witnesses, and request further medical evidence.
- 13.2.12. The role of the Panel will differ depending on whether the facts of the case have already been established through other procedures or processes. Where the fitness to practise concerns relate to something that has not been proven, the panel must first consider the facts and allow the BST an opportunity to put forward their case.
- 13.2.13. Once any disputed facts have been decided, the panel will consider whether the established facts lead to a genuine fitness to practise concern and, if so, what action should be taken.
- 13.2.14. A written record will be kept of the Panel meeting, setting out who attended, a brief outline of the proceedings and the reasons for the decisions taken, including the outcome for the BST and/or any conditions applied.

Outcomes and Conditions imposed by Fitness to Practise Panels

- 13.2.15. A finding that a BST is not fit to practise is different from a finding of misconduct. A finding of misconduct under a disciplinary process may attract a range of penalties whereas a finding that a BST is not fit to practise may result in the BST being removed from their course, with little chance that they will be able to train elsewhere. Bath Spa University may sometimes suspend BSTs for a period or put in place a series of supportive improvement measures to give BSTs an opportunity to put right the issues identified and demonstrate their fitness to practise.
- 13.2.16. Before reaching a decision about what action it should take; the Panel will consider each option. The Panel will act proportionately where there is a need to protect the public or preserve public confidence in the profession. The Panel will agree what their decision is whether remedial action is possible and if not, why this is the case. They will also confirm how the decision relates to the relevant professional requirements.

- 13.2.17. The panel will consider mitigating and aggravating factors, such as the level of insight and engagement in the process that the BST has shown, evidence of good practice, personal circumstances and previous disciplinary concerns or patterns of behaviour. The BST should be given the opportunity to put forward as part of their representations any mitigating factors before the panel decides what action it should take.
- 13.2.18. If the Panel concludes that the BST is currently unfit to practise, but that they may become fit to practise in the future, it will explain to the BST what steps they may be able to take to resume their studies.
- 13.2.19. If the Panel concludes that the BST is unfit to practise and should be withdrawn from the programme, it may advise the Central Assessment Board whether the student should be considered for an exit award. The Panel may also advise the Admissions and Registry team if the BST should be considered for admittance to an alternative programme of study.
- 13.2.20. Bath Spa University may have to report to the professional body, regulator and/or the disclosure and barring service that the BST has been withdrawn from their course because they are not fit to practise. The BST will be informed of this when the Panel outcome is communicated.
- 13.2.21. Bath Spa University will also remind to the BST that the BST may need to declare the outcome of the Panel's findings as part of an application process when applying for other courses.
- Concluding the Formal Stage
- 13.2.22. Bath Spa University will write to the BST setting out the outcome of the Panel meeting, giving a clear explanation of, and setting out the reasons for the decision and any conditions in straightforward language. This will support the BST in their decision about whether to appeal the outcome. The outcome letter will give information about the BST's right to appeal; the grounds on which they can do so; the time limit for submitting an appeal; the appropriate procedure; and where and how to access support.

13.3 The Review (Appeal) Stage

- 13.3.1. The BST is permitted to appeal against a fitness to practise decision, including the action that Bath Spa University has decided to take.
- 13.3.2. If the BST wishes to appeal the decision of the Fitness to Practise Panel, they must lodge their appeal by emailing reviews@bathspa.ac.uk within ten working days from the date of

notification of the Fitness to Practise Panel's decision. Such appeals must be made in writing, clearly specifying the ground(s) for appeal, and attaching all supporting evidence. Extensions to the deadline for the submission of supporting evidence must be agreed by the Vice-Chancellor.

13.3.3. The grounds on which a BST may appeal include:

- that the procedures were not followed properly
- that the BST has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
- that there was bias or reasonable perception of bias during the procedure

13.3.4. The Vice-Chancellor shall nominate a member of the University's Senior Leadership Group who has not had any previous involvement with the case to review the appeal. That individual shall decide if the appeal submission falls within one of the grounds set out in its procedures. They will also consider if the appeal has a real prospect of success or if there is some other compelling reason why the appeal should be considered. If the member of the University's Senior Leadership Group decides that the appeal has a real prospect of success or that there is some other compelling reason why the appeal should be considered, then it shall be referred to a Fitness to Practise Appeals Panel. If not, then the decision of the Fitness to Practise Panel will stand.

13.3.5. Bath Spa University may decide to reject an appeal without assembling an appeal panel if the BST's appeal submission does not fall within one of the grounds set out in its procedures, or if it is submitted out of time without a good reason.

Fitness to Practise Appeals Panel

13.3.6. Composition. Membership of the Fitness to Practise Appeals Panel shall consist of:

- A Chair appointed by the Vice-Chancellor from the senior staff;
- Three members of academic staff
- Student Union Vice-President Education or nominee

The Secretary of the Appeals Panel will be present as may the Assistant Registrar – Assessments and Progression or nominee in an advisory capacity only.

No members of the original Fitness to Practise Panel may be members of the Fitness to Practise Appeals Panel.

13.3.7. Assistance to the Panel. A person will be appointed to act as Clerk to the Fitness to Practise Appeals Panel, to provide procedural advice

and to assist the Panel as it thinks fit. The Clerk will arrange for a note of the proceedings to be taken.

13.3.8. Procedure. Subject to the provisions of this Procedure, the order of proceedings shall be at the discretion of the Chair of the Panel. At least ten working days prior to the hearing, the Clerk to the Fitness to Practise Appeals Panel will ensure that the BST is sent the time, date, and venue of the appeal hearing.

13.3.9. The Terms of Reference of the Fitness to Practise Appeals Panel shall be:

- to review the case presented to the Fitness to Practise Panel but not to rehear the evidence (witnesses will therefore not usually be permitted at the hearing);
- to examine any relevant evidence which was not considered by the Fitness to Practise Panel before the decision was taken and which may have affected the outcome, and which the BST was not able to submit to the Fitness to Practise Panel;
- to determine whether the procedures were followed correctly by the Fitness to Practise Panel;
- where the result of the Fitness to Practise Panel action was suspension or withdrawal, to consider whether the nature of the situation justified the sanction, i.e. to determine whether to uphold the Fitness to Practise Panel's decision.

13.3.10. Outcome. After consideration of the appeal, the Fitness to Practise Appeals Panel shall have the power to annul, vary or confirm the decision of the Fitness to Practise Panel.

Concluding the Review (Appeal) Stage

13.3.11. The decision of the Fitness to Practise Appeals Panel shall be final, and the BST shall be notified in writing by the Clerk of the Appeal panel of the decision whether the appeal is upheld or not, by issuing a Completion of Procedures Letter as soon as possible and within 28 days, together with reasons for the decision and any action that will be taken. There shall be no further permissible appeal against the outcome.

13.3.12. The decision will also advise the BST about their right to submit a complaint to the OIA (see Independent External Review) within 12 months.

13.4 Independent External Review

13.4.1. If, after the University's internal procedures have been exhausted, the BST is dissatisfied with the outcome they may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA),

subject to the rules of the OIA's independent complaints scheme. BSTs must apply to the OIA within twelve (12) months of the issue of the Completion of Procedures Letter if they wish to make a complaint. For information on how to submit a complaint to the OIA, please refer to the OIA's website: www.oiahe.org.uk

14. Fitness to Practise and Confidentiality

- 14.1. Fitness to Practise procedures should be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the case. No third party should be told any more about the investigation than is strictly necessary to obtain the information required from them.

15. Fitness to Practise, Behaviour and Representatives

- 15.1. BSTs can appoint a representative to support them during the process.
- 15.2. There is an expectation that BSTs, their representatives and staff members should act reasonably and fairly towards each other and treat the processes with respect.
- 15.3. Bath Spa University has a responsibility to protect its staff against unacceptable behaviour.
- 15.4. If a BST's or representative's behaviour is deemed unacceptable, their access to staff or procedures might be restricted. Bath Spa University will inform the BST if a decision has been made to restrict access, and the procedures for reviewing such a decision.

16. Record Keeping

- 16.1. Bath Spa University will keep records of fitness to practise proceedings and outcomes. Records will be kept even when the proceedings don't result in any action being taken against the BST. This is because behaviour or concerns that are not considered serious enough to need any action may be relevant in any later proceedings if further concerns are raised. It is good practice to keep a record even if the BST is completely exonerated in case a dispute later arises about the proceedings or outcome. Records will be retained for a period of four years.

Document Details

Responsible Office: Student and Registry Services

Responsible Officer: Academic Registrar

Approving Authority: Academic Board

Date of latest approval: January 2025

Effective Date: September 2025

Related Policies and Procedures: Teachers' Standards

DfE Initial Teacher Training: criteria and supporting advice

Disclosure and Barring Checks (DBS)

Keeping Children Safe in Education

Fitness to Train to Teach

Initial Teacher Training Academic Framework

Partnership Handbook

Mental Health Framework

Fitness to Train to Teach Policy

Declaring a Criminal Conviction Policy and Procedure

Student Disciplinary Policy

Safeguarding Policy and Procedure

Admissions Policy

Academic Integrity Policy

Supersedes: N/A

Next review due: Annually