



Royal Conservatoire *of* Scotland

Fitness to Practise Policy – For programmes leading to provisional registration with the General Teaching Council for Scotland

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Introduction

1. The General Teaching Council for Scotland regulates the teaching profession in Scotland. The Conservatoire's Fitness to Practise policy applies to all students on programmes that lead to provisional registration with the GTCS and is intended to ensure public protection and to maintain the standards expected of student teachers, as set out in the GTCS's 'Student Teacher Code' (<http://www.gtcs.org.uk/web/files/teacher-regulation/student-teacher-code-0412.pdf>).
2. In the context of Conservatoire programmes leading to provisional registration with the GTCS, being fit to practise means meeting the standards of competence and conduct that the GTCS expects. The Student Teacher Code sets out these expectations but they could be summed up by saying that fitness to practise means having the right knowledge and skills (and applying them) and doing the right thing as a professional teacher.
3. This policy is not about disciplining or punishing student teachers, it is about ensuring that graduates are equipped to enter the teaching profession so that public trust and confidence in teachers is maintained and the learning of children and young people is protected.
4. The Conservatoire will investigate and make decisions about a student teacher's fitness to practise in line with this Fitness to Practise policy (which also sets out the process to be followed) based on information provided by, for example, programme staff and teachers in schools.
5. Action may be taken if a student teacher's fitness to practise is found to be impaired because of shortfalls in her/his conduct or professional competence.
6. We approach assessing whether fitness to practise is impaired holistically in the here and now. We look at the shortfalls in conduct or professional competence identified alongside where the student teacher is now. This includes considering what steps have been taken by the student teacher to openly and honestly reflect on the issues, learn from them and make changes to ensure they will not happen again. While there are times when the shortfalls identified are so fundamental that there is no scope for remediation in this way, our approach recognises that we all make mistakes and is about providing assurance that those same mistakes will not be repeated so that the public (especially pupils) is not harmed and trust and confidence in the teaching profession is maintained.
7. In assessing a student's fitness to practise, the Conservatoire will be considerate of issues relating to disability, widening access and additional support needs.
8. This policy also relates to the following Conservatoire policies:
 - Acceptable Use of Information and Communication Technology
 - Social Networking Policy and Procedure for Students
 - Online Safety Policy
 - Prevent Policy
 - Student Disciplinary Procedure
 - Equality and Diversity Statement
 - Dignity at Work and Study Policy

9. The Fitness to Practise Committee will normally only become involved in a case after all other appropriate procedures have been exhausted. However, if a student's conduct, performance or health is considered by the appropriate Director to fall within the terms of paragraph 11 below and which may reasonably be considered by the Director to cause an immediate risk or may be reasonably considered to immediately inhibit or prevent effective professional practise, then this procedure will be engaged without reference to any other procedure.
10. Students have the right to be represented at every stage of the Fitness to Practise process.

Fitness to Practise Committee

11. The remit of the Fitness to Practise Committee is to consider individual students on matters of health, competence and conduct, for example: criminal conviction, drug misuse, or psychiatric or physical conditions which may pose a risk to service users or which may inhibit or prevent effective professional practise; and/or other conduct inappropriate for a teacher.
12. The Committee will indicate to the student the conduct that is causing concern (acknowledging that it may become apparent through the process that inappropriate conduct is a result of previously unknown health issues).
13. The Fitness to Practise Committee shall consist of:
 - the Director of School (Convenor)
 - a senior member of academic staff from another discipline
 - an external representative from the relevant professional discipline
 - a member of the Students' Union Executive, nominated by the President of the Students' Union.

In attendance:

- the Academic Registrar, who shall administer the process

14. The Committee will meet on an ad hoc basis, as and when a need is identified and at the request of the Director.
15. The Head of Programme will forward to the relevant Director of School details of the case which the Head of Programme considers should be reviewed by the Fitness to Practise Committee.
16. The Academic Registrar will liaise with other relevant individuals to gather initial evidence and substantiate the grounds for referral. The information will be presented to the Convenor.
17. The route of referral of cases to the Committee should be through the Convenor. Standard protocol for the Committee will be:
 - To meet for a preliminary hearing of any case that the Convenor wishes to bring to the Committee (without the relevant student being present).
 - If following a) the Committee feels the case needs to be progressed, then one of its members will be nominated to investigate the case in detail and report back.

- The Committee will reconvene to review the report and will decide whether to dismiss the case or to take it forward to a formal hearing.
18. Specialist advice may be sought in relation to individual cases/issues.
 19. If a case comes to a formal hearing, the student's results will be withheld until the outcome is known. Therefore, a student may not be eligible to progress or graduate until the Director has made a decision following consideration of the recommendation from the Committee.
 20. Every effort will be made to ensure the process is carried out within a reasonable timescale.
 21. Students whose cases are being reviewed by the Committee will be advised to seek guidance from the Student Counsellor, the Welfare services and/or the President of the Students' Union. Students are at liberty to invite a representative to accompany them at the meeting with the Committee.
 22. The Convenor will ensure that members of the Committee and the student have copies of all relevant documents relating to the case and are aware of the proceedings to be followed.
 23. The Convenor will invite the student to provide copies of supporting evidence and related documentation in advance of the meeting, for circulation to members of the Committee.
 24. The student (and, where relevant, the student's representative), members of the Committee, and any members of staff or the student body invited by the Convenor, will assemble for the meeting.
 25. The Convenor will introduce by name and explain the functions of the members of the Committee, the staff and any others present. The Convenor will invite the student to introduce their representative.
 26. The Convenor will explain the order of proceedings and the possible outcomes of the Committee process (see under 31 below).
 27. The Convenor will invite the Programme Head (or nominee) to make an opening statement.
 28. The Convenor will invite the student and members of the Committee to ask questions
 29. The Convenor will invite the student (and/or representative) to make a statement. The Convenor will explain that wherever possible the Committee will wish to hear directly from the student in their own words. The student will be given every opportunity to present their case.
 30. Members of the Committee will be invited to ask questions.
 31. The Convenor will invite any other person(s) called to attend the meeting to make a brief statement, and will then invite the student and Committee members to ask questions.

32. The Convenor has the discretion at any stage to allow reciprocal questioning by the various parties.
33. Once the Convenor is satisfied that the Committee has completed questioning and the student has had a full opportunity to convey information to the Committee, all non-Committee members will withdraw.
34. The student, Head of Programme (or nominee) may be invited to wait until the Committee has reached its decision.
35. The Committee will discuss, in private, the case and make its decision. If any point requires clarification, the student may be recalled.
36. When appropriate, the student and Head of Programme (or nominee) will be asked to return to the meeting room and the Director, on behalf of the Committee, will advise of the Committee's decision.
37. The Committee has the following possible outcomes available to it:
 - a. no action,
 - b. appropriate supportive action (which may include an extension of studies)
 - c. termination of studies and referral to the GTCS.

In the case of c, consideration should be given to the possibility for the student to transfer to another programme that does not lead to an award accredited by the GTCS.

38. It is important to note that this list is non-exhaustive and the Committee has the freedom to make appropriate judgements following a formal hearing.
39. Where a decision is taken to terminate the student's studies the relevant contact person in the GTCS will be notified of the outcome. The Conservatoire will wait 10 working days after the decision of the Committee has been relayed to the student before contacting the GTCS.
40. Any student judged unfit to practise by the Committee will have the right of appeal (see below for further details).
41. The outcome of cases considered by the Committee will be reported, without breach of confidence, to the Examination Board of the relevant School/Directorate.

Fitness to Practise Appeals Panel

42. The student will have 10 working days after they have received the decision of the Fitness to Practise Committee, to submit an appeal. The appeal must provide details of the grounds of appeal against the Fitness to Practise Committee's decision. The only competent grounds of appeal by a student against the decision of the Committee are that:
 - i new relevant evidence has emerged which could not reasonably have been available for the Committee;
 - ii the procedure adopted by the Committee was defective;
 - iii the disposal by the Committee was perverse.

The appeal must include:

- all grounds on which the student wishes to rely (no other grounds will be admissible in the disposal of the appeal);
- the outcome which the student seeks;
- an appropriate report if the student wishes to appeal on medical grounds. Any medical report upon which a student intends to rely should be obtained as expeditiously as possible. This should be submitted, if possible, with the appeal, or as soon as available and, in any event, prior to the meeting of the Fitness to Practise Appeals Panel;
- any other written evidence which the student considers relevant to her/his case.

The details of the grounds of appeal mentioned must specify the new evidence and why it was not produced to the Committee, or in what way the disposal was perverse.

43. No student will be disadvantaged as a consequence of lodging an appeal in good faith.
44. The Fitness to Practise Appeals Panel shall consist of:
- the Deputy Principal (Convenor)
 - an external representative from the relevant professional discipline
 - one senior academic member of staff (who has not previously been involved in the decision)
 - a member of the Quality and Standards Committee
 - a member of the Students' Union Executive, nominated by the President of the Students' Union

In attendance:

- the Academic Registrar and Secretary to the Board, who shall administer the process

None of the members of the Fitness to Practise Appeals Panel should have been involved in the Fitness to Practise Committee Hearing. In the event of any member of the Fitness to Practise Appeals Panel declaring a conflict of interest in a particular case, the Deputy Principal shall identify another appropriate and disinterested individual to participate in the Panel's consideration of that particular case.

45. The student will be invited to provide evidence and related documentation in support of the appeal, which will be issued to members of the Appeals Panel in advance of the meeting.
46. The student may bring a representative to the meeting.
47. The Convenor of the Appeals Panel will introduce by name and explain the functions of the members of the Panel, the staff and any others present.
48. The Convenor will ensure the student and members of the Appeals Panel have received copies of all related documentation and are aware of the procedures to be followed.
49. The Convenor will explain the powers of the Panel and invite the student to make the opening statement of appeal.
50. The Panel shall regulate its own procedure subject only to the rules of natural justice and the requirement to hear evidence from the student or any relevant witness.

51. Members of the Panel will be invited by the Convenor to ask any questions of the student.
52. The Student will be given the opportunity to ask any questions in response and to make a final summary of the case.
53. The Panel members will retire to make a decision, the student may be invited to wait for the decision.
54. If any point requires clarification, the student may be recalled.
55. The Panel will come to its decision and convey this to the student and the Director of the School/Directorate
56. The Fitness to Practise Appeals Panel may dispose of the appeal by:
 - i Dismissing the appeal;
 - ii Upholding the appeal to the extent of referring the matter back to the Fitness to Practise Committee. In such cases the Fitness to Practise Appeals Panel will identify to the Convenor of the Fitness to Practise Committee the circumstances which it considers the Committee requires to take into account when it reconsiders its original decision;
 - iii Otherwise upholding the appeal and taking such steps as seem to the Panel to be appropriate and practicable in the circumstances.
57. This Code will be reviewed by Academic Board every five years.
58. Complaints to the Scottish Public Services Ombudsman

There are no internal appeal procedures beyond those detailed above. Any individual who is dissatisfied with the way their appeal has been dealt with by the Conservatoire has the right to complain to the Scottish Public Services Ombudsman (SPSO). The SPSO will consider the case and make a decision on whether or not to investigate. It is important to note that the SPSO can only investigate whether an appeal has been dealt with appropriately by the Conservatoire, it does not look again at the substance of the original appeal case. The SPSO can only consider cases when consideration is complete within the Conservatoire. Referral to the SPSO should take place within 12 months of receipt of the final decision arising from the Conservatoire's consideration of the appeal. SPSO contact details are:

- In person:** Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS
(N.B. if you would like to visit in person, you must make an appointment first)
- By post:** Freepost SPSO (this is all you need to write on the envelope, no stamp required)
- Freephone:** 0800 377 7330
Online contact: www.spsso.org.uk/contact-us
Website: www.spsso.org.uk
Mobile site: <http://m.spsso.org.uk>

Appendix 1 List of contacts

Procedural Advice

v.gunn@rcs.ac.uk
m.green@rcs.ac.uk

Academic Registrar and Secretary
Deputy Registrar

Support

counselling@rcs.ac.uk
disabilityservice@rcs.ac.uk

Jane Balmforth and Manisha Gosar
Derek Powell, Disability Advisor

External Support

<https://togetherall.com/en-gb/>

Togetherall are an external free, 24/7 online counselling support service. Simply access by using your RCS student email address.

<https://www.nhsinform.scot/>

Provides guidance on how to access NHS services in Scotland

<https://www.nhs24.scot/111/>

Out of hours GP support