

## Royal Academy of Dance Faculty of Education

### Fitness to Practise Policy and Procedures

#### 1. Overview

1.1. The Faculty of Education fulfils its legal responsibility to protect children, young people and vulnerable adults from trainee teachers and students who might put them at risk of harm. This policy provides the framework for the management of Fitness to Practise where evidence establishes that a student or trainee teacher is not suitable to teach. The Faculty of Education aims to maintain public confidence in the teaching profession and uphold standards of teacher conduct as stipulated in the Education Act 2011. The Fitness to Practice Policy applies to all students undertaking a programme of study that:

- a) Requires the completion of a teaching placement, and
- b) Leads to eligibility for professional registration with the Royal Academy of Dance and/or a regulatory body such as the Teaching Regulation Agency (TRA) The Faculty of Education assesses the suitability of its students to the teaching profession, prior to entry into, and throughout the duration of, those programmes of study which require a teaching placement in the United Kingdom. It does this by undertaking a rigorous recruitment and selection process which includes health screening and criminal record checks as appropriate.

1.2. The Fitness to Practise Policy and Procedures should be read in conjunction with the following documents:

- Grounds for Concern Procedures for the relevant programme;
- Faculty of Education General Regulations;
- Faculty of Education Appeals Policy and Procedure;
- Faculty of Education Student Charter;
- Disciplinary Procedures (Conduct);
- Royal Academy of Dance Equality, Diversity and Inclusion Policy;
- Royal Academy of Dance Safeguarding Policy and Procedures.

1.3. The Policy refers to the Director of Education throughout and should be read as reference to the appointed Designate. Where the term 'misconduct' is used, this is taken to mean fitness to practise that is judged to be impaired. The term 'student' refers throughout to both students and trainee teachers.

## 2. Principles of Professional Behaviour and Registration

- 2.1. Acceptance of an individual onto the register of the Royal Academy of Dance or the TRA, constitutes a formal and public statement that the individual meets the standards of that body in relation to training and continuing professional development. Students undertaking Initial Teacher Training leading to Qualified Teacher Status will be required to attain the [Teachers' Standards as outlined in Part Two: Personal and Professional Conduct](#).
- 2.2. Students undertaking either Royal Academy of Dance or university validated awards will become eligible for Registered Teacher Status, and thereafter their conduct as a dance teacher is governed by the [Royal Academy of Dance Code of Professional Practice for Registered Teachers](#).
- 2.3. Where Faculty of Education programmes lead to eligibility for registration and include a placement in a professional setting, the Faculty of Education requires that those students behave at all times in a manner that:
  - Conforms to the relevant code of practice;
  - Does not put at risk the welfare, wellbeing or safety of others, including children, young people, vulnerable adults, co-workers and members of staff;
  - Does not put at risk their own wellbeing or safety.

## 3. Confidentiality and sensitive personal data in fitness to practise matters

- 3.1. When registering to study with the Faculty of Education, students are giving consent to the sharing of sensitive personal data between the Faculty of Education, the validating university and third parties such as Placement Providers. The sharing of confidential information within the Fitness to Practise Policy will only occur where it becomes necessary to enable the Faculty of Education to fulfil its duty of care. To this end, the sharing of sensitive personal data is confined to those who require such information, including staff at a placement school, in order to establish the extent to which a student's professional conduct may or may not be impaired, and/or to individuals responsible for the pastoral care and support of the student concerned.

## 4. Grounds for Concern and Fitness to Practise

- 4.1. Where a student fails to meet the standards of professional behaviour required by the Faculty of Education and/or placement provider, the Formal Grounds for Concern Procedures, in line with the Faculty of Education General Regulations permit the Director of Education and Training, in discussion with other relevant stakeholders, to withdraw the student from a placement pending review

- 4.2. Thereafter, the Fitness to Practise Procedures provide the framework within which any such review is established to consider the case and to determine if the findings indicate the need to convene a Fitness to Practise Panel. In some circumstances the review may take place by a designated senior member of the Faculty of Education only, in order to ensure confidentiality. The membership of a Fitness to Practise panel is detailed in the Fitness to Practise procedures, paragraph 7.1.
- 4.3. The Fitness to Practise Procedures provide a Fitness to Practise Panel with guidance on the range of possible outcomes, ranging from a warning, sanctions, suspension, temporary exclusion or termination of registration. The procedures also indicate the review process open to a student on a university validated programme, and the Student Grievance Procedure for those on RAD awards.

## **5. Fitness to Practise Procedures**

- 5.1. The Faculty of Education undertakes to ensure that in implementing the Fitness to Practise Procedures, due regard will be given to maintaining confidentiality in the sharing of personal and sensitive information. All such information pertaining to any investigation and which requires that evidence be considered by a Fitness to Practice Hearing will be restricted to the Fitness to Practise Panel Members, the student concerned and those identified by the student as either accompanying them during the hearing, or acting as their representative.
- 5.2. The procedures refer to the Director of Education throughout and should be read as reference to the designated Alternative. Where the term 'misconduct' is used, this is taken to mean fitness to practise that is judged to be impaired. The term 'student' refers throughout to both students and trainee teachers.

## **6. Implementing the Fitness to Practise Procedures**

- 6.1. Where the Formal Grounds for Concern Procedures have been unsuccessful in bringing about the required improvement against professional standards set out in Part 2 of the Teachers' Standards, or in the RAD Code of Practice for Registered Teachers, or where the situation requires immediate action due to risk to self and/or others, under Level 3 of the Grounds for Concern Procedures, this will be brought to the attention of the relevant Programme Manager. The Programme Manager will consult with the Director of Education and appropriate individuals to establish the significance of the concern and the immediacy of the response required in relation to the level of risk to self and/or others. The Programme Manager will also ensure that appropriate support and pastoral care is offered to the student.

- 6.2. The Director of Education and Training will instruct an investigation to be undertaken by a senior member of staff, acting as the Investigating Officer, who is not involved in the teaching or pastoral care of the student. The Investigating Officer will collect evidence which may include:
- A written report detailing the area(s) of concern about the student's professional suitability to teach;
  - Taking the views of other members of staff;
  - Interviewing the student;
  - Ascertaining whether the matter could be resolved within Level 3 of the Grounds for Concern Procedures which permit the Director of Education to set further targets to be attained within a given timescale.
- 6.3. Within ten working days of being assigned, the Investigating Officer will prepare a written report for consideration by the Director of Education, to establish whether there is a case to answer in respect to the standards of professional practice set out in the Fitness to Practise Policy. During this period, the student may be suspended from study pending the outcome of the initial investigation. Within five working days of receipt of the report, the Director of Education will notify the student in writing of the outcome of the investigation. The outcome will normally be either to dismiss the case or to convene a Fitness to Practise Panel.

## **7. Convening a Fitness to Practise Panel**

### **7.1. Membership of the Panel**

The membership of the Fitness to Practise Panel shall normally comprise:

- Chair (Nominated by the Director of Education, paragraph 1.3 refers);
- Member of staff from the Programme of Study / Member of staff from the Placement Partnership where the concern about fitness and suitability to teach was initially raised;
- An appropriately experienced senior member of the Royal Academy of Dance.

The Panel will be serviced by a Secretary appointed by the Director of Education and Training.

Note: in the case of a review that includes sensitive confidential material the Fitness to Practice Panel will include the Chair (nominated by the Director of Education) and one senior member of Faculty of Education staff. In these cases the review meeting will be serviced by the senior member of Faculty of Education staff.

### **7.2. The Role of the Panel**

The role of the Panel is to consider formally whether a student is fit to practise, what sanctions, if any, should be imposed, or whether a student should receive a warning. It must take into account both the interests of the public, in particular the safeguarding of children and vulnerable adults, and those of the student, and act in a proportionate way. Where a student has been suspended pending the outcome of the initial investigation, the Panel may extend the suspension from study pending the outcome of a Panel hearing.

### 7.3. Notice of Hearings

A student shall be given at least 10 working days' notice of the Panel Hearing, and is entitled to attend the Hearing to present his/her case. The Panel Hearing should normally take place within four weeks of the date of the written notification to the student of the outcome of the investigation, or earlier where the student continues to be suspended from study.

### 7.4. Postponement of Hearings

While Fitness to Practice procedures are intended to be concluded as speedily as possible, the Panel has the power to postpone a hearing pending any investigation by the police or prosecution in the courts or where medical reports are awaited.

### 7.5. Adjournment of Hearings

The Chair of the Panel shall have the right to adjourn the hearing as he/she deems appropriate.

## 8. Conduct of Meetings

8.1. The members of the Panel and the student will receive a written report on the outcome of the investigation along with relevant guidance relating to fitness to practise, referencing the relevant sections of codes of practice/ professional conduct as appropriate.

8.2. The Panel shall order its proceedings at its discretion. The Panel may call witnesses and instigate enquiries to assist in its deliberations. The student shall also have the right to call witnesses.

8.3. The student will be informed that he/she is entitled to be accompanied, assisted or represented by another person at the hearing, who may be a legal representative. The name and capacity of the person accompanying the student should be notified to the Panel at least five working days before the hearing.

8.4. The Panel has the right to ask a Legal Adviser to be in attendance, the costs of which will be met by the Faculty of Education.

- 8.5. If the concerns raised relate to the health of the student or medical evidence is submitted, the student may be asked to undergo a medical examination / assessment by a medical practitioner nominated by the Panel. If the student does not consent to undergo a medical examination, this shall be reported to the Panel who may take this into account in its deliberations.
- 8.6. The Panel may require attendance by a medical adviser at the proceedings, the costs of which will be met by the Faculty of Education.
- 8.7. A student may exercise his/her statutory right to a public hearing under Article 10 of the European Commission on Human Rights. In such cases, provision would be made to protect the confidentiality of third parties.
- 8.8. In the absence of the student without explanation, the Panel shall proceed with the hearing.
- 8.9. When the Chair is satisfied that the Panel has completed its hearing and given the student a full opportunity to present his/her case, the student and all non-Panel members (other than the Secretary) shall withdraw and the Panel will discuss the findings.
- 8.10. Possible outcomes of hearings include:
  - 8.10.1. The case is dismissed;
  - 8.10.2. The student receives a warning as there is evidence of professional misconduct or that a significant health problem exists but the student's fitness to practise is not impaired to a point of requiring sanction. In such cases, under the Grounds for Concern procedures the Director of Education may agree further targets to be achieved within a given timescale.
  - 8.10.3. The student's fitness to practise is judged to be impaired and they receive a sanction, outlined below beginning with the least severe:
    - 8.10.3.1. Conditions or undertakings to be completed within a specified timeframe under the Grounds for Concern procedures;
    - 8.10.3.2. Withdrawal of the student from the programme of study. As all programmes of study offered by the Faculty of Education require adherence to a professional code of conduct and/ or registration with a professional body, transfer to another programme within the Faculty of Education is not an option;
    - 8.10.3.3. Referral of the case to the Director of Education with a recommendation that s/he exercise the statutory power to suspend or exclude the student from the Royal Academy of Dance;

8.10.3.4. Invocation of the Disciplinary Procedures with a recommendation that the student's registration be terminated.

8.11. The Panel will convey its decision verbally to the student as soon as it has completed its discussions. The Chair will confirm the decision, together with the reasons underlying it, and any timeframe or conditions applying, in writing to the student, the Director of Education, and the Registrar. Where the student is registered on a university validated programme of study, the Head of Learning Partnerships, University of Bath, will also be notified. This will normally be within five working days of the date of the hearing.

8.12. Any student receiving a warning or sanction will be informed of the reason for this, its intended purpose, its expected duration and whether or when their fitness to practise will be considered again in a formal hearing.

8.13. A record will be kept of all evidence received by the Panel as well as a full set of the notes of the hearing taken by the Secretary to the Panel.

8.14. Standard of Proof

The Panel shall examine the evidence applying the civil standard of proof, (the balance of probability), and be satisfied on reasonable grounds that the evidence is valid.

8.15. Justice and Fairness

All hearings shall be conducted in accordance with the principles of justice, fairness and proportionality.

8.16. Fitness to Practise Threshold

Investigators and Panels should consider whether a student's behaviour or health, or both, raise a serious or persistent cause for concern about his/her ability to continue on a programme of study or to practise professionally. This includes, but is not limited to, the possibility that he/she could put children, young people, vulnerable adults, the public, other students or staff at risk and/ or bring their profession into disrepute.

8.17. On being withdrawn from a programme of study, the student will be advised whether he/she will be permitted to resume studies and under what conditions. In the case of a student who is withdrawn from the PGCE: Dance Teaching programme of study, for the Teaching Regulation Agency, as the regulatory body, will be informed.

8.18. Warnings

Warnings may be issued where a student's behaviour represents a departure from the standards expected, and/ or where Levels One and Two of the Grounds for Concern procedures have been exhausted without the student having achieved the required agreed level improvement. Subsequent incidents will be considered in the light of earlier warnings, and may be deemed to be patterns of behaviour, which may give rise to more serious concerns about a student's fitness to practise. A warning will normally remain on a student's record until graduation, and may be disclosed in a future request for reference.

#### 8.19. Sanctions

The purpose of sanctions is to ensure that students whose fitness to practise is impaired are dealt with effectively. In identifying the most appropriate sanction, the Panel should consider whether in its view a student has displayed insight into his/her problems and is therefore likely to respond positively to a sanction intended to remedy the impairment. When the Panel decides to impose a sanction, it will make clear in its determination that it has considered all possible options. Notification of a sanction will include a clear explanation as to why a particular length of sanction has been considered necessary.

Students who receive a sanction will be advised that they must declare it should they apply to join any programme of study, accredited or otherwise formally recognised by a registration body.

#### 8.20. Suspension, Exclusion or Termination of Registration (Expulsion)

If, in the opinion of the Panel, the concerns raised are sufficiently serious as to warrant consideration of a student's suspension or exclusion for a period of time, then a recommendation will be made to the Director of Education. The validating university will be advised of any decision to suspend or exclude a student on a university validated programme and the registration body will be notified.

If, in the opinion of the Panel, the concerns raised are sufficiently serious as to warrant the consideration of termination of registration (expulsion), then the case will be considered under the Faculty of Education Disciplinary Procedures.

### 9. Review the Decision of a Fitness to Practise Panel

- 9.1. Where a student on a university validated programme seeks a review against the decision of a Fitness to Practise Panel, the student must notify the University Secretary within 14 days of being informed of the right to request a review. The notification must be in writing and include the grounds of review and a brief description of any new evidence. A request for review lodged after the 14-day period shall be invalid unless the




University Secretary in his/her sole discretion has agreed an extension of time.

- 9.2. Where a student is registered on an RAD award, the student may submit a complaint, under the Student Grievance Procedure, against the determination of the Fitness to Practise Panel. The student must notify the Registrar within 14 days of the decision of the panel. The notification must be in writing and include the grounds for complaint and a brief description of any new evidence. A complaint lodged after the 14-day period shall be invalid unless the Faculty of Education Registrar in discussion with the Director of Education has agreed an extension of time.

## 10. Policy Review

This policy will be reviewed annually and any updates communicated to the validating partner.

Created	5 November 2015
Reviewed and approved by the Policy & Strategy Committee	15 May 2019
Ratified by the Education Sub-Committee of the Board of Trustees of the Royal Academy of Dance	3 June 2019
Signed on behalf of the Education Sub-Committee of the Board of Trustees of the Royal Academy of Dance by the Chair	
Review Date	May 2020