

Introducing Suitability to Register assessments: Guidance for ITT providers

Introduction

1. The General Teaching Council is required to introduce provisional registration for trainee teachers commencing programmes if ITT leading to the award of QTS from September 2008. Provisional Registration is subject to a suitability test which providers must ensure has been met before a trainee commences their programme of ITT.
2. The same suitability test is also used for qualified teachers seeking full registration with the GTC.
3. Training providers already assess the suitability of applicants for training places as part of the ITT Requirements. This includes assessing the aptitude of applicants for the training programme, consideration of their physical and mental fitness to teach and consideration of their suitability according to information received on an enhanced CRB disclosure and List 99.
4. For ITT programmes commencing September 2008, applicants will additionally be required to have completed satisfactorily a new GTC Suitability Self Declaration covering issues of suitability in relation to GTC registration. This is a regulatory requirement and will also be supported by changes to the ITT Requirements shortly.
5. This declaration covers:
 - Any action by the Secretary of State in relation to working with children or other misconduct
 - Criminal offending, including cases pending, and including cautions, reprimands and other disposals
 - Disciplinary action by any professional or regulatory body, taken or pending
 - Employer disciplinary action, taken or pending
 - Any other information which might bear upon suitability to register
6. The declaration is a self declaration by the trainee and is designed to be flexible in the way it overlays existing provider statutory checks. It is envisaged that each provider will have their own unique process and that they will fit the suitability declaration requirement into that process in the most appropriate way for them. There is no prescribed process other than the checks must have been satisfactorily completed by the commencement of the programme.
7. It is anticipated that providers will in most cases request the applicant to complete the declaration as part of the admissions process and ensure suitability has been established prior to final allocation of places. Possible efficient times for requesting the declaration be completed could be at offer stage or as part of the interview process.
8. The declaration is intended to be flexible and if providers prefer they can incorporate it into their own documentation rather than use the stand alone GTC declaration. If this is the case or if providers require a supply of the declarations please contact the GTC at provreg@gtce.org.uk An electronic version of the form is also available to download from the GTC website.
9. Using CRB enhanced disclosure rules as a model and to provide consistency in record keeping for providers, completed GTC suitability declarations need only be kept for 6 months. At that time it is suggested they are destroyed along with any CRB enhanced disclosure documentation.

Guidance on conducting suitability assessments

1. Providers will need to assess each declaration following the following guidance and referring cases to the GTC's Suitability Assessment Panel (SAP) where it is not possible to confirm suitability from the declaration.
2. An assessment of suitability for GTC provisional registration only needs to be undertaken for those applicants where a training place is to be offered. This will therefore mean that applicants have already been assessed as meeting the ITT requirements of the Training and Development Agency for Schools and any additional requirements the training providers set for acceptance onto a training place.
3. Any unsigned or incomplete declarations are not valid and must be returned to the applicant for completion and resubmission.
4. Where the applicant has answered no to all of the questions and the declaration has been signed then they can be considered as meeting the GTC suitability requirement.
5. Once suitability has been confirmed successful applicants should be provisionally registered with the GTC by the provider. See Appendix 5 for the relevant process.
6. In relation to Question 1 individuals who are wholly barred from working with children by the Secretary of State may not undertake teacher training and may not register with the GTC. **Other action by the Secretary of State short of complete barring must be referred to the GTC's SAP. This includes partial barring, warning or any other action.**
7. In relation to question 2 all criminal behaviour is potentially a serious matter for professionals such as teachers. However, for the purposes of provisional registration suitability, **isolated ("one-off") offences in the following categories will not be considered as being incompatible with application for trainee teacher provisional registration.**
 - Road Traffic Offences (other than fixed penalty offences)
 - Driving a motor vehicle with excess alcohol
 - Failing to provide a specimen for analysis
 - Driving without due care and attention
 - Drunk and disorderly
 - Being drunk at a sporting event
 - Using a vehicle whilst uninsured
 - In charge of a mechanically propelled vehicle whilst unfit through drink
 - Possession of a class C drug

The GTC does not therefore require one-off cases in the above categories to be referred to it by providers as part of its processes for assessing suitability for provisional registration. The ITT provider can therefore treat the applicant as suitable if all other criteria have been met.

Parking tickets and fixed penalty road traffic offences do not need to be considered in the assessment.

8. **In relation to questions 2, 3, 4 and 5 the GTC does require referral to it of information in the following categories:**

- **All offences not in the above categories**
- **Repeat offences in the above categories**
- **Disciplinary action by any professional or regulatory body, taken or pending, except where this has resulted in a reprimand or warning**
- **Employer disciplinary action, taken or pending, except where this has resulted in an oral or first formal warning**
- **Any other information which might bear upon suitability to register in terms of bringing the profession into disrepute**

How to refer cases requiring consideration by the GTC's SAP

1. Once providers identify cases where suitability cannot be confirmed within the guidelines above they must forward the suitability declaration and relevant supporting documentation and information including contact details of the provider to the GTC's SAP. The address referrals should be sent to is

The Registration Operations Manager
 General Teaching Council for England
 Victoria Square House
 Victoria Square
 Birmingham
 B2 4AJ

2. The SAP meets on a weekly basis (more often at busy periods) and will advise providers of the outcome of any referrals within two weeks. There are three potential outcomes from SAP;

- Applicant deemed suitable
- Applicant deemed unsuitable
- Further investigation required

It is anticipated that in most referral cases suitability will be confirmed by SAP within a week however in more complicated cases where further investigations are required several months may be required to collect all of the relevant information.

3. Once a suitability determination has been completed the GTC will advise the provider of the outcome in writing.
4. In the event of an unsuitable decision the applicants right of appeal is to the high court.
5. Once suitability has been confirmed successful applicants should be provisionally registered with the GTC by the provider. See Appendix 5 for the relevant process.

Policy supporting GTC suitability assessment

The General Teaching Council: Arrangements for Considering the Suitability of Applicants for Registration

Suitability for full and provisional registration

Schedule 12 of the Education Act 2002 provides that a person will not be eligible for registration, whether full or provisional, unless he or she has been judged by the GTC as 'suitable' to be a teacher.

The timing of the assessment of suitability

The GTC is required to assess suitability at the point that a person applies to become provisionally registered or re-registered; or fully registered or re-registered.¹

Appeals

The Schedule provides for a right of appeal to the High Court against a refusal of an application for registration on the grounds of suitability².

The introduction of the test of suitability

The GTC has been required to assess the suitability of applicants to register with effect from 1 August 2007.

Requirements for full registration

Applicants for full registration must:

- hold Qualified Teacher Status³
- not be barred from working with children or young people⁴
- not be prohibited from teaching by any of the General Teaching Councils in the United Kingdom⁵ or the Independent Schools' Disciplinary Tribunal
- not have failed a statutory induction period
- be suitable to register

Requirements for provisional registration

Applicants for provisional registration must:

- have been accepted onto a programme of initial teacher training leading to the award of QTS⁶;
- not be barred from working with children or young people⁷
- not be prohibited from teaching by another General Teaching Council in the United Kingdom or the Independent Schools' Disciplinary Tribunal
- be suitable to register

Suitability criteria

¹ Section 3(3)(b) Teaching and Higher Education Act 1998, as inserted by Schedule 12 Education Act 2002

² Section 4A Teaching and Higher Education Act 1998, as inserted by Schedule 12 Education Act 2002

³ Education (School Teachers' Qualifications) (England) Regulations 2003. SI 2003/1662

⁴ Currently teachers and other workers with children and young people may be barred from such work by the Secretary of State for Education and Skills under Section 142 Education Act 2002

⁵ The General Teaching Councils for England, Scotland, Wales and Northern Ireland

⁶ see note 3 above

⁷ see note 4 above

In assessing suitability to register, the Council will assess

- whether the applicant has ever been the subject of a bar, partial bar, warning or other action by the Secretary of State in relation to working with children or misconduct;
- whether the applicant has been convicted of a criminal offence, including motoring offences or has any criminal charges/proceedings pending against them. (Note: this includes any police caution, reprimand, warning or penalty and bind over but does not include fixed penalty traffic offences and parking fines);
- whether the applicant has been subject to any disciplinary action by any professional or regulatory body in this country or abroad or is currently subject to investigation by any such body;
- whether there is a current employment disciplinary finding against the applicant or they are the subject of an employer's disciplinary investigation;
- any other information which may have a bearing upon suitability to register, with reference to the Council's Code of Conduct and Practice for Registered Teachers or which could bring the reputation of the profession into disrepute.

Procedures

The Council's scheme for assessing suitability is designed to:

- allow for the rapid processing of the great majority of cases which do not raise concerns about suitability for registration
- draw on but not duplicate existing checking arrangements undertaken by or on behalf of training providers or employers (and which can accommodate changes to vetting and barring in the future)
- allow for concerns relevant to registration to be considered in a fair and consistent framework

The GTC's suitability assessment process is in addition to the List 99 and CRB checks already undertaken by training providers and recognition bodies in respect of those on a programme leading towards QTS and by employers in respect of employees.

Applicants for registration will be required to complete the appropriate suitability declaration form attached at annex 1a and 1b. Any false declaration will be considered by the Council under its regulatory procedures and may lead to the removal of the eligibility to register.

Operation of the arrangements

The Council expects that the great majority of applications will not raise concerns about suitability in that applicants will not have been subject to action by the DCSF, will not have a criminal record, will not be subject to action by another professional regulator and there will be no other serious matter which might impact on suitability to register. Applicants with a clear declaration will automatically be deemed suitable.

The small minority of applications with a positive declaration will be considered against the framework below.

The Framework for Considering Suitability

The suitability scheme assumes that all of the matters covered by the suitability declaration are potentially serious and need to be considered on their individual circumstances.

Criminal offending

All criminal behaviour is potentially a serious matter for teachers. However, isolated offences in the following categories will not normally be considered as behaviour impacting upon the suitability to register:

- Road Traffic Offences (including fixed penalty traffic offences and parking fines)
- Driving a motor vehicle with excess alcohol
- Failing to provide a specimen for analysis
- Driving without due care and attention
- Drunk and disorderly
- Being drunk at a sporting event
- Using a vehicle whilst uninsured
- In charge of a mechanically propelled vehicle whilst unfit through drink
- Possession of a class C drug

In relation to the offences listed above, the Council will, however, consider whether there is a trend of re-offending or a combination of offending which may merit further action.

All other offences and matters covered by the declaration will be considered on an individual basis according to the framework below.

Framework

Section A explains the Council's approach and establishes general principles

Section B gives more detailed information on a number of related issues

By decision of the Council, decisions on individual cases will be determined by a Suitability Assessment Panel (SAP) comprising the Registrar, the Head of Registration Services and the Head of Professional Regulation or any member or members of the panel. Decisions will be taken in line with this decision making framework and with legal advice as appropriate. Any decision that an applicant is unsuitable will only be taken by the whole panel.

SECTION A

Presumptions

The Council will presume that a conviction or other declared matter raises a question about the applicant's character.

Burden of argument and provision of information

An applicant with a conviction or other declared matter bears the burden of persuading the Council that he or she is of good character despite the matter declared. The Council will take full account of relevant material presented by the applicant, but is not obliged to seek out such material or to advise the applicant how to obtain it.

Where on receipt of a suitability declaration, the Council considers that certain documents or information would be helpful in order to reach a decision, it will inform the applicant and will carry out further enquiries.

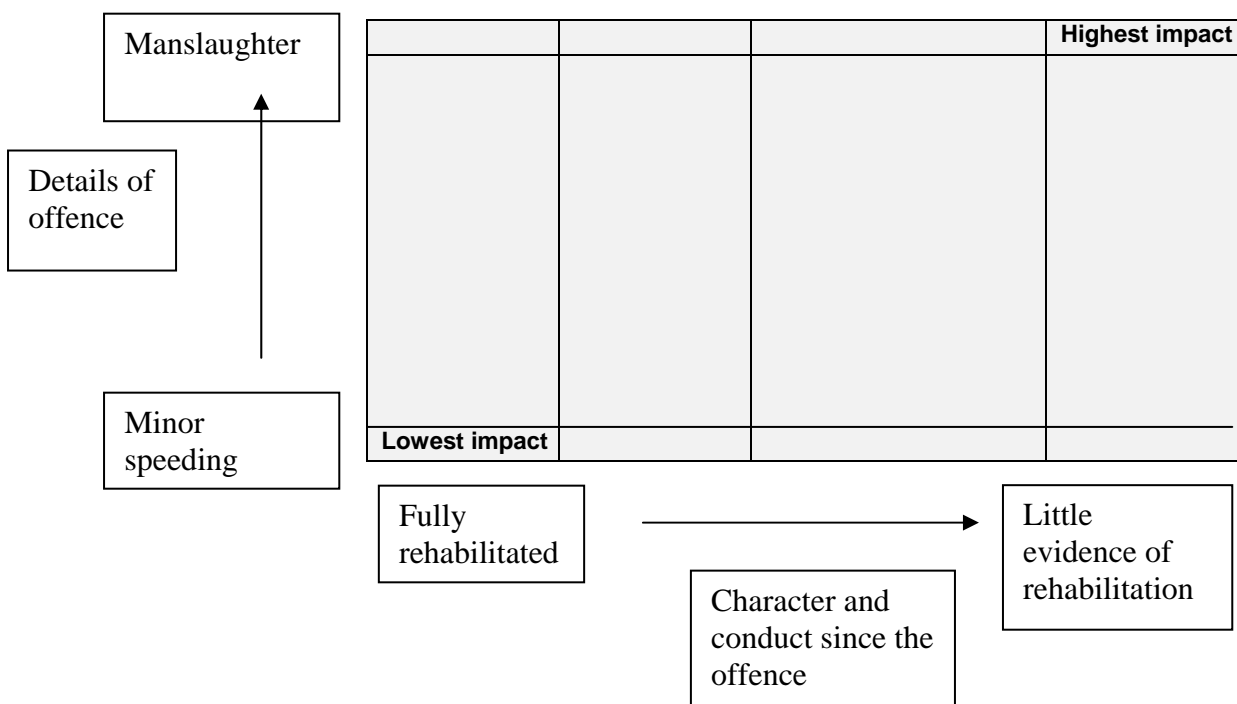
General considerations relating to convictions and other disposals

When considering an applicant's case to be of good character despite a conviction or other disposal, the Council will remember that the applicant will have received any appropriate punishment from the Court. The Council is not there to pass moral judgements on applicants as human beings or on their behaviour as members of society in general. The main issue for consideration is whether, despite the conviction or disposal, the applicant's character is demonstrably such that he or she is a fit person for professional registration. This approach is consistent with the Council's approach to the fitness to practise of current registrants.

The impact of a conviction on fitness for registration: general approach

The Council considers that the impact of a conviction or other disposal on professional character is likely to be a function of (i) the nature and seriousness of the offence and (ii) the applicant's character and conduct since the offence.

This approach is broadly illustrated by the figure below.



SECTION B

Application of general principles relating to convictions and other disposals

Nature and seriousness of the offence

Under this broad heading the Council will take account of evidence and information about:

- the offence in general (its legal definition and the elements which must be established in order to obtain a conviction, including the relevant criminal behaviour and the relevant *guilty mind* component (such as dishonesty, intent or recklessness)
- the maximum sentence which the Court could have imposed, the sentence actually imposed and the penalty actually paid (e.g. time served in prison)
- the facts and circumstances of the particular offence, including any mitigation offered prior to sentence, and any subsequent mitigating information offered in support of the application for registration
- sentencing remarks made by the Court
- Harm or loss suffered by any victim of the applicant's crime.

Relevance to professional registration

In evaluating the seriousness of an offence or other disposal, the Council will be guided by:

- Relevant aspects of the criminal law, and
- how, if at all, the behaviour which led to the conviction or disposal was not only criminal but also involved a departure from the minimum standards required of registered teachers as set out in the Council's Code of Conduct and Practice for Registered Teachers.

The greater the relevance of the conviction or disposal to teaching or professionalism, the more serious is the impact of the conviction on the applicant's suitability for registration. Criminal behaviour involving abuse of a position of trust, for example, is always likely to have a significant impact on fitness for registration, whatever the context of the criminality. Criminal behaviour in a child related or specifically education context will also be likely to raise serious concerns.

Character and conduct since the offence

The applicant's character and conduct since the offence are important issues in the context of a registration application. They may give the Council a useful factual basis on which to assess whether the offence was indicative of attitudes or personal characteristics which are fundamentally incompatible with professional registration as well as giving an indication of the risk of re-offending.

The Council will not presume that the passage of time in itself leads to a "credit" in the applicant's favour eventually cancelling out the "debit" generated by the offence. The assessment of character for registration purposes is not a formulaic exercise. For many purposes, society recognises that time does have an automatic cancelling effect, but not for this purpose⁸. That is not to say that it is irrelevant. The passage of time without further offending may be very relevant if it can be shown to indicate that the risk of re-

⁸ The Rehabilitation of Offenders Act 1974, which can lead to convictions being 'spent', does not apply.

offending is low or diminishing. More positively, the passage of time since the offence can be an important aspect of the application, if the time has been used constructively. Due consideration will be given to positive behaviour since the offence. Again, this is not a simplistic weighing of “good” and “bad” deeds. The weight to be given to positive behaviours will vary according to their relevance to the concerns prompted by the offence. For example, where the issue is that the applicant committed a serious indecency offence, evidence of subsequent postgraduate professional study is unlikely to give grounds for reassurance. By contrast, where there was an offence involving greed and dishonesty, evidence of subsequent positive behaviour for the benefit of others (e.g. involvement in charity or community work) may be a powerful indication of effective and relevant rehabilitation.

Consideration of other matters

The framework described above will also apply to the consideration of other matters declared on the application form. Thus, each matter or combination of matters will be considered in relation to:

- i. their nature and seriousness
- ii. their relevance to professional registration

Consideration of the nature and seriousness of the issue will include consideration of:

- whether the behaviour involved dishonesty, intent or recklessness
- the nature of any sanction which was imposed (e.g. by the DCSF, a professional regulator or an employer) in relation to the range of sanctions available
- any information provided in mitigation
- the terms of any sanction (e.g. by the DCSF, a professional regulator or employer)
- harm or loss suffered by any victims

The consideration of relevance to professional registration, will include consideration of the extent to which the behaviour may have involved a departure from the minimum standards required of registered teachers as set out in the Council’s Code of Conduct and Practice for Registered Teachers as well as:

- the relevance of the behaviour to teaching or professionalism
- whether the behaviour involved an abuse of a position of trust
- whether the behaviour took place in a child related or specifically education context

The applicant’s character and conduct since the matter will be considered according to the principles outlined at **SECTION B** above, which allows for due consideration to be given to positive behaviour since the offence.

Action possible by the Council

The Council may:

1. agree that an applicant is suitable for registration
2. refuse an application for registration on the grounds of unsuitability

Any unsuccessful applicant will be informed of the reasons for the decision to refuse their application and of their right of appeal to the High Court.