

**ROYAL ACADEMY
OF DANCE**

Fitness to Practise Policy and Procedures

CONTENTS

1. Overview	3
2. Principles of Professional Behaviour and Registration	4
3. Confidentiality and sensitive personal data in fitness to practise matters	4
4. Grounds for Concern and Fitness to Practise	5
5. Fitness to Practise Procedures	5
6. Implementing the Fitness to Practise Procedures	6
7. Convening a Fitness to Practise Panel	7
8. Appeal the Decision of a Fitness to Practise Panel	10
9. Policy Review	10

1. Overview

- 1.1. The Faculty of Education fulfils its legal responsibility to protect children, young people and adults at risk from 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 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 Practise 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. 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 Academic Appeals Policy and Procedure;
 - Faculty of Education Student Charter;
 - Academic Misconduct Policy and Procedures;
 - 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.

2. Principles of Professional Behaviour and Registration

- 2.1. Acceptance of an individual onto the register of the Royal Academy of Dance constitutes a formal and public statement that the individual meets the standards of that body in relation to training and continuing professional development.
- 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 Teachers Registered with the Royal Academy of Dance*.
- 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, adults at risk, colleagues 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, 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 via the Academic Appeals Policy and Procedure.

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 Practise 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 appointed Designate. Where the term 'misconduct' is used, this is taken to mean fitness to practise that is judged to be impaired.

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 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 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 Programme Manager 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. The Fitness to Practise Panel Hearing will be arranged in accordance with the *Procedures for Hearings by 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 Servicing Officer appointed by the Director of Education or designate.

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

- 7.2. 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 adults at risk, 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. 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.
- 7.4. 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.

7.5. The Panel may require attendance by a medical adviser at the proceedings, the costs of which will be met by the Faculty of Education.

7.6. Possible outcomes of hearings include:

7.6.1. The case is dismissed;

7.6.2. 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.

7.6.3. The student's fitness to practise is judged to be impaired and they receive a sanction, outlined below beginning with the least severe:

7.6.3.1. Conditions or undertakings to be completed within a specified timeframe under the *Grounds for Concern* procedures;

7.6.3.2. 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;

7.6.3.3. Referral of the case to the Director of Education with a recommendation that they exercise the statutory power to suspend or exclude the student from the Royal Academy of Dance;

7.6.3.4. Invocation of the *Academic Misconduct Policy and Procedures* and *Disciplinary Offences Policy and Procedures* with a recommendation that the student's registration be terminated.

7.7. 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.

- 7.8. 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.
- 7.9. **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 their ability to continue on a programme of study or to practise professionally. This includes, but is not limited to, the possibility that they could put children, young people, adults at risk, the public, other students or staff at risk and/or bring their profession into disrepute.
- 7.10. On being withdrawn from a programme of study, the student will be advised whether they will be permitted to resume studies and under what conditions.
- 7.11. **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 of 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.
- 7.12. **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 their 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.

- 7.13. 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 *Academic Misconduct Policy and Procedures*.

8. Appeal the Decision of a Fitness to Practise Panel

Where a student seeks a review of the decision of a Fitness to Practise Panel, the student should follow the *Student Grievance and Complaints Policy and Procedures* and *Academic Appeals Policy and Procedure*.

9. Policy Review

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

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