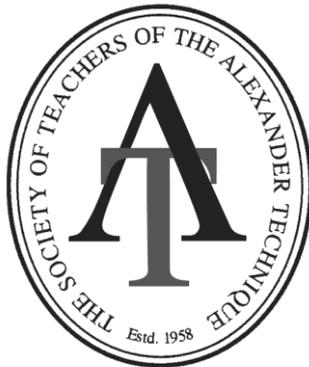


# THE SOCIETY OF TEACHERS OF THE ALEXANDER TECHNIQUE



## CODE OF PROFESSIONAL CONDUCT AND PROFESSIONAL COMPETENCE

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## **1 INTRODUCTION**

One of the objects of STAT is to establish and maintain standards and codes of professional conduct and integrity amongst its teaching members. The purpose of this Code of Professional Conduct and Professional Competence ("the Code") is to establish and maintain such standards.

The conduct of a teacher may affect not only a particular pupil but also the reputation or standing of the profession. Each teacher, accordingly, has a legitimate interest and concern in maintaining professional standards.

The Code, together with any guidelines and policies published from time to time by the Council, provides a common standard of professional conduct for all teachers to follow as well as providing guidance for both them and the public.

STAT and its members must promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their ethnic origin, age, religion, gender, sexual orientation or disability. STAT has affirmed that the practice and theory of the Alexander Technique is incompatible with prejudice of any kind.

## **2 STATEMENT OF MEMBERS' OBLIGATIONS**

### **COMMON LAW DUTY OF CARE**

The Law requires all professionals to act with reasonable skill, care and competence. No part of the Code exempts members from complying with current legislation and in all cases of conflict between the Code and the Laws of the United Kingdom the Laws shall prevail. This duty of care is enforceable by the civil courts in actions for negligence. The members therefore have a duty to act with reasonable skill, care and competence and any breach thereof may amount to misconduct.

### **MISCONDUCT**

All members have a duty to observe proper standards of personal and professional behaviour in order to protect the public and the public reputation of the profession. All members are bound by the Code and the Regulations (Section 5) and any breach thereof will be considered misconduct and will be dealt with accordingly.

### **PROFESSIONAL COMPETENCE**

As stated in the section "Common Law Duty of Care" above, a teacher has a duty to act with reasonable skill and care. Allegations of professional incompetence made against a teacher may be investigated under this Code and its accompanying Regulations.

### **DUTY TO STAT**

A teacher has a duty to observe proper standards of personal and professional behaviour in order to protect the public and the public reputation of the profession. By becoming a Teaching Member of STAT, teachers are bound by the Code and submit to the disciplinary procedures concerning its enforcement, which are contained in the accompanying Regulations.

Teachers may find it helpful to seek initial advice from the Council on matters concerning conduct or the Code, Guidance Notes on Best Practice (Section 4) and the Regulations attached to the Code. Council may not be able to offer such advice in the event of it or its members having to exercise a quasi-judicial function.

### **3 CODE OF PROFESSIONAL CONDUCT AND PROFESSIONAL COMPETENCE**

Breach of the provisions contained in the following paragraphs would be considered misconduct and would be likely to lead to disciplinary proceedings being initiated.

#### **A. THE TEACHER-PUPIL RELATIONSHIP**

- 1. Consent:** A teacher should clearly explain the nature of the work and procedures to be followed during the course of lessons and ensure that the informed consent of the pupil is obtained. In the case of a pupil under the age of eighteen years and for vulnerable adults, the informed consent of the pupil's parent or guardian/carer must be obtained.
- 2. Medical Diagnosis:** A teacher must not make any kind of medical diagnosis or prescribe treatment for a pupil unless qualified to do so and subject to Section 3.A.5, Mixing of Disciplines.
- 3. Risk management**  
A teacher should be aware of and manage effectively and safely any risks associated with the teaching of the Alexander Technique and comply with current legislation covering health and safety and undertake risk assessments as required by the Society's insurers.
- 4. Pupil records**  
Any pupil records should be kept in accordance with the Data Protection Act. A teacher must effectively protect personal information against third party disclosure.
- 5. Mixing of Disciplines:** During the course of a lesson in the Alexander Technique, a teacher will not introduce other practices or disciplines without explicitly informing the pupil in advance. (*See also 4.A.6. of Guidance*).
- 6. Breach of Trust:** Teachers will maintain an understanding with pupils that the professional relationship will be strictly observed. The risk of a breach of trust or abuse of power can be lessened by the strict keeping of boundaries. Any action that breaches this trust will constitute serious professional misconduct. Four particular areas are identified in which this trust will be breached:
  - (i) A teacher enters into a sexual relationship with a pupil.
  - (ii) A teacher enters into an emotional relationship with a pupil which could be reasonably expected to disrupt that pupil's family life or otherwise damage or cause distress to the pupil or to the families involved.
  - (iii) A teacher improperly discloses to a third party information about a pupil, which is learned directly or indirectly in a professional capacity as a teacher of the Alexander Technique. The death of a pupil does not absolve a teacher from this obligation.

There are exceptions to this rule. In all cases, except under (b) below where the law requires the information to be disclosed without the knowledge and consent of the pupil, the disclosure must be made with the knowledge and consent of the pupil and it must be in the interests of the pupil to do so:

- (a) if the disclosure is to another teacher to whom the pupil has been referred or who is giving lessons to the pupil, and it is in the interests of the pupil or for the protection of that teacher;
- (b) if the law requires such information to be disclosed;

- (c) if the disclosure is necessary for the purpose of research, training or education in furtherance of the Objects of STAT as laid down in its Memorandum of Association, provided that no reference is made as to the identity of the pupil concerned, and care is taken that the pupil's identity is not otherwise made known.
- (d) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.

- (iv) A teacher abuses his or her professional position by improperly exerting influence upon a pupil in order to acquire personal gain or services, for example: persuading a pupil to lend the teacher money or to alter a will in the teacher's favour.

- 7. Incapacity:** A teacher must not practise if his/her ability to do so is seriously impaired by illness or injury.
- 8. Insurance:** It is a condition of membership that teaching members practising in the United Kingdom must be insured according to Rule 4.1 of STAT's Rules.

## **B. THE TEACHER'S RESPONSIBILITIES TO COLLEAGUES**

- 1. A teacher has a duty, where the circumstances so warrant, to inform the Council about a colleague whose conduct, behaviour or competence may have raised a question of serious professional misconduct or whose fitness to practise may be seriously impaired by reason of illness or injury.
- 2. It is improper for a teacher to disparage, directly or indirectly, the personality, professional skill, knowledge, qualifications or work of any other teaching member.
- 3. A teacher must not directly solicit the pupils of any other teaching member.
- 4. A teacher has a duty to observe proper standards of personal and professional behaviour towards colleagues and other professionals.

## **C. THE TEACHER'S RESPONSIBILITIES TO THE PROFESSION**

- 1. A teacher may not set up and run a Training School or Course to teach the Alexander Technique unless the teacher has applied for and obtained the written authority of the Council.
- 2. A teacher when presenting his or her qualifications and experience must do so in a way that is accurate and honest.
- 3. The following areas of personal behaviour may lead to disciplinary proceedings:
  - (i) performing, or attempting to perform, his professional duties whilst under the influence of alcohol or drugs;
  - (ii) any conviction for assault or indecent behaviour if committed in the course of the teacher's professional duties;
  - (iii) any action which could reasonably be expected to damage or bring the profession or the Society into disrepute.
- 4. A teacher may advertise his or her services to the public by notice or announcement, published in an appropriate newspaper, journal, magazine or other media or displayed in an appropriate establishment.

5. A teacher must not make exaggerated claims regarding the efficacy of the Alexander Technique. Teachers are advised to refer to the current approved description of the Alexander Technique by the Advertising Standards Authority. <https://www.cap.org.uk/Advice-Training-on-the-rules/Advice-Online-Database/Therapies-Alexander-Technique>.

**D. THE TEACHER'S RESPONSIBILITIES ON TRAINING COURSES**

1.
  - (i) All Student Members are to be afforded the same standards and respect as are given to pupils under this Code.
  - (ii) Any behaviour which disrupts or is likely to disrupt the training of any Student Member and any relationship with a Student Member which involves, for example, favouritism or exploitation, bullying or harassment will constitute professional misconduct on the part of the Head(s) of Training and/or any other teacher trainer and/or any visiting teacher concerned.
2. A Teacher must not directly solicit a Student Member to leave a Training Course to join any other existing or planned Training Course.

**E. THE TEACHER'S AND STUDENT MEMBER'S RESPONSIBILITIES TO STAT STAFF**

1. All STAT members of staff, whether full-time, part-time or temporary employees, self-employed or volunteers, are to be afforded courtesy and respect from the membership.
2. Teachers and student members have a duty to communicate respectfully with STAT members of staff.

**F. 'NETIQUETTE'**

When communicating electronically by email, or participating in STAT Forum discussions, members will ensure their communication is respectful and courteous at all times.

## **4 GUIDANCE NOTES ON BEST PRACTICE**

*The following paragraphs are for guidance. Breach of their provisions may not necessarily lead to disciplinary action. However, if disciplinary action takes place under the Code, breach of these provisions may be taken into account in assessing the gravity of the case and any penalty to be imposed.*

### **A. THE TEACHER-PUPIL RELATIONSHIP**

- 1. A teacher's obligation to a pupil is based on the contractual relationship between them. This can be a verbal agreement or a written document; written is always preferable.*
- 2. A teacher should clearly explain the nature of the contract with the pupil; in particular, the proposed number and duration of the lessons, the amount of the fees (including cancellation fees, if any) and methods of payment.*
- 3. The Society has produced a policy relating to working with children and vulnerable adults. Teachers are reminded that under the Rules they agree to be bound by and to comply with policies made by STAT and that any breach of this policy in particular would be taken extremely seriously. These policies are downloadable from the Members' section of the STAT website and are available from the STAT office.*
- 4. Recommendations to other appropriate qualified practitioners should only be made where the teacher is qualified to do so.*
- 5. A pupil affords the teacher privileged access to confidences. Good practice depends upon the maintenance of trust between teacher and pupil, and the understanding by both that a professional relationship will be strictly observed. In this situation, the teacher must exercise great care and discretion so as not to damage this relationship.*
- 6. STAT's group insurance policy only covers teaching of the Alexander Technique. It is the teachers' responsibility to ensure that any other disciplines they practise are adequately insured, and that all their activities are covered. (See also 3.A.3.)*
- 7. In the event of any problem with a pupil, teachers are advised to inform the office. Problems could include the pupil becoming unwell, complaining of pain during or after a lesson in which case they should be advised to see a medical practitioner.*

### **B. THE TEACHER'S RESPONSIBILITIES TO COLLEAGUES**

- 1. It is proper for a teacher, after careful consideration and in good faith, to express a professional opinion differing from that of a colleague, provided it is done in an appropriate context.*

### **C. THE TEACHER'S RESPONSIBILITIES TO THE PROFESSION**

- i. Teachers have a duty to ensure that they maintain their skills and knowledge.*
- ii. Teachers must recognise and work within the limits of their own knowledge, skills and competence and should consider seeking advice and support from an appropriate source when the needs of the pupil or the complexity of their condition are beyond their own knowledge and skills.*



1. *Teaching Members of the Society have a duty of care towards Student Members. Each Head of Training has a particular responsibility to ensure that the provisions of the Rules of STAT (especially rules 7.8. and 10) and the Code are adhered to in the conduct of his or her Training Course.*

*Where there is more than one Head of Training on any one Training Course each co-Head of Training has full responsibility for ensuring adherence to this Code.*

2. *Each Head of Training and each Teaching Member who teaches on or visits a Training Course, whether regularly or occasionally, is expected to teach the principles and practice of the Alexander Technique to the best of his or her ability, and, by his or her teaching and relationship with Student Members, to promote the highest standards of professional conduct and competence.*
3.
  - (i) *Each Head of Training and each Teacher who teaches on or visits a Training Course, whether regularly or occasionally, shall use his or her reasonable endeavours to engender and maintain stability and a climate of security concerning the future of that Training Course, in so far as is consistent with good practice and the aims and objectives of STAT.*
  - (ii) *Should the continuation of a Training Course be in doubt the Head(s) of Training of that Training Course shall:*
    - (a) *inform the Council immediately;*
    - (b) *consult with the Council as to the best course of action; and*
    - (c) *inform the Student Members and all Teachers teaching on that Training Course in writing of future plans as soon as is practicable.*
4. *Any Head of Training who provisionally accepts on to his or her Training Course a Student Member who is or has at any time been engaged on another Training Course shall immediately inform the Society's office and thereafter follow such guidelines and procedures for the transfer of students as are current policy.*
5. *On any training course where two or more Student Members during the same term and for any reason either*
  - (i) *leave before completing their training; or*
  - (ii) *give notice of their intention to leave before completing their training; the Head(s) of Training of that Training Course shall inform the Council immediately of the decisions of these Student Members.*

#### **E. THE TEACHER'S AND STUDENT MEMBER'S RESPONSIBILITIES TO STAT STAFF**

*The following are to be avoided when communicating with members of staff.*

- (i) *In person: aggressive gesturing, shouting, swearing and verbal abuse*
- (ii) *By telephone: shouting, swearing and verbal abuse*
- (iii) *By email; excessive use of capital letters, which is construed as shouting, similarly excessive use of exclamation marks and question marks, swearing and abusive language.*

#### **F. NETIQUETTE**

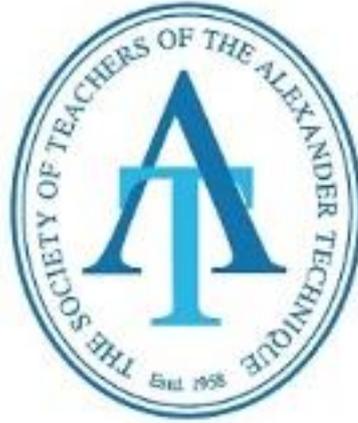
*In order to maintain cordiality and encourage members to participate and communicate with goodwill in email communication and on the STAT Forum members will*

- (i) *Write clearly and succinctly*
- (ii) *Express disagreement respectfully*

- (iii) *Refrain from personal abuse, swearing, excessive use of capital letters, exclamation marks and question marks*
- (iv) *Adhere to the Forum guidelines*

## **G. EQUAL OPPORTUNITIES**

*The teacher has a legal obligation to promote equality and avoid discrimination. Further details are in the Equal Opportunities Policy on the STAT website.*



# **DETAILED REGULATIONS AND PROCEDURES FOR DEALING WITH COMPLAINTS**

## **5 REGULATIONS: Proceedings In Cases Of Alleged Professional Misconduct And/Or Professional Incompetence.**

These Regulations provide for:

- A recording system for all disputes and complaints;
- A disciplinary procedure that is independent of Council;
- A tiered system that provides for conciliation, and for less serious matters to be dealt with less formally;
- An Appeal process;
- Instructions on how to proceed with an investigation.

STAT will not deal with complaints from one STAT member against another STAT member as the purpose of the complaints process is that of safeguarding members of the public / students. The only time STAT will deal with this type of complaint is when it is deemed that the Member is acting in a way that is in breach of the Code of Conduct or Professional Competence.

### **A. Recording of disputes and complaints**

1. The first point of contact for a complainant is usually the STAT Office. All disputes and complaints are recorded and given a number. Brief details of the nature of the dispute/complaint are logged. The disputes and complaints procedure is briefly explained to the complainant. A copy of the Code of Conduct and information on the complaints procedure are offered. If the complainant wishes to take the complaint further, he or she is requested to complete a complaints form which is sent to the complainant. He or she is requested to formulate the grievance in a concise and cogent manner. Complainants are expected to make their complaint at the earliest opportunity and no later than 2 years after the incident has occurred. Many complainants decide to take their complaint no further in which case the Office passes on the summary details of the case to the PCC Coordinators (Professional Conduct Committee Coordinators) for their information only. If the complainant wishes to take the complaint further, the office asks the PCC Co-ordinators to decide which of them will deal with the matter. The PCC Coordinators are responsible for deciding if the nature of the allegations is such that they need to be passed on to the Police; in which circumstances the PCC Coordinator would urge the complainant to report the matter to the police; in the case of serious allegations/exceptional circumstances the PCC Coordinator may decide the Police need to be informed.
2. Within ten working days of receiving written details of the complaint, the PCC Co-ordinators should write a letter to the member being complained about a) enclosing a copy of the written complaint b) identifying the section(s) of the Code to which the complaint refers c) outlining how the complaints procedure will be handled d) requesting a written response to be accompanied where possible by evidence in answer to the allegations e) affirming that there will be opportunities to add further information at a later date. The request will specify a time limit of fourteen days for this reply to be received.
3. Where a complainant contacts a member of Council or of a disciplinary committee without contacting the STAT office first, the complainant should be advised to contact the STAT office. The Council/committee member should also inform the office of the details.

#### **4. Anonymous Complaints**

Anonymous complaints are recorded by the Complaints Officer, and the PCC Coordinators are informed of the summary details of the case. STAT will not deal with anonymous complaints that cannot otherwise be verified or complaints that the complainant refuses to participate & provide evidence. This is because we want to

operate a fair and clear process and we cannot go back and ask for more information if we do not know who has contacted us. However, as our main function is to protect the public, this means that if information given anonymously relates to serious and credible concerns about a member's fitness to practise, we may consider taking further action.

In this instance the PCC Coordinator may act as the complainant if he / she thinks there is sufficient information to enable him to proceed and he thinks it is in the public interest that he should do so.

Explanatory note: Situations to which this sub-paragraph can be applied will be very rare and, in general terms, anyone acting anonymously can have no serious expectation that anything can be done about it. Additionally, anyone who raises a matter anonymously must realise that, in a case in which STAT is able to take action, it may well be impossible to preserve their anonymity. For example, the content of an anonymous complaint or notification of a concern may well make it possible for a member to identify the person submitting it.

In the case of serious allegations the PCC Coordinators decide if the Police need to be informed.

A record of anonymous complaints are kept & retained by the Complaints Officer, these are confidential. Records of anonymous complaints are kept indefinitely.

Anonymous complaints are reviewed periodically and monitored by the PCC Coordinators/ Complaints Officer for trends. Serial complaints are monitored for further STAT action.

#### Register of complaints and actions

The Complaints Officer will maintain a confidential register of complaints monitored by PCC Coordinators and the Complaints Officer for possible further STAT action. Records of complaints will be retained by the office after a complaint has been dealt with. These records are retained indefinitely.

If the panel decides there is "no case to answer" and we receive another complaint / concern about a Member's fitness to practice which is similar in nature within 3 years we can take the first case into account when considering the new information.

A statistical analysis of complaints is published yearly in the Society's annual report. Brief details of upheld cases may be published in STATNews. STAT Council will determine whether the names of the parties will be disclosed.

## **B. The Tiered System for Handling Disputes and Complaints**

1. STAT members are encouraged to seek resolution of disputes before making a complaint. STAT teaching members are asked to consider first discussing their grievances/disagreements with the relevant party. Student members with problems with their Heads of Training and/or other Teacher Trainers are encouraged first to discuss this with their own Head of Training, and Students have the right to be accompanied by a friend, supporter, or other adviser when doing so. Student members can also approach the Chair of the Training Course Committee for information on training course policy and procedures.
2. Once a dispute or complaint has been formally recorded in the STAT Office by the Complaints Officer, the details will be passed to one of the two PCC Coordinators. They will first consider whether the nature of the complaint is such that in the first instance it is appropriate to seek for it to be resolved informally or by mediation. There are some types of complaint that are not suitable for informal resolution or mediation. These include: serious misconduct, abuse of trust, boundary violations, predatory or manipulative behaviour, lapses in professional competence, dishonesty, fraud or other criminal acts, findings by a statutory regulator, serious concerns arising from the health of the member, alcohol or substance abuse, or a member who has frequently been the subject of complaints.

If it is not appropriate to seek for the complaint to be resolved informally or mediation has been unsuccessful the PCC Coordinators should refer the complaint to the Preliminary Investigation Committee.

3. All allegations and complaints that are not resolved under 2 above will be dealt with through a three-tier system of internal disciplinary committees and will be examined initially by a Preliminary Investigation Committee. The primary purpose of this Committee is to establish whether there is a case to be answered. In deciding whether there is a case to answer, the test to be applied by the Preliminary Investigation Committee is whether based upon the evidence before it, there is a 'realistic prospect' that they will be able to establish that the member's fitness to practise is impaired. (see Appendix Note 1)

The committee can refer complaints to a Professional Conduct Committee. Representations against the findings of the Professional Conduct Committee may be made as of right at a hearing by an Appeals Committee whose decision will be binding on all parties.

4. The aim of the committees is to determine whether the alleged misconduct and/or alleged incompetence constitute misconduct or professional incompetence according to the standards outlined in the Code and supported by the Guidance Notes on Best Practice. Disciplinary action is not viewed primarily as a means of imposing sanctions, but will emphasise and encourage improvements in individual conduct and/or competence and throughout the profession as a whole. The committees are not bound by any legal rules of evidence but they must act fairly. Evidence is not given on oath. Disciplinary proceedings will be carried out and concluded within a reasonable period.

### **C. Right to Representation**

1. Any Member required to attend any hearing or meeting of any Committee has the right to be accompanied by a friend, supporter, or other adviser, provided that the individual has no personal interest in the case.
2. The Member may waive this right by writing to the Chair of the Committee at any time before the hearing or meeting.
3. The friend, supporter, or other adviser may ask questions for clarification on the Member's behalf.

### **D. The Legal Basis**

1. The disciplinary powers and procedures are set out in the Rules and Code of Professional Conduct and Professional Competence of The Society of Teachers of the Alexander Technique and in the Regulations which form part of that Code. All members are bound by the Rules and Regulations of the Society.

## **E. THE PRELIMINARY INVESTIGATION COMMITTEE**

### **Composition**

1. The composition of the Preliminary Investigation Committee ("PIC") is set out in Rule 8.4.2. of STAT's Rules. In the case of a vacancy, the remaining PIC members may make a recommendation to the Council regarding the new appointment. The PCC Coordinator to whom the complaint was initially referred will, if the situation warrants it, appoint a PIC. The PIC may appoint one of their number, or the Complaints Officer, to act as the PIC Secretary; PIC pool members who have a personal interest in a case will not be eligible for membership of the specific PIC dealing with that case. In the event that any member of the PIC becomes unable or is deemed unfit to continue in his or her role, the PCC Coordinator will appoint a replacement.
2. The member against whom the complaint is made will be notified of the members appointed to hear the complaint and has the right to object, within *five (5) days* of being notified, to any member, giving the reasons for his objection. If the Chair of the PIC upholds the objection the member(s) will be replaced. Objections against the Chair of the PIC will pass to the PCC Coordinator responsible. If the PCC Coordinator upholds the objection, the Chair will be replaced.

### **Procedures**

1. The PIC has the power to investigate complaints and questions of fitness to practise. The PIC may at its absolute discretion decline to investigate complaints where the nature of the complaint is such that it is considered to be a matter for the criminal or civil courts.
2. The Chair may, with the agreement of other PIC members, seek to resolve any complaints by agreement between the parties or by such other method as may be reasonable.
3. The PIC will conduct its business with due regard for confidentiality.
4. All parties to any complaint or allegation shall be interviewed before a complaint is referred to a Professional Conduct Committee.
5. The PIC will be the sole judge of whether a complaint can be resolved within the PIC or whether to refer it to a Professional Conduct Committee.
6. The procedures governing the conduct of all matters within the jurisdiction of the PIC may be amended from time to time by Council. No amendment may adversely affect the rights of a member whose conduct is being investigated or against whom formal charges have been filed at the time of the amendment.
7. Time Limit: There is a time limit of 2 years for making a complaint against a Member. However, complaints should be brought to STAT's attention at the earliest possible opportunity – it is recommended within 6 months of the time the alleged misconduct or incompetence occurred or was discovered.
8. Criminal Convictions: In considering a complaint concerning a conviction, the PIC is bound to accept the fact that a teacher has been convicted as conclusive evidence that he or she was guilty of the offence of which he or she was convicted. It follows that such proceedings are concerned only to consider whether the offence is one that makes the individual unfit to practise as an Alexander teacher or unacceptable to other members.
9. Insufficient Evidence: If it appears from the allegations made that a question of Professional Misconduct and/or Professional Incompetence may arise but the evidence initially received is insufficient to support them, the PIC will inform the complainant who may renew the complaint if additional information is provided. If no new information is provided within forty (40) days from receipt of the request, the complaint will be closed.

10. Vexatious complaints will be rejected including where the complainant repeatedly fails to identify the precise issues that he or she wishes to complain about or frequently changes the substance of the complaint or continually seeks to raise new issues or appears to have brought the complaint solely for the purpose of causing annoyance or disruption to the member.
11. Additional Evidence: If additional evidence is presented after a matter has been closed, the case may be re-opened and acted upon under these procedures.
12. Time-tables for actions: On receipt of a complaint, which may include notification of a criminal conviction, the PCC Coordinator to whom the complaint has been referred will constitute a Preliminary Investigation Committee who will then appoint a Chair thereof. Within ten (10) working days of the PIC's formation, the Chair of the Committee will send a letter to the Member against whom the complaint is made identifying the nature of the complaint, the section of the Code to which the complaint refers. At the same time, the Chair will write to the Complainant acknowledging receipt of the complaint and informing the complainant that it is being investigated. The Member will be informed that any information submitted may be used by any of the disciplinary committees in reaching a decision. The Committee may consider the complaint in consultation out-of-committee based on written evidence or it may convene in formal meeting, held in private, bearing in mind that a determination has to be reached within 28 days of the completion of collection of evidence. The Committee is not bound to give the Member notice of any such meeting.
12. Collection of Evidence: The Preliminary Investigation Committee will investigate the complaint in order to establish the facts and to establish what is agreed by the parties and what is disputed.
13. The Preliminary Investigation Committee may seek to resolve any complaint by such methods as they deem to be reasonable and acceptable to all parties.
14. Written notes or a recording of all conversations, including the date, place and time, will be taken by a member of the PIC or the secretary. A Committee member conducting an interview will also be required to keep written notes or a full transcript of the recording will be made. Two copies of the written notes/transcript will be sent to the interviewee who will keep one copy and return a signed copy to the Committee to become part of the record of the investigation.
15. Members and complainants required or invited to attend a PIC interview have the right to representation at all interviews and meetings. The representative could be a friend, supporter or other adviser. They accompany the member or complainant, and may address interviews and meetings on behalf of the person they are representing, but may not ask questions on their behalf or interview other people at the meeting. If members and complainants intend to be represented they must formally notify the Chair of the PIC, giving their name and qualifications at least 2 days before the interviews and meetings take place.

## **Powers**

16. The Committee shall consider all representations within 28 days of completion of collection of evidence and reach a determination based on this evidence.
17. If facts alleged are found by the Committee on the balance of probabilities to have been proved, it must then determine in relation to those facts, having taken into account any mitigating circumstances, whether the Member concerned has been guilty of Professional Misconduct and/or Professional Incompetence.
18. Having considered the evidence the Committee will:

- a) conclude the case without taking any further action; or
- b) adjourn the deliberations pending further enquiries; or
- c) if deemed appropriate issue a verbal warning and/or first written warning to the member, any warnings will be taken into consideration in any future complaints;  
or
- d) refer the complaint to the Professional Conduct Committee under the rules concerning fitness to practise (Rule 8.2.); or
- e) refer the complaint by means of a written report to a Professional Conduct Committee for further action.

## **F. THE PROFESSIONAL CONDUCT COMMITTEE**

### **Composition**

1. The composition of the Professional Conduct Committee ("PCC") is set out in Rule 8.5.2. of the Society's Rules. Council will nominate the Secretary to the Committee.
2. When a Preliminary Investigation Committee refers a complaint to the PCC, it shall produce a written report detailing its findings.
3. When a complaint is referred by a Preliminary Investigation Committee a PCC Coordinator will constitute a PCC and will then appoint a Chair thereof. Individuals who have a personal interest in a case, or who have sat on the PIC dealing with it, will not be eligible for membership of the PCC. In the event that any member of the PCC becomes unable or is deemed unfit to continue in his or her role, the PCC Coordinator will appoint a replacement. The Chair of the PCC will notify the Member and the complainant(s) within ten (10) working days of the PCC's formation, that the complaint has been referred to the committee.
4. The member against whom the complaint is made will be notified of the members appointed to hear the complaint and has the right to object, at least *fourteen (14) days* before the hearing, to any member, giving the reasons for his objection. If the Chair of the PCC upholds the objection the member(s) will be replaced. Objections against the Chair of the PCC will be passed to the PCC Coordinator responsible. If the PCC Coordinator upholds the objection, the Chair will be replaced.
5. The Chair with the agreement of the other members of the PCC may seek to resolve any complaint by agreement between the parties or such other method as may be reasonable.

### **Procedures**

6. A member will receive at least *twenty-eight (28) days* written notice of the time and place of the hearing before the PCC together with a copy of the Code of Professional Conduct and Professional Competence and any further details of the complaint not previously provided. The Chair may adjourn the proceedings and call for additional evidence in which case the member will be given at least *fourteen (14) days'* notice of the date when the proceedings will resume. The Chair of the Preliminary Investigation Committee which investigated the complaint, will present the case to the PCC unless the latter committee agrees that some other person should do so. The Chair of the PCC may determine how the proceedings are to be conducted and may rule upon the admissibility of evidence. The Committee may hear witnesses and may consider documentary evidence before reaching a decision. The proceedings will take place in private.
7. The PCC may be assisted by a Legal Assessor who must be a solicitor or barrister of not less than five years standing. The Chair has the discretion to sit without the benefit of a Legal Assessor if he/she considers it appropriate to do so and if the member does not have legal representation. The member against whom the complaint has been made has the right to attend the hearing and to make representations either personally or through a barrister, a solicitor or some other representative, whether a member of the Society or not. If the member intends to be represented he/she must formally notify the Secretary to the PCC of the name and qualifications of the representative at least 3 days before the hearing takes place. Should the member wish to call witnesses or to produce documentary evidence, the Secretary to the PCC must be informed of the names of witnesses and must be supplied with copies of documents intended to be used at the hearing at least *three (3) days* before the hearing.

## **Powers**

8. At the conclusion of the proceedings the Professional Conduct Committee may adjourn before giving its decisions. If it finds that the complaint has not been proved it will dismiss it. If it finds that the member concerned has been guilty of Professional Misconduct and/or Professional Incompetence it will:
  - a) conclude the case without taking further action; or
  - b) issue a verbal or written warning to the Member, to be taken into consideration in any future complaints; and/or
  - c) direct that the teacher's continued membership will depend on his/her compliance with such requirements as the Committee may think fit to impose for the protection of members of the public or of the profession or in the interests of the Member; or
  - d) direct that the Member's membership be suspended for such period as the Committee may think fit for the protection of members of the public or of the profession or in the interests of the Member; or
  - e) direct that the Member's membership be terminated.

## **G. THE APPEALS COMMITTEE**

### **Composition**

1. The composition of an Appeals Committee is set out in Rule 8.6.2. of the Society's Rules. Council will appoint members of the Appeals Committee, the chairperson of which shall be the Chair of STAT. No member may have been involved previously with the case under appeal, or have a personal interest in the case. In the event that any member of the Appeals Committee becomes unable or is deemed unfit to continue in his or her role, the PCC Coordinator will appoint a replacement. In circumstances where the Chair of the Society is unable to serve, a Chair will be nominated by the Council. Council will nominate the Secretary to the Appeals Committee.
2. A Legal Assessor, who must be a solicitor or barrister of not less than five years standing, must be present to assist the Appeals Committee.

### **Procedures**

3. The member has a right to appeal to an Appeals Committee against a decision of the Professional Conduct Committee or the Preliminary Investigation Committee. The member will give notice of his intention to appeal within *twenty-eight (28)* days of having been served notice of the findings of the Professional Conduct Committee or Preliminary Investigation Committee. Notice will be deemed to have been served on the member within forty-eight hours of the letter being posted by first class post to the address last recorded at the Society. The member must say why he/she is appealing and whether the appeal is against the sanction imposed or is against the fact that the complaint was upheld or both. If the member wishes to produce any new evidence, oral or written, he/she must declare it at this stage and it is up to the Appeals Committee whether or not to allow the evidence. If the Committee does allow new evidence it may permit witnesses, including those who have testified at the Professional Conduct Committee or Preliminary Investigation Committee, to test it.
4. The hearing before the Appeals Committee will be held within *two (2)* months of receiving the notice of intention to appeal, and the Chair will give at least *fourteen (14)* days' notice of the time and place.
5. The Chair of the Appeals Committee has the same discretion as to the conduct of the hearing and the admissibility of evidence as has the Chair of the Professional Conduct Committee. The Chair of the Professional Conduct Committee which heard the case will normally attend the hearing and will give the reasons for his Committee's decision.

### **Powers**

5. The Appeals Committee may allow an appeal, dismiss it, or instruct the PCC Coordinator to constitute a new PCC to re-hear the case, and may vary the action taken including, if it is thought appropriate, increasing any penalty imposed. The appellant and the complainant will be informed in writing of the decision of the Committee *within fourteen (14)* days of the termination of the hearing.

## APPENDIX

Note (1) the *Realistic Prospect* Test

The STAT Complaints Procedure states that where an allegation against a member is referred to the Preliminary Investigation Committee (PIC) they shall decide, based on the evidence before them, whether there is a *realistic prospect* that they will be able to establish that the member's fitness to practice is impaired.

The PIC will base their decision on the facts set out in the allegation and whether those facts amount to evidence of misconduct, and/or lack of competence, and whether that evidence questions the member's fitness to practice.

The PIC will be guided by the STAT Code of Conduct as to whether there is evidence that the care provided by the member fell below the standards expected of a reasonably competent teacher, or that member's actions constituted misconduct when judged against the established norms of the profession.

The *realistic prospect* test does not require a detailed enquiry, the PIC only needs to be satisfied that there is *realistic prospect* that there is a case to be answered. Members are not obliged to provide any evidence to the PIC but may do so voluntarily, and such evidence will be considered by the PIC.

A decision of *no case to answer* should only be made where there is not realistic prospect of proving the allegation, such as insufficient evidence or unreliable evidence. In all other cases the PIC will continue according to the STAT Detailed Regulations and Procedures for Dealing with Complaints.