

Code of Professional Practice: Raising concerns about IfL members

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This document details what to do if you are concerned that an Institute for Learning (IfL) member is not behaving in a manner you would expect. It explains how you can expect members to behave (the Code of Professional Practice), how you can report concerns (what the IfL can do), and what is likely to happen as a result.

About the Institute for Learning

What is the Institute for Learning?

The Institute for Learning (IfL) is the professional body for teachers, trainers, tutors and trainee teachers (hereafter referred to as 'teachers') in the FE sector. As the professional body responsible for promoting and maintaining the standards of behaviour expected of its members, the Institute:

- registers teachers;
- sets standards of professional practice and behaviour;
- ensures members keep their skills and knowledge up to date; and
- takes action when a member's behaviour makes them unfit to practice.

Who is registered with us?

All teachers must register with IfL if they teach in a FE College or any of the following provisions, funded by the Learning and Skills Council:

- Adult and Community Learning
- Emergency, Public & Uniformed Services
- Ministry of Defence/Armed Forces
- Offender Learning
- Voluntary Sector
- Work-Based Learning

Teachers registered with the IfL ('members') must meet minimum expectations of professional behaviour and practice. They must comply with our Code of Professional Practice and are accountable for their actions.

The Code of Professional Practice

Behaviour 1: PROFESSIONAL INTEGRITY

The members shall:

1. meet their professional responsibilities consistent with the Institute's Professional Values;
2. use reasonable professional judgement when discharging differing responsibilities and obligations to learners, colleagues, institution and the wider profession;
3. uphold the reputation of the profession by never unjustly or knowingly damaging the professional reputation of another or furthering their own position unfairly at the expense of another;
4. comply with all reasonable assessment and quality procedures and obligations;
5. uphold the standing and reputation of the Institute and not knowingly undermine or misrepresent its views nor their Institute membership, any qualification or professional status.

Behaviour 2: RESPECT

The members shall at all times:

1. respect the rights of learners and colleagues in accordance with relevant legislation and organisation requirements;
2. act in a manner which recognises diversity as an asset and does not discriminate in respect of race, gender, disability and/or learning difficulty, age, sexual orientation or religion and belief.

Behaviour 3: REASONABLE CARE

The members shall take reasonable care to ensure the safety and welfare of learners and comply with relevant statutory provisions to support their well-being and development.

Behaviour 4: PROFESSIONAL PRACTICE

The members shall provide evidence to the Institute that they have complied with the current Institute CPD policy and guidelines.

Behaviour 5: CRIMINAL OFFENCE DISCLOSURE

Any member shall notify the Institute as soon as practicable after cautioning or conviction for a criminal offence. The Institute reserves the right to act on such information through its disciplinary process.

Behaviour 6: RESPONSIBILITY DURING INSTITUTE INVESTIGATIONS

A member shall use their best endeavours to assist in any investigation and shall not seek to dissuade, penalise or discourage a person from bringing a complaint against any member, interfere with or otherwise compromise due process.

Behaviour 7: RESPONSIBILITY TO THE INSTITUTE

The members shall at all times act in accordance with the Institute's conditions of membership which will be subject to change from time to time.

Raising concerns

What if there are concerns that a member may not be adhering to the Code of Professional Practice?

If the Institute receives notification of a concern about a member who might be failing to adhere to the Code, we can investigate this. Based on the situation we can take appropriate measures to address any shortcomings. These include:

- reprimanding them;
- setting conditions which restrict their practice;
- suspending their registration for a set period of time; or
- removing them from the Register.

Our procedures are designed to protect the public interest, any learners who may be affected and to be fair to all involved, including other members. In so doing they also protect the interests of the profession as a whole by promoting best practice and enhancing the reputation of the profession.

Rules and guidelines set out how we deal with concerns about members and these can be found on our website (www.ifl.ac.uk).

There is no charge for raising concerns about a member of the Institute. All costs are borne by the membership through their subscriptions, as part of their commitment to ensuring the highest standards of practice.

Who can report a concern to the Institute?

Anyone can report a concern about a member. We welcome reports from a wide range of people and organisations, including learners, other members and the general public.

What should I report to the Institute?

If you think that a member has breached or is breaching the Code of Professional Practice during their teaching, you should report this to the Institute.

We can also consider cases where a member is cautioned for or convicted of a criminal offence, or where action has been taken against them by another regulatory body.

What types of concern can't the Institute address?

Please note that there are some types of concern that we cannot investigate.

For example, if you want compensation, the Institute will not be able to help - only the courts can award compensation. We also cannot help with contractual disputes or concerns over a member's competence to teach.

There are a number of matters that by law we cannot deal with but must refer to other bodies. If this is the case, we can provide you with the relevant contact details.

If you have a problem with a member but are unsure if we can help, please contact our Conduct and Professional Practice team. Our advisers will talk you through the options open to you, which may include suggesting other organisations that may be able to help. You will find our contact details at the end of this document.

How do I report a concern?

To report a concern about a member, please complete, sign and return the form enclosed with this document. The form can also be found on our website.

Alternatively you can provide the information required in a letter. This will need to detail as much relevant information as possible. You should include:

- your name, address and contact details;
- the name of the member you are reporting and details of the organisation they work for;
- a brief outline of the complaint and the date, time and location when the incident happened; and
- details of any witnesses who may have been present.

You do not have to, but it would be helpful if you could indicate what section of the Code you believe the member has breached and how.

You will need to sign and date the form or letter.

You may also send us this information by e-mail (conduct@ifl.ac.uk), however we will ask you to send a signed version for our records.

Please note that the IfL cannot address anonymous or verbal complaints.

What happens next?

The Institute will send you a written confirmation of receipt of your concern and provide the name and contact details of the Conduct and Professional Practice team member who is dealing with your case. They will ask you for any further information that is required and update you on the progress of your concern.

Understanding the complaints process

Once a concern has been through the screening process and it goes forward for investigation it is referred to as a 'complaint'.

The complaints process



The IfL complaints process has four stages. The process is governed by the IfL Disciplinary Procedure Rules 2008 ('the Rules'), which are available from our website or can be supplied in hard copy upon request.

Who investigates concerns and complaints?

With the exception of the initial screening, all decisions in the complaints process are taken by Committees, comprising both lay members and members of IfL. 'Lay members' are people who are not registered with the IfL, although they may be professionals registered with other bodies.

The Committees receive specialist training with regular continuing skills and knowledge development and are supported in their work by specialist staff and independent legal advisers.

Confidentiality, data protection and disclosure

IfL is registered with the Office of the Information Commissioner and complies with the relevant legal requirements relating to data protection and confidentiality. Any information you provide will be used only for the purposes of addressing your concerns.

Please note that by law we are obliged to disclose certain information to the member concerned and to other parties involved in the process. This will include your name and any information provided about the matters of concern. Additionally, we may have to provide other parties with your contact details.

Your commitment

IfL is only able to investigate concerns and take forward complaints with the cooperation and commitment of those raising the concerns. Therefore, we would like to make you aware of what may be required of you.

- You will need to identify yourself and provide your contact details – we cannot deal with anonymous complaints.
- You will need to raise your concerns in writing – we cannot deal with verbal complaints.
- You may need to provide a formal statement of evidence and attend any hearing to give oral evidence.
- If you are asked to provide additional information, we will need you to respond promptly to any requests.
- Under human rights legislation, Professional Practice and Appeal Committee hearings must be held in public. We are able to take steps to protect your identity at any hearing and parts of the hearing can be held in private if required.

Withdrawing a complaint

You are entitled to withdraw your concerns or complaint at any time. This may mean that we will be unable to take any further action. Once IfL is aware of concerns about a member, we are required to investigate them and may try to continue the investigation without your input.

Stage one: Initial enquiries

Screening

The Conduct and Professional Practice team ('the team') screen all concerns to ensure that they fall within the IfL's jurisdiction.

We will not be able to investigate your concern if:

1. it does not relate to an IfL member; or
2. it does not relate to someone who has applied for registration with IfL; or
3. in the view of a senior team member, the alleged facts, if proved, would not amount to a breach of the Code.

The Institute will inform you of this decision in writing, outlining the reasons. If appropriate, we may suggest how your concerns could be addressed and advise on the relevant sources of help.

If your concern is against a member (or someone who has applied for membership) and the alleged facts, if proved, could amount to a breach of the Code, then your concern will be referred to the Investigating Committee as a formal complaint.

Pre-registration concerns

The IfL has the ability to investigate concerns about a matter that occurred prior to a member's registration with IfL. Such investigations may be limited by the availability of evidence and the passing of time.

The Institute may also decline to investigate pre-registration concerns if they believe it is not in the public interest to pursue them.

Preliminary investigation

Before reaching any decision on referral, the team may undertake a preliminary investigation, and may ask you at this stage to provide a formal statement of evidence or to send additional information.

Stage two: Investigating Committee

Once it has been determined that your complaint should be formally investigated, it is referred to the Investigating Committee. They will look at all the information gathered and determine whether or not there is a case to answer.

The Committee meets in private: neither you nor the member can attend the meeting, except where an interim order is being considered for immediate effect. Further information about interim orders is given later in this document.

Notification

At this time, the member will be formally notified of the complaint and invited to submit his or her observations on the matters alleged. As indicated earlier, we are obliged by law to disclose to the member any information you have provided to us.

We may also notify the member's employer.

Further investigations

The Committee may ask the team to undertake further enquires or obtain additional information before reaching its decision. Any additional information that we obtain must also be disclosed to the member before the Committee makes its final decision.

Decisions

Once the Committee has received and considered all available information, it will reach one of three decisions:

1. there is no case for the member to answer and the case will be closed; or,
2. there is a case for the member to answer and formal allegations should be referred to the Professional Practice Committee; or
3. the case should be discontinued on other grounds.

In determining whether there is a case to answer, the Committee must decide whether the behaviour complained about might breach the Code and whether there is a reasonable prospect of proving the matters alleged.

If the Committee determines that there is no case to answer, or that the case should be discontinued on other grounds, we will write to you and the member explaining the Committee's decision and outlining the reasons.

If the Committee decides that there is a case to answer, it will produce formal allegations for referral to the Professional Practice Committee.

Formal Allegations

The formal allegations may vary from the concerns that you originally raised because:

1. they may be framed in the context of the Code; and
2. the Investigating Committee may take account of any new information resulting from the investigation.

The Committee may also send forward only part of the issues that you have raised for the reasons outlined earlier.

Interim Orders

The Investigating Committee has the power to impose an interim Conditions of Registration Order or an interim Suspension Order, whilst it is investigating a complaint or until any formal allegations are heard by the Professional Practice Committee, where it is necessary to do so in order to protect the public.

If the Committee decides to consider imposing such an interim Order, it is required to hold a hearing and give the member complained about the chance to argue against such an Order being made. You may be required to attend any such hearing and give evidence.

Stage three: Professional Practice Committee

The Professional Practice Committee will hold a disciplinary hearing, normally open to the public unless there are specific reasons to hold it in private.

If your complaint reaches this stage, it is likely we will need you to attend the hearing and be a witness. This may entail giving oral evidence and being questioned by the member concerned, or their legal representative, and the Committee.

If the Professional Practice Committee finds a member did breach the Code it can:

- reprimand them;
- set conditions which restrict their teaching;
- suspend their registration for a set period of time; or
- remove them from the Register

Stage four: Appeal

If a member disagrees with the decision of the Professional Practice Committee, they have 28 days from the date they were formally notified of the decision to lodge an appeal against it.

The Appeal Committee will then review the Professional Practice Committee decision and is able to ask witnesses to attend again. The Appeal Committee may overturn or vary the decision of the Committee, or substitute another decision of its own.

If the decision is appealed, you will be notified. Further information about any proceedings will be provided at the time.

If you are not required to attend an Appeal Committee hearing, you are entitled to attend the proceedings and will be notified of its decision.

Contact details

How do I contact the Institute?

If after reading this leaflet you are unsure if we can help, please contact the Conduct and Professional Practice team.

Phone: 020 7190 1742

Email: conduct@ifl.ac.uk

If you would like to report a member, please complete the enclosed form and send it to:

Conduct and Professional Practice Team
Institute for Learning
First Floor
Bracton House
34-36 High Holborn
LONDON
WC1V 6AE

What can I do if I'm not happy with the service you have given me?

We are committed to providing a high-quality service to everyone involved in the complaints process. Should something go wrong, we do need to know. If at any stage you are unhappy with the service provided, please contact us. We will try to solve the problem quickly.

This page is left intentionally blank.

Concern Form

Section 1: About the person raising the concern

Title: Mr / Mrs / Ms / Dr / Other:.....
Delete as appropriate

Name:

Address:
.....
.....

Post Code:

Telephone:
Please provide us with a daytime telephone contact number

E-mail:

Section 2: About the person the concerns relate to

Title: Mr / Mrs / Ms / Dr / Other:.....
Delete as appropriate

Name:

Name & Address of Institution
at which the person teaches:
.....
.....

Post Code:

Section 3: About your concerns

Date when matters of concern occurred:

Time when matters of concern occurred:

Place where matters of concern occurred:

Section 5: Declaration & Signature

Please read the following statements carefully and, having done so, sign and date the form below to confirm that you have understood the statements and that you agree to the Institute for Learning (IfL) investigating your concerns.

- 1. I confirm that the information I have provided on this form is, to the best of my knowledge and belief, true and complete.
- 2. I understand that the IfL may hold personal data (including sensitive personal data) about me in electronic and paper formats. I consent to the processing of such data for the purposes of the investigation of and adjudication on the matters I have raised as a concern.
- 3. I understand that any information provided by me to the IfL may be disclosed:
 - a. To staff of the IfL for the purposes of investigating my concerns / complaint;
 - b. To members of the IfL committees (Investigating Committee, Professional Practice Committee and Appeal Committee) for the purposes of the investigation of and adjudication on my concerns;
 - c. To advisors and assessors (e.g. solicitors, legal assessors and medical assessors) acting on behalf of the IfL and its committees

and I consent to such disclosures being made.

- 4. I understand that the IfL is required to disclose to the relevant teacher (or her/his representative) any information provided by me in relation to the matters I have raised as a concern.
- 5. I wish the IfL to investigate the matters I have raised as a concern, in accordance with the relevant rules, and I undertake to offer such assistance as is required.
- 6. I understand that, if matters are referred to the Professional Practice Committee, I may be required to attend a hearing and give evidence.

Signed:

Date:

For Office Use Only

Date Received: Logged by:

Passed to: Acknowledgement:

Reference No:

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