

**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.
4. **Pupil records**  
Any pupil records should be kept in accordance with the Data Protection Act.
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 solicit the pupils of any other teaching member.

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

1. A teacher may not train any person to teach the Alexander Technique unless he or she and the relevant training course have received STAT approval.
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.

#### **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 solicit a Student Member to leave a Training Course to join any other existing or planned Training Course.

#### **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**

- 1. (i) Teachers have a duty to ensure that they maintain their skills and knowledge.*  
*(ii) When a teacher practises in association with another teacher (or teachers) who is not a Teaching Member, or a teaching member of an Affiliated Society recognised in accordance with Rule 12 of the Rules of STAT, it is the individual member's responsibility to assure him or herself*

*of that teacher's competence and fitness to practise. He/she should also ensure that the teacher is adequately insured to a level at least equivalent to the cover provided by STAT to its members.*

- (iii) It is a teacher's duty, when referring a pupil or potential pupil to another teacher, to state clearly whether that teacher is or is not a member of STAT.*
- 2. (i) A teacher who publishes or writes a book or article or delivers a lecture or participates in a broadcast on the Alexander Technique should endeavour to ensure that:*
- a) He or she possesses the necessary knowledge, skill or experience for the purpose;*
  - b) No information about the teacher's professional standing is presented in such a way as to imply that he or she is unique or the best or the most experienced or has particular abilities as compared with other teachers;*
- (ii) Wherever possible a teaching member should endeavour to include a reference to STAT, its website and telephone number, in any publication, literature, material or presentation referred to in paragraph C.2 (i) of these Guidance Notes above. Teaching members websites' should include a link to the STAT website.*
- (iii) In any advertisement in which group classes or lessons are offered or referred to, it should be clearly stated that they are to be introductory classes or lessons only, save in the case of group lessons being offered to advanced pupils, or with the authority of the Council.*
- (iv) A teacher may not use, or allow to be used, his or her name or professional qualification or standing for promoting, directly or indirectly, any commercial product or service in a manner that brings the profession into disrepute.*
- (v) The conditions of the collective mark:*
- a) A Teaching Member may display the mark on his or her business stationery, sign, publication and advertising.*
  - b) The mark shall not be displayed in a manner that could reasonably be regarded by colleagues as bringing that teacher, the Alexander Technique or STAT into disrepute.*
  - c) A member who teaches in association with another Alexander Teacher(s) who is not a member of STAT shall ensure that the mark clearly relates only to him or herself wherever it is displayed.*
  - d) A member or former member may be referred to the Preliminary Investigation Committee if he or she is displaying the mark in a manner that could be regarded as inappropriate or is acting contrary to a decision made by the Council.*

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

- 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.*

## **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 from decisions;
- Instructions on how to proceed with an investigation.

### **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 and a copy of the Code is offered. If the complainant wishes to take the complaint further, he or she is requested to put the complaint in writing. He or she is requested to formulate the grievance in a concise and cogent manner. Many complainants decide to take their complaint no further in which case the Office passes on the summary details of the case to the Lead Directors for their information only. If the complainant wishes to take the complaint further, the Office asks which of the two Lead Directors the complainant wishes to deal with the matter. The Lead Directors 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 Lead Director would urge the complainant to report the matter to the police; in the case of serious allegations/exceptional circumstances the Lead Director may decide the Police need to be informed.

2. 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.

#### **3. Anonymous Complaints**

Anonymous complaints are recorded by the Office Manager, and the Lead Directors are informed of the summary details of the case. In the case of serious allegations the Lead Directors decide if the Police need to be informed. Anonymous complaints are reviewed periodically and monitored by the Lead Directors/Office Manager for trends. Serial complaints are monitored for further STAT action.

#### **4. Register of complaints and actions**

The Office Manager will maintain a confidential register of complaints monitored by Lead Directors and the Office Manager for possible further STAT action. 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 ac-

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, the details will be passed to one of the two Lead Directors. The Lead Director will be the sole judge of whether a matter should be referred to a Preliminary Investigation Committee or whether conciliation and a quick and amicable resolution is possible, and whether it is appropriate to appoint an independent conciliator to support this process. When making this assessment, the Lead Director shall take into consideration the seriousness and nature of the complaint and the views of the complainant. The Lead Director may at any time decide that the complaint should be handled in a more formal manner by a Preliminary Investigation Committee. In the event that an amicable resolution is not achieved within a reasonable period the Lead Director will refer the matter to a Preliminary Investigation Committee.
3. All allegations and complaints that are not resolved under 1 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. 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 Lead Director 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 Office Manager, 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 Lead Director 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 *fourteen (14) 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 Lead Director responsible. If the Lead Director 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 no time limit 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. *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.
11. *Time-tables for actions*: On receipt of a complaint, which may include notification of a criminal conviction, the Lead Director 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, and requesting a written explanation to be accompanied where possible by evidence in answer to the allegations. The request will specify a time limit of 28 days for this reply to be received. 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 Lead Director 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 Lead Director 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 Lead Director responsible. If the Lead Director 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 Lead Director 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**

6. The Appeals Committee may allow an appeal, dismiss it, or instruct the Lead Director 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.