



The Society for Education and Training (SET): Guidance on suitability for membership

Last reviewed: September 2018

1. This guidance sets out the approach taken by SET on whether a person is suitable for membership.

Compliance with the Code of Practice

2. All applicants for membership and SET members must agree to comply with [SET's Code of Practice](#). Any failure to comply with the Code of Practice may render a person unsuitable for SET membership, but does not automatically do so.

General factors to consider

3. When considering the impact a matter has on a person's suitability for membership, SET will have regard to general factors in all cases. SET will balance these general factors, along with any specific factors which also apply, to ensure that its decisions are proportionate.
4. The general factors are as follows:
 - 4.1: The nature and seriousness of the matter.
 - 4.2. Whether the matter took place in an educational setting. Generally, matters taking place within an educational setting are likely to be more relevant to a person's suitability for membership of SET.
 - 4.3. Any harm caused or any risk of harm the matter gave rise to. The greater the harm or risk of harm within an educational setting, the less likely it is that a person will be suitable for membership.
 - 4.4. The impact that the matter would have on public confidence in further education professionals. Generally, this will not include matters of underperformance, which can usually be dealt with at a local level. Public confidence may be undermined by matters within the educational setting (for example, a teacher who persistently says that learning and assessment do not matter and a student just needs to attend class and keep quiet to pass the course) or outside of the educational setting (for instance, by extremism).
 - 4.5. The risk of the matter being repeated. This will be particularly relevant where SET membership would facilitate the repetition of the matter. If the matter could not be repeated if the person is not a member of SET, this will be a significant factor to weigh in the balance.
 - 4.6. The attitude of the person concerned, including whether they have demonstrated any insight and/or remorse. Where a person has demonstrated insight and/or remorse, this tends to reduce the risk of a matter being repeated. Further, the public would tend to have greater confidence in a professional who has demonstrated remorse and insight than in one who has not.
 - 4.7. Any rehabilitative or reparative steps taken by the person concerned. Again, this is relevant to the risk of repetition and public confidence.

4.8. Any decision taken by third parties in respect of the matter, for instance, the Disclosure and Barring Service (DBS) or any relevant employer. In the event that DBS or an employer has made a decision not to bar an individual, or to employ/continue to employ an individual having carried out a risk assessment in light of the conviction, SET may attach weight to that decision when considering its own position on membership. Similarly, where a matter amounting to a potential criminal offence has been investigated by the police (or any similar agency) who have investigated and decided not to prosecute, SET may attach weight to that decision.

Sanctions imposed by third parties

5. When considering the impact a matter has on a person's suitability for membership, SET will have regard to general factors in all cases. SET will balance these general factors, along with any specific factors which also apply, to ensure that its decisions are proportionate.

Criminal convictions and cautions

6. SET will only have regard to unspent criminal convictions. SET cannot provide advice as to whether a criminal conviction is spent or unspent. It is up to the person who is the subject of the conviction to be aware whether their conviction is spent or unspent, and to declare unspent convictions to SET. Further information about spent convictions can be found on the [Gov.uk website](#).
7. SET will consider convictions in England and Wales, and convictions in other jurisdictions for matters that are a criminal offence in England and Wales.
8. When assessing suitability, SET considers that there are three categories of unspent criminal convictions.
 - 8.1. Category 1: Unspent convictions and cautions that have no adverse impact on suitability. This category includes all unspent convictions for motoring offences that do not result in disqualification, unless the person concerned is a teacher on a motor vehicle course. Where the person concerned is a teacher on a motor vehicle course, all unspent motoring convictions will fall into category 2.
 - 8.2. Category 2: Unspent convictions and cautions which may render a person unsuitable for membership. This category includes all other unspent convictions, cautions, conditional cautions, reprimands, police warnings, penalties or bind overs.
 - 8.3. Category 3: Unspent convictions that render a person unsuitable for membership. This category includes all unspent convictions occurring within the previous four years that have resulted in a sentence of imprisonment (whether or not suspended) of 12 months or longer.

9. Where a person has a category 3 unspent conviction, SET will not allow them to be a member. Once four years have passed from the date of conviction, if the conviction remains unspent, it will fall into category 2 and SET will consider suitability for membership on that basis. If the conviction becomes spent, SET will no longer have regard to it.
10. When considering suitability for membership in light of a category 2 conviction, SET will have regard to the general factors.
11. Different types of criminal offence may impact on a person's suitability for membership in different ways. For instance, serious sexual misconduct, particularly involving children or vulnerable adults, is likely to have a significant impact on public confidence in further educational professionals, and is likely to render the person unsuitable for membership. Other offences having the same impact will include those involving the deliberate causation of serious harm to another, terrorist offences, and hate crimes (offences committed against others because of their race, religion, sexuality, disability or gender).

Criminal charges

12. Where a person has been charged with a criminal offence, this may affect their suitability for membership, even though the offence has not been proved. In determining suitability, SET will have regard to the general factors, paying particular regard to the nature and seriousness of the offence and the impact on public confidence if the person is allowed to be a member of SET pending the resolution of the criminal proceedings.

Honesty and integrity

12. SET members are required to act with honesty and integrity. Dishonest conduct in the educational setting will call into question a person's suitability for membership.

This will include (but is not limited to):

- 13.1. Plagiarising work or otherwise cheating in order to gain qualifications or advancement.
 - 13.2. Facilitating or assisting plagiarism or cheating by students.
14. Dishonest conduct outside the education setting may also call into question a person's suitability for membership, particularly if it would be likely to diminish the trust and confidence which the public places in professionals. When assessing this, in addition to considering the general factors, regard should be had to whether the dishonesty occurred in a position of trust. If so, this is likely to aggravate the seriousness of the dishonesty. For instance, theft of money from a vulnerable

person by their carer is more likely to diminish public confidence in professionals than shoplifting, even if the amount stolen is the same.

15. When considering dishonest conduct outside the workplace, SET will have regard to whether the conduct amounted to a criminal offence. If it did, then in accordance with the general factors, SET will attach weight to any decision by the police or other similar agency not to prosecute.

16. SET will also bear in mind the need to ensure that someone who has not been prosecuted for conduct which, if proved, would amount to a criminal offence, should not be in a worse position than someone who has been cautioned, or prosecuted and convicted of a similar offence, and for whom the matter has become spent.

17. SET members and applicants for membership are required to disclose to SET any information that may be relevant to their suitability to SET. Any dishonest failure to disclose such information is likely to render them unsuitable for membership.

18. Equally, the deliberate provision of any inaccurate information to SET is likely to render a person unsuitable for membership.

19. Even where it is not deliberate or dishonest, failure to disclose relevant information to SET or the provision of incorrect information to SET may have an adverse impact on a person's suitability for membership. As well as the general factors, it will be relevant to consider the nature and materiality of the information in question.

Failure to use reasonable professional judgement within an educational setting

20. Provided that a person exercises their professional judgement in a way that other reasonable members of the profession would have done, this will have no adverse impact on their suitability for membership of SET.

21. In contrast, where a person exercises their judgement in such a way that no other reasonable member of the profession would have done, this may call into question their suitability. For example, a further education professional who deliberately decides not to make a safeguarding referral where one is required may have exercised their judgement in such a way that no other reasonable member of the profession would have done. Another example would be taking a group of vulnerable learners on a dangerous field trip without proper planning or risk assessment. Whether or not they remain suitable for membership in light of their failure to use reasonable professional judgment will depend on an assessment of the general factors.

22. General underperformance as a further education professional will not usually

amount to a failure to use reasonable professional judgement. Underperformance can usually be dealt with at a local level, rather than through SET membership procedures.

Duty of care

23. In accordance with the Code of Practice, SET members are required to take reasonable care to ensure the safety and welfare of learners and comply with relevant statutory provisions to support their well-being and development.

24. In considering whether there has been any breach of this requirement, SET will pay particular regard to any regulatory or civil finding against the person concerned, or as a result of their conduct.

Diversity and non-discrimination

25. Any conduct which discriminates unfairly against people may call into question a person's suitability for membership of SET, and SET will have regard to the general factors when assessing this.

Cooperation with SET and with investigations

26. SET is dependent on the cooperation of its members to ensure the integrity of the membership.

27. SET members are required to comply with all reasonable requests for information from SET. Failure to do so may result in suspension or removal of membership.

28. SET members are also required to cooperate with investigations in their capacity as further education professionals (as opposed to in a private capacity), whether the investigation involves their conduct or the conduct of others. For example, if the police seek evidence from a further education professional about the way one of their colleagues conducted themselves in the workplace, the professional duty to cooperate would apply. If the police were seeking evidence from a further education professional about the conduct of their next door neighbour, the professional duty to cooperate would not apply.

29. SET members must ensure that they do not dissuade others from raising concerns, or act unfairly towards them if they do.

30. Any such alleged breaches of the code will be assessed against the general factors. In addition, where a breach is established to be wilful or deliberate, or to have been carried out with the intention of covering up misconduct, this will be regarded more seriously than an accidental or inadvertent breach.