



The Society for Education and Training (SET) Membership Procedures: Applications For Membership

Last reviewed: April 2018

All of the other documents mentioned in this procedure can be accessed on the [SET website](#).

- This document sets out the procedures that SET will follow when considering applications for membership.
- There is a separate document setting out the similar procedures that SET will follow when it receives information that may call into question a [member's suitability](#).
- It also contains details of the information that SET will publish about action taken under its membership procedures.
- This document does not set out the procedure for applying for QTLS status or the requirements for achieving QTLS status. [Further details on QTLS can be found on the SET website](#).
- SET is committed to ensuring that its membership procedures and decisions about membership are fair, transparent and timely and that the procedures are administered in a sensitive manner that reflects the serious nature of the related issues.

Summary of procedures

1. SET has procedures for considering applications for membership, which are explained in this document. In summary, those procedures contain the following stages:

1.1. Receipt and review: SET receives the application and reviews it with reference to the Code of Practice and guidance on suitability for membership. Provided that the application complies with all requirements and there are no issues as to suitability, the application will be accepted.

1.2. Information gathering: If the application does not contain sufficient information to enable SET to make a decision about suitability, SET may seek further information from the applicant or a third party. This information may result in acceptance of the application.

1.3. Notification of provisional decision: If, having considered the application and any further information obtained, SET is not satisfied that the applicant is suitable for membership, it will issue a notification of provisional decision. This will inform the applicant that SET has made a provisional decision to refuse their application, and give them the opportunity to respond. If the applicant does not respond within the time allowed, it is likely that their application will be refused. If the applicant does respond, and SET is satisfied having considered the response that the applicant is suitable, the application will be accepted.

1.4. Refusal and panel consideration: Where the response does not satisfy SET that the application is suitable, SET may refuse the application or refer it to a panel with a recommendation that the application should be refused. Panels will usually consider the matter on the papers, but may hold an oral hearing to

consider evidence in certain circumstances. The applicant will have the opportunity to submit further information or evidence to the panel. The panel will decide whether the application should be accepted or rejected.

1.5. **Review of refusal:** An applicant may seek a review of a decision to refuse their application on limited grounds. A review is carried out by a panel that has had no previous involvement in the case. It may result in the decision to refuse the application being upheld, overturned, or referred back to the original decision-maker for reconsideration.

2. A flowchart setting out these stages can be on the [SET website](#).

3. In accordance with its data code, SET will answer enquiries about membership on a yes or no basis. Accordingly it will not publish decisions made under its membership procedures in any way that identifies the individual involved, and oral hearings will take place in private. To ensure transparency and maintain confidence in its membership procedures, SET will publish statistics about matters dealt with under those procedures, and may also publicise anonymised case studies.

Full procedures

Applying for membership/renewal of membership

4. Applications must be made on the [SET membership application form](#). All sections must be completed fully and accurately. Failure to do so may result in delay to consideration of the application or refusal of the application.

5. Membership must be renewed annually. The procedure for renewal of membership is the same as for initial applications for membership, except where the renewing member pays by direct debit. Where a member pays by direct debit, they are not required to submit a fresh application form. However, they are under an obligation to notify SET of any information that may be relevant to their suitability to be a member of SET, and are taken to have confirmed that the information provided in their most recent successful application for membership has not changed (including their [Declaration of Suitability](#)).

What will be taken into account?

6. SET will assess applications for membership with reference to its Code of Practice and in accordance with the guidance on suitability for membership.

7. It is up to the applicant to satisfy SET that they are a suitable person to be a member.

8. When assessing applications for membership, SET will have regard to the declaration of suitability made by the applicant, and also to any other information it holds which may be relevant to the suitability of the applicant.

9. Where SET is satisfied that the application complies with its requirements and the

applicant is suitable for membership, it will approve the application and notify the applicant.

Seeking further information

10. Where the information available to SET is not sufficient to satisfy it that the applicant is suitable for membership in light of the guidance on suitability for membership, it may seek further information from:

10.1. The applicant.

SET may request the applicant to provide it with information in their possession. Alternatively, SET may ask the applicant to consent to disclosure of information about them by a third party. If the applicant fails to respond to any reasonable request for information, or any reasonable request for consent to disclosure of information by a third party, this may result in their application not being determined, or being refused.

10.2. Any third party who may be able to provide relevant further information.

Notification of provisional decision

11. Where the information available to SET suggests that the applicant is not suitable for membership in light of the guidance on suitability for membership, it will:

11.1. Notify the applicant that it has made a provisional decision to refuse the application. This notification will be known as the "notification of provisional decision".

11.2. Provide the applicant with:

11.2.1. The reasons for its provisional decision to refuse the application.

11.2.2. Any information it has obtained that is relevant to the application, other than that provided by the applicant.

SET may choose to provide a summary of the information or copies of any documents in which it is contained. Where SET chooses not to provide copies of any documents, it shall explain why. The applicant may request copies of any documents. Any copy documents provided may be redacted in accordance with the law and/or to protect the rights of third parties.

11.2.3. The opportunity to respond in writing to the provisional decision to refuse the application and/or produce further information in support of their application.

12. SET will send the notification of provisional decision to the applicant

12.1. By first class post to the postal address provided by the applicant; and

12.2. By email to any email address provided by the applicant

Responding to a notification of provisional decision

13. If, having received a notification of provisional decision, the applicant seeks longer than 14 days to respond, they must apply to SET for an extension. The application should be:

13.1. Made in writing where possible (email is satisfactory).

If the applicant is unable to make their application in writing because of any disability, they should inform SET in order that reasonable adjustments may be made.

13.2. Give full reasons why the applicant is seeking an extension.

13.3. Be supported by written evidence where relevant.

If, for instance, the applicant seeks an extension on health grounds, this should be supported by medical evidence.

14. SET will consider the application for an extension promptly following receipt, and will notify the applicant of its decision:

14.1. If SET decides to allow the application, it will notify the applicant of the revised date by which any response must be received.

14.2. If SET decides not to allow the application to extend the deadline, it will notify the applicant and provide reasons for its decision.

15. In any written response to the notification of provisional decision, the applicant should address the specific reasons given by SET.

To do this, the applicant should:

- *State whether they accept or dispute the accuracy of any information giving rise to the decision.*
- *Where they accept the accuracy of any information giving rise to the decision, explain why they are suitable for membership notwithstanding that information.*
- *Where they dispute the accuracy of any information giving rise to the decision, state why and provide evidence to support their account. They may also explain why they are suitable for membership.*

Reconsideration of the application following notification of provisional decision

No response received

16. Where SET has not received a response within the time allowed, it will reconsider the application and, unless it considers that there was a material error in its original decision, it will refuse the application. SET will notify the applicant in writing.

17. Where SET decides to refuse the application, it will notify the applicant that it has decided to refuse the application. This notification will be known as the "notification of refusal".

18. The notification of refusal will:

18.1. Provide the applicant with the reasons for refusal;

18.2. Notify the applicant that they may seek a review of the decision within 14 days.

19. SET will send the notification of refusal to the applicant;

19.1. By first class post to the postal address provided by the applicant; and

19.2. By email to any email address provided by the applicant.

20. Where SET considers that there was a material error in the provisional decision to refuse the application, it may:

20.1. Seek further information.

20.2. Notify the applicant of the material error, and give them a further opportunity to respond in writing.

20.3. Allow the application if it is satisfied that the application complies with its requirements and the applicant is suitable for membership.

Response received

21. Where SET has received a response within the time allowed, it will consider the response.

22. Having considered the response, SET may seek further information.

23. Where, having considered the response, SET is satisfied that the application complies with its requirements and the applicant is suitable for membership, it will approve the application and notify the applicant.

24. Where, having received a response or obtained further information, SET remains of the view that the applicant is not suitable for membership, but for reasons that have not previously been notified to the applicant, it will issue a further notification of provisional decision.

25. Where, having received a response or obtained further information, SET remains of the view that the applicant is not suitable for membership for the same reasons as those set out in the notification of provisional decision, it will either:

25.1. Refuse the application. This will be appropriate where the response does not address the specific reasons given by SET in the notice of provisional decision, or, notwithstanding that the response does seek to address those reasons, the applicant falls into a category of people whom SET has determined are not suitable for membership, for instance, those who are the subject of a DBS barring order.

25.2. Refer the matter to a panel with a recommendation that the application be refused. This will be appropriate if the response does address the specific reasons given by SET in the notice of provisional decision, and the applicant does not fall into a category of people whom SET has determined are not suitable for membership.

26. Where, having received a response or obtained further information, SET is of the view that the issue of suitability depends on a disputed issue of fact that can only be

resolved at an oral hearing, it will notify the applicant of this and give them the opportunity to request an oral hearing.

Refusal by SET

27. Where SET decides to refuse the application, it will notify the applicant that it has decided to refuse the application. This notification will be known as the "notification of refusal".

28. The notification of refusal will:

- 28.1. Provide the applicant with the reasons for refusal;
- 28.2. Notify the applicant that they may seek a review of the decision within 14 days.

29. SET will send the notification of refusal to the applicant: 29.1. By first class post to the postal address provided by the applicant; and 29.2. By email to any email address provided by the applicant.

Panel consideration – recommendation of refusal

30. Where SET has referred the application to a panel with a recommendation that the application be refused, the application will be considered by a panel.

31. The panel will consider the matter on the documents provided to it. It will not be open to either party to make oral submissions.

32. The panel will be drawn from a pool of SET panel members. A member of the panel will be appointed to chair the panel.

33. The quorum of a panel will be three. Decisions will be made by simple majority vote, and once made, will be the collective decision of the panel, without dissensions or abstentions.

34. The panel may receive the following support:

- 34.1. Independent legal advice.
- 34.2. Administrative support from SET, provided that the person providing that support has had no prior involvement in considering the application and/or making provisional decisions about it.

35. The panel will consider the following information:

- 35.1. The application form and any supporting documents provided by the applicant.
- 35.2. The notification of provisional decision and all information provided to the applicant with it.
- 35.3. The applicant's response.
- 35.4. Any further information obtained by SET.

36. The panel may, but need not, meet in person to discuss its decision. Alternatively,

it may deliberate via electronic communication (which may include telephone conferencing, email, video link, or other means).

37. The panel will assess the application with regard to the Code of Practice and in accordance with the guidance on suitability for membership.

38. Where the panel agrees with SET's recommendation to refuse the application, it will provide SET with written reasons for its decision.

39. SET will then notify the applicant that the panel has decided to refuse the application. This notification will be known as the "notification of refusal".

40. The notification of refusal will:

40.1. Provide the applicant with the reasons for refusal;

40.2. Notify the applicant that they may seek a review of the decision within 14 days.

41. SET will send the notification of refusal to the applicant:

41.1. By first class post to the postal address provided by the applicant; and

41.2. By email to any email address provided by the applicant.

42. Where the panel disagrees with SET's recommendation to refuse the application, and considers that the applicant is suitable for membership, it will provide SET with written reasons for its decision. SET will then allow the application and notify the applicant.

Panel consideration – oral hearing

43. Where, having received a response or obtained further information, SET is of the view that the issue of suitability depends on a disputed issue of fact that can only be resolved at an oral hearing, and the applicant has requested an oral hearing, the matter will be considered by a panel at an oral hearing.

Not every disputed issue of fact will require an oral hearing. Some issues can be resolved by documentary evidence.

- *Generally, an oral hearing will only be required where each party relies on contradictory accounts from witnesses who are willing and able to give evidence in person and be cross-examined.*
- *In deciding whether an oral hearing is required, SET may take account of any factual finding made by a third party (e.g. in civil or disciplinary proceedings). Where that factual finding is disputed by the applicant, SET may take account of whether the applicant exercised any right of appeal against that finding – generally, SET will expect an applicant to take reasonable steps to challenge factual findings made by third parties in the third party proceedings.*

44. Where the applicant does not request an oral hearing, SET will refer the matter to a panel with a recommendation to refuse the application.

Oral hearing – the parties

45. At an oral hearing, SET and the member will be referred to as "the parties". They may:

45.1. Attend the hearing.

45.2. Be represented by:

45.2.1. A solicitor or barrister;

45.2.2. A Trade Union representative or any person acting on behalf of a representative body;

45.2.3. A SET employee (SET only);

45.2.4. Any other person, with permission of the panel. Before giving permission, the panel may seek information about the proposed representative, including their relationship to the member and their experience of acting as a representative.

The panel will usually give permission where the proposed representative is a family member or other close associate of the member.

45.3. Make submissions to the panel.

45.4. Give evidence.

45.5. Call evidence in support of their case.

45.6. Rely on documentary evidence, provided that it is relevant to the issues of fact for the panel to determine.

SET will not be liable for any costs incurred by an applicant in connection with an oral hearing.

Preparation for an oral hearing

46. Any of the deadlines set out below may be extended by a panel Chair on the application of a party.

47. Within 14 days of a matter being referred to an oral hearing, SET must send to the applicant:

47.1. A list of factual issues to be determined.

47.2. A list of witnesses SET intends to call to give oral evidence, which sets out whether they will give evidence by telephone, video-link or in person.

47.3. All documents SET intends to rely upon at the hearing.

47.4. Any and all documents which SET does not intend to rely upon but which either undermine SET's case or assist the case of the applicant. For the avoidance of doubt, the duty to provide such documents is a continuing one.

- 47.5. A time estimate for the hearing.
- 47.6. Dates to avoid for witnesses and any other relevant person.

48. Within 14 days of being served with the above, the applicant must send to SET:

- 48.1. Any proposed amendments to the list of factual issues to be determined.
- 48.2. A list of witnesses the member intends to call to give oral evidence and specify whether they will give evidence by telephone, video-link or in person.
- 48.3. All documents the member intends to rely upon at the hearing.
- 48.4. Any amendment to the time estimate for the hearing.
- 48.5. Dates to avoid for the member, witnesses and any other relevant person

The panel

49. The panel will be drawn from a pool of SET panel members. A member of the panel will be appointed to chair the panel.

50. The quorum of a panel will be three. Decisions will be made by simple majority vote, and once made, will be the collective decision of the panel, without dissensions or abstentions. Should a panel member become unavailable during consideration of an application, a replacement panel member may be substituted in or the application may be referred to a fresh panel for consideration.

51. The panel may receive the following support:

51.1. Independent legal advice.

51.2. Administrative support from SET, provided that the person providing that support has had no prior involvement in considering the application and/or making provisional decisions about it.

52. SET must provide the panel members with a copy of the hearing bundle (see below) seven days in advance of the hearing.

Notification of the hearing and applications to postpone or adjourn

53. Where there is to be an oral hearing, 21 days before the date set for the hearing SET must send the applicant a notification of hearing which:

53.1. Sets out the date, time, and place of the hearing.

53.2. Sets out the applicant's right to attend and to be represented.

53.3. Sets out the panel's power to proceed with the hearing in the applicant's absence.

53.4. Requires the applicant to inform SET whether they intend to attend the hearing and/or to be represented.

53.5. Provide the applicant with a paginated and indexed hearing bundle consisting of:

53.5.1. The list of factual issues to be determined by the panel or, if the list is not agreed, both parties' lists.

53.5.2. A list of all witnesses who will give oral evidence at the hearing.

53.5.3. Copies of all documents relied upon by the parties.

54. Either party may apply to the panel to postpone any hearing of which notification has been given under these procedures. Any such application must be made in writing if made before the first day of the hearing and will be considered by a panel Chair.

55. A panel (or a panel Chair in the circumstances of paragraph 56 above) may postpone or adjourn at any stage, provided that:

55.1. No unfairness is caused to the parties.

55.2. Both parties have been provided with the opportunity to make representations.

The hearing

56. SET will arrange for the hearing to be recorded in order that, if necessary, a transcript can be prepared.

57. Where the applicant fails to attend and is not represented at the hearing, the panel:

57.1. Shall require SET to present evidence that notification of the hearing has been sent to the applicant in accordance with these procedures.

57.2. May, where the panel is satisfied that the notification of the hearing has been duly sent, direct that the hearing should be heard and determined notwithstanding the absence of the applicant.

57.3. May adjourn the hearing.

58. If the parties are not agreed as to the list of factual issues to be determined, the panel shall first determine what factual issues are to be determined.

59. SET shall open its case and may call any evidence in support. The applicant or the applicant's representative may cross-examine any witness called by SET. It shall be open to the panel to ask questions of witnesses at any time.

60. When SET has finished calling evidence, the applicant or the applicant's representative shall open the applicant's case and may call any evidence in support.

61. Before giving evidence, all witnesses will be required to undertake to tell the truth.

62. First SET and then the applicant may make any closing submissions to the panel on the factual issues, and on the applicant's suitability.

63. The panel shall then retire in private to:

63.1. Determine the facts of the matter.

63.2. Determine whether the applicant is suitable, having regard to the Code of Practice and in accordance with the guidance on suitability for membership.

64. The panel may vary the order of proceedings set out above if it deems it fair to do so.

65. At an oral hearing, the burden of proving a fact in dispute will be on the party seeking to prove that fact. The standard of proof will be on the balance of probabilities. The burden of establishing that an applicant is suitable rests with the applicant. The question of suitability is a matter for the panel's judgment.

66. The panel will deliberate in the absence of the parties. During its deliberations, it may continue to receive legal and/or administrative support, provided that any legal advice received is notified to the parties thereafter.

Notification of decision

67. The panel will notify its decision and reasons to the parties. This will be provided in writing and may be done verbally at the oral hearing.

68. Where the panel decides to refuse the application, this notification will be known as the "notification of refusal".

69. The notification of refusal will:

69.1. Provide the applicant with the reasons for refusal;

69.2. Notify the applicant that they may seek a review of the decision within 14 days.

70. SET will send the notification of refusal to the applicant:

70.1. By first class post to the postal address provided by the applicant; and

70.2. By email to any email address provided by the applicant.

71. Where the panel decides to allow the application, SET will notify the applicant.

Review

72. An applicant who is dissatisfied with a decision to remove or suspend membership may seek a review of that decision within 14 days on one of the following grounds only:

72.1. Error of law.

72.2. Serious procedural irregularity.

72.3. The decision was one which no reasonable decision maker could have made.

73. Where a review is sought, the applicant must set out in writing which of the grounds for review they rely on, and their arguments in support.

74. SET may submit written representations to the panel in response within 14 days of receipt of the applicant's written application for review. Where any such written representations are submitted then those representations shall be sent to the applicant:

74.1. By first class post to the postal address provided by the applicant; and

74.2. By email to any email address provided by the applicant.

75. The applicant may submit further representations in response, and any such representations must be sent to SET within 7 days of the date of receipt of SET's representations.

76. SET must provide to the panel in advance of the review all documents considered by the previous decision maker as well as any written representations from the parties.

77. A review application shall be considered by a panel constituted in accordance with paragraphs 34 to 36 above. No panel member who has considered the matter before shall be entitled to sit on the review panel.

78. The review panel shall determine the review on the documents provided to it. It is not open to either party to make oral submissions.

79. On review, a panel may:

79.1. Dismiss the application for review and uphold the previous decision.

79.2. Allow the application for review and quash the original decision.

79.3. Remit the matter back to the original decision maker for reconsideration.

79.4. Substitute its own decision for that of the original decision maker.

80. The panel will notify its decision and reasons to the parties. This notification will be known as the "notification of review outcome".

81. The notification of review outcome will provide the applicant with the reasons for the panel's decision.

82. SET will send the notification of review outcome to the applicant:

82.1. By first class post to the postal address provided by the applicant; and

82.2. By email to any email address provided by the applicant.

Restrictions on reapplying after refusal

83. When refusing an application for membership, the decision maker (either SET or the panel) may specify a period of not less than 12 months from the date of the final notification of refusal within which the person concerned may not make a further application for membership.

84. Where the decision maker does not specify any such period, the person concerned may not make a further application for membership within one year of the date of the final notification of refusal.

85. SET may, in its absolute discretion, waive the periods specified in accordance with paragraphs 85 and 86 above in the event that the person concerned is able to provide material new evidence which was not available at the time of the decision.

Publication

86. In accordance with its data code, SET will answer enquiries regarding membership on a yes or no basis. Therefore:

86.1. It will not publish decisions made under its membership procedures in any way that identifies the individual(s) involved.

86.2. Oral hearings will take place in private.

87. However, it may supply personal data obtained through its membership procedures to third parties in accordance with its data code.

88. To ensure transparency and maintain confidence in its membership procedures, SET will publish annual statistics about matters dealt with under its membership procedures, including:

88.1. Number of applications for membership/renewal received.

88.2. Number of concerns about existing members dealt with under the membership procedures.

88.3. Number of members suspended for failure to provide information.

88.4. Number of cases resulting in provisional decisions to refuse/remove.

88.5. Number of cases resulting in final decisions to refuse/remove.

88.6. Number of reviews held, with the outcomes.

88.7. Number of oral hearings held.

89. SET may also publicise anonymised case studies of matters dealt with under its membership procedures, provided that they contain no information from which any individual involved may be identified.

Service

90. Any document which is required to be served under these procedures shall be deemed served:

- 90.1. In the case of notification sent by post, two calendar days after posting.
- 90.2. In the case of notification sent by email, on the same day.