



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

Updated: September 2020

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

Compliance with the Code of Practice

1. All SET members must agree to comply with the SET 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

2. 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.

3. The general factors are as follows:

3.1. The nature and seriousness of the matter.

3.2. 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.

3.3. Any harm caused or 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.

3.4. 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).

3.5. 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 was not a member of SET, this will be a significant factor to weigh in the balance.

3.6. 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 one who has not.

3.7. Any rehabilitative or reparative steps taken by the person concerned. Again, this is relevant to the risk of repetition and public confidence.

3.8. 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

4. 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.

Honesty and integrity

5. 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):

- 5.1. Plagiarising work or otherwise cheating in order to gain qualifications or advancement
- 5.2. Facilitating or assisting plagiarism or cheating by students

6. 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.

7. 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.

8. 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.

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

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

11. Even when 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

12. 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.

13. 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 decided 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 judgement will depend on an assessment of the general factors.

14. 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

15. 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 wellbeing and development.

16. 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

17. 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 which assessing this.

Cooperation with SET and investigations

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

19. SET members are required to comply with all reasonable requests for information from SET. Failure to do so may result in suspension nor removal of membership.

20. 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.

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

22. 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.