



**PROCEDURES FOR ADDRESSING
NON-COMPLIANCE IN
INITIAL TEACHER TRAINING**

AND

**THE WITHDRAWAL OF
INSTITUTIONAL ACCREDITATION**

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Procedures for addressing non-compliance in initial teacher training and the withdrawal of institutional accreditation

Introduction

The Training and Development Agency for Schools (TDA) was established by the Education Act 2005. The TDA is responsible for promoting and improving the quality of initial teacher training (ITT) through the accreditation of providers of ITT in England. Institutional accreditation allows providers to offer training that may lead to the award of qualified teacher status (QTS). Accredited providers of ITT must comply with the current requirements laid down by the Secretary of State that govern initial teacher training.

In accordance with regulation 11(3) of The Education (School Teachers' Qualifications) (England) Regulations 2003, the TDA may withdraw the accreditation of an institution in accordance with such criteria as may from time to time be specified by the Secretary of State. The TDA will normally consider withdrawal of institutional accreditation where there is evidence of an accredited provider's non-compliance with the Secretary of State's requirements. The withdrawal of institutional accreditation means that no training offered by the provider can lead to the award of QTS.

This document sets out:

- i. the process by which the TDA will consider its response to any evidence of non-compliance
- ii. the actions the TDA will consider taking when a provider has been identified as non-compliant, and
- iii. the process by which a provider may request the TDA to reconsider its response to non-compliance.

The procedures are designed to provide a fair and proportionate response to addressing non-compliance in ITT provision and to ensure that each case is dealt with individually. In responding to findings of non-compliance, the TDA will give priority to issues that directly affect the quality of the provision and to ensuring that the needs of trainees are met.

These procedures will come into effect on 1 September 2007 and apply to all instances of non-compliance identified in the 2007/08¹ and subsequent years' inspection programmes. These procedures replace those set out in the TDA *Procedures for the withdrawal of institutional accreditation and mechanisms for a request for reconsideration* dated July 1999.

¹ The TDA *Procedures for the withdrawal of institutional accreditation and mechanisms for a request for reconsideration* dated July 1999 will apply to cases of non-compliance identified in the 2006/07 Ofsted inspections.

Section A – Non-compliance with the Secretary of state’s requirements for ITT

1. The TDA will consider what action should be taken where there is evidence of an accredited provider’s non-compliance with the Secretary of State’s current requirements for ITT. Non-compliance may arise as a result of procedural shortcomings² and/or failings that are likely to have a direct and significant impact on the quality of provision for trainees. Evidence of non-compliance may be identified by the TDA through monitoring visits³ or by Ofsted through inspection of ITT provision. Following discussions with TDA officers, the non-compliant provider may decide to take one of the options in paragraph 4 below, or the TDA may initiate action to withdraw the provider’s institutional accreditation.
2. Following a second successive finding of non-compliance which may be identified either by the TDA or by Ofsted, the TDA will normally require that a provider ceases all the non-compliant aspects of its provision, even if this means the provider must cease its full ITT provision. If the provider fails to do this, TDA officers may recommend that the TDA board withdraws a provider’s institutional accreditation.

Process for addressing non-compliance

3. Where the TDA has evidence of an accredited provider’s non-compliance with the Secretary of State’s requirements for ITT, the TDA will write to notify the provider of the findings. The TDA will arrange a meeting with the provider to discuss the non-compliance, consider options available and give the provider an opportunity to make representations. This meeting will normally take place within two weeks of the written notification.
4. The options available to the non-compliant provider, following discussions with the TDA, are:
 - i. continuing all ITT provision while addressing any non-compliant aspect⁴ of its provision
 - ii. ceasing all ITT provision
 - iii. ceasing any non-compliant aspect of its ITT provision, or
 - iv. suspending all, or the non-compliant aspects, of its ITT provision for one year.
- i. Continuing all ITT provision while addressing any non-compliant aspect of its provision**
5. A provider may decide to continue running all ITT provision while addressing the non-compliant aspect(s) to ensure that the provision becomes compliant with the Secretary of State’s requirements for ITT. In these circumstances, the provider should write to the TDA to confirm its intentions.
6. Where non-compliance is identified by Ofsted, Ofsted may either:

² An example of a procedural shortcoming is where a provider fails to ensure that trainees have undergone a Criminal Records Bureau enhanced disclosure check before going into schools.

³ The TDA carries out regular monitoring visits to accredited ITT providers, in particular those which are newly accredited. Non-compliance identified during these visits will be reported to the TDA accreditation committee for consideration (see paragraph 7).

⁴ An aspect of provision can be a phase (eg. primary or secondary), a course (eg. 9–14 or 14–19) or a route (eg. undergraduate or employment-based).

recommend that the TDA undertakes a focused follow-up visit (see paragraphs 21–24) and advises on a timescale for doing so, normally where the non-compliance relates to procedural shortcomings, or undertake a follow-up inspection, normally where the non-compliance is likely to have a direct and significant impact on the quality of provision for trainees. This inspection will normally be undertaken in the next academic year.

7. Where non-compliance is identified by TDA officers, the TDA may either:
 - report the matter to the TDA accreditation committee and undertake a focused follow-up visit, normally where the non-compliance relates to procedural shortcomings. If the non-compliance is not addressed, the matter will again be reported to the TDA accreditation committee for further consideration, or
 - report the matter to the TDA accreditation committee for its consideration, normally where the non-compliance is likely to have a direct and significant impact on the quality of provision for trainees. The accreditation committee will consider officers' findings and recommendations.
8. Following accreditation committee consideration, if the TDA requests that Ofsted undertake a follow-up inspection, this will normally be undertaken in the next academic year.
9. In order for the TDA to monitor the quality of training during the follow-up inspection year, the provider must submit the following information/documentation to the TDA:
 - recovery plan
 - milestones document
 - any other contextual information, and
 - any other specific information as required by the TDA.
10. TDA officers will provide specific details on the requirements of the above documentation at the meeting referred to in paragraph 3. The TDA will write to the provider to confirm these requirements within three working days after the meeting. The provider will have four weeks to submit all information/documentation to the TDA. The TDA will review, consider, comment and, where necessary, make recommendations on the recovery plan, indicating any weaknesses in the plan, particularly any issues that do not appear to be satisfactorily addressed. The provider will be required to submit an updated version of the recovery plan to the TDA in the penultimate week of each term.
11. In addition to the above information/documentation, the provider must also submit a contingency plan which would be enacted in the event that a decision is made to cease ITT provision. The TDA will only approve the contingency plan when it is satisfied that the plan contains satisfactory arrangements that will safeguard the interests of existing and recruited trainees.

12. Recovery support may be available to the provider from the TDA during the follow-up inspection year. At any time during the follow-up inspection year, the provider or the TDA may request a meeting to discuss the recovery plan.

ii. Ceasing all ITT provision

13. If a provider decides to cease all ITT provision, it should write to the TDA confirming its intentions and indicating the timescale. In deciding to cease all ITT provision, the provider will work with the TDA to ensure that suitable alternative arrangements are made to meet the needs of all existing and recruited trainees.

14. The TDA will commence action to withdraw the provider's institutional accreditation. The decision on whether to withdraw a provider's institutional accreditation will be made by the TDA board after it has considered all relevant information. TDA officers will write to the provider to convey the board's decision.

iii. Ceasing any non-compliant aspect of its ITT provision

15. Where there is evidence that non-compliance relates only to a specific aspect of its ITT provision, the provider can consider the option of ceasing that particular aspect of the provision.

16. If a provider decides to cease the non-compliant aspect of its provision, it should write to the TDA confirming its intentions and indicating the timescale. In deciding to cease any non-compliant aspect of its provision, the provider will work with the TDA to ensure that suitable alternative arrangements are made to meet the needs of all existing and recruited trainees.

17. If a provider ceases a non-compliant aspect of its provision and subsequently seeks to re-open that aspect, it must submit a business case to the TDA addressing the TDA's accreditation criteria, which are derived from the Secretary of State's requirements for ITT (details can be found at www.tda.gov.uk/accreditation). Following an evaluation of the business case, TDA officers and consultants may visit the provider before making a recommendation to the TDA accreditation committee and TDA board on whether or not that aspect of the provision should be allowed to reopen. TDA officers will write to the provider to convey the TDA board's decision.

iv. Suspending all, or the non-compliant aspects, of its ITT provision for one year

18. A provider can consider the option of suspending all, or the non-compliant aspects, of its ITT provision for one year. In making this decision, the provider will work closely with the TDA to ensure that suitable alternative arrangements are made to meet the needs of all existing and recruited trainees. The provider is also required to provide the TDA with half-termly updates on its plans in relation to recommencement of its ITT provision. This will include a recovery plan, a contingency plan and the milestones document. TDA officers will review and comment on the information provided and make a recommendation to the TDA board in relation to the recommencement of ITT provision. The TDA board will consider the recommendation and decide whether or not the provider is ready for recommencement of its ITT provision. TDA officers will notify the provider of the TDA board's decision before the end of May. Ofsted will normally carry out a full inspection during the first year of recommencement of the ITT provision.

19. Providers are reminded that when opting to suspend ITT provision for a year, they risk losing that provision's TDA-funded places. The allocation of TDA-funded places when they recommence ITT provision will have to be negotiated with the TDA and the decision will be based on current market demand and the TDA quality category of the provider concerned.
20. If a provider suspends all of its ITT provision for a period of more than one year, the TDA will normally consider withdrawal of the provider's institutional accreditation.

Follow-up inspection

21. Where the initial non-compliance was identified by Ofsted, or where the focused follow-up visit by TDA officers fails to confirm that the provider has taken effective action to deal with the non-compliance, Ofsted will normally carry out a follow-up inspection in the next academic year.
22. The follow-up inspection may be either a full or a focused inspection depending on the nature of the initial non-compliance.

Focused inspection

23. Focused inspections will normally follow on from an initial finding of non-compliance which was limited to procedural shortcomings. The areas to be inspected will be clearly stated in advance of the inspection taking place.
24. Following a focused inspection, Ofsted will report its findings detailing whether the provision is compliant or that there is evidence of continuing non-compliance. Any evidence of continuing non-compliance identified by Ofsted may lead to a follow-up full inspection that will normally take place as soon as possible (refer to current Ofsted inspection framework for minimum inspection notification period), but usually within 12 months of the original inspection.

Full inspection

25. Ofsted will carry out a follow-up full inspection⁵ where:
 - the provision is found to be non-compliant in ways that go beyond procedural shortcomings and that are likely to have a direct and significant impact on the quality of the provision for trainees, or
 - a focused inspection has failed to confirm compliance with the Secretary of State's requirements for ITT.
26. Following a follow-up full inspection, Ofsted will provide a copy of the draft inspection report to the TDA at the same time that it is sent to the provider.
27. If Ofsted finds the provision compliant with the Secretary of State's requirements for ITT, the TDA board will be advised of Ofsted's findings and TDA officers will write to the provider to confirm that no further action is required.
28. If the provision is still found to be non-compliant with the Secretary of State's requirements for ITT, either because the previously identified non-compliance has

⁵ Refer to current Ofsted inspection framework for definition of a full inspection – www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/Files/ittframe2005.pdf

not been satisfactorily remedied or because the follow-up inspection has identified new non-compliance, this will be regarded as a second successive finding of non-compliance. The TDA will request an early meeting with the provider to discuss options available and agree the next steps. Following a second successive finding of non-compliance, the TDA will normally require that a provider ceases all non-compliant aspects of its provision and enacts its contingency plan as previously agreed with the TDA (see paragraph 29). If the provider fails to do this, TDA officers may recommend that the TDA board withdraws a provider's institutional accreditation.

Contingency planning

29. Responsibility for safeguarding the interests of existing and recruited trainees rests in the first instance with the provider concerned. All providers who have been found non-compliant with the Secretary of State's requirements for ITT (see paragraphs 5 to 20 above) will need to make contingency plans. It will, however, be for the TDA to approve the contingency plan and any proposed transfer of trainee numbers. In reaching a decision, the TDA will be guided by the following principles:

- the interests of the trainees involved, and
- the need to ensure the equitable treatment of potential alternative providers.

Considerations to be taken into account in applying these principles are:

- quality of alternative provision
- location, and where relevant
- denomination or faith.

30. The TDA will offer practical advice, support and feedback throughout the contingency planning process.

Section B – Withdrawal of institutional accreditation

31. The TDA will normally consider withdrawal of a provider's institutional accreditation where:
- i. the provider ceases all aspects of its ITT provision
 - ii. non-compliance is considered to go beyond procedural shortcomings (see note 2 for para 1)
 - iii. there is evidence of a second successive finding of non-compliance in its ITT provision, or
 - iv. the provider has not offered any ITT provision for a period of more than one year.
32. Following notification from a provider that it is ceasing all aspects of its ITT provision, TDA officers will recommend to the TDA board that it withdraws the provider's institutional accreditation. The TDA board will consider the recommendation, together with all relevant information, before making a decision. TDA officers will write to the provider to convey the TDA board's decision.
33. Where non-compliance is considered to go beyond procedural shortcomings, TDA officers will meet with the provider to discuss the non-compliance and options available to the provider. Depending on the outcome of the meeting and the provider's preferred option (as per paragraph 4), TDA officers will make a recommendation to the TDA board in relation to withdrawal of institutional accreditation.
- The TDA board will consider the officers' recommendation, together with all relevant information, before making a decision regarding the provider's accreditation status. TDA officers will write to the provider to convey the TDA board's decision.
34. Following receipt of evidence regarding a second successive finding of non-compliance in a provider's ITT provision, the TDA will normally require that a provider ceases all non-compliant aspects of its provision, even if this means the provider must cease its full ITT provision. If the provider fails to do this, TDA officers may recommend that the TDA board withdraws a provider's institutional accreditation. The TDA board will consider the recommendation, together with all relevant information, before making a decision. TDA officers will write to the provider to convey the TDA board's decision.
35. The TDA will not normally withdraw institutional accreditation from a provider where it decides to suspend its ITT provision for one year only. Where a provider has not offered any ITT provision for a period of more than one year, TDA officers will normally recommend that the TDA board withdraws the provider's institutional accreditation. The TDA board will consider the recommendation, together with all relevant information, before making a decision. TDA officers will write to the provider to convey the TDA board's decision.

Section C – Request for reconsideration – mechanisms

Introduction

1. Following a decision by the TDA to withdraw institutional accreditation, a provider may request that the decision is reconsidered in accordance with the following procedures.
2. Providers will normally be able to request reconsideration on the following grounds:
 - i. that there was a material irregularity in the procedures followed by the TDA, and/or
 - ii. that the provider is in possession of new information concerning the compliance of their provision with the current criteria and requirements that was not available to the TDA at the time it reached its decision.
3. Requests for reconsideration will normally be made under (i) and/or (ii) above. However, should a provider believe it has other grounds for seeking a reconsideration, it may apply by following the process set out in paragraphs 4–8 below and seek reconsideration under exceptional circumstances.

Notice of request for reconsideration

4. Within five working days of the TDA board's decision to withdraw a provider's institutional accreditation, the TDA will write to the provider concerned to inform it of the board's decision. The provider is requested to acknowledge receipt of the TDA's letter within two working days.
5. If the provider requests that the TDA reconsiders its decision, it should send a letter headed 'Withdrawal of accreditation – Notice of request for reconsideration' to arrive at the TDA within 20 working days from the date of the TDA's letter notifying withdrawal of accreditation. The letter should be sent by registered post and addressed to the TDA's head of accreditation.
6. The TDA will acknowledge receipt of the provider's request for reconsideration letter within two working days of receipt. The decision on whether the request for reconsideration is approved will be made by the TDA head of accreditation or a nominee appointed by the TDA chief executive. The provider will be notified of this decision within 10 working days of receipt of the request.
7. If the request for reconsideration has been rejected, the TDA will notify the provider in writing, setting out the reason(s) why. The provider may appeal this decision by writing to the chair of the TDA board, setting out their reasons for the appeal. The chair of the TDA board will either accept or reject the appeal and if rejected, will write to the provider setting out the reason(s) why.
8. If the request has been accepted, the TDA will write to inform the provider of the date, time and place of a reconsideration hearing. This hearing will normally take place within two months of the date of the provider's notice of request for reconsideration being received.

The hearing

9. The request for reconsideration will be heard by a committee of the TDA board. The committee will be chaired by a member of the TDA board and includes two other board members and an independent person. It will be called the reconsideration committee.
10. The provider may nominate up to three people to represent it at the hearing. The TDA will notify the provider of the composition of the reconsideration committee at least 15 working days before the hearing.
11. The lead representative for the TDA and the provider will be required to submit the respective cases for accreditation and its withdrawal to the reconsideration committee, and copy to the other party, no later than 15 working days before the date of the hearing.
12. At the hearing, both the lead representative for the TDA and the provider concerned may present any additional relevant information or documentation which they contend will support their case. That information or documentation should be sent to the other party and the reconsideration committee no later than seven working days before the date of the hearing.
13. The agenda will normally follow the outline described below:
 - i. an introductory statement by the chair of the reconsideration committee stating the purpose of the hearing
 - ii. a statement by the TDA's lead representative outlining the background to the case and the reasoning behind the decision to withdraw accreditation
 - iii. a statement by the provider's lead representative outlining the reason for its request for reconsideration and a presentation of information supporting the case for a change to the TDA's original decision
 - iv. questioning by reconsideration committee members of the provider's representatives and TDA officers in relation to the information presented by either party
 - v. questioning by the provider's lead representative in relation to process, consideration or clarification of information presented
 - vi. an opportunity for the TDA's lead representative to sum up the case
 - vii. an opportunity for the provider's lead representative to sum up the case
 - viii. withdrawal by representatives of the TDA and the representatives of the provider who have put the case for withdrawal, and
 - ix. discussion by reconsideration committee members.
14. The reconsideration committee's conclusion will be documented and reported to the TDA board which will then decide whether to confirm or rescind its original decision.
15. The decision to confirm or rescind, with reasons, will be communicated in writing to the provider within five working days of the TDA board's decision. The letter will be sent by registered post.

16. The TDA will not bear the provider's costs relating to a request for reconsideration.