Cyngor Addysgu Cyffredinol Cymru
General Teaching Council for Wales

Professional Standards

Information for hearing observers

(Induction appeals involving registered teachers)

THE INDUCTION APPEALS PROCESS

The General Teaching Council for Wales ('the Council') is the statutory, self-regulating professional body for teachers in Wales. It seeks to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, pupils and the general public.

Since September 2003, every Newly Qualified Teacher (NQT), save for certain exemptions under legislation, has been required to complete a statutory Induction period if he or she wishes to teach in a maintained school or non-maintained special school in Wales. This Induction period of three school terms or equivalent is undertaken upon the NQT attaining Qualified Teacher Status (QTS). The *National Assembly for Wales Circular No: 015/2008 Induction and Early Professional Development for Newly Qualified Teachers in Wales* sets out the End of Induction standard NQTs are required to meet during their Induction period, together with the roles and responsibilities of the NQT, the Appropriate Body and school personnel involved in the Induction process.

Under the terms of the *Teaching and Higher Education Act 1998*, as amended, the Council hears appeals from NQTs who fail assessment against the End of Induction Standard, or have had their Induction period extended, and are dissatisfied with the decision.

The public interest

The Council regulates the teaching profession in Wales in the public interest, which includes the protection of members of the public, the maintenance of public confidence in the profession and the declaration and upholding of proper standards of conduct and competence.

This means that Committees of the Council apply the public interest test in their hearing of all Induction appeals. Applying the test requires Committees to balance competing interests, for example, the general public interest as opposed to that of the NQT (the appellant).

The public has a right to expect that registered teachers uphold the highest professional standards, just as teachers have a right to be certain that their peers are in good standing with their professional body.

How does an NQT make an appeal to the Council, and when?

The 'Appropriate Body' is responsible for deciding whether or not an NQT has passed or failed their Induction period, or, in its view, needs their Induction period extended. The Appropriate Body can be a Local Education Authority, or the Independent Schools Council Teacher Induction Panel (ISCTIP). The Appropriate Body for sixth form colleges is any LEA in Wales.

If, on receiving a formal written notification from the Appropriate Body, an NQT is unhappy about its decision to either fail or extend their Induction period, he or she may appeal to the Council against this decision. In order to appeal, the NQT needs to send to the Council a Notice of Appeal, and attach to it the information set out in the Council's *Guidance for the Hearing of Induction Appeals*.

The appellant must send their Notice of Appeal to the Council **within 20 working days** of receiving the decision letter from the Appropriate Body.

An Induction appeal can only be made by a registered teacher; it is not a process instigated by the Council or any other body.

What happens once an appeal is received by the Council?

Where the Council receives an appeal, it will, in the first instance, send it and all associated documents to the Appropriate Body for comment. In most circumstances, the Council will then arrange for the appeal to be heard at an 'oral hearing', in line with its *Guidance for the Hearing of Induction Appeals*. You are observing an oral hearing today.

This information is general information. In all circumstances, the *National Assembly for Wales Statutory Instrument No. 2003/543 (W.77) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003* and the Council's *Guidance for the Hearing of Induction Appeals* take precedence.

What is an 'oral hearing'?

An 'oral hearing' is one which both parties can attend with representation, and bring witnesses. The parties in this respect are the appellant and the Appropriate Body. This hearing is a public hearing, unless the Committee decides part or all of it should be held in private.

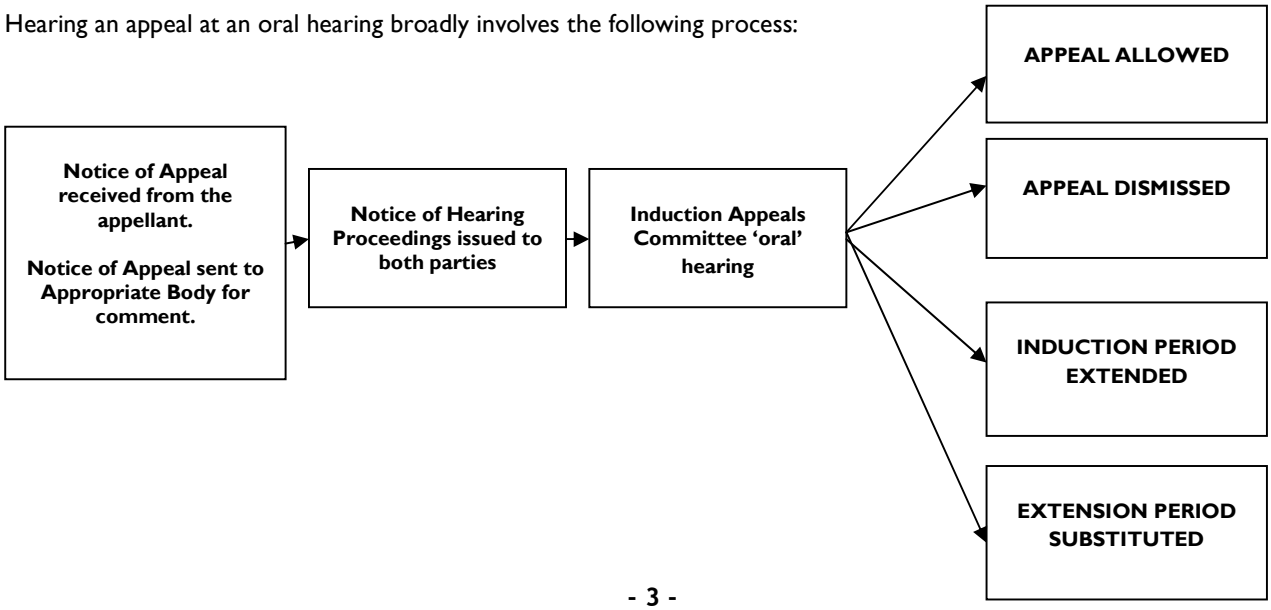
However, in some circumstances, the Council may decide to hold a 'non-oral' hearing (one which is held in private, and one where a decision is made on the basis of paper evidence only without those parties present), or not to hold a hearing at all.

For example, if:

- neither the appellant nor the Appropriate Body asks for an oral hearing, the Council may decide to hold a non-oral hearing.
- the appellant or the Appropriate Body asks for a non-oral hearing, the Council may arrange this.
- the Appropriate Body does not respond to the Notice of Appeal, the Council may decide to hold a non-oral hearing.
- the Appropriate Body does not wish to dispute the appeal, the Council may allow the appeal without holding a hearing at all.

Hearing process

Hearing an appeal at an oral hearing broadly involves the following process:



Hearing decision

An Induction Appeals Committee decides whether or not (a) the appellant failed to meet the End of Induction Standard (b) the appellant was seriously disadvantaged by the Induction process (c) there were special circumstances which would justify allowing the appeal, or extending the Induction period.

The Induction Appeals Committee then decides whether or not (a) the appeal should be allowed (b) the appeal should be dismissed (c) to extend the Induction period, or (d) to substitute the period of extension (where the appeal is against an extension to the Induction period).

The Council will issue the appellant and the Appropriate Body with a 'Notice of Hearing Proceedings' and ask both parties to respond to it prior to the hearing.

A decision at an oral hearing is made on the basis of written and oral evidence, and, unless the appellant or representatives for the Appropriate Body ask for a private hearing and the Committee agrees, all evidence is heard in public. The appellant and the Appropriate Body are encouraged to attend, and attend with representation. A solicitor, legal adviser or union official may fulfill this role. Witnesses may be called by both parties. If neither party attends, the Committee may decide the appeal in their absence.

Information for observers

The procedure the Induction Appeals Committee will follow is set out in the Council's *Guidance for the Hearing of Induction Appeals.* Members of the public and press are asked to note the following:

Arriving at and leaving the hearing

- **Hearings will normally start at 10:00am**. Please aim to arrive by **9:45am** at the latest and sign the attendance sheet. When you arrive, a Council Officer will either show you to a waiting room from which you will be collected before the hearing is about to start, or will take you directly to the hearing room. You do not have to stay for the duration of the hearing if you do not wish to do so.

- The Induction Appeals Committee will take a lunch break at an appropriate point during the proceedings. **This is usually around 1:00pm.**

- The Induction Appeals Committee may ask the public and press to leave the hearing, or any part of a hearing, at any time.

- **The hearing will often be stressful for the appellant and witnesses, and the representatives for the Appropriate Body. Please avoid causing any additional distress by remaining silent throughout. If it is necessary for you to leave or enter the hearing room at any point during proceedings, please do so quietly and at an appropriate time.**

The appellant and witnesses

- The appellant and representatives for the Appropriate Body may or may not attend, and cannot be forced to. A Committee will give careful consideration to the relevant circumstances where this happens before continuing with a hearing. In any event, the Council will have given both parties an opportunity to attend and make representations.

- If the appellant attends, he or she does not have to give evidence.

- If the appellant and representatives for the Appropriate Body attend, and ask the Induction Appeals Committee for the hearing, or any part of it, to be heard in private, you will be asked to leave the hearing room - a Council Clerk will then escort you to a waiting room. The Clerk will collect you when the Committee has made its decision. You will be unable to observe any part of the hearing the Committee decides should be in private.

Any legal or professional advice the Committee receives in private will be declared in public.

- Witnesses, including the appellant and representatives for the Appropriate Body, will be asked to give the oath or affirmation before giving their evidence.
- Hearings may be conducted in English or Welsh if the appellant requests. Translation services will be provided by the Council where appropriate.
- Witnesses cannot observe the hearing until they have given their evidence.

Tone of the proceedings

- As a matter of general approach, Induction Appeals Committee hearings are held in an investigative rather than an unduly adversarial manner.

Other issues for observers to note

- The hearing room layout is attached for information.
- The proceedings will be tape recorded.
- **The use of mobile telephones during the hearing is prohibited**.
- **Members of the press are prohibited from taking photographs in the hearing venue.**

Principles governing the Council's Induction appeals work

There are a number of key principles which govern the Council's Induction appeals work. These are:

Fairness. Committees will treat each appeal fairly and on its own merits based on the available evidence.

Efficiency. The Council will seek to deal with appeals efficiently so as to cause the minimum of delay and discomfort to the parties involved.

Openness. The Council recognises that the interest of the public lies in the openness of its procedures and the accountability of the Council as displayed through its Induction appeal responsibilities. However, the Council also recognises the concern it must have for the private lives of appellants whose appeals are being heard.

The *Human Rights Act* entitles individuals to a public hearing, but this is subject to a number of qualifications. A Committee may decide that it is not in the interests of justice, of children or the protection of the private lives of individuals to hold a hearing in public. In such cases, a Committee will hear a case in private. An appellant may choose to waive their right to a public hearing, but it will still be for the appropriate Committee to decide whether the hearing should be in public or in private.

Impartiality. The composition of Committees will be developed to ensure a fair balance and Committee members involved will be impartial.

Confidentiality. Subject to the need to ensure justice and fairness, members and Council officers are committed to respecting the confidential nature of all information involved in Induction appeals, in so far as is possible where hearings are in public.

All evidence, appeal papers and records will be stored confidentially and securely.

Natural Justice. The appellant is given the opportunity to challenge the decision made by the Appropriate Body with regard to his or her Induction period by providing the Council with a Notice of Appeal. In addition, the appellant may provide written and other representations to the Council to evidence the grounds of appeal submitted.

The Appropriate Body, against whom the appeal is lodged, is informed of such a dispute and provided with an equal opportunity by the Council to challenge the grounds of appeal.

The Public Interest. All appeals will be heard in the public interest. This includes the protection of members of the public, the maintenance of public confidence in the profession and the declaration and upholding of proper standards of conduct and competence.

Equal Opportunities. The Council is fully committed to equal opportunities and non-discrimination.

Language. Committees will be conducted (all or in part) in English or Welsh at the request of the appellant.

Key contacts

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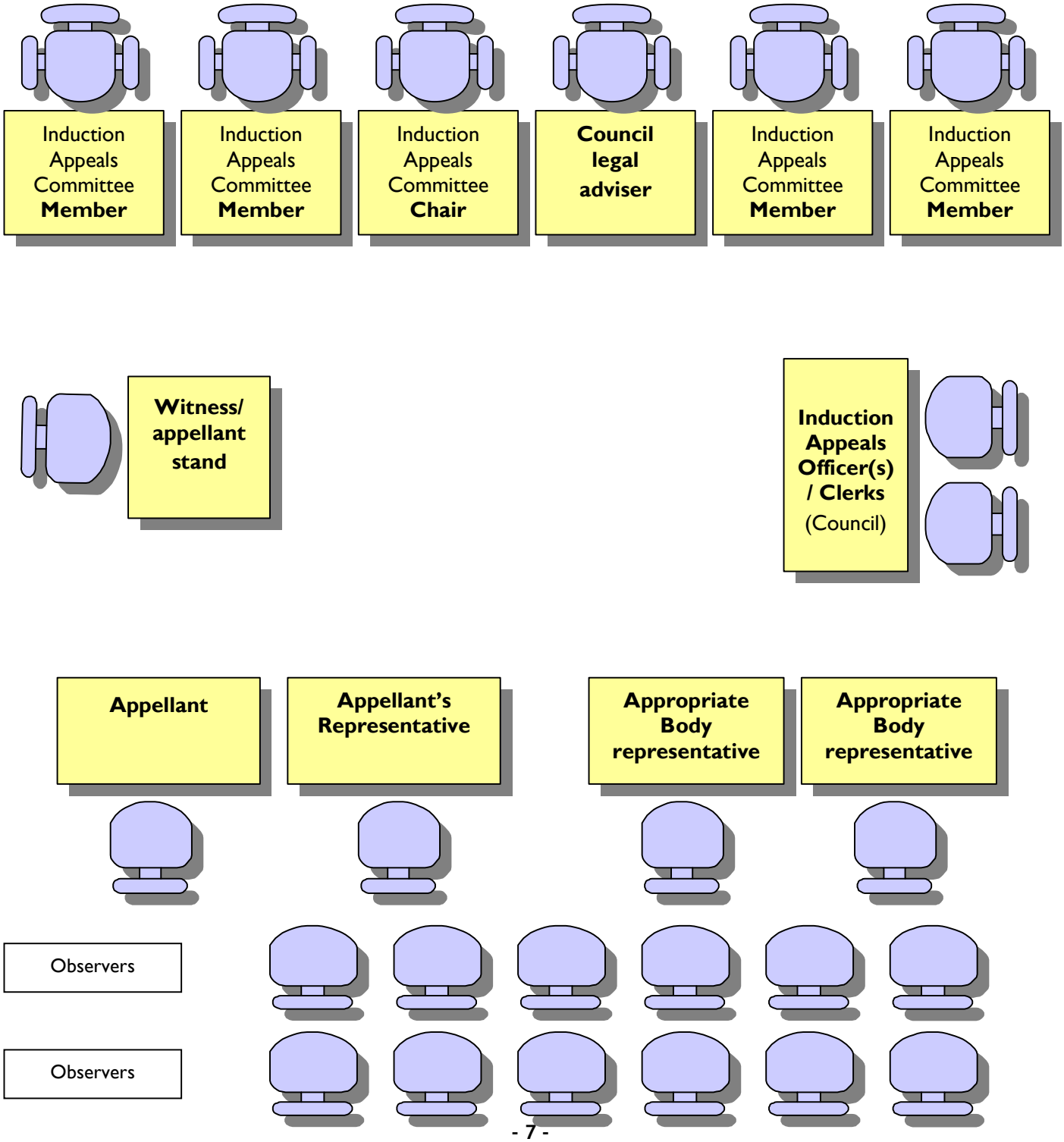
Hearing Room

(Induction Appeals Committee - oral hearing)