



Cyngor Addysgu Cyffredinol Cymru
General Teaching Council for Wales

Professional Standards

Information for hearing observers

(Suitability assessments involving teachers applying for registration)

THE SUITABILITY 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.

Under Section 134 of the *Education Act 2002* and Regulation 7 of the *Education (Specified Work and Registration) (Wales) Regulations 2004 (SI 2004/1744 (W. 183))*, every qualified teacher who carries out the 'specified work' of a teacher in a maintained school in Wales **must be registered** with the Council. Other persons with Qualified Teacher Status (QTS), such as those working in independent schools, further or higher education, as home tutors or those not currently teaching are also encouraged to register.

In accordance with the *Education Act 2002* and the *Education Act 2002 (Commencement No. 10 and Transitional Provisions)(Wales) Order 2006 (WSI 2006 No.1336 (W.129)(C.44))*, a teacher is not eligible for registration with the Council unless it is satisfied that he or she is suitable to be a registered teacher. The Council assesses suitability for registration on the basis of Enhanced Disclosures received from the Criminal Records Bureau (CRB).

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 investigation and hearing of all suitability assessments. Applying the test requires Committees to balance competing interests, for example, the general public interest as opposed to that of the applicant.

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.

What is the disclosure process, and why is it necessary?

Every qualified teacher (Newly Qualified Teachers (NQTs), experienced teachers returning to teaching or teachers moving into Wales) who wish to work in maintained schools, or non-maintained special schools in Wales **must be registered** with the Council.

In order for a teacher to register, he or she must complete the Council's *Application for Registration* form, and an application for a CRB Enhanced Criminal Records check. The CRB returns completed checks to the Council in the form of an Enhanced Criminal Records Certificate once it has made enquiries with police and other agencies, such as the Independent Safeguarding Authority (ISA). Checks are made on the basis of information provided by the applicant in the application form.

The requirement for applicants to apply for CRB Enhanced Criminal Records checks at the time they apply to register has been a legislative requirement since May 31st 2006, and acts as a safeguard to ensure, as far as is possible, no person is granted registration with the Council who may be unsuitable to be a registered teacher.

If an applicant has spent time overseas, the Council will also ask them to self-declare any criminal record or prosecutions pending in other countries. Any declaration will be assessed in the same way as a disclosure made by the CRB.

What happens once a disclosure is received by the Council?

If the disclosure reports an applicant does not have a criminal record, the Council's Registration Team will process the application for registration, subject to qualifications and QTS checks.

If the disclosure reports an applicant has a criminal record, the Registration Team will refer it to the Professional Standards Team where it will be considered in line with the Council's *Suitability to be a Registered Teacher - Procedures and Rules*.

This information is general information. In all circumstances, *The General Teaching Council for Wales (Functions) (Amendment) Regulations 2006* and the Council's *Suitability to be a Registered Teacher - Procedures and Rules* take precedence.

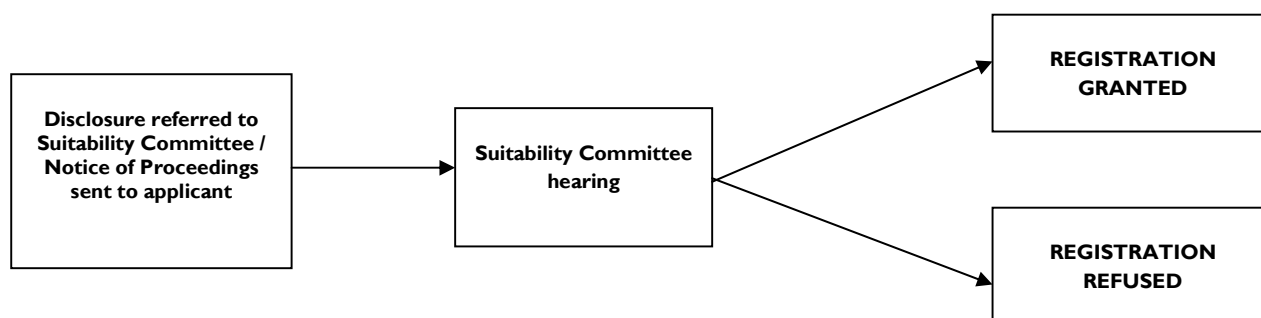
How has the assessment of the applicant's suitability reached this stage?

The 'hearing stage' is the second stage of the process where a disclosure has been referred to a Suitability Committee. To reach this point, an Investigating Committee **was not satisfied that the applicant was suitable to be a registered teacher, and was minded not to grant the application for registration at that stage.**

'Suitable' means that a Committee is satisfied the applicant meets the standards expected of a registered teacher.

Hearing process

Hearing a suitability assessment broadly involves the following process:



Hearing decision

A Suitability Committee decides whether or not it is satisfied the applicant is suitable to be a registered teacher, and consequently whether or not to grant the application for registration.

The Council will issue the applicant with a 'Notice of Proceedings' and ask him or her to respond to it prior to the hearing. The Notice explains to the applicant that ***the onus is upon him or her to provide evidence as to their suitability.***

A decision at this stage is made on the basis of written and oral evidence, and, unless the applicant asks for a private hearing and the Committee agrees, all evidence is heard in public. The applicant is encouraged to attend, and attend with

representation. A solicitor or union official may fulfill this role on behalf of the applicant. Witnesses can be called by both the applicant and the Council. If the applicant does not attend, the Council reserves the right to continue in their absence.

Where a Suitability Committee refuses the application for registration on the grounds that it was not satisfied that the applicant was suitable to be a registered teacher, he or she has the right of appeal to the High Court within 28 days of the date the decision notice is sent to them. The applicant may not re-apply for registration until 12 months have elapsed from the date of the decision to refuse.

The Professional Standards Team will post information relating to a refused application for registration on the Council's website for three months.

Information for observers

The procedure the Suitability Committee will follow is set out in the Council's *Suitability to be a Registered Teacher - Procedures and Rules*. 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 Suitability Committee will take a lunch break at an appropriate point during the proceedings. **This is usually around 1:00pm.**
- The Suitability 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 applicant and witnesses. 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 applicant and witnesses

- The applicant 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 the applicant an opportunity to attend and make representations.
- If the applicant attends, he or she does not have to give evidence.
- If the applicant and/or a representative attends, he or she may ask the Suitability Committee for the hearing, or any part of it, to be heard in private. If/when the applicant and/or a representative does so, you will be asked to leave the hearing room - a Council Clerk will 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 applicant if appropriate, will be asked to give the oath or affirmation before giving their evidence.
- Hearings may be conducted in English or Welsh if the applicant 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, Suitability 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 suitability work

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

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

Efficiency. The Council will seek to deal with disclosures 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 responsibilities regarding suitability assessments. However, the Council also recognises the concern it must have for the private lives of applicants whose suitability is being assessed and for potential witnesses, not least as these might include children.

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 an assessment in private. An applicant 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. The Council will ensure that there is a clear separation and division of roles in respect of those members and officers who are involved in an Investigating Committee and a Suitability Committee.

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 a suitability assessment, in so far as is possible where hearings are in public.

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

Natural Justice. The applicant whose suitability is being assessed will be informed of the disclosure made to the Council. The CRB will also send an applicant a copy of a disclosure in relation to him or her simultaneously with providing it to the Council. Where a Notice of Investigation or Notice of Proceedings is issued, the applicant will be given an opportunity to provide written and other representations and evidence in response to the disclosure made, with a view to establishing to the Council's satisfaction that he or she is suitable to be a registered teacher. In addition, the applicant is given the right of appeal to the High Court where an application for registration is refused by a Suitability Committee on the grounds that it was not satisfied that he or she is suitable to be a registered teacher.

The Public Interest. All suitability assessments will be investigated and 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 applicant.

Key contacts

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Hearing Room

(Suitability Committee)

