

Children, Schools and Families Select Committee: **Inquiry into Allegations against School Staff**

Memorandum from the General Teaching Council for England

Executive Summary

- The General Teaching Council for England (GTCE) is aware of the very considerable distress associated with the processes for dealing with allegations against school staff.
- The GTCE receives a small number of complaints about teachers directly from the public but these are rarely at a threshold serious enough to raise doubts about the teacher's registration status and thus to require a hearing. To date, only three such referrals have resulted in a sanction.
- The GTCE does not consider complaints or referrals that raise child protection issues. These are dealt with by the Independent Safeguarding Authority (ISA).
- The GTCE believes that referral and investigation procedures are not universally well understood. Local authorities and personnel providers should providing more high quality training and support in this area.
- The GTCE does not believe that the public interest requires the teacher or other staff member to be named at the point the allegation is made.

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Memorandum from the General Teaching Council for England

Introduction

1. The General Teaching Council for England (GTCE) is the professional and regulatory body for teachers teaching in maintained schools, maintained and non-maintained special schools and pupil referral units in England. Under the Teaching and Higher Education Act 1998, we have a responsibility for regulating the professional behaviour of registered teachers in England and may consider cases referred to us for reasons of misconduct, incompetence or criminal offending.
2. Teacher employers, whether local authorities, individual schools with legal employer status or supply teaching agencies, are required to refer a case to us where a teacher is dismissed for a reason relating to misconduct, incompetence or criminal offending or where they resign in circumstances where dismissal was possible.
3. Members of the public may also refer complaints of misconduct (but not of incompetence) directly to the GTCE. We have powers to investigate and hold public hearings and may issue a reprimand, apply conditions to continuing registration, suspend registration or prohibit from teaching, with or without the option to reapply for registration. Sanctions are recorded on the Register, which is available through online checking by employers. Members of the public may also check whether a teacher is registered. The GTCE does not consider cases where the teacher may represent a risk of harm to children, which is a matter for the Independent Safeguarding Authority (ISA).

The scale and nature of allegations of improper conduct made against school staff

4. Allegations against school staff may be made by a range of parties and cover a wide range of issues. Schools are required to have complaints procedures in place whereby parents and others who are dissatisfied by a matter relating to the school may make complaint. The GTCE believe the normal expectation is that complainants about an individual teacher should initially raise the matter with the head teacher and thereafter, if not satisfied, with the governing body. Where the school is under local authority control, the local authority may also be approached

but we understand that its role is confined to reviewing the adequacy and of the procedures followed in considering the complaint rather than the substance of the matters at issue. Our expectation is that the great majority of complaints raised against teachers will be successfully addressed at school level. The GTCE recently responded to a government consultation on the adequacy of the arrangements for considering parental complaints: *A New Way of Considering Parents' Complaints About School Issues* – November 2008.

5. Where the allegation is a serious one involving abuse, our expectation would be that the school would address the matter under the relevant procedures, which are contained in the guidance: *Safeguarding Children in Education: Dealing With Allegations of Abuse Against Teachers and Other Staff* (DfES/2044/2005).
6. The GTC does not have data about the level and nature of complaints about teacher conduct which we assume could only be collected from schools and local authorities directly.
7. As stated above, it is possible for a member of the public to make a complaint of improper conduct by a teacher directly to the GTCE. The GTCE has published information about its role which is widely available. Specific guidance on how to make a complaint of misconduct against a teacher is available on our website at http://www.gtce.org.uk/parents/howto/#express_concern.
8. The role of the GTCE is to consider allegations which are sufficiently serious to meet the threshold of matters capable of affecting the registration status of the teacher. At the same time, we must also make it clear that our role is not to consider cases where the teacher may represent a risk of harm to children nor are we a general complaints body or ombudsman for all complaints about the education system or the performance of schools.
9. The table below shows the numbers of public complaints against teachers received by the GTCE since 2003:

Financial Year	Referrals received
2003/4	32
2004/5	29
2005/6	34
2006/7	56
2007/8	92
2008/9	98

10. We consider the pattern of increase in such referrals reflects an increasing level of awareness of the GTCE's role rather than any decrease in the standards of behaviour by teachers.
11. The great majority of such referrals to the GTCE are matters which are more appropriate for resolution at school or otherwise at local level or are matters for other bodies in the education system: e.g. Ofsted. Very few such referrals reach

the threshold of seriousness that would be relevant to registration status and in the period covered only three cases have resulted in a sanction at hearing.

Whether staff subject to allegations should remain anonymous while the case is investigated

12. In relation to allegations of abuse, the GTCE has previously commented on this matter, in response to a previous consultation on a revision to the guidance: *Safeguarding Children in Education: Dealing with Allegations of Abuse against Teachers and Other Staff* (DfES/2044/2005).
13. On 4 May 2007, in response to a report from the National Association of Head Teachers, the GTCE's Chief Executive Keith Bartley said :

"I have huge sympathy for all teachers facing an unfounded or vexatious allegation of misconduct or abuse. I strongly support Mick Brooke's statement this morning that everyone's primary concern must be the safety and protection of children but I also feel that these allegations could and should be dealt with more fairly and effectively. The public interest does not require that the teacher or head teacher be named at the point when an allegation is first raised. That should wait until the point that an adult is actually charged with an offence. I also think that more should be done to challenge those who make false accusations, because they currently face no consequences for the distress and anxiety they bring down on a teacher and on the whole school.

Whether the guidance available to head teachers, school governors, police and others on how to handle claims of improper conduct by school staff should be revised

14. The guidance: *Safeguarding Children in Education: Dealing With Allegations of Abuse Against Teachers and Other Staff* (DfES/2044/2005) contains carefully considered guidance on the procedures for dealing with allegations where a teacher may have:
- behaved in a way that has harmed a child, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or,
 - behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.
15. This guidance has been produced with the advice of the national network of Investigation and Referral Support Co-ordinators Network established by government in 2001, with a view to establishing and disseminating best practice in this area and was previously agreed with a wide range of stakeholder bodies. It covers the role of the school in following disciplinary procedures, the circumstances where suspension is appropriate, police involvement and record keeping in some detail. The GTCE does not have evidence which it can draw upon of the extent to which the current guidance has been successful in supporting the effective management of allegations in this area.

16. Where the allegations do not fall within this category, guidance for schools is available through the personnel provider to the school, whether the local authority or a private company. General advice and guidance on the formation and operation of procedures in these areas is provided through NEOST.

Observations about the role of the General Teaching Council for England

17. The GTCE is aware of the very high levels of concern expressed by teacher associations about the protracted nature of these proceedings and how stressful these are for the affected teacher and the wider school community. We recognise that there is the potential for teachers to face the further prospect of a referral to the GTC – either because the allegation has resulted in dismissal or resignation by the teacher or because complaints may be raised by the teacher against other teachers or school leaders involved in the process. To date, however, this has not arisen as an issue.

18. The GTCE has concerns that the new arrangements for referring cases either to the ISA where they raise child protection issues, or to the GTC on other conduct issues, may not yet be fully understood by employers and that this has the potential to introduce a further layer of complexity and difficulty.

19. We believe that local authorities and personnel providers should be considering an extensive programme of support and training to ensure that schools operate all the relevant procedures in relation to allegations against school staff effectively, promptly and fairly.

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