

Registration and Regulation of Teachers

Annual report 2008-09



registration

regulation

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Introduction

In this report, we explain our role as the organisation that registers qualified teachers in England, and regulates the teaching profession in the public interest.

We show how both employers and the public can check the register. Now that direct online employer access is fully in place, employer checks continue to rise, more than doubling in 2008-09 compared to the year before.

We describe the registration process, including the new category of provisional registration introduced in September 2008, and how we award qualified teacher status (QTS) to teachers.

Teachers who fail to meet induction standards can appeal to the GTC. Although the number of induction appeals remains low – five in 2008-09 – we have identified a number of areas which it is important for those supporting new teachers and assessing induction to address.

A large part of this report deals with our disciplinary functions. Here, we first set out the arrangements for cases to be referred to us and then examined by an investigating committee, and then describe the arrangements for hearing cases where it is felt there is a case to answer.

There were 164 disciplinary hearings in 2007-08, an increase on the 150 the year before. This reflects the growing capacity of the GTC to hear cases and of employers and others to refer on appropriate causes of concern.

The setting of boundaries of conduct and competence is a key task for the GTC. The public has a right to expect that teachers uphold professional standards,

and indeed teachers have a right to be certain that their peers are in good standing with their professional body.

Our code of conduct, provided to every registered teacher, has given clear guidance on expected standards of conduct and competence for many years. The context for teaching continues to change however, and during the lifetime of this report we commenced revision of the code; the new code will come into force on 1 October 2009.

In this report, we place each disciplinary case into one of eight main categories, and illustrate how committees impose sanctions of varying severity appropriate to it. For example, patterns of repeat and persistent criminal offending would be likely to be treated with stronger sanctions than isolated instances of the same offence.

The data and most of the commentary in this report cover the 12 months ending 31 March 2009. We have signposted key changes that took place during the year. These include the introduction of provisional registration, for trainee teachers, on 1 September 2008 and the transfer of responsibility for dealing with cases which relate to the safety and welfare of children and young people from the Department for Children, Schools and Families to the Independent Safeguarding Authority on 20 January 2009.

Except where legislation is explicitly stated, this report interprets rather than establishes the law in relation to our registration and regulatory responsibilities.

For more information on the other areas of the GTC's work, see our leaflet *What we do* or visit our website: www.gtce.org.uk

Awarding qualified teacher status

Awarding qualified teacher status (QTS) is one of the most important things we do. For a new teacher, the award is symbolic of their progression from training. For the public at large, QTS guarantees that a teacher has secured the baseline professional qualification required to be able to register with the professional body for teaching.

Hence in these two senses, even though we do not set the QTS standards themselves, the GTC is the gatekeeper of entry to the profession. We are granting entry to the profession in the name of the public that the teacher will serve, rather than that of a particular higher education institution, or indeed on behalf of the government of the day. Before the advent of the GTC in 2000, qualified teacher status was granted by the Secretary of State; by creating the GTC, government relinquished that role, and transferred it to teaching's professional body.

We give every teacher a teacher reference number (TRN), which they keep throughout their career. To employers and others, it serves as a unique identifier of the teacher's qualified and registered status. Once, the TRN was known as a DfES or DES number, reflecting the name of the government department that had this task before the GTC started work.

The process

Early in the school year we prepare a list of all final-year teacher trainees and where they are based. This is compiled from two sources: the Higher Education Statistics Agency (Hesa), for trainees who are based at colleges and universities, and the Training and Development Agency for schools (TDA), for those who are based at school-centred providers of ITT (Scitts) or who are on employment-based schemes. From the list, we ascribe TRNs to trainees and create fledgling records on our database.

Trainees who started their course on or after 1 September 2008 must provisionally register with us. In 2008-09 therefore, trainees fell into two groups. Those who had been

working towards QTS since before that date could not be provisionally registered, and hence for them we continued to run the trainee teacher registration process in a similar way to past years. Those who began their course on or after this date went through the new provisional registration route. See page 7 for more about provisional registration.

In February, we write to each trainee, notifying them of their TRN, telling them about the GTC, and seeking contact addresses and similar information so that we can send them their QTS certificate in due course. Trainees who tell us that they intend to register with the GTC after qualification must also complete a form on which they declare their suitability to teach.

From June onwards, teacher education providers tell us who has passed their course and also the 'skills tests' required by the Department for Children, Schools and Families (DCSF). Soon after, we send out individual QTS certificates, fully register those who have requested it, and welcome these new teachers into the profession.

The timetable is more flexible for trainees who come through employment-based routes, the graduate and registered teacher programmes, to allow for on-the-job training and recognition of prior learning.

We also award QTS to teachers (just over 2,000 this year) who have qualified in other countries of the European Economic Area (EEA) – this includes the other nations of the United Kingdom, except Wales (Wales and England mutually recognise each other's QTS). Teachers who have qualified in the EEA can ask us to recognise their qualification as equivalent to QTS under European freedom of movement legislation.

People with teaching qualifications from outside the EEA can undertake a variety of courses that can lead towards QTS. We awarded QTS to over 1,100 teachers through these routes during 2008-09.

Table 1: QTS awards

Type of QTS award	2005-06	2006-07	2007-08	2008-09
ITT college exit process	28,288	27,840	27,661	26,014
Graduate and Registered teacher programmes	4,808	4,887	4,919	4,927
Flexible post graduate route	893	787	860	812
Scotland	215	229	209	218
Northern Ireland	57	88	78	69
European Economic Area	1,319	1,700	1,511	1,731
Other overseas-trained teachers	1,163	970	1,307	1,121
Awards resulting from archive work	1,553	743	594	409
Total	38,296	37,244	37,139	35,301

Induction

Although QTS is a significant milestone for any teacher, it is not the only one. Teachers also have to undertake a period of induction, usually their first full-time year, though it can be extended.

Some qualified teachers from the other nations of the UK are exempt from induction, as are many EEA-qualified teachers. Other overseas-trained teachers are not exempt, though those with more than two years' teaching experience can arrange for their induction period to be assessed alongside their QTS.

During induction, a teacher has a reduced timetable so that, with the aid of a tutor, they can build on the knowledge and skills they developed during initial teacher training. Their progress is regularly assessed against the standards required of qualified teachers. These changed during 2007-08.

On 1 September 2007, the 'induction standards' that had dated from 2003 were replaced by new 'core standards'. NQTs who started their induction before this date can be assessed against the 2003 standards, but if they have not completed their induction by the end of December 2007 then they must be assessed against the new core standards for the remainder of their induction period. NQTs who started their induction on or after 1 September 2007 are assessed against the new standards.

“ During induction, a teacher can build on the knowledge and skills they developed during ITT. ”



Each term we write to all local authorities (LAs) to find out which NQTs have successfully completed their induction period. We then issue them with their certificate of induction.

Whether or not an NQT has met the induction standards is decided by an 'appropriate body' – the local authority of the area concerned, for maintained schools and non-maintained special schools. For independent schools, the appropriate body may be an LA or the Independent Schools Council Teacher Induction Panel (ISCTIP).

Teachers who fail induction retain their QTS but can no longer teach in a school for which GTC registration is compulsory (hence including all maintained schools), unless they appeal successfully to us (see next section). We mark their Register entry accordingly, which will thus be apparent to an employer making a check.

All those involved in the induction procedure should follow the guidance on completing induction in Department for Children, Schools and Families (DCSF) guidance 0458/2003 *The induction support programme for newly qualified teachers*. Evidence from hearing induction appeals tells us that they should:

- identify problems clearly, fairly and frankly at the time they arise rather than delaying;
- ensure they conduct observations and hold summative assessment meetings in accordance with DCSF guidance; and
- keep clear written records of progress reviews and formal assessments.

For their part, NQTs should take an active role in ensuring they are familiar with the induction requirements.

Induction appeals

As failure to pass induction has such serious consequences for the teacher, there is a right of appeal to the GTC (and also against extension of the induction period), heard by an induction appeals committee.

The committee can allow the appeal, dismiss it, or allow an extension, depending on its view whether:

- the appellant has failed to meet the induction standards;
- there was any defect in the induction process of sufficient importance so as to have seriously disadvantaged the appellant in meeting the standards; and
- there are any other special circumstances that justify the appeal being allowed or the induction period being extended.

Our guidance and procedures for hearing induction appeals are available on our website: www.gtce.org.uk

Table 2: Induction results

	2005-06	2006-07	2007-08	2008-09
Pass	25,858	26,957	25,517	26,568
Deferred	109	82	72	113
Withdrawn	1,090	937	800	1,121
Fail	22	38	26	22

Table 3: Induction appeals

	2005-06	2006-07	2007-08	2008-09
Appeal allowed	0	0	0	1
Appeal dismissed	3	6	0	3
Extension: one term	2	0	0	0
Extension: two terms	2	0	1	0
Extension: three terms	4	2	3	1
Total	11	8	4	5

Registration

Only people who hold qualified teacher status (QTS) or the equivalent can be fully registered with the GTC.

Who must register

All qualified teachers teaching in maintained schools, non-maintained special schools or pupil referral units in England must register with the GTC. This applies equally to full-time, part-time and supply teachers.

The registration status of teachers at an academy depends on its funding agreement. Of the 133 academies open on 31 March 2009, the funding agreement at 90 required teachers with QTS to have full registration with the GTC. Teachers with QTS at the remaining 43 academies can choose to register.

Others who must register include local authority advisory teachers, higher level teaching assistants and centrally-employed teachers (such as those who teach the hearing-impaired) who work in places where registration is required and:

- plan and prepare lessons;
- deliver lessons; and
- assess and report on the development, progress and attainment of pupils.

Some other teachers may have to register with the GTC as a condition of their contract. For example, some independent schools require their qualified teachers to register with the GTC.

From 30 September 2008, qualified teachers in sixth form colleges must be registered with either the GTC or the Institute for Learning (IfL).

Who can choose to register

We welcome registration from all qualified teachers working in education even though their particular role may not require them to do so. Many thousands choose this to register, for example in independent schools or further education colleges.

Table 4: Registered teachers

Following a fairly stable trend over the previous three years, there was a modest but noticeable increase of 2.5% this year.

	31 March 2006	31 March 2007	31 March 2008	31 March 2009
Teachers registered with the GTC	538,000	532,000	538,000	552,000

See our Digest of statistics for more information, either as a printed publication or on our website at:

www.gtce.org.uk/publications

Provisional registration

Trainee teachers who started their course on or after 1 September 2008 have to be provisionally registered with the GTC. They therefore come within our regulatory scope in relation to misconduct, though not incompetence. They can also use many of the services that we provide for fully-registered teachers, such as our networks resources and Research for Teachers.

Unqualified teachers (instructors) and non-EEA overseas trained teachers will have to be provisionally registered from September 2009. We will report further on this in next year's report.

There is no fee for provisional registration, and we do not expect to review this until 2010.

As at 31 March 2009, 35,784 trainees were provisionally registered with the GTC.

Suitability to teach

Anyone who wants to register with the GTC – either full registration or provisional registration – must complete a declaration of ‘suitability to teach’ as part of the application process. This self-declaration covers a number of issues which could be relevant to the teacher’s suitability to register, including criminal convictions, disciplinary action by other professional bodies and disciplinary proceedings by employers.

How to check whether a teacher is registered

Checks by the public

Contact our registration helpdesk, with enough information so that we can uniquely identify the teacher. We will confirm whether they are registered on a yes/no basis.

Checks from employers

Employers must not employ a teacher who is not registered with the GTC but is required to be, and hence should check their registration status with us. This is one of the key public safeguards in the recruitment and employment of teachers, alongside criminal record checks and whether the DCSF or ISA have barred a teacher.

When we make a disciplinary order against a teacher, we automatically notify the employer of it separately and in writing.

Employer access

Since autumn 2005, local authority (LA) employers have been able to check the registration status of teachers online. The system, recently enhanced, is now available to all maintained schools. These checks can be undertaken across a whole local authority (for LAs), within a specific school, or in relation to an individual teacher.

Employers can also ask for a print of further information that we hold on a teacher’s record. This print will contain details of a teacher’s qualified teacher status, induction record and any disciplinary orders that may exist; where available, it will also contain details of a teacher’s degree qualifications.

Table 5: employer checks

	2005-06	2006-07	2007-08	2008-09
Employer access enquiries received and processed	90,000	182,000	191,000	388,000

A code for teaching

Teaching is a skilled and trusted profession.

Teachers have a profound and lasting influence on the development and life chances of children and young people. Their knowledge, skill, judgement, creativity and commitment play a vital role in society.

Given the importance of teaching to children and young people, and society as a whole, it is essential that teachers continue to maintain standards of teaching practice and professional conduct.

Our statement and code: to 2009

We set out the high professional standards of teaching, its beliefs, values and attitudes, in our statement of professional values and practice.

Alongside the statement, we developed a code of conduct and practice. It explained our role in acting when it is alleged that a teacher has behaved unacceptably or their teaching is seriously below standard, and set out the minimum standards which should be upheld by registered teachers.

However, the context for teaching has changed significantly since the code was first published, and so we consulted on a new code during 2008-09.

“ **The code sets out the minimum standards which should be upheld by registered teachers.** ”



Consultation on a new code

During the drafting of the new code, we worked closely with the Office for Public Management (OPM). In the spring and summer of 2008, they ran a variety of workshops for teachers, parents, governors, pupils and employers, to gain insight into the expectations that these various groups have of the teaching profession.

These insights helped inform a draft code, on which we consulted between November 2008 and February 2009, OPM analysing the replies. During this time OPM ran a further series of workshops for teachers, parents and governors, to look at the draft in line-by-line detail. Meanwhile, we contacted a wide range of organisations with an interest in the new code, including teacher trade unions and associations, and drew lessons from the codes of other professions.

Through this thorough consultation we identified a number of improvements to the draft code. A revised version was approved by Council in July 2009 and will come into force on 1 October 2009.

Throughout drafting, we retained one central, and radical, concept: a code based on the positive commitments that teachers make.

The new code, and while they are still in force its predecessor and the statement, are available on our website at www.gtce.org.uk/code

Integrated working

We have also worked with our fellow professional bodies, the General Social Care Council and the Nursing and Midwifery Council, to produce a statement of values for integrated working. This statement has now been adopted by the Children's Workforce Development Council. It recognises that teachers work alongside a range of professionals in the interests of individual children within the context of the Every Child Matters legislation.

How regulation works

Our powers

Our disciplinary functions are prescribed by legislation under the Teaching and Higher Education Act 1998 and the General Teaching Council for England (Disciplinary Functions) Regulations 2001 (as amended). Through them, we seek to uphold the high professional standards of registered teachers in this country.

We consider allegations of serious professional incompetence and unacceptable professional conduct, and convictions for relevant offences.

Serious professional incompetence falls seriously short of the competence expected of a registered teacher taking into account the relevant circumstances.

Unacceptable professional conduct falls short of the standard of conduct expected of a registered teacher and involves a breach of the standards of propriety expected of the profession.

We look at criminal convictions, whether committed in the United Kingdom or elsewhere, to determine whether they are relevant to a teacher's fitness to be registered.

These definitions are contained within our disciplinary procedure rules. There are examples of each in our code of conduct and practice. Both documents are available on our website: www.gtce.org.uk

During the year, we completed 169 hearings (including the five induction appeals), our highest yet. This was below our target of 202 due to postponements, generally at the request of the teacher involved, and a high number of complex and long-running cases. The time we took to deal with cases went down from 59 weeks to 52 weeks.

Where we find allegations proved, or criminal offences to be relevant, hearing panels may impose a disciplinary order in the public interest.

- **Reprimand.** A reprimand will remain on the Register for a two-year period.
- **Conditional registration order.** This applies conditions to registration for a specified period or without limit of time.
- **Suspension order.** This suspends the teacher's eligibility to register for up to two years, and may contain conditions.
- **Prohibition order.** This removes the teacher's eligibility to register. Teachers may apply for the restoration of their eligibility to register following a period specified in the order, which may not be less than two years and may be for an unlimited period.

Teachers whose registration is subject to conditions must comply with those conditions and may be called to a further hearing if they fail to do so. We monitor compliance with conditions through regular contact with the teacher, employers and others as necessary.

Teachers who receive suspension or prohibition orders may not teach in a setting where GTC registration is required during the period covered by the order.

How cases are referred to us

During the year, cases could be referred to us from employers of registered teachers, from the DCSE, or from the public.

Until 19 January 2009, an employer was obliged to refer a case to the children's safeguarding operations unit of the DCSF when a teacher was dismissed for misconduct, and also when a teacher resigned in circumstances where dismissal was a possibility. Permanent, supply and temporary teachers were all covered by the requirement on employers to refer. If the case raised issues relating to the safety and welfare of children and young persons under the age of 19, the DCSF retained and dealt with it. They referred any other case of teacher misconduct to us.

From 20 January 2009, DCSF involvement ceased. The employer instead had to refer such a case either to us or the ISA. The employer must now refer a case which raises issues relating to the safety and welfare of children and young persons under the age of 19 directly to the ISA; and must refer other cases directly to the GTC.

There was extensive publicity to schools at the time of this change, including a GTC mailing to all schools.

Employers must refer competence cases directly to us, without DCSF or ISA involvement.

We also consider cases where teachers are convicted of a relevant criminal offence. Criminal offences committed by teachers are referred initially to the ISA (before 20 January 2009, the DCSF) as 'notifiable offences', so they can judge whether there is a risk of harm to children and young people. They pass on other cases to us so that we can assess whether they are relevant to GTC registration.

The public can complain to us about alleged unacceptable professional conduct on the part of a registered teacher. This procedure is explained in the leaflet *Complaints about a teacher*, available on our website: www.gtce.org.uk

Table 6: Referrals

Type of case	2006-07	2007-08	2008-09
Minor criminal offence	206	209	151
Non-minor criminal offence	8	12	16
Conduct	138	165	102
Competence	18	28	20
Public complaints	46	92	98
Total	416	506	387

Deciding on cases

Before a hearing

After a case is received, it is first screened by staff within 48 hours of receipt, to determine whether or not it meets a minimum threshold of likely impact on registration. Cases screened out tend to be minor criminal offences and public complaints, but screening also ensures that any case which appears to have been misdirected and to raise child safety issues is referred immediately to the ISA.

A case not screened out goes to an investigating committee of Council members, which meets in private to determine whether there is a case to answer.

If the investigating committee decides there is no case to answer, the matter ends there, in the sense that no disciplinary action is taken by the GTC.

If there is a case to answer, the case goes forward to a hearing committee – either a professional competence committee or a professional conduct committee.

We post the name and school of the teacher and the committee they are to appear before on our website at:
www.gtce.org.uk/regulation

They are also available in the foyers of our offices three working days before the hearing.

During a hearing

Our three-person hearing committees normally meet in public, unless the committee agrees that there are reasons (such as the protection of child witnesses) why all or part of the hearing should be held in private.

On each committee there are two registered teachers and one person who is not in the teaching profession. At least two of the committee are normally members of our council; one person may be from a panel of 15 teachers and 10 lay people who we have recruited to this role. There is an independent legal adviser at each hearing.

We are committed to carrying out our disciplinary role in a transparent way which fully complies with the Human Rights Act 1998. We carry out proceedings in an investigative rather than an adversarial way, which seeks to safeguard the dignity of the teacher and all other parties involved.

We consider all cases on their merits. Hearing committees consider in detail whether the allegations can be factually supported and, if so, whether there has been unacceptable professional conduct, serious professional incompetence or a relevant offence committed. They will use the code to guide them on this. Only where a case is proved will the committee then go on to consider whether a disciplinary sanction is necessary and, if so, what level of sanction is appropriate.

Table 7: Outcome of hearings

	2005-06	2006-07	2007-08	2008-09
Prohibition order	10	34	29	25
Suspension order (with conditions)	9	5	6	8
Suspension order	3	13	16	15
Conditional registration order	25	35	32	35
Reprimand	14	23	36	49
No sanction	3	3	6	4
No finding of guilt	10	12	11	18
Other (variation/revocation/restoration/discontinued)	1	1	4	2
Otherwise disposed of	0	18	10	8
Sub-total	75	144	150	164

In deciding on these matters, committees bear in mind their responsibility to act in the public interest. This means they take account of:

- the protection of the public (and in particular the interests of children);
- the maintenance of public confidence in the profession; and
- the importance of upholding proper standards of conduct and competence by registered teachers.

In considering which if any sanction to issue, committees will use our indicative sanctions guidance, and consider factors such as whether:

- the teacher has insight into failings;
- there is any genuine expression of regret or apologies;
- the behaviour has seriously affected the education and/or well being of pupils;
- there has been an abuse of position or trust; and
- there is evidence of harmful deep-seated personality or attitudinal problems.

After a hearing

We post information about any disciplinary order on our website, for a period of three months after the hearing.

If an investigating committee finds that there is no case to answer, or that a hearing committee made no finding against them, then we will at the teacher's request post this finding too.

Details of decisions are available on our website at:

www.gtce.org.uk/regulation

We hold a record of current and expired disciplinary orders; where an order has expired it is clearly marked as such. For employers, the record is available through a secure passworded area of our website. For the public, the record is available on request to our professional standards support team at the address on page 22.

Case categories

We have found that cases divide into eight principal categories: seven forms of misconduct, one of which includes the committal of a relevant criminal offence, together with serious professional incompetence. Some cases fall into more than one category.

In this section, we look at each category and give examples of sanction that are imposed, depending on the severity of the offence. By definition, they are only examples: each case is considered on its merits, and neither the examples nor the commentary seek to cover the full scope of misdemeanours.

Inappropriate language and/or inappropriate conduct in respect of pupils

We are not responsible for dealing with cases where teachers represent a risk of harm to children. These were retained by the DCSF under List 99 procedures and are now dealt with by the ISA. However, we do consider cases which do not lead to barring but involve inappropriate behaviour towards children, in terms of whether they amount to 'unacceptable professional conduct'.

Cases of inappropriate language and/or conduct in respect of pupils cover a range of behaviour, but they have in common a failure to maintain appropriate professional boundaries with children and young people. Swearing at, or making racist or sexual comments to, pupils come into this category.

This year, there were 32 teachers for whom panel findings against them fell solely or principally into this category.

Sample case A

The attitude and behaviour of head teacher A towards four pupils with special educational needs were the subject of complaints from the school's governing body and subsequently led to her departure from the school.

Decision: reprimand. While many of the complaints were upheld by the panel, they bore in mind her previous good record as a head and testimonials in her support, including those from children of parents of children with special educational needs.

Sample case B

On four separate occasions over six years, teacher B had used physical force and/or offensive language towards pupils.

Decision: suspension for two years, with conditions that he attend approved courses in anger management and behaviour management. He failed to respond adequately to support from the school, and in the series of incidents he seriously demeaned and undermined pupils. He had however accepted the allegations and expressed regret.

Sample case C

Teacher A, a head of sixth form, formed an inappropriate (though not physical) relationship with a pupil in which he became somewhat emotionally dependent on the pupil. He also communicated inappropriately with pupils by text and email, and had pornography in his possession on school premises which a pupil was able to view.

Decision: prohibition, reapplication not before three years. The teacher had not shown any real insight into the gravity of the issues, nor was the medical evidence sufficient to negate his responsibility for his actions.

Actions which undermine the school and/or parents

The wide range of actions covered here includes the misuse of school equipment, for example to view pornography, bullying or harassment of staff, and mismanagement of the school. Alcohol was a factor in some of these cases.

This year, there were 23 teachers for whom panel findings against them fell solely or principally into this category.

Sample case D

Over a period of a year, teacher D had harassed his head teacher, to whose appointment he had objected. The harassment took the form of a large volume of communications and unannounced visits to the head's office; the head saw the harassment as threatening and intimidating.

Decision: reprimand. It was entirely improper for teacher D to have acted in this way, but there was no evidence that any pupils had been affected by his conduct.

Sample case E

Teacher E was employed as an education, training and employment manager by a local authority. In this role he discriminated against a transgender teacher, including variably referring to her gender, unnecessary references to her change of gender, failure to grant a reference, and failure to deal with a grievance.

Decision: conditional registration order, without limit of time, the conditions including a requirement to successfully complete a course or courses in equality and diversity awareness. Although teacher E did not fully recognise the impact of his behaviour, the panel felt his conduct was amenable to improvement.

Sample case F

Teacher F had brought amphetamine and cannabis on to her school premises, and had been convicted on four counts of possession of these substances.

Decision: prohibition, reapplication not before two years. Quite apart from the convictions, the taking of drugs onto school premises exposes pupils to risk. Before she might seek to return to teaching, due consideration would be given to her conduct, especially in relation to the use and possession of drugs.

Misconduct relating to management and administration of examinations

The current system of pupil assessment brings its pressures on teachers. That is no excuse, however, for bringing the assessment system into disrepute by falsifying pupils' work or completing work on pupils' behalf.

Our code states that failure to "comply with the requirement of statutory bodies relating to the examination, assessment and evaluation of pupil achievement and attainment" may constitute unacceptable professional conduct.

Those requirements are issued by the examination boards, the Qualifications and Curriculum Authority (QCA) and the Joint Council for Qualifications (JCQ). In March 2006, QCA issued new guidance on coursework *Authenticating coursework: a teachers' guide*, and in the same month JCQ reissued its comprehensive guidance document on how to deal with malpractice, *Suspected malpractice in examinations: policy and procedures*.

This year, there were 15 teachers for whom panel findings against them fell solely or principally into this category.

Sample case G

Teacher G, as head of department, did not administer GCSE coursework in line with procedures, including discrepancies between marks recorded and submitted, and failed to provide staff guidance on coursework moderation and marking.

Decision: conditional registration order, without limit of time. For the first three years, teacher G shall hold no position more senior than that of a classroom teacher; after that time, he shall only hold a senior position if he has successfully completed an appropriate training course.

Sample case H

Head teacher H had allowed his daughter to sit GCSE mathematics examinations alone, outside of the permitted time, and supervised only by himself or his wife.

Decision: conditional registration order, for three years. In this time head teacher H is barred from all involvement in external examinations and assessments. This case demonstrates an abuse of trust, compromised the integrity of his colleagues, and damaged the reputation of his school.

Fraud and financial impropriety

This largely self-explanatory category includes not only misuse of school funds and related matters but also assisting others to undertake such misconduct, by, for example, knowingly signing false claim forms. The code refers to ‘failure to maintain appropriate standards of honesty and integrity [in] finance’.

This year, there were five teachers for whom panel findings against them fell solely or principally into this category.

Sample case I

Over ten years, head teacher I failed to observe a wide range of appropriate recruitment and contractual practices at her school, and permitted or failed to prevent a variety of irregular financial procedures.

Decision: conditional registration order without limit of time, the condition being that she shall not be employed as a head, deputy or assistant head. The panel accepted the positive changes to education during her headship, but remained concerned at her insight into these events. She behaved disingenuously towards her governing body and local authority and avoided proper scrutiny; her principal regret was that she had been suspended from the school, not for the actions which had led to her suspension.

Sample case J

Teacher J admitted six counts of dishonesty over three years in relation to the handling of school funds. The police were willing to pursue the matter but, on teacher J's dismissal, the school did not pursue criminal proceedings.

Decision: prohibition, reapplication not before two years. His actions represented a systemic and wide-ranging failure to maintain appropriate levels of honesty and integrity and amounted to an abuse of his position as a teacher.

Misrepresentation of qualifications and other matters

The code makes it clear that teachers may be found guilty of unacceptable professional conduct where they “misuse or misrepresent their professional position, qualifications or experience”.

This year, there were 16 teachers for whom panel findings against them fell solely or principally into this category.

Sample case K

Teacher K had failed to disclose an existing medical condition on a pre-employment health questionnaire.

Decision: reprimand. The teacher had admitted the allegation at the earliest opportunity, and her conduct did not seriously affect pupils.

Sample case L

Teacher L had failed to declare her criminal convictions when applying for a teaching post, and had been conditionally discharged on a matter relating to the claiming of social security benefit.

Decision: conditional registration order without limit of time, the condition being that she must disclose both her conviction and the CRO in any future application for employment at a school. There had been a number of opportunities for teacher L to make disclosure, but her governing body had been supportive and there had been a further period of unblemished service.

Sample case M

Teacher M had misused his sick leave entitlement, misrepresented his ill health, and given false information about his personal circumstances. Moreover, he had demonstrated inappropriate behaviour, including over-familiar and sexual communication to pupils, inadequately prepared lessons, and stored an inappropriate DVD in his classroom.

Decision: prohibition, reapplication not before five years. Teacher M's actions fell widely across the case categories considered here. They show evidence of an individual with serious problems of relating appropriately to pupils in his care; his dishonesty was confusing for his pupils, and created a wide range of difficulties for his colleagues.

Misconduct relating to contractual matters

Teachers should fulfil their contractual obligations; failure to do so can affect their registration status, especially where issues of honesty and integrity are at stake. Issues included here range from working while on sick leave to failure to observe health and safety requirements, as well as the failure to carry out the additional duties expected of school managers.

References in the code include failure to ‘take reasonable care of pupils ... with the aim of ensuring their safety and welfare’ as an example of potential unacceptable professional conduct. It also states that management failings can be found to be serious professional incompetence (see below).

This year, there were 15 teachers for whom panel findings against them fell solely or principally into this category.

Sample case N

Teacher N had, on occasion, dismissed classes early, failed to attend registration sessions and a summer school, and fallen asleep at various times including on a zoo trip. He had also been a user of crack cocaine.

Decision: conditional registration order for two years, the condition being that three times a year he must send a report to the Registrar from his employer confirming his satisfactory conduct. The panel were impressed by his frank admissions of failings and his insight, and in particular the panel did not expect his crack cocaine use to recur. However they did feel it appropriate to monitor his performance.

Sample case O

Head teacher O had failed to manage child protection issues at his school, both in general terms and in relation to a number of specific incidents, and in one case had failed to follow procedures about allegations against staff.

Decision: suspension for one year, with the condition that he attend an approved course in child protection. The panel saw child protection as a fundamental area in which head teacher O had to maintain the currency of his knowledge but failed to do so. His serious deficiencies require that he not be a registered teacher until he can demonstrate that these have been remedied.

Sample case P

Teacher P had once brought a starting pistol, resembling a gun, into school and a few days later was involved in an incident in which he shouted at the head teacher in an open area of the school. He had also, while a teacher, been convicted or cautioned of a variety of offences including actual bodily harm and breach of the peace.

Decision: prohibition, reapplication not before two years. Teacher P recognised his problems with managing alcohol and stress, and that he should have the opportunity to address these before making an application for restoration of his registration.

Misconduct outside the workplace including criminal convictions

We examine both the seriousness of the offence and its relevance.

Factors relevant to the seriousness of an offence include:

- the nature of the criminal behaviour, including the degree of dishonesty, intent or recklessness involved;
- the sentence imposed;
- whether there is repeat offending or a pattern of offending, including the time period over which the offending occurred;
- evidence of rehabilitation or the lack of a capacity for rehabilitation; and
- harm or loss suffered by any victims and the nature of any victims.

Factors relating to relevance include:

- whether the behaviour involved a departure from the standards required of teachers under the Council's code;
- the relevance of the offence to teaching, working with children, work within the education service and/or work with vulnerable groups; and
- the responsibility of the Council to act in the public interest.

'One-off' instances of minor offending are unlikely to reach the threshold for further action by the Council. However, repeated minor offending and serious criminal offending are matters which the Council is likely to take forward under its disciplinary procedures.

This year, there were 21 teachers for whom panel findings against them fell solely or principally into this category. Of these, only two cases related to non-criminal matters, both resulting in reprimands. One case related to a teacher who had been dismissed for promoting unsafe sex on TV, and the other to a teacher who had been dismissed for appearing in a pornographic film.

Sample case Q

Teacher Q had been cautioned for shoplifting, conditionally discharged for possession of cocaine, and convicted of drunk driving leading to disqualification.

Decision: conditional registration order for one year, the conditions including successful completion of a suitable assertiveness training course. Strong mitigation was presented, including her honesty with her head teacher, her regret, and the insights she had gained from the course she took as a condition of her driving ban. However in these three cases she had acted in part under the influence of others, hence the need for her to show assertiveness should such situations recur.

Sample case R

Teacher R had accepted a caution for battery against a pupil.

Decision: suspension for one year, with the condition that he attend an approved course or courses in anger management, behaviour management and appropriate restraint.

Sample case S

Deputy head S had been convicted of conspiracy to defraud his employer. He was sentenced to one year's imprisonment, suspended for two years, the fraud having been sustained over a four-year period, benefiting deputy head teacher S in the sum of £20,000, and causing a loss to his employer of £70,000.

Decision: prohibition, reapplication not before three years. Notwithstanding his remorse at the time of sentencing and other mitigating factors, the panel were concerned that deputy head teacher S sought at the hearing to minimise the severity of the fraud, and were therefore concerned that he had not demonstrated a proper appreciation of the seriousness and consequences of his actions.

Serious professional incompetence

Under the code, a teacher may be found guilty of serious professional incompetence where their standards of competence fall seriously short of the standards of competence expected of a registered teacher in all the circumstances.

Employer capability procedures are geared to bringing about improvements in the performance of teachers whose standards of competence come into question. This takes place through a structured programme of monitoring, observation and feedback, during which teachers are given objectives for improvement and relevant support.

When a teacher is dismissed for incompetence, the employer must refer the case to the GTC. More usually, a teacher resigns or leaves the school in the course of capability proceedings, usually where there are no improvements in performance. When the level of performance at this stage is such that it could have led to dismissal, the case must also be referred to the GTC. We have written to and visited every local authority (LA) to remind them of their responsibilities in this regard.

Some commentators have suggested that the levels of referral of cases of alleged serious professional incompetence are very low. We recognise this concern, though have never put an estimate on the number of referrals we could expect.

During the period covered by this report, we embarked on a research programme with the DCSF to understand why the level of referrals is as it is, and hence the further steps that can be taken to clarify the referral process.

Many cases in this category relate to failure to manage pupil behaviour adequately, but poor lesson planning and pupil supervision are examples of other aspects.

This year, there were five teachers for whom panel findings against them fell solely or principally into this category.

Sample case T

During the course of a full school year, teacher T had not ensured effective planning and differentiation for all pupils, despite extensive support, and did not complete all the individual education plans she was required to.

Decision: conditional registration order for two years, the conditions including successful and substantial training in teaching and learning methodologies.

Sample case U

Over a five-year period, teacher U failed consistently to plan for the learning and progression of his students, and to show evidence of positive interaction with his students.

Decision: conditional registration order for one year, the condition being that he successfully undertake courses in behaviour management and planning and assessment. The panel felt that teacher U had shown no insight into the issues highlighted by the case.

Sample case V

Over the course of five school terms, teacher V had failed to improve her performance, despite support and monitoring, in lesson planning, classroom management, and pupil monitoring; further, she had (over a longer time period) launched an unprovoked verbal attack on an assistant head teacher and variously verbally abused pupils.

Decision: prohibition, reapplication not before two years. The teacher had demonstrated a persistent lack of insight into her failings, and the panel felt that her behaviour might be repeated.

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Further information

The best source of further information about our work in registration and regulation is our website. Use the links in the red box at the top of our website that take you directly to information on each.

There is also information specifically designed for employers and for parents, linked from the blue box at the top of our website.

www.gtce.org.uk

See also the following documents.

- Disciplinary procedure rules
- Guidance for members of disciplinary committees
- Guidance for teachers subject to the Council's disciplinary procedures
- Information on referrals for employers
- Complaining about a teacher
- Code of conduct and practice for registered teachers

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