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Dear Mr Uttley

Consultation on Proposals for Rationalising the Procedures for Statutory Appeals and Statutory Review

The General Teaching Council for England ('GTCE') is pleased to have the opportunity to respond to this consultation.

The GTCE is the professional body for teaching in England. The aims of the GTC are: to contribute to improving standards of teaching and the quality of learning; and to maintain and improve standards of professional conduct amongst teachers, in the public interest. In pursuing those aims, the GTC carries out three main functions:

- Advising the Government and others on matters relating to teaching
- Keeping a register of qualified teachers
- Regulating the standards of the teaching profession.

There are currently in excess of 500,000 registered teachers in England. In the near future trainee teachers and overseas trained teachers will be required to be provisionally registered with the GTCE.

Schedule 2 of the Teaching and Higher Education Act 1998 provides that a teacher who is aggrieved about a disciplinary order imposed upon them has the right of appeal to the High Court.

In addition, Schedule 12 of the Education Act 2002 has amended section 3 of the Teaching and Higher Education Act 1998 (relating to the registration of teachers) to give the Secretary of State the power to introduce provisional registration of teachers. A person will not be eligible for registration, whether full or provisional, unless he or she has been judged by the GTC as 'suitable' to be a teacher. Section 4A of the Teaching and Higher Education Act 1998 (inserted by Schedule 12 Education Act 2002) provides

for a right of appeal to the High Court against a refusal of an application for registration on the grounds of suitability.

In the context of the above this is a matter of considerable interest to the GTCE and the GTCE supports the proposal that there should be consistency between the procedures that govern appeals. I have set out below the GTCE's response to those questions that specifically touch upon the GTC's functions and the appeals that exist in respect of those functions.

Questions set out in this consultation paper:

(1) Do you agree that the permission filter, which already applies to all appeals between civil courts, should be extended to all those statutory appeals that do not currently have such a requirement in their legislation?

Yes. The GTCE is funded almost entirely from the registration fees of registered teachers. It is therefore important that, as far as possible, unmeritorious appeals are filtered out at an early stage to avoid unnecessary costs being incurred.

Are there any specific statutory appeal provisions that should not be subject to a permission stage?

The GTCE considers that both the appeal against disciplinary orders imposed on teachers and, in due course, appeals about suitability should be subject to a permission stage.

Do you agree that the permission stage, which already applies to judicial review applications, should also be applied to statutory reviews?

Not applicable to the GTCE.

Are there any specific statutory review provisions, which should not be subject to a permission stage?

Not applicable to the GTCE.

Do you agree with a common time limit of 28 days for statutory appeals and six weeks for statutory reviews?

Yes.

If 28 days for statutory appeals and six weeks for statutory reviews are inappropriate for common time limits what do you consider to be more appropriate limits?

N/a

Are there any specific statutory appeals or reviews for which a different limit might be appropriate?

Not applicable to the GTCE.

Do you agree with the proposals to allow third parties to intervene in statutory appeals provided that the court is satisfied that the third party is a proper person to be heard?

Yes.

Do you agree that third parties seeking to intervene in a statutory appeal should have the ability to seek a pre-emptive order for costs?

Yes, subject to the caveat that regard must also be had to the way in which the other parties to the appeal are funded, which in the GTCE's case is almost entirely from registration fees.

Yours sincerely

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