



Department  
for Education

# **Teacher misconduct: the prohibition of teachers**

**Government response to consultation**

**1 February 2022**

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## Introduction

On 25 August 2021, the Department for Education published a consultation on proposed revisions to the Teaching Regulation Agency's (TRA) non-statutory advice, '**Teacher misconduct: the prohibition of teachers – Advice on factors relating to decisions leading to the prohibition of teachers from the profession**'. The consultation sought views only on the revisions proposed.

The advice sets out the factors to be considered by a professional conduct panel (panel) convened for the purpose of regulating the teaching profession. Its primary purpose is to inform panel considerations and decision makers within the TRA as to whether to recommend the imposition of a prohibition order on a teacher.

The public consultation sought views on a draft version of the revised prohibition advice and took place during an eight week period. The revisions provided clarification on matters relating to the teacher misconduct process and procedures, and departmental advice to panels about the consideration of evidence, and the factors to be considered in deciding whether to recommend that a teacher prohibition order should be imposed. The consultation closed on 19 October 2021.

The advice complements a suite of other information published by the [TRA](#), which is specifically designed for all those involved in the prohibition process.

# Summary of responses received and the government's response to the consultation

This section sets out a summary of the responses that we received. It also sets out where we have decided to make additional changes as a result of consultation responses.

The consultation comprised of twenty-one questions. Eighteen questions related to changes being proposed within the draft prohibition advice and three invited comments about the prohibition advice more generally.

The responses have been important in strengthening the advice and we are grateful to those respondents who have shared their views with us. We have reflected carefully on every response and changed the advice where appropriate. We have also made some additional presentational changes throughout.

Not every respondent submitted an answer to every question. The number of responses analysed below therefore varies from question to question. Throughout this document, percentages are expressed as a proportion of those answering each question, rather than a percentage of the total responses.

Due to rounding percentage figures may not always add up to 100%.

This analysis does not include issues raised which were outside the scope of the consultation and/or the scope of the guidance.

27 organisations and individuals responded to the consultation; these include responses from panel members, schools (including MATS), local authorities, legal firms acting on behalf of the TRA, and national representative organisations.

We are grateful for the care and attention given to, and level of detail that people provided in, their responses.

A list of organisations that responded (which did not ask to remain anonymous) can be found at Annex A.

## Common Themes

### Whole Document

Throughout the advice we have introduced new text to help clarify the misconduct process and introduced new behaviours around online, safeguarding and exam malpractice.

Where we have identified requests for further clarification within the consultation responses we have, where possible, added additional information.

In response to the general questions, we have amended the text where appropriate to expand on or strengthen the advice given. We will also continue to keep under review the best way to support the panels on safeguarding and child protection matters.

## **Sections 1 – 4 Introduction to What is a prohibition order and interim prohibition order**

The consultation suggested general revisions to Sections 1 – 4 to improve its clarity. Following responses, we have:

- removed some repetition identified across the sections headed ‘introduction’ and ‘who the advice is for’ in relation to the decision maker
- included additional signposting to what we mean by ‘likely cross the threshold between acceptable and unacceptable conduct’
- provided further clarification on other third-party organisations who may also use the advice
- made clear to employers their statutory duty to consider referring a case to the TRA

## **Section 5 – Panel decision-making criteria**

We have made more general revisions to 5(i), 5(ii), and 5(iii). We note requests for further clarification on the types of evidence presented to panel and the role of the panel’s legal adviser. To further strengthen the decision-making process, we have:

- made clear that the legal adviser’s role is to provide advice to the panel and not to make decisions on the evidence presented to a panel
- made clear that the burden of proof/standard of proof is expressed in neutral terms i.e. whether the events in question more likely happened than not
- set out that there may be exceptional circumstances when a panel will not accept the certificate of conviction as conclusive proof of the underlying facts
- made clear that where other evidence is presented to a panel it is not solely limited to information relating to disciplinary hearings or tribunals, considerations by other regulators; or from other organisations
- updated footnote 12 in relation to hearsay evidence
- included information about the consideration of the cumulative effect of low level concerns
- inserted footnote 14 to make it clear what we mean by conditional or absolute discharge

- made clear that a conviction for any relevant offence that led to a term of imprisonment also includes any suspended sentence
- inserted two new behaviours that deal with inappropriate use of off-rolling and manipulating a school's attendance or admissions register to enhance a school's performance
- added a line on risk of repetition in the section on Mitigation

We will continue to monitor the offence types and the behaviours to ensure the advice remains up to date with the law and any emerging new threats.

## **Section 6 – Panel recommendations on prohibition**

Although there was overall support to have two separate sections, concerns were raised that the advice did not provide sufficient detail on adverse findings or the proportionality test. We have:

- made clearer how the proportionality test should be applied in cases that come before the panel
- included additional signposting to explain what we mean by adverse findings

## **Section 7 – Panel recommendations on review period**

Although a small number of respondents were worried about the proposed structure of this section, there was overall support to having two lists. We have carefully considered all of the responses and given the overall support, we have decided that we will retain the proposed structure of two lists.

## **Section 8 – Decisions on prohibition**

There was strong support to having this as a separate section from review periods. To further strengthen Section 8, we have made clear that where the decision maker departs from the panel's recommendation, the decision maker should clearly set their reasons and rationale for their decision.

## **Section 9 – Application for a prohibition order to be reviewed and set aside**

Overall, there was support to having this as a separate section from decisions on prohibition, and respondents welcomed the greater clarity on the review process. However, a small number of respondents were concerned about the inclusion of the ability for the TRA to make further enquiries. We have carefully considered the concerns raised, but have retained the proposed wording. We have set out our rationale in more detail in the government response section on page 18 below.

## Section 10 – Appeals

Overall, there was support for this change on the basis that it was a decision for the High Court to decide what action it would take. We have made a slight presentational change to this section.

## Annex A: Interim prohibition orders (IPOs)

Overall, there was support for this section to be moved to an Annex on the basis that panels play no role in interim prohibition orders. We have:

- provided additional signposting to the definition of teaching work
- made clear how a person who is released under investigation should be considered for the purposes of imposing an IPO

## Consultation Responses

### Section 1 – 4 Introduction – What is a prohibition order and interim prohibition order

#### Q7 – Are the revisions and new text in Sections 1 – 4 helpful?

We received 27 responses to this question.

Response:	Total	Percent
Yes	24	89%
No	3	11%
Don't know	0	0%
Not answered	0	0%

### Consultation Findings

89% of respondents welcomed the inclusion of new text and found that the revised wording provided greater clarity to the teacher misconduct process. The small percentage of those that did not welcome the additions either did not provide additional information, or had concerns about how the TRA and DBS consider cases in parallel and use of the word 'threshold'.

### Government Response

We welcome the support for greater clarity to the process and on this basis, we have made some additional revisions which provide further clarification. In relation to the points raised about the TRA and DBS considering cases in parallel, we are clear that both organisations operate under different legal frameworks and apply different tests in order

to make their respective determinations. The DBS’s considerations are limited to whether there is a risk of harm or actual harm, whereas the TRA has a wider remit, and in addition to considering the misconduct itself, the panel and the decision maker will also consider whether the behaviour demonstrated by the teacher in committing the misconduct amounts to unacceptable professional conduct or conduct that may bring the profession into disrepute. To safeguard pupils, it is therefore only right that both organisations consider cases that are referred to them and complete their own processes.

## Section 5 - Panel decision-making criteria

### 5(i) – Is the panel satisfied that the facts of the case have been proved?

#### Q8 – Is the new text helpful?

We received 27 responses to this question.

Response:	Total	Percent
Yes	20	74%
No	5	19%
Don't know	2	7%
Not answered	0	0%

### Consultation findings

74% of respondents welcomed the new text in this section. Of those respondents that made further comments some welcomed the additional information on hearsay evidence and that this section provided greater clarity. Others were concerned about the level of legal representation required, about how independent legal advisers would provide advice to a panel on the interpretation of departmental policy, and about the evidence presented to a panel and the weight of that evidence which could lead to panels applying their own subjective views on the use of such evidence.

### Government Response

Panels act in a quasi-judicial capacity and must, therefore be allowed to properly assess the facts of any case before them and make findings on those facts. We therefore expect those involved in the decision-making process to make an appropriate judgment on the evidence presented and the weight of that evidence. We expect the approach that panels take to their decision making to be consistent. The advice makes clear that each case should be considered on its own merits. We would also expect legal advisers to panels to have an in-depth awareness and understanding of departmental policy and other relevant guidance, for example the statutory guidance Keeping children safe in education (KCSIE).

## 5(ii) - Has there been: a) unacceptable professional conduct?

### Q9 - Is the new text and clarification helpful?

We received 27 responses to this question.

Response:	Total	Percent
Yes	23	85%
No	3	11%
Don't know	1	4%
Not answered	0	0%

### Consultation findings

85% of respondents agreed that the new text was helpful and provided clarity. Of those, 55% of respondents who made additional comments, all agreed that the information was better presented, and welcomed the update to the list of offence types and the clarification that there may be other behaviours beyond those listed in the advice to be relevant. 11% of respondents did not find the revisions helpful, commenting that they thought there was some repetition across 5(ii) a) and b). They also thought that some of the terminology used was unclear.

### Government Response

Whilst we acknowledge that there may be some repetition across 5(ii) a) and b), we have done so deliberately, as 5(ii) a) and b) should be considered on their own merits.

## 5(ii) - Has there been: b) conduct that may bring the profession into disrepute?

### Q10 - Is the new text and clarification helpful?

We received 27 responses to this question.

Response:	Total	Percent
Yes	24	89%
No	3	11%
Don't know	0	0%
Not answered	0	0%

### Consultation findings

89% of respondents agreed that the new text was helpful and provided clarity. 11% of respondents did not find the revisions helpful. 48% of respondents provided further comments. Of those, some felt that there was an amount of repetition across 5(ii) a) and b), while others welcomed the clarity and consistent approach with question 9.

## Government Response

As per question 9 above.

### Conviction, at any time, of a relevant offence

**Q11 - Is the new text describing how convictions for conditional/absolute discharges should be treated helpful?**

**We received 27 responses to this question.**

Response:	Total	Percent
Yes	25	93%
No	1	4%
Don't know	1	4%
Not answered	0	0%

### Consultation findings

93% of respondents agreed that the new text and clarification was helpful. Of the 48% who provided further comments, all agreed that the advice should be reflective of relevant case law and relevant offences and that the further clarity across this section would ensure a consistent application of the regulations. Others welcomed the clarification on how conditional/absolute discharges will be considered but suggested alternative wording to avoid repetition in 5(ii) a) and b).

## Government Response

We welcome the comments provided, some of which noted that there was some repetition across section 5(ii) a), b) and c). Whilst we have carefully considered all of the concerns raised, we have repeated some text deliberately as explained above for questions 9 and 10, and so have not made any further changes.

**Q12 - Do you agree with the proposed addition of the six new offence types that ought to be considered likely to lead to prohibition?**

**We received 27 responses to this question.**

Response:	Total	Percent
Yes	24	89%
No	2	7%
Don't know	1	4%
Not answered	0	0%

## Consultation findings

89% of the respondents welcomed the additions. Of those that provided further comments (59%) the majority found the additions provided greater clarity and enabled those involved in the process to take a consistent approach and keep up to date with the law. Respondents recognised new and emerging threats; the inclusion of these would help to support the system. Respondents suggested that we link the reference to class B drugs offence type (in the list of offences that are more likely to be considered a relevant offence), specifically to an educational establishment, and to address concerns over the increase in violence against women and girls, we should include 'sex' within the offence type relating to intolerance and/or hatred on the grounds of race, religion, sexual orientation or protected characteristics.

## Government Response

We welcome the support for the inclusion of these new offence types. We have however, not introduced 'sex' into the intolerance offence as it is implicit by virtue of footnote 16, which links to the Equality Act 2010, that 'sex' is a relevant protected characteristic. We have not altered the wording to the use of class B drugs in the list that is likely to be considered a relevant offence as it is implicit that this reference relates to educational or public settings where children are present, because the entry on the list below of offences less likely to be considered a relevant offence, includes minor offences involving drugs away from children and educational settings.

## Q13 – Is the additional information on drugs helpful?

**We received 27 responses to this question.**

Response:	Total	Percent
Yes	26	96%
No	1	4%
Don't know	0	0%
Not answered	0	0%

## Consultation findings

96% of respondents welcomed the additional information on drugs. Of those respondents (48%) that provided further comment, all agreed that drug use should be treated with utmost seriousness, that the revisions provided greater clarity not only to the TRA's proceedings but also for safer recruitment practices.

## Government Response

We welcome the support for this change, and will continue to monitor offence types to ensure the advice remains up to date with the law.

## Q14 – Is the advice sufficiently clear on public interest considerations?

We received 27 responses to this question

Response:	Total	Percent
Yes	19	70%
No	5	19%
Don't know	3	11%
Not answered	0	0%

### Consultation findings

70% of respondents confirmed that the advice was sufficiently clear on public interest considerations.

Of the 30% of respondents that answered no or don't know to this question the majority had concerns that the public interest statement did not address in full the outcomes of the decision in the High Court case *Wallace v Secretary of State for Education* [2017] EWHC 109 (Admin) in particular, retaining experienced teachers in the profession.

### Government response

Whilst we have considered and understand the points raised about the public interest in retaining experienced teachers in the profession, the regulatory function of the teacher misconduct regime is not in place to retain good teachers in the profession. Its purpose is to consider the most serious cases of teacher misconduct and decide whether or not a teacher should be prohibited from teaching. Whilst a prohibition order is not intended to be punitive, although it is likely to have that effect, it is there to protect pupils, to maintain public confidence in the profession and uphold proper standards of conduct, and each case will be considered on its own merits.

## Q15 – Are the proposed revisions to the list of the behaviours helpful?

We received 27 responses to this question.

Response:	Total	Percent
Yes	23	85%
No	2	7%
Don't know	2	7%
Not answered	0	0%

## Consultation findings

85% of respondents welcomed the updated list of behaviours. Those that provided additional comments (41%) most agreed that the revisions strengthened the importance of safeguarding and a teacher's responsibility in those areas. Those who found the revisions unhelpful thought that some of the new behaviours would not necessarily justify prohibition but could instead relate to a matter of poor judgement by the teacher that may necessitate additional training and/or support, and that we were not re-introducing mandatory reporting. Some thought there was considerable overlap with some of the behaviours in relation to abuse of position of trust.

## Government Response

We welcome the overall support for the revisions to the list of behaviours, and so whilst it may appear to some respondents that there is overlap in some of the behaviours, we have not made any further revisions. These have been drafted deliberately in such a way to capture a range of potential scenarios and to help panels to consider the behaviour in its broadest sense and in order to make well informed decisions.

In relation to mandatory reporting, we want to make clear that this is not our intention. The department's statutory guidance, KCSIE clearly sets out the requirements what teachers 'must' and 'should' do to safeguard and promote the welfare of children, and where there is evidence that a teacher has failed to comply with those requirements, it is right that panels are able to fully consider this conduct. The key factor is teachers taking immediate "action" when they identify a concern. What that action will be will vary from case to case.

## Q16- Is the new paragraph on online abuse helpful?

We received [27] responses to this question.

Response:	Total	Percent
Yes	23	85%
No	2	7%
Don't know	2	7%
Not answered	0	0%

## Consultation findings

85% of respondents found the new paragraph on online abuse helpful. 48% of those that provided further comments welcomed the update and agreed that this behaviour should be treated as seriously as offline/in person behaviour.

Of the 7% of those that did not find it helpful, 50% were unaware of those involved in the teacher misconduct process having difficulty in identifying that online behaviour should be treated with equal weight to abusive behaviour in-person.

### Government Response

We welcome the comments made and therefore propose to include the new paragraph in the final version. We have also added a footnote to further support panellists consider online behaviours and where they may be facilitated.

### Q17- Do you agree that mitigation is best placed within Section 5 (iii), is a prohibition order appropriate?

We received 27 responses to this question.

Response:	Total	Percent
Yes	22	82%
No	2	7%
Don't know	3	11%
Not answered	0	0%

### Consultation findings

82% of respondents agreed that the mitigation section was best placed within 5(iii). Of those that made further comments (59%), the majority agreed it was best placed here because of its significance in determining whether a prohibition order is appropriate or not. Others thought that placing it here helped to better incorporate the decision of the High Court case *Wallace v Secretary of State for Education* [2017] EHC 109 (Admin). Those that answered no (7%) said that by reducing it to a sub section sent the wrong message about its significance in the decision-making process.

### Government Response

We welcome the overall support for this change and therefore we intend to move mitigation to section 5(iii). We are of the view that it is a key factor in deciding whether a prohibition order is appropriate or not. We do not agree that moving it reduces its significance.

**Q18 – Is ‘Section 5(iii) Is a prohibition order appropriate’ sufficiently clear in explaining what factors a panel should take into consideration when making a determination on prohibition?**

**We received 27 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	18	67%
No	7	26%
Don't know	2	7%
Not answered	0	0%

**Consultation findings**

67% of respondents agreed that this section was sufficiently clear. Of those respondents 41% provided further comment welcoming the updated list of behaviours; the explicit reference to statutory guidance KCSIE; and the need for regular review due to changing cultures and expectations.

Of the 26% of respondents that did not think it was sufficiently clear they thought that mitigation should only be considered when the nature of the offence and behaviour had been exhaustively discussed in terms of actual or potential harm to children; that there was scope for the mitigation section to be made clearer including adding a separate bullet to reflect insight and remorse.

**Government Response**

We welcome that the majority of respondents agreed that this section was clear. Where possible, we have made relevant amendments to each sub-section within section 5(iii).

**Section 6 and 7 - Panel recommendation on prohibition and panel recommendation on review**

**Q19 – Does having separate sections on panel recommendations on prohibition and review make it sufficiently clear on what factors a panel should take into consideration when making recommendations?**

**We received 27 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	22	82%
No	3	11%
Don't know	2	7%
Not answered	0	0%

## Consultation findings

82% of respondents agreed that the separation of these sections was better. Of those that responded 33% provided further comments. They agreed that the separation of these sections helped support the two-stage investigation process and both can have equal weighting in terms of time and consideration. Others welcome the clarification on what information panels should consider and summarise as part of their recommendation.

Those respondents that answered no (11%) welcomed guidance on the principle of proportionality, however concerns were raised that the advice does not provide sufficient detail on the proportionality test or publication of adverse findings as an alternative to prohibition.

## Government Response

To help address the further comments about the principle of proportionality we have inserted a new footnote to explain what panels will need to consider when determining whether the imposition of a prohibition order is appropriate or not. We have also inserted a footnote to explain what we mean by adverse findings.

## Q20 – Does the list of factors that may weight toward no review and longer review help?

**We received 27 responses to this question.**

Response:	Total	Percent
Yes	20	74%
No	2	7%
Don't know	5	19%
Not answered	0	0%

## Consultation findings

74% of respondents welcomed the change to this section. Of the 37% that provided further comment, all agreed that the two lists were helpful, one respondent suggested that 'child cruelty and/or neglect' should be moved to the 'no review' list whilst another said that having the two separate lists would provide a more consistent approach across the decision-making process.

## Government Response

Whilst we welcome the further comments it is imperative that panels consider each case on its individual merits. Following careful reconsideration of the two lists, and in light of the recent tragic cases of child neglect alongside the comments received during the

consultation, we have moved child cruelty to the list offering no review. To ensure we remain compliant with Article 8 of the Human Rights Act, ‘no review’ should only be used in the most exceptional circumstances. For all other cases panels should begin with consideration of imposing the minimum of two years as set out in regulation 8(3) of the Teacher Disciplinary (England) Regulations 2012, before arriving at the most appropriate review period applicable to the nature of the case. We have however, clearly set out that each list is not exhaustive, and there may therefore be cases not set out in these lists that panels consider suitable for either no review or a longer review period. In all cases, panels should be satisfied that their intended approach is necessary to protect the public interest and that the impact on the teacher is proportionate.

## Section 8 – Decisions on prohibition

### Q21 – Is this section sufficiently clear?

We received 27 responses to this question.

Response:	Total	Percent
Yes	25	93%
No	1	4%
Don't know	1	4%
Not answered	0	0%

### Consultation findings

93% of respondents thought this section was sufficiently clear. Of the 33% respondents that provided further comments the majority said that this section clearly set out the next step of the process. One respondent suggested that this section should also make clear that the decision maker may depart from the recommendation made by the panel and where this does occur the decision maker should clearly record this as part of their decision making.

### Government Response

We welcome the support for the clarity provided by the revisions to this section. We have further amended the wording slightly to make it clearer that the decision maker may depart from the panel’s recommendation and where they do, they should clearly record their rationale as part of their decision.

## Section 9 – Application for a prohibition order to be reviewed and set aside

**Q22 – Is this section sufficiently clear?**

**We received 27 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	24	89%
No	2	7%
Don't know	1	4%
Not answered	0	0%

### Consultation findings

89% of respondents thought this section was sufficiently clear. Of the 30% that provided further comments, they welcomed it being in a separate section. A small number of respondents said that the revisions were unclear on the circumstances when the TRA would need to make further enquiries, and the advice would need to be read alongside the section on prohibition to ensure consistency of approach about risk.

### Government Response

In the main, respondents found this section much clearer and welcomed it being in a separate section given that prohibition and review are separate matters. In response to concerns raised about the TRA being able to make further enquiries, regulation 16(3) of the Teacher Disciplinary (England) Regulations 2012 clearly sets out that as part of the review process, the Secretary of State may require any person to produce documents or other material evidence for the purposes of an application to have a prohibition order set aside. This is not limited to only writing to the teacher's nominated referees as set out in 6.6 of the Teacher Disciplinary Procedures. Each case will be considered on its own merits based on what information is presented to the TRA at the time.

## Section 10 - Appeals

**Q23 – Is this section sufficiently clear on the Court's remit?**

**We received 27 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	22	82%
No	1	4%

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Don't know	4	15%
Not answered	0	0%

### **Consultation findings**

82% of respondents thought this section was sufficiently clear. Of the 22% that provided further comment all thought it was not appropriate to pre-empt a Court's decision because it has a range of options available to it.

### **Government Response:**

We welcome the support for this change. We have amended the wording slightly to make it clearer that the Court has a range of powers available to it.

## **Annex A. Interim prohibition orders (IPO)**

**Q24 – Is this section sufficiently clear and do you agree that information about IPO decisions should be located in an Annex?**

**We received 27 responses to this question.**

<b>Response:</b>	<b>Total</b>	<b>Percent</b>
Yes	24	89%
No	2	7%
Don't know	1	4%
Not answered	0	0%

### **Consultation findings**

89% of respondents and those who provided further comment welcomed the move of this section to an Annex, because it is a separate process which panels play no role in. Respondents sought greater clarity on the definition of 'prevented from carrying out teaching work' and whether in the interests of natural justice the timescales in which a person should be notified and have the right to respond should be extended.

### **Government Response**

We welcome the support for moving this section to an Annex. We have made some further minor revisions and presentational changes to this section.

## General Questions

**Q25 – Is the advice clear about what information the panel and the decision maker considers and takes into consideration as part of the decision-making process? If not, what would you expect to see?**

**We received 16 responses to this question.**

### Consultation findings

59% of respondents welcomed the revisions and the added clarity. Of those (25%) provided further comments, these included:

- Teachers should have a greater understanding of their legal obligations to comply with legislation in and outside school
- Legal assistance should be provided for the whole process
- There is some repetition, and there should be a clearer focus on the risk that the outcomes are trying to address at each stage
- Public interest needs further clarification to make it clear to panels what they should be considering when looking at public interest

### Government Response

We welcome the comments from respondents on the clarity of the advice, and where possible we have made appropriate amendments to the advice. We will keep this under review and ensure that we continue to consider the best way to support the panels and the decision maker in the decision-making process.

**Q26 - Is the advice clear that panels and decision makers should give serious consideration to activity where a teacher has failed to act upon safeguarding related matters? If not, why not?**

**We received 15 responses to this question.**

### Consultation findings

60% of respondents thought the advice was clear on this point and made no additional comment. Of the 40% that provided further comments, some were concerned that acting upon all safeguarding related matters could effectively be considered as mandatory reporting when it is legally not required, and that some safeguarding related matters can, depending on the circumstances, amount to a competence rather than a conduct issue and so may not fall within TRA's jurisdiction.

Further comment was raised about the advice having no direct reference to safeguarding other than in the behaviours section, and that it might be helpful to say more generally across the advice because panel deliberations often consider cases involving allegations about safeguarding irregularities.

## **Government Response**

We are pleased that a majority of respondents agreed that the advice was clear on this matter. We have considered where it might be appropriate within the advice to include further references to safeguarding, and have made further amendments where possible.

**Q27 – Do you think that the advice needs to say more on safeguarding and child protection related matters, especially the high standard we expect of all teachers in matters of safeguarding? If not, what would you expect to see?**

**We received 18 responses to this question.**

### **Consultation findings**

50% of respondents would support more information on safeguarding and child protection related matters. Comments by those who responded included emphasising safeguarding in its widest context; improving the understanding of teachers on expected standards of behaviour and general duty outside of school; and that the safety and wellbeing of vulnerable people should be the highest priority.

## **Government Response**

We would like to thank those respondents who answered this question and provided comments, and have carefully considered how we might address this in the advice.

In response to concerns about what is expected of teachers outside of the education setting, Part two of the Teachers' Standards 2012 clearly sets out what a teacher is expected to demonstrate throughout their career within and outside school. Teachers (including headteachers) should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties, and statutory guidance KCSIE sets out the responsibilities and duties placed on everyone working in a school or college. We would expect employers to ensure that their staff have an awareness and understanding of their responsibilities and duties in relation to the safeguarding of their pupils. The advice makes reference to both of these documents, and they are used by panels in the consideration of misconduct cases.

Where appropriate, we have made further amendments to the advice to include further references to safeguarding.

## Conclusion

We are grateful to all those who took the time to respond to the consultation and share their views. We believe that the changes and refinements we have made to the advice in response to the consultation will provide further clarity for those directly involved in the teacher misconduct process. The intelligence around usual practice gathered during this exercise will be used to help inform any future development of departmental advice.

## **Annex A: List of organisations which responded to the consultation<sup>1</sup> (excluding those requesting their response remain confidential)**

Nicola Hartley  
Ian Charles Carter  
Martin Coles  
Hollingworth Learning Trust  
Trinity School and College  
Vocational Training Centre Ltd  
L&P Educational Services Ltd  
Al-Khair Foundation Primary School, Oldbury  
Seaton House School  
Centre Academy East Anglia  
Blackpool Council  
Melissa West  
Roger Woods  
Cognition HR and Finance Solutions Ltd  
Susan Davies  
Fieldfisher LLP  
National Education Union (NEU)  
Maurice McBride  
National Association of Schoolmasters and Union of Women Teachers (NASUWT)  
Education Workforce Council  
Girls' Day School Trust (GDST)  
Capsticks LLP  
Association of School and College Leaders (ASCL)  
National Association of Head Teachers (NAHT)?

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<sup>1</sup> We have not listed the names of those who requested their responses were kept confidential. However, these views were included in the analysis.



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