

Code of Conduct and Practice for Registered Teachers

Setting minimum standards for the regulation of the profession

This Code of Conduct and Practice was agreed at a meeting of the General Teaching Council for England on 30 June 2004 and came into effect on 1 November 2004.

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Introduction

The regulatory role of the Council

The standards of entry to the teaching profession are set out in the standards for qualified teacher status (QTS). In order to practise in maintained schools and non-maintained special schools, teachers are, unless exempt, additionally required to complete a statutory period of induction, and to be registered with the General Teaching Council for England (GTC). Maintaining registration requires that teachers uphold appropriate standards of professional conduct and competence. This document sets out minimum standards expected of registered teachers and is for use within the Council's regulatory regime.

The Council's role in respect of professional standards relates both to promoting high standards and ensuring minimum standards. Since 2001, the GTC has considered cases of registered teachers whose standards of conduct or competence are alleged to have fallen below acceptable minima. Such cases are considered at hearings before Members of the Council, comprising a majority of teacher Members with lay representation.

This Code of Conduct and Practice has drawn on the Council's experience of professionally led regulation since 2001. Whilst the provisions of the Code are based upon actions already found by hearing committees to constitute unacceptable professional conduct, serious professional incompetence or to be a relevant criminal offence, they are not exclusive. The Code will be kept under review and revised in the light of the Council's developing experience of regulation.

The Council's procedures

Most referrals to the Council arise from the requirement upon employers to refer cases where registered teachers are dismissed for reasons of misconduct or incompetence, or where they resign in circumstances where dismissal was a possibility. Supply and temporary teachers must also be referred when their employment ceases in similar circumstances. Members of the public may also make an allegation of professional misconduct, but not of incompetence, directly to the Council.

The Council does not have responsibility for considering misconduct relating to the safety and welfare of children. This remains the responsibility of the Secretary of State for Children, Schools and Families whose powers encompass teachers and other workers with children and young people. For this reason, teacher employers referring misconduct cases are required to send them first to the Department for Children, Schools and Families. The Secretary of State refers all cases of misconduct by registered teachers which fall outside this category to the Council.

Incompetence cases should be referred directly to the Council where a registered teacher is dismissed for incompetence or leaves in circumstances where dismissal was a possibility. The Council expects that teachers referred on grounds of incompetence will have been the subject of significant and advanced action under formal capability procedures.

Cases are initially screened to determine whether they fall within the Council's jurisdiction. If so, they are referred to an Investigating Committee, which decides whether there is a case to answer. An Investigating Committee may take the Code into account in making this decision. Where an Investigating Committee decides that there is a case to answer, the case is heard by either a Professional Conduct Committee or a Professional Competence Committee. Such committees

comprise a majority of Council members and may be supported by an additional member appointed through a public appointments process.

Hearings of the Council take place in accordance with the Human Rights Act 1998 and are normally held in public. Hearing committees comprise a majority of teacher members with lay representation. In conducting the proceedings, the Council aims for an investigative rather than an adversarial approach. Teachers may be represented in the hearing and may appeal against a disciplinary order to the High Court. If a hearing committee finds the alleged facts proved, that the facts amount to unacceptable professional conduct, serious professional incompetence or to be a relevant criminal offence, and that a disciplinary order is appropriate, it may issue one of the following sanctions:

- Reprimand, which remains on the Register for two years;
- Conditional Registration Order, which applies conditions to a teacher's continuing registration;
- Suspension Order, suspending the teacher's registration for up to two years; or
- Prohibition Order, which allows the teacher to apply for the restoration of their eligibility to register within a period of not less than two years or such other period as may be specified, including an unlimited time.

Conditions may also be added to a Suspension Order.

In determining any disciplinary order, a hearing committee will consider each case on its own facts, including the history and character of the teacher and any mitigating circumstances, and may take into account any failure by a registered teacher to comply with this Code of Conduct and Practice.

The Statement of Professional Values and Practice

In 2002, the Council published a Code of Professional Values and Practice. This code sets out the beliefs, values and attitudes which underpin the professionalism of teachers and has been incorporated into the standards for QTS. The Code of Professional Values and Practice has no direct role in relation to the Council's regulatory procedures. From 1 November 2004, the Code of Professional Values and Practice was retitled as a Statement of Professional Values and Practice.

The Council's responsibilities

The Council is concerned with the registration status of teachers, which governs their ability to teach in maintained schools, non-maintained special schools and pupil referral units. The Council is not a direct employer of teachers and is not an appeal body for decisions made under employment procedures.

The Council does not have a role in assisting individual teachers in relation to workplace or employment disputes, which is a matter for trade unions and professional associations. The Council does not inspect the standards of teaching in schools, which is a matter for Ofsted.

Registered teachers already operate within a structure of statutory duties and contractual obligations relating to employment. This Code sits alongside but does not replace these provisions, which should continue to be referred to as appropriate.

The legal background to the Code is explained further on page 6.

Code of Conduct and Practice for Registered Teachers

Section 1

Unacceptable professional conduct

Under the Council's Disciplinary Rules of Procedure "unacceptable professional conduct" is defined as "conduct which falls short of the standard expected of a registered teacher ... and is behaviour which involves a breach of the standards of propriety expected of the profession". Whether a teacher is guilty of unacceptable professional conduct is a matter for a hearing committee to decide in relation to the facts of the given case, taking into account the provisions of this Code as appropriate.

Conduct relating to pupils and partners in education

Registered teachers may be found to be guilty of unacceptable professional conduct

Where they:

1. Seriously demean or undermine pupils, their parents, carers or colleagues, or act towards them in a manner which is discriminatory in relation to gender, marital status, religion, belief, colour, race, ethnicity, class, sexual orientation, disability or age

Where they fail to:

2. Take reasonable care of pupils under their supervision with the aim of ensuring their safety and welfare
3. Comply with relevant statutory provisions which support the well being and development of pupils, including where these require co-operation and collaboration with a range of agencies, as well as teacher colleagues and other adults
4. Observe confidentiality in a manner consistent with legal requirements
5. Comply with the requirements of statutory bodies relating to the examination, assessment and evaluation of pupil achievement and attainment.

Other conduct

Registered teachers may be found to be guilty of unacceptable professional conduct

Where they fail to:

6. Maintain appropriate standards of honesty and integrity in management and administrative duties, including in the use of school property and finance

Where they:

7. Misuse or misrepresent their professional position, qualifications or experience
8. Otherwise bring the reputation and standing of the profession into serious disrepute.

Section 2

Conviction of a relevant offence

The Council may also take disciplinary action where a registered teacher has been convicted of a relevant criminal offence or has accepted a caution in relation to such an offence.

Section 3

Serious professional incompetence

1. Under the Council’s Disciplinary Rules of Procedure, registered teachers may be found guilty of “serious professional incompetence” where they demonstrate “a level of competence which falls seriously short of that expected of a registered teacher, taking into account the relevant circumstances”.
2. In assessing whether a registered teacher has demonstrated “serious professional incompetence”, hearing committees will take into account the extent to which a registered teacher has failed to maintain a level of professional competence consistent with the standards for Qualified Teacher Status, the Induction Standards and the nature of their professional responsibilities.
3. The determination of serious professional incompetence includes failings relating to management and leadership roles. Where a failure of management and leadership on the part of a head teacher is at issue, a committee may take into account the National Standards for Headship published by the National College for School Leadership (NCSL).

Further information

This section provides further information and exemplification of the provisions of the Code but does not form part of the Code.

Notes on the Introduction

The disciplinary functions of the General Teaching Council (GTC) 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 by the Education Act 2002 and the General Teaching Council for England (Disciplinary Functions) Amendment Regulations 2003.

Section 5 (1) of the 1998 Act and the Regulations made under it make provision for the Council to issue, and from time to time revise, a code laying down standards of professional conduct and practice expected of registered teachers. Under Part II paragraph 7 of the 2001 Regulations, a committee may take into account any failure by a registered teacher to comply with the Code of Practice in any disciplinary proceedings against them.

The Council's Disciplinary Rules of Procedure and other information about the Council's work in professional regulation, including Guidance for Members of Disciplinary Committees and Guidance for Teachers subject to the Council's procedures, are available on the Council's website at www.gtce.org.uk/code

The Guidance for Members of Disciplinary Committees includes Indicative Sanctions Guidance which complements the provisions of this Code by providing guidance on the determination of sanction.

Advanced notice of disciplinary hearings, held in central Birmingham, is given on the Council's website. The decisions of Professional Conduct and Professional Competence Committees are published on the Council's website for a three month period following the decision.

Further details of the Council's regulatory work, including statistical data and issues arising from casework, are contained in the Annual Report on Registration and Regulation.

Parents and members of the public wishing to make an allegation of unacceptable professional conduct against a registered teacher may find further information in the *Council's publication Complaining to the Council – Information for Parents and Members of the Public*, available on the Council's website. However, it should be noted that the Council is not a general complaints body and may not resolve complaints or concerns more appropriate to a school, local authority (LA) or other relevant body.

The standards for qualified teacher status and for Induction are published by the Department for Children, Schools and Families.

Further information on teachers who are exempt from induction is available in DCSF Guidance Document/0458/2003, "The Induction Support Programme for Newly Qualified Teachers".

The statutory conditions of employment of school teachers in England are contained in the School Teachers' Pay and Conditions Document.

The national standards for headship are published by the National College for School Leadership (NCSL) at www.ncsl.org.uk.

Notes on the Code of Conduct and Practice

In determining unacceptable professional conduct or serious professional incompetence, hearing committees will make decisions in relation to the facts of the case and by taking into account the provisions of the Code. Instances of unacceptable professional conduct and serious professional incompetence have included the following.

Unacceptable professional conduct

Paragraph 1: Demeaning or discriminatory behaviour

- Swearing at pupils and calling them by offensive names
- Making a racist remark to pupils.

Paragraph 2: Reasonable care

- Endangering pupils through instructing them to undertake inappropriate manual handling
- Failing to safeguard the health and safety of pupils by not taking reasonable steps to ensure they remained on school premises
- Intimidating a child with special educational needs.

Paragraph 3: Co-operation and collaboration

- Acting to the detriment of newly qualified and junior teachers
- Deliberately undermining the authority of the head teacher and staff colleagues.

Paragraph 4: Confidentiality

- Sending a letter to parents of children in a class, which
 - was in breach of the school's policy and guidelines with regard to communications with parents and children
 - misrepresented a confidential discussion between the teacher and the head teacher
 - invited an involvement of parents in defence of a refusal to undertake contractual obligations.

Paragraph 5: Examination and assessment arrangements

- Altering, adding to or completing scripts for Sats
- Falsifying coursework and moderating marks submitted for a GCSE examination
- Persistent failure to co-operate with arrangements for furthering the educational progress of pupils with special educational needs, including by the submission of Annual Review documentation
- Providing unauthorised photocopies of forthcoming examination papers to students at a private tutorial college.

Paragraph 6: Standards of honesty and integrity

- Failure to comply with school and LA financial and accounting procedures
- Misrepresenting the true state of school trip funds
- Theft of school property
- Submission of false mileage expenses
- Using school administrative staff and facilities for private interests
- Using school equipment to view pornography.

Paragraph 7: Professional position

- False claims to possess qualifications
- Falsifying a reference for a teaching post
- Misrepresenting the pattern of past employment on a teaching application form.

Paragraph 8: Bringing the profession into serious disrepute

Conduct in this category would include behaviour which was seriously detrimental to the standing of the profession but where no criminal offence was committed.

Conviction of a relevant offence

All criminal behaviour is a serious matter and under the provisions of Home Office Circular 45/86, teaching is a notifiable occupation. This means that the police report any conviction or caution by a teacher to the Department for Children, Schools and Families. All convictions and cautions which do not raise concerns relating to the safety and welfare of children are passed to the GTC. The role of the Council is to determine whether any given caution or criminal offence is relevant to a teacher's registration. Minor offences are considered under a preliminary procedure to determine whether there is a case for further investigation.

All criminal offending should be avoided. However, isolated Road Traffic Offences would not normally be considered as behaviour incompatible with being a registered teacher. In all cases the Council considers whether there is a trend of re-offending which may merit further action.

Criminal offences which have been determined as relevant include:

- Benefit fraud
- Indecent assault
- Inflicting grievous bodily harm
- Manslaughter
- Possession of prohibited firearms and ammunition
- Threatening or disorderly behaviour
- Unlawful wounding.

Serious professional incompetence

Serious professional incompetence has been found where there is a serious and persistent pattern of failure in terms of:

- Subject knowledge
- The ability to establish learning objectives and set appropriate activities
- The ability to operate effective assessment procedures and to mark student work
- The ability to manage pupil behaviour and thereby to ensure the safety and welfare of pupils
- The ability to follow policies and procedures and to work effectively with teacher colleagues
- The ability to adequately lead and manage a curriculum area.

Further copies

Principal GTC publications are available on our website at www.gtce.org.uk/publications or by telephone to our teacher enquiry service on 0870 001 0308. There are also links to this document and the Statement from www.gtce.org.uk/code

DCSF documents can be accessed through their website www.dcsf.gov.uk

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