



Department  
for Education

# **Tailored Review**

**Report on the Teaching Regulation  
Agency**

**August 2020**

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## Foreword



The Teaching Regulation Agency was established in 2018 to support schools, head teachers and employers with safeguarding responsibilities. The agency is responsible for taking action on allegations of serious teacher misconduct and supporting employers to complete pre-recruitment checks to ensure they employ appropriately qualified teachers.

Proportionate and effective regulation is vital for ensuring that schools and parents can have confidence in the teaching profession, as part of our commitment to ensuring high standards in all schools.

The Department for Education and its arm's length bodies must work together with a shared understanding of purpose, outcomes and accountability. This review has provided the opportunity to consider this relationship. It also considered whether the initial objectives of establishing the agency have been achieved.

I was pleased to note that the report concludes that the main objectives established during the set up of the agency have been achieved.

The review also makes recommendations to further strengthen the work of the agency. This includes seeking and acting on customer and stakeholder feedback to improve its service and learning from other regulators on how best to measure performance. I endorse these proposals, alongside all findings and conclusions of the report.

I would like to thank all those who contributed to the review, especially the CEO, Alan Meyrick, and all his staff for their collaboration with the review team.

A handwritten signature in black ink that reads "Nick Gibb". The signature is written in a cursive, flowing style.

**Nick Gibb**  
**Minister of State for School Standards**

## Executive Summary

The findings from this tailored review highlight the importance and continuing need for the Teaching Regulation Agency (TRA), which maintains the regulation of the teaching profession, and acts as the competent authority for teaching in England on behalf of the Secretary of State for Education. Since it was established in 2018, the TRA has fulfilled a significant purpose in supporting schools and head teachers with safeguarding responsibilities, helping to ensure that schools employ teachers that are suitably qualified for their role, and by taking action on receipt of allegations of serious teacher misconduct.

The tailored review team recognises the high level of scrutiny that the TRA has undergone since its establishment, following the dissolution of the National College of Teaching and Leadership (NCTL), and the repurposing of the NCTL's statutory functions through TRA's Teacher Qualification Unit (TQU) and Teacher Misconduct Unit (TMU). This tailored review builds on the extensive work already undertaken by the Government Internal Audit Agency (GIAA), the National Audit Office (NAO), and the Department for Education (DfE), and acknowledges the continuous efforts of the Agency in working to achieve its objectives. This tailored review report makes recommendations with a view to enabling the TRA to further strengthen its governance and operational resilience.

## Summary of conclusions

### Form and function

Overall, the main objectives of establishing the TRA have been achieved. The review identified a clear need for the functions of the TRA to remain at arm's length from the core of the Department as an Executive Agency.

Conclusion 1: Overall, the main objectives in establishing the TRA have been achieved.

Conclusion 2: The TRA should remain as an Executive Agency, and continue to be sponsored by the DfE.

Conclusion 3: The functions of the TRA are appropriate in enabling it to meet its current purpose and objectives.

### Governance and Relationship with Department

The TRA's governance arrangements are effective and proportionate to the size and scope of the organisation. Overall, there is a constructive relationship between the TRA and the Department, offering effective support and challenge.

Conclusion 4: The TRA's governance arrangements are proportionate and effective for the size and scope of the organisation.

Conclusion 5: The TRA has made a concerted effort to manage operational risk effectively and move towards working with the Department's Risk Management Framework.

Conclusion 6: The relationship between the Senior Sponsor and the TRA is positive and effective, offering appropriate support and challenge.

Conclusion 7: Close working between the TRA and the DfE policy colleagues is adding value to the operation of teacher regulation by bringing together the relationship between policy (underpinning the regulation of the teaching profession) and delivery (through the TRA's Teacher Misconduct Unit and Teacher Qualification Unit).

## **Effectiveness and Efficiency**

Overall, the review found that the TRA continues to make positive improvements to increase its effectiveness and efficiency in the regulation of the teaching profession on behalf of the Secretary of State for Education.

Conclusion 8: The TRA has made positive improvements in the handling of Teacher Misconduct casework by implementing a new case management system with increased management information, reconfiguring resource, creating a new quality assurance framework and implementing additional contract management activities.

Conclusion 9: The TRA currently takes a suitably robust approach to contract and panellist management.

Conclusion 10: As a small organisation of approximately 76 staff, the TRA already uses the most efficient approach to accessing shared services. The use of office space at Cheylesmore House for hearings has the potential to generate future savings.

## **Summary of recommendations**

### **Strengthening Governance**

The TRA is underpinned by proportionate governance arrangements commensurate with the small size and specific scope of the agency and consistent with the accountability and financial risk held within the organisation. The review team has made recommendations to enable the TRA to strengthen its governance and internal controls further by increasing the effectiveness of strategic meetings and continuing to highlight the importance of managing risk.

Recommendation 1: The TRA should strengthen its governance and internal controls by: reviewing the appropriateness of the full balance scorecard as a strategic tool; ensuring a stable and continued attendance from key representatives at both Strategic Performance Review and Executive Board meetings; and holding a discussion with the Department's

lead Non Executive Board member for ALBs to consider whether there are additional opportunities for support and challenge, proportionate to the TRA's needs.

Recommendation 2: To ensure that risks are appropriately identified, owned and controlled, particularly when they may be relevant to both the Department and the TRA, it is important that the TRA continues to work to highlight the importance of managing risk, and to ensure that risk ownership and accountabilities are understood and appropriate contingency action is taken. As good practice the Executive team should continue to strengthen its approach to risk management by seeking guidance from the Department and broaden its view of the risk landscape by regularly attending the Department's Arm's Length Body Risk Network.

## **Organisational resilience and staffing**

In order to strengthen the TRA's organisational resilience, the report has identified a number of areas where an increased level of strategic Human Resources (HR) support would be beneficial to improve staff retention and succession planning, in light of the people challenges faced.

Recommendation 3: The Department's HR should support the TRA in exploring ways to increase both its decision making resilience and succession planning at a senior level.

Recommendation 4: The TRA should seek additional HR support from the Department to tackle ongoing recruitment and retention challenges across the organisation, e.g. by introducing flexible resourcing options, career pathways and succession planning. The TRA could also work with staff to identify additional options for staff wellbeing, given the nature of the casework, including promoting the services of mental health first aiders or the Employee Assistance Programme.

## **Performance and effectiveness**

Following on from previous reviews, the TRA has made continuous efforts to improve performance. As a relatively new organisation the benefits of the TRA's continuous improvement work is not yet demonstratable in the TRA's reporting, which may impact stakeholders' perception of progress. The report highlights a number of recommendations to enable the TRA to: review and measure performance effectively; demonstrate the impact of improvement activities; engage stakeholders and build on its performance to ensure a user centred approach.

Recommendation 5: The TRA's staffing structures should be reviewed every 6 months starting in April 2020 to ensure it is achieving the outcomes intended, as new systems embed and work activities continue to change. This would also present an opportunity to reflect whether any work could move away from time intensive manual processes.

Recommendation 6: The TRA should use existing stakeholder meetings, for example with DfE policy colleagues, trade unions and panellists, to listen to feedback, to share activity undertaken to improve its performance and to demonstrate progress in its service improvements. This would be further strengthened if the TRA articulated and shared the future benefits it expects to see from its casework improvement activities and put in place measures to monitor and demonstrate outcomes of those changes.

Recommendation 7: The TRA's performance indicators and its new quality assurance framework should be reviewed with DfE experts to ensure they include appropriate qualitative and quantitative measures. In addition, the TRA should continue to improve service quality by seeking and acting on customer and stakeholder feedback on its service and networking with other regulators on good practice in measuring performance.

Recommendation 8: The TRA should review data on the primary sources of referrals that do not progress to a determination meeting. It should use this data to continue to identify ways to safely reduce the number of inappropriate referrals to increase efficiency, including working with policy colleagues to review the relevant guidance.

Recommendation 9: The TRA should gather further feedback on its systems from users. Using that information, the TRA and the Department should work together to develop and implement solutions that meet end users' needs more effectively and efficiently and support more self service.

## Introduction

1. For the purposes of this report, all references to the Department or the DfE refer to the Department for Education and all references to the Agency or the TRA refer to the Teaching Regulation Agency.
2. A small, dedicated review team has conducted the tailored review and produced the final report on behalf of the Department. In line with [Cabinet Office guidance](#) the review team is independent of the sponsor and the Teaching Regulation Agency but has consulted both parties throughout.

## Tailored review background

3. The aim of tailored reviews is to provide a robust challenge to Arm's Length Bodies (ALBs), to ensure that the body is fit for purpose and is offering value for taxpayers' money by assessing the ongoing need for ALBs and scrutinising a number of key areas.
4. This tailored review has been designated as a 'tier 3 review' by Cabinet Office (further details can be found in the [Cabinet Office Tailored Review Guidance](#)). Terms of Reference for this review can be found at Annex A.

## Scope and oversight of the review

5. As the TRA was formed in April 2018, this tailored review has taken the form of a proportionate Post Implementation Review<sup>1</sup> and taken into account previous work to establish the TRA. It focuses on the objectives of establishing the TRA, performance, relationship with the department, efficiency and governance.
6. The review gathered views from the TRA, the Departmental Senior Sponsor and some key stakeholders. This information has been analysed thematically. Details of stakeholders who provided feedback can be found at Annex B.

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<sup>1</sup> A tailored review is usually broad in scope and asks fundamental questions about whether the organisation needs to exist and, if so, what type of organisation it should be. Under the Cabinet Office programme, there is now flexibility to 'tailor' each review to ensure it reflects the specific circumstances of the ALB and adds the most strategic value. Rather than duplicating review work already undertaken at the organisation's establishment, the review was more focused and had a lighter touch whilst still covering the key components set out in the terms of reference (Annex A).

7. In order to build on existing work, previous reviews of the TRA, reports and insights from Departmental representatives have been taken into account as part of the evidence base. This includes work undertaken by the Government Internal Audit Agency (GIAA), National Audit Office (NAO), the Department and others.

8. Following the review, the TRA and the Departmental sponsor should agree a clear action plan for the implementation of the recommendations. An update should be provided to the Tailored Review team no later than six months after the publication of this document.

## **Acknowledgements**

9. We would like to thank all parties who contributed to this review, particularly the CEO, Alan Meyrick, and all staff at the TRA.

## Objectives of establishing the TRA

10. The TRA is an Executive Agency of the DfE, established in April 2018 when the National College for Teaching and Leadership (NCTL) was repurposed to establish it.
11. The Department concluded two reviews into NCTL in 2017 which considered its value and future direction. The review on the effectiveness of NCTL was completed within the context of the Department's 'Transformation Programme'; an initiative that seeks to ensure the DfE is able to deliver its ambitious policy agenda. The second review focused on complex teacher misconduct cases and was largely initiated as a result of the lessons learned from handling the issues encountered in dealing with the Birmingham schools cases.
12. In November 2017, the Minister of State for School Standards announced in a [Written Ministerial Statement](#) that the Government was bringing responsibility for the recruitment of teachers and supporting teacher development and leadership into the core of the Department. It was intended that this would improve the service that the Department provides to teachers and, in turn, to pupils in schools.
13. With these functions transferred to the Department, the Minister announced the repurposing of the NCTL to the TRA.
14. The purpose of the TRA is to support employers, schools and head teachers with safeguarding responsibilities by taking action upon receipt of allegations of serious teacher misconduct and providing employers the opportunity to complete pre-employment checks to ensure that they are employing teachers who are appropriately qualified for their role.
15. The TRA has responsibility, on behalf of the Secretary of State for Education ('the Secretary of State'), to act as the competent authority for teaching in England; and to operate as the regulatory system for all teacher misconduct as defined by, [The Teachers' Disciplinary \(England\) Regulations 2012](#) and the [Teacher Misconduct: Disciplinary procedures for the Teaching Profession](#).
16. It was believed that the repurposed Agency, would be better equipped to deal with complex teacher misconduct cases through improved processes whilst remaining at arm's length from the core of the Department.
17. The tailored review found that the Agency successfully mirrors these aims with its split into two distinct operational areas: the Teacher Misconduct Unit (TMU) and Teacher Qualification Unit (TQU). These objectives are deliberately and explicitly aligned to carrying out its two core duties, as are its key organisational performance measures.

18. Stakeholders consulted agreed that on the whole, the objectives of creating the TRA have been met. Complex teacher misconduct cases will be discussed in more detail in the Performance of the TRA chapter.

19. [The TRA corporate plan 2018-21](#) sets out its objectives. [The TRA annual report and accounts 2018 to 2019](#) reports against these objectives and, on the whole, the TRA has met these.

**Conclusion 1:** Overall, the main objectives in establishing the TRA have been achieved.

# An assessment of the form and functions of the TRA

## Form

20. The TRA went through a robust process in order to be established in April 2018. This means that both the form and functions of the TRA have been thoroughly examined relatively recently. As a consequence, this review has not examined these areas in detail, but has sought assurance that the previous findings are still valid.

21. Cabinet Office requires Departments to consider three tests to establish if an ALB is the appropriate form for the organisation:

**Does it perform a technical function? Yes**

**Does it need to be politically impartial? Yes.**

**Does it need to act independently to establish the facts? Yes.**

22. The TRA meets all of the three tests to remain at arm's length from Government.

23. Following a recommendation made in 1988, Executive Agencies were established to allow the delivery of executive functions of Government to be carried out separately from (but within a policy and resources framework set by) a primarily policy-focused Department.<sup>2</sup> Delivery might include:

- delivery of a service fundamental to the policy of their Department
- carrying out statutory and/or regulatory functions on behalf of Ministers
- delivery of a service to other parts of central Government using specialist skills
- delivery of specialised functions separate to the core role of the sponsor Department.

24. The TRA carries out a statutory and regulatory function on behalf of the Minister and therefore meets the second bullet point above.

25. The review has considered whether the TRA's current form creates any significant barriers to delivery, and whether other delivery options could offer any significant benefits. A range of evidence has been taken into account, which includes the views of the TRA and the Department and the findings from previous reviews.

26. The findings can be seen in Annex C.

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<sup>2</sup> [Cabinet Office; Executive Agencies: A guide for Departments.](#)

27. The review found there was a clear need for the functions of the TMU to be delivered with a level of separation from the Department and Ministers, and that an Executive Agency is best placed to deliver this.

28. There is an argument to suggest that the Teaching Qualification functions of the TRA do not need to be delivered via an Executive Agency, as there is no need for independence (or perceived independence). The review team concluded that as the Teaching Qualification functions allow the TRA to act as the competent authority on behalf of the Secretary of State for teaching in England then, for operational reasons, it is appropriate that they are delivered through the same organisation that delivers the Teacher Misconduct functions. This also allows the organisation to be of sufficient size to deliver efficiencies and is consistent with equivalent organisations in the devolved administrations.

29. There is an ongoing need for alignment between the DfE policy and the TRA delivery functions.

**Conclusion 2:** The TRA should remain as an Executive Agency, and continue to be sponsored by the DfE.

## Functions and structure

30. The purpose of the Agency is to support employers, schools and head teachers with safeguarding responsibilities by taking action on receipt of allegations of serious teacher misconduct and providing employers the opportunity to complete pre-recruitment checks to ensure that they are employing teachers who are appropriately qualified for their role.

31. The TRA [corporate plan](#) details the functions that support the Agency in meeting its purpose.

32. The TRA's primary functions are to award qualified teacher status to teachers and to consider allegations of serious teacher misconduct. These two core functions are reflected in its structures, with two distinct units:

- the Teacher Misconduct Unit (TMU), responsible for formally investigating referrals of teacher misconduct that fall within the TRA's jurisdiction and its threshold for serious misconduct, that if proven have the potential to result in a prohibition order; and
- the Teacher Qualifications Unit (TQU), which acts on behalf of the Secretary of State as the competent authority for teaching in England and ensures the delivery of EU Directive 2005/36/EC; awards Qualified Teacher Status (QTS) to teachers trained in England and professional recognition for appropriately trained teachers from overseas (OTTs) for QTS in England.

33. The TRA currently employs approximately 76 members of staff based primarily in Coventry, with a small number operating out of the Nottingham site. Annex D provides additional information on the TRA's management structure and staffing numbers. It is led by a Chief Executive and Accounting Officer who is accountable directly to the Senior Sponsor of the Agency who works within the Department.

34. The Department owns the policy for the TRA (discussed further in the Relationship with the Department section) while the TRA delivers on the functions. As stated above, the TRA is organised into two units, TMU and TQU. There is also a Programme Management Office (PMO) responsible for ensuring that the Agency has the correct governance and accountability structures in place.

35. The majority of the TQU functions are carried out internally. The delivery of the TMU functions involves Independent Professional Conduct Panels, external legal advisors and external presenting officers.

- Independent Professional Conduct Panels: The recruitment of panel members is conducted in line with the public appointments process and is the responsibility of the Department. The panel will consider all the evidence in a teacher misconduct case that reaches hearing and decide whether there has been:
  - unacceptable professional conduct
  - conduct that may bring the profession into disrepute
  - a conviction, at any time, of a relevant criminal offence.

If the panel decides that there has been any of the above, it will make a recommendation on prohibition to the Secretary of State. A senior official from the TRA will decide on behalf of the Secretary of State whether a prohibition order is appropriate and whether a review period should be given.

- Legal advisors: The TRA commissions legal advisors to provide independent legal advice to the panel on the legal process. The legal advisor cannot be an employee of the Department and they will take no part in the decision making process.
- Presenting officers: The TRA commissions lawyers to act as presenting officers. Presenting officers investigate and present the evidence gathered in the course of the investigation, cross examine the teacher and any witness called by the teacher and make submissions on the issues of misconduct.

36. Evidence from stakeholders indicated that the current functions do support the TRA in meeting its purpose and objectives. Some limited feedback suggested that a review of the regulations and legislation which underpin the work of the TRA may support it in ensuring it continues to meet the changing dimensions of the education sector. However, it is the review team's assessment that the TRA's operation reflects the appropriate core priorities required, and there is not currently a strong enough business

case to push for further review at this point given limited opportunities for legislative changes.

37. The review team notes the positive engagement between the TRA and the Department which owns the legislation. The TRA should continue to feed in its views on potential options so that if wider opportunities for changes do arise, this information can be taken into account.

**Conclusion 3:** The functions of the TRA are appropriate in enabling it to meet its current purpose and objectives.

## Governance arrangements

38. Overall, the current governance arrangements for the TRA are proportionate and effective for the size and scope of the organisation (in line with Cabinet Office guidelines and the TRA's governance structure as an Executive Agency Model 1<sup>3</sup>). This is reflected in the findings of a review by the Government Internal Audit Agency (GIAA) in September 2018, which focused on governance. The tailored review team found that the TRA is making positive advancements and sufficiently demonstrated its progress of actions following on from the GIAA review. In addition, TRA has a positive and constructive relationship with its Senior Sponsor from the Department, one built on constructive support and challenge, which adds resilience to the senior leadership team and overall governance of the TRA.

**Conclusion 4:** The TRA's governance arrangements are proportionate and effective for the size and scope of the organisation.

39. This section of the report continues to examine governance in more detail, outlining additional opportunities to further strengthen it.

## Appointments and Accountability

40. The TRA acts on behalf of the Secretary of State for Education as the competent authority for teaching in England. This role includes awarding QTS to appropriately qualified teachers from the European Economic Area (EEA), Norway, Iceland, Lichtenstein, Switzerland, Australia, New Zealand, Canada, and the USA, and teachers trained within the United Kingdom, through the TRA's Teacher Qualification Unit. The TRA acts as decision maker on behalf of the Secretary of State operating the regulatory system for all teacher misconduct as defined by [The Teachers' Disciplinary \(England\) Regulations 2012](#) and the [Teacher Misconduct: Disciplinary procedures for the teaching profession](#).

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<sup>3</sup> [Cabinet Office; Executive Agencies: A guide for Departments.](#)

41. The TRA operates at arm's length from Government as an Executive Agency Model 1 in line with [Cabinet Office Executive Agency Guidance](#). It takes decisions on behalf of the Secretary of State in relation to teacher misconduct. Those decisions are based on the recommendation of a Professional Conduct Panel and determine whether a teacher should be prohibited or not from the teaching profession.<sup>4</sup> Panellists are recruited by the Department's policy team in line with the principles underpinning the [Governance Code for Public Appointments](#).

42. The Department for Education's Permanent Secretary is the Principal Accounting Officer (PAO) and is responsible to Parliament for the overall leadership and operation of the TRA.

43. The Chief Executive of the TRA is designated (by the Department's Principal Accounting Officer) as Accounting Officer (AO) for the Agency. As Accounting Officer of the Agency, the Chief Executive is personally responsible for: safeguarding the public funds for which they have charge; ensuring value for money and effective and efficient use of resources; and the day to day operations and management of the Agency. As Accounting Officer, the Chief Executive is required to provide assurance to Parliament that funds are properly accounted for and used for their intended purpose and encouraged to meet the Minister on an annual basis.

44. The respective responsibilities of both the PAO and AO are set out in chapter 3 of [Managing Public Money](#).

45. The TRA is directly accountable to Parliament for its performance in regulating the teaching profession, through its annual report. The annual report is sent to the Secretary of State, laid in Parliament, and made publicly available on the [GOV.UK website](#).

## Internal Controls

46. The Department and the TRA take a proportionate approach to assurance, commensurate with the size, budget, and level of risk of the TRA, as guided by the [principles set out in the partnerships with arm's length bodies: code of good practice](#). The relationship between the Senior Sponsor and the TRA is detailed in their [Framework Document](#), which outlines the audit and risk arrangements for the TRA. The TRA is

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<sup>4</sup> Following the recommendation of the Professional Conduct Panel, the TRA acts on behalf of the Secretary of State as decision maker on whether or not to prohibit a teacher from the profession (in accordance with section 8 141B of the Education Act 2011 and the Teachers' Disciplinary (England) Regulations 2012). Any person wishing to appeal against a prohibition is required to apply to the Queen's Bench Division of the High Court (under Part 52 of the Civil Procedure Rules). The person appealing serves notice on the Secretary of State (in legislation, the SoS is the decision maker, and the TRA make the decision on behalf of the SoS).

aware that the Framework Document should be updated to reflect the conclusions and recommendations of this tailored review.

47. The TRA is led by an Executive Board chaired by the Chief Executive Officer (CEO) and comprised of the TRA's senior management team (the Head of Teacher Misconduct Unit and the Head of Teacher Qualification Unit), the TRA's Head of Programme Management, and supported by its Finance Business Partner and HR Business Partner from the Department. The CEO reports directly to the Senior Sponsor within the Department who is the Director for System Leadership and Strategy within the Early Years and Schools Group (EYSG).

48. The CEO has regular meetings with the Senior Sponsor to establish a clear understanding of the objectives of the Department and the TRA, to ensure effective and efficient regulation of the teaching profession.

49. The Senior Sponsor and CEO have an effective collaborative relationship that provides adequate support and challenge to:

- steer the Agency's activities to ensure that they most effectively and efficiently support the achievement of the TRA's and Departmental objectives
- work through implementing recommendations from formal reviews of the Agency
- advise the CEO of wider policy developments that might affect the TRA.

50. The performance of the TRA is actively monitored through quarterly Strategic Performance Review meetings (SPR). Each SPR is attended by the Agency's Executive Board, the Department's Senior Sponsor, and independent members are also invited to provide expertise and challenge to the TRA. The proximity of the TRA to the Department means that there is no formal requirement for a Non Executive board member.

51. Whilst the Executive Board and SPR were deemed to be useful and important parts of the governance of the Agency, some areas of improvement were identified.

52. The performance reporting on the Balance Scorecard used to provide data and updates on all aspects of the TRA's operations is highly detailed, and although this amount of detail maybe be useful on an operational level, it does not support the strategic review of the Agency or maximise the opportunity for members outside of the TRA to provide effective challenge.

53. Attendance by independent members can be inconsistent at both Executive Board and SPR, which limits opportunities for them to offer external insight and constructive challenge. Consistency of attendance, especially at SPR, is valuable in ensuring members develop sufficient understanding of the TRA's role and function. This includes, for example, input on emerging workforce risks and how these can be effectively managed.

54. All members of SPR are current civil servants from within the TRA or the Department. This means that the TRA is not benefitting from the broadest range of perspectives or independent challenge that may be beneficial to ensure continued effectiveness, efficiency and good risk management. The TRA would benefit from discussing this with the Department's lead Non Executive Board Member for ALBs in order to find opportunities where they may be able to provide support.

**Recommendation 1:** The TRA should strengthen its governance and internal controls by:

- Reviewing the appropriateness of the full balance scorecard as a strategic tool;
- Ensuring a stable and continued attendance from key representatives at both SPR and Executive Board meetings including HR, Finance and those providing wider independent challenge;
- Hold a discussion with the Department's lead Non Executive Board member for ALBs to consider whether there are additional opportunities for support and challenge, proportionate to the TRA's needs.

## Risk Management

55. The TRA also reports into the Department's Performance and Risk Committee (PRC) and the Audit and Risk Committee (ARC) to provide independent assurance and an objective review of performance, risk management, internal controls, and financial reporting. This is in line with the [Corporate Governance in central government departments: code of good practice](#), which aims to safeguard public funds and provide confidence in the fairness of financial reporting. The Senior Sponsor is responsible for escalating risks to the PRC when necessary via the DfE internal escalation routes. In addition, risks are also reported to the Department's Central Risk Team and any high-level strategic risks are reported to PRC on a quarterly basis. Risk management is a key feature at Executive Board and SPR, which includes identifying risk ownership between the TRA and the Department and how to mitigate risk.

**Conclusion 5:** The TRA has made a concerted effort to manage operational risk effectively and move towards working with the Department's Risk Management Framework.

**Recommendation 2:** To ensure that risks are appropriately identified, owned and controlled, particularly when they may be relevant to both the Department and the TRA, it is important that the TRA continues to work to highlight the importance of managing risk, and to ensure that risk ownership and accountabilities are understood and appropriate contingency action is taken. As good practice the Executive team should continue to strengthen its approach to risk management by seeking guidance from the Department and broaden its view of the risk landscape by regularly attending the Department's Arm's Length Body Risk Network.

## Organisational Resilience

56. As a small, specialist organisation with established expertise primarily based in Coventry, the TRA faces more acute risks in relation to the succession of the senior members of staff. There is a need to have a pipeline of expertise and for the TRA to have specialist support from HR to mitigate the risks.

57. Teacher misconduct decisions are currently only taken by two senior members of staff internal to the TRA, with the Senior Sponsor in the Department acting as an additional point of resilience. Only having two people to draw on at a senior level in the TRA for teacher misconduct cases provides a challenge as there must be separation between the Senior Responsible Officer and decision maker. This is to avoid conflicts of interest and to maintain an objective approach. It is therefore suggested that the TRA considers how to increase its decision making resilience and the possibility of a third internal decision maker for teacher misconduct cases.

58. This would increase resilience within the leadership team and provide more robust escalation routes, particularly in instances where a Senior Responsible Officer is required to be involved in case management to support case officers in their team.

59. Whilst there is an awareness of these challenges within the TRA, it is important that the HR support provided to the TRA reflects its increased needs in these areas.

**Recommendation 3:** The Department's HR team should support the TRA in exploring ways to increase both its decision making resilience and succession planning at a senior level.

## Relationship with the Department

60. The TRA has an effective relationship with the Department consistent with the principles set out in the [Partnerships between departments and arm's length bodies: Code of Good Practice](#). In line with the common PAVE principles (purpose, assurance, value, engagement) the tailored review team found that:

- the purpose of the TRA is clear and well understood
- there is a proportionate approach to assurance
- the Department and the TRA share skills and experience
- the relationship is based on an open honest and constructive working relationship.

61. As evidenced in the governance section of this report, there is an effective and clear relationship between the TRA and the Department's Senior Sponsor. The purpose of the TRA is clear and the Senior Sponsor is visible within the TRA and offers support and constructive challenge on a regular basis to ensure that the TRA and Departmental objectives are achieved.

**Conclusion 6:** The relationship between the Senior Sponsor and the TRA is positive and effective, offering appropriate support and challenge.

62. As an Executive Agency the TRA has developed a constructive relationship with the Department's policy teams. This has helped to establish and maintain the relationship between the policy that underpins the regulation of the teaching profession and the implementation of that policy through TRA's Teacher Misconduct Unit and Teacher Qualification Unit.

63. The review team identified several areas of good practice, including:

- a member of the Department's policy team spending at least a day every other month within the TRA (and vice versa) to facilitate effective joint work;
- The TRA proactively consulting with policy teams for advice on implementing teacher misconduct guidelines where appropriate;
- open communication with EU Exit policy colleagues to align EU Exit policy with implementation through the TRA; and
- a close working relationship with Due Diligence and Counter Extremism through sharing best practice to ensure the effective handling of extremism cases.

64. The relationship between TMU and the relevant DfE policy team is particularly valuable in ensuring that the regulatory guidance in teacher misconduct decisions is successfully implemented. Examples include members of TMU making use of policy expertise in the DfE to obtain guidance on more complex issues such as changes in regulations over time, and to identify any relevant conduct guidance issued by the DfE to schools. As the joint head of site for the Department in Coventry the CEO of the TRA is also visible within the wider Department, and policy teams within the Department have

worked with the TRA to raise awareness of the Agency across the Department and with schools. The TRA should continue to maintain the relationship with policy teams and ensure it is consistent across all policy areas. The relationship can be strengthened further by ensuring that all staff in both TMU and TQU are fully equipped with information about how to access the relevant policy teams for advice when implementing policy.

**Conclusion 7:** Close working between the TRA and the DfE policy colleagues is adding value to the operation of teacher regulation by bringing together the relationship between policy (underpinning the regulation of the teaching profession) and delivery (through the TRA's Teacher Misconduct Unit and Teacher Qualification Unit).

## Performance of the TRA

65. This section considers the TRA's performance and effectiveness as a new organisation. It is set out in three broad categories: casework management, measuring performance and effectiveness and contract management. It recognises work already in progress and includes recommendations for further strengthening the TRA's approach.

### Casework management

66. In 2017, the Department carried out a review of the NCTL's complex casework management following issues with a high-profile case. That review made a series of recommendations about how the TRA should reform and improve the NCTL's approach to casework. In 2018, the GIAA audited the TRA's activity against the recommendations of the review, which resulted in a series of additional actions.

67. The TRA has taken positive steps to implement the recommendations of the casework review and the 2018 internal audit and, in general, to improve its casework management. These steps include:

- introducing a new casework management system to support processes, procedures and decision making, prompt and monitor activity, and provide management information to enable early identification of performance issues;
- reconfiguring resource and adding a number of senior casework managers to provide oversight and quality control of casework;
- additional contract management activities (see the section below on contract management), where the performance of external contractors is affecting the TRA's performance; and
- creating a new quality assurance framework, to be rolled out later this year.

68. Feedback from some stakeholders is that they have not yet seen the benefit of these improvements and that they have taken longer than expected. The TRA acknowledges that this has been the case in some instances. Roll out of the case management system, for example, was slower than anticipated because of the need to ensure it is fully effective and integrated with the TRA's other systems.

69. Staffing issues have also affected the TRA's ability to make planned casework improvements at the pace it would like. At times over the last 12 months, as well as having members of staff on long term sickness absence and a number of new and inexperienced team members, 30% of the posts in the Teacher Misconduct Unit have been vacant. The TRA attributes this issue, in part, to its grading structures: it employs a proportion of people in more junior grades who undertake manual processes and who have opportunities to progress quickly to more senior roles in other organisations. Data supports this with the TRA's people survey results suggesting that people enjoy their work at the TRA and 45% of the departures from the TRA in the last 18 months were on

promotion to other organisations, with the rest a mixture of resignations, retirements and lateral moves.

70. The work of the TRA often involves staff being exposed to highly sensitive and sometimes traumatic information. Staff have access to the Department's Employee Assistance Programme and wellbeing networks, and the TRA provides a guidance sheet on support available. The TRA may wish to explore ways to provide more targeted assistance to ensure members of staff have the appropriate pastoral support needed to work with the information they handle.

**Conclusion 8:** The TRA has made positive improvements in the handling of Teacher Misconduct casework by implementing a new case management system with increased management information, reconfiguring resource, creating new quality assurance and risk frameworks and implementing additional contract management activities.

**Recommendation 4:** The TRA should seek additional HR support from the Department to tackle ongoing recruitment and retention challenges across the organisation, e.g. by introducing flexible resourcing options, career pathways and succession planning. The TRA could also work with staff to identify additional options for staff wellbeing, given the nature of the casework, including promoting the services of mental health first aiders or the Employee Assistance Programme.

71. The TRA believes that the ongoing changes and creation of the additional posts mentioned above will help to solve retention issues and improve the pace of change, but until people have been in post for some time it is difficult to be certain. It is possible, for example, that staff at a different level would be more effective.

**Recommendation 5:** The TRA's staffing structures should be reviewed every 6 months starting in April 2020 to ensure it is achieving the outcomes intended, as new systems embed and work activities continue to change. This would also present an opportunity to reflect whether any work could move away from time intensive manual processes.

72. The TRA believes, and it was evidenced from stakeholder feedback, that there may be an issue of perception amongst some stakeholders; even where improvements have been made, they believe little is happening. For example, the work to improve arrangements for delivering the panellist's bundle of papers. The TRA's in-month performance data also shows that interventions are already having an effect, but it will take longer to show in its year to date figures which can affect stakeholders' perception of progress. It is acknowledged that there are a number of improvements which cannot be shared due to legal or commercial sensitivities.

**Recommendation 6:** The TRA should use existing stakeholder meetings, for example with DfE policy colleagues, trade unions and panellists, to listen to feedback, to share activity undertaken to improve its performance and to demonstrate progress in its service improvements. This would be further strengthened if the TRA articulated and shared the

future benefits it expects to see from its casework improvement activities and put in place measures to monitor and demonstrate outcomes of those changes.

## Measuring and reporting performance

73. Key performance indicators enable an organisation’s performance to be measured, quickly understood, and actions to address and improve performance put in place. In order to do this effectively however, the performance indicators need to cover a range of deliverables and targets which include both quality and timeliness of service. There also needs to be processes in place to enable scrutiny of performance against those indicators.

### Is the TRA meeting its key performance indicators?

74. In April 2018, as a newly created organisation, the TRA published its first three-year Corporate Plan. It set out 11 key performance indicators (see Annex E) against which the TRA would measure its performance: seven relating to teacher qualification and four relating to teacher misconduct. Prior to publication, the proposed performance indicators were benchmarked against other regulatory organisations which oversee qualifications and misconduct to ensure they were sufficiently stretching.

75. The TRA reported publicly against its performance indicators in its first Annual Report and Accounts 2018-19, published on 5 August 2019. The TRA’s Annual Report states that, while it met nine of its eleven performance indicators in the 2018-19 year, there were two which it did not meet:

Key Performance indicator	Outcome	Status	Reason given in Annual Report
Teacher Qualification Helpdesk: 100% of helpdesk emails responded to within five working days of receipt	99%	Not met	The introduction of a new Department service gateway saw a significant increase in the number of emails received due to issues in accessing the new system.
Investigation: 95% of teacher misconduct cases are concluded or referred to hearing within 20 weeks	93%	Not met	Whilst this target has not been met, there has been an improvement from 88.4% in 2017-18. The complexity of cases can mean some cases take longer to conclude. TMU will continue to work on further improvements in its processes and contract management to meet the target for 2019-20

Source: [The TRA Annual Report and Accounts 2018-19](#)

76. As discussed in the section above on casework management, staffing issues have had an impact on the TRA's ability to meet its performance indicators as well as its ability to make improvements to ensure it can meet them in the future. The TRA's view is that, with the right level of resource, it would be able to meet them in the future. Recommendation 4 on staffing, above, should therefore ensure the TRA meets its performance indicators in the future.

### **Are TRA's key performance indicators effective for measuring the TRA's performance?**

77. The TRA's performance indicators currently focus on measuring the timeliness of the TRA's services: they do not currently contain any measures relating to the quality of the TRA's service. Even if they were being met, the performance indicators would only provide part of the picture of the TRA's performance.

78. The TRA recognises the importance of measuring quality of its service and activity. It is currently in the process of reviewing its key performance indicators with the intention of including more qualitative measures. It is also introducing a new 'quality assurance framework' on the teacher misconduct casework side and resource to support the delivery of that framework. Although the TRA is putting in place the building blocks for measuring its performance more effectively, this will need to continue as an area of focus for the TRA in the next few months. During this process the TRA would benefit from meeting more regulators with whom to share best practice, particularly in relation to measuring quality of service in a regulatory environment.

**Recommendation 7:** The TRA's performance indicators and its new quality assurance framework should be reviewed with DfE experts to ensure they include appropriate qualitative and quantitative measures. In addition, the TRA should continue to improve service quality by seeking and acting on customer and stakeholder feedback on its service and networking with other regulators on good practice in measuring performance.

### **Is the TRA's performance scrutinised as effectively as possible?**

79. As detailed above in the Governance section, the TRA reports quarterly to the Department which can escalate matters to the Department's Performance and Risk Committee if needed. The main means, however, by which the Department scrutinises the TRA's performance against its key performance indicators is through the TRA's quarterly Strategic Performance Review. The effectiveness of this approach is considered in the Governance section.

## **Contract management**

80. As outlined in the section of this report covering assessment of form and functions of the TRA (p12-15), significant elements of the TRA's performance, including

achievement of some of its key performance indicators, rely on external contractors. This is primarily on the teacher misconduct side of the TRA, which relies on external solicitors to conduct investigations and act as 'presenting officers', presenting the cases to the teacher misconduct panels. In addition, it also relies on unpaid panellists to sit on the panels themselves: although not strictly contractors, they are still external appointments on whom the TRA relies for its performance. Robust contract and performance management is therefore critical to the TRA's effectiveness.

81. Over the last 12 months, the TRA has focused on improved contract management. It has put in place additional resources and processes to capture issues and feedback and to ensure its contract management is rigorous and effective.

82. Panellist appointments are managed by the DfE policy team through the public appointments process. The TRA has a commitment to ensuring every panellist is appraised annually and has also started a regular panellist event to share learning and case studies, with external speakers, and to seek feedback. Some stakeholders suggested that the TRA would benefit from articulating and clarifying the different roles of the TRA case manager and the panellist, as there was some confusion over this, which occasionally had an impact on performance. Once the additional resource planned is in place, together with the quality assurance framework, this could be clarified by the TRA.

**Conclusion 9:** The TRA currently takes a suitably robust approach to contract and panellist management.

## Teacher misconduct referral rates

83. A significant proportion of the referrals which the TRA receives on teacher misconduct do not proceed to a determination hearing or a Professional Conduct Panel (PCP). During 2018-19, the TRA received 985 teacher misconduct referrals. It took no further action on 364 of those cases (36%) due to either having no jurisdiction or the referral not meeting the threshold of serious misconduct.<sup>5</sup> The remaining 64% (621) referrals proceeded to a determination meeting, with 224 cases (23%) of alleged serious misconduct progressing to a PCP. An overview of the misconduct process is set out at Annex F.

84. Anyone can make a referral to the TRA and its approach is to encourage referrals, even if referrers are unsure whether they will come under the TRA's jurisdiction. It wants that to remain the case so as not to discourage appropriate referrals.

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<sup>5</sup> [Teaching Regulation Agency, Annual Report and Accounts 2018 to 2019](#)

85. The TRA recognise that any referral, regardless of merit, requires an element of processing and investigation. Processing inappropriate misconduct referrals creates additional workload for it and it needs to strike a balance.

86. The TRA has already undertaken activity to improve this, working with both the police and the Disclosure and Barring Service to ensure it receives appropriate referrals and reduce inappropriate ones.

87. There may be opportunities to build on this activity. It is possible, for example, that the inappropriate referrals come from a particular source: if this were identified it would allow the TRA to target additional communications to those sources. The TRA also acknowledges that working with the Department to review the guidance on referrals to the TRA might make its jurisdiction clearer for potential referrers.

**Recommendation 8:** The TRA should review data on the primary sources of referrals that do not progress to a determination meeting. It should use this data to continue to identify ways to safely reduce the number of inappropriate referrals to increase efficiency, including working with policy colleagues to review the relevant guidance.

## Efficiency savings

### Background

88. As this is a Post Implementation Review of the TRA and funding was considered as part of the transformation from the NCTL to the TRA in 2018, this section is a light touch consideration of potential new efficiency savings.

89. The TRA's priority over the last 18 months has been and remains the improvement in its casework management in line with the review and internal audit recommendations. The review team has assessed the TRA's efficiency in a number of areas and highlighted where TRA has already adopted good practice or where possible future efficiencies might be found.

### Overall budget and efficiency

90. When the TRA was established in 2018 following the repurposing of the NCTL, the majority of the NCTL functions, including those relating to teacher recruitment, were transferred into the Department. The TRA's funding is therefore significantly lower than the NCTL's, to reflect that it has fewer functions than the NCTL. For 2017-18, the NCTL's total operating expenditure was £406.7m. This included payment of a number of grants, for example for teachers' continuing professional development, which no longer form part of the TRA's functions. For 2018-19, the TRA's total operating expenditure was £8.2m.

91. Because of this change in funding levels, the income and expenditure profiles for the financial year ended 31 March 2018 for NCTL and 2019 for the TRA are difficult to compare and cannot easily be used to identify efficiencies which have already been made in the last few years.

### Shared services

92. As an Executive Agency, the TRA accesses its support services through the Department such as Human Resources, Finance and Commercial services. It uses those services' systems, processes and policies, rather than duplicating them. This offers the TRA efficiencies and provides a more integrated approach.

93. There is a good relationship with Strategic Finance in place and the function has consistently received feedback throughout the review as to the high quality support provided. The report has identified a number of areas where, in light of the people challenges faced, an increased level of strategic HR support would be beneficial.

94. As it uses the Department's procurement systems, the TRA follows Cabinet Office and HM Treasury guidance and complies with best practice for obtaining value for money

in procurement. The TRA also follows the Department's digital and IT policies which guarantee that it complies with relevant legislation.

95. The TRA also shares estates and facilities with the Department and in 2018 it moved to offices in Cheylesmore House, Coventry. This relocation will enable the TRA to use additional office space to run its misconduct hearings in-house in the future, rather than booking external rooms at an additional cost.

**Conclusion 10:** As a small organisation of approximately 76 staff, the TRA already uses the most efficient approach to accessing shared services. The use of office space at Cheylesmore House for hearings also has the potential to generate future savings.

## Information Technology (IT)

96. External stakeholders and the TRA's own customer service evaluation pilot report customers experiencing difficulties with the TRA's online databases and portals. A significant number of phone or email queries result from people requiring support with the TRA's systems. This may be requests to update information held on its portal which currently cannot be done by the user or more general system problems.

97. The TRA recognises that it would be more efficient if its systems were more user centric. It holds its own IT budget, which it would like to use to improve its online services. Most of the TQU processes, for example, are automated and rely on the Database of Qualified Teachers (DQT), which sits on the DfE infrastructure. The TRA does not therefore have control of the system and is wholly reliant on the Department for any maintenance, changes, risks or improvements. It needs to work closely with the Department's Digital, Data and Technology Team (DDAT) to ensure the system meets its needs.

98. While this means that the DQT is protected by the Department's IT security, it also means that any potential changes must comply with the Department's procurement and assurance processes, which can be time consuming. The TRA believes it can therefore be difficult to use its IT budget effectively to achieve the outcomes it would like.

**Recommendation 9:** The TRA should gather further feedback on its systems from users. Using that information, the TRA and the Department should work together to develop and implement solutions that meet end users' needs more effectively and efficiently and support more self service.

## Other considerations

### Devolution

99. The TRA regulates teaching in England only. Wales, Scotland and Northern Ireland each have their own body that regulates teaching in their devolved territory. These being:

- Education Workforce Council (Wales);
- General Teaching Council for Scotland; and
- General Teaching Council for Northern Ireland.

100. If a person undertakes Initial Teacher Training (ITT) in Wales they are automatically accepted in England. This is because Wales is the only Devolved Administration to have a similar education system, QTS and equivalent body to the TRA as England. Teachers qualified in other Devolved Administrations have to apply to be awarded QTS in England.

101. The TRA works closely with the Devolved Administrations. For example the Teacher Qualification Unit regularly shares information with the Education Workforce Council in Wales to support the award of QTS and induction in both nations. The TRA shares information with its UK counterparts on any prohibitions. The TRA has to be aware of its UK counterparts regulations and arrangements, and any changes to this that might affect its functions. It also meets the regulators from Wales, Scotland and Northern Ireland every six months. These meetings provide regulator updates and share best practice. The TRA may benefit from more regular meetings in order to keep pace with changes and ensure any best practice can be maximised.

### Impact of the UK leaving the European Union

102. As the competent authority for teaching in England, the TRA is responsible for awarding qualified teacher status (QTS) to eligible teachers from the EU, Norway, Iceland, Lichtenstein and Switzerland under the terms of the EU Mutual Recognition of Professional Qualifications (MRPQ) Council Directive 2005/36/EC. The Directive sets out a reciprocal framework for the recognition of professional qualifications to nationals of these countries to have their teaching qualifications recognised in the UK and apply for QTS. The arrangements also allow the sharing of sanction and restriction information between member states.

103. The Directive continue to apply during the transition period. DfE has provided [updated guidance](#) for teachers applying to qualify to teach in England with advice for EEA/Swiss members.

104. The TRA is working positively with colleagues in DfE and other Government departments in order to prepare for arrangements from 1 January 2021, following the end of the transition period.

## Arrangements during the transition period

105. The existing arrangements will be in place until the end of the transition period, up to 31 December 2020, and the TRA continues to participate in discussions relating to the future relationship with the EU.

## Location

106. In line with the Government regional growth plans, the TRA is based in Coventry and Nottingham.

## Gender Pay Gap

107. The TRA CEO and Senior Sponsor monitor the agency Gender Pay Gap and the TRA, as an Executive Agency, is included in the Department published [report](#) on Gender Pay Gap.

## Inclusion and Diversity

108. The TRA works to the Department's Inclusion and Diversity Strategy. The senior leadership team monitor inclusion and diversity and have targets to improve this area. The TRA ensures staff have training on inclusion and diversity and have the opportunity to join the Department's 'Project Race' programme.

109. The TRA should continue to work with the Department policy team to encourage diversity when appointing panellists through the public appointments process and for the panellists to provide diversity information.

## Public Sector Equality Duty

110. In line with the Public Sector Equality Duty, the review team has conducted an analysis of all recommendations being made in this report, to consider if any could have a specific impact on individuals with protected characteristics. It is the review team's view that none of the recommendations fall into this category. It is however important that the TRA and the Department continue to monitor the implementation activities arising from this review.

111. In line with the cross Government and Departmental priority to improve diversity, the Inclusion and Diversity section includes a statement aimed at improving diversity in

appointments. This is in line with the Public Sector Equality Duty ambition to promote equality of opportunity.

# Annex

## Annex A – Terms of Reference

### Purpose

To carry out a tailored review of the Teaching Regulation Agency (TRA) in accordance with the [Cabinet Office guidance](#).

Tailored reviews ensure that arm's length bodies (ALBs) remain fit for purpose, are well governed and accountable for what they do. The aim of a tailored review is to conduct a comprehensive review of each ALB to ensure its structure and operations enable it to deliver its objectives, alongside looking at governance, efficiencies and opportunities for better working with its sponsoring Department. The Cabinet Office oversees the programme but Departments are responsible for delivering the review. The scale of the review is dependent on both the size of the ALB and how long it has been in existence. The Department should work closely with the ALB to deliver the review.

As the TRA was formed in April 2018, this tailored review will take the form of a proportionate Post Implementation Review.<sup>6</sup>

The Post Implementation Review will take into account previous work to establish the TRA. It will focus on the TRA's relationship with the Department, its governance arrangements and whether the newly formed body has met the aims and objectives set out at its establishment. It will also review the TRA's performance, including considering current Key Performance Indicators (KPIs).

The report will be published on GOV.UK and will include recommendations for improvement where applicable

### Background

The TRA is an executive agency of the Department for Education, established in April 2018. The National College for Teaching and Leadership (NCTL) was repurposed to establish the TRA.

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<sup>6</sup> A tailored review is usually broad in scope and asks fundamental questions about whether the organisation needs to exist and, if so, what type of organisation it should be. Under the Cabinet Office programme, there is now flexibility to 'tailor' each review to ensure it reflects the specific circumstances of the ALB and adds the most strategic value. A proportionate 'Post Implementation Review' is a new approach being trialled with Cabinet Office. Rather than duplicating review work already undertaken at the organisation's establishment, the review will be more focused and lighter touch whilst still covering the key components set out in the objectives and scope.

In November 2017, the Minister of State for School Standards announced in a [Written Ministerial Statement](#) that the Government was bringing responsibility for the recruitment of teachers and supporting teacher development and leadership into the core of the Department. It was intended that this would improve the service that the Department provides to teachers and, in turn, to pupils in schools.

With these functions transferred to the Department, the Minister announced the repurposing of the NCTL to the TRA.

The TRA supports employers, schools and head teachers with safeguarding responsibilities by taking action on receipt of allegations of serious teacher misconduct. It also provides employers with the opportunity to complete checks on teachers as part of the recruitment process, to ensure that they are employing teachers without any sanctions or prohibitions. The TRA also acts, on behalf of the Secretary of State for Education, as the competent authority for teaching in England. The purpose and objectives of the TRA are documented in both its [Framework Document](#) and [Corporate Plan 2018-21](#).

## Objectives and Scope

The TRA was established following an in-depth review in 2017, which focused on the need for its functions and the appropriate form to best deliver its objectives. This review will therefore be proportionate and not revisit the need for the TRA. It will briefly review the decisions made as part of the 2017 review, to confirm they are still valid.

The review will consider the following areas:

- Objectives of establishing the TRA: the review will consider whether the original aims and objectives for establishing the TRA, as stated in the Corporate Plan 2018-21, have been met, identifying any gaps or areas where further work is needed.
- Performance of the TRA: the review will assess the TRA's performance, including how it is delivering against current KPIs and whether additional measures may improve how performance is tracked.
- Relationship with the Department: the review will consider how effective the relationship is between the TRA and the Department since the repurposing of the functions of the NCTL.
- Efficiency savings: the review will identify any realised or potential efficiency savings from the repurposing of the NCTL to the TRA.
- Governance arrangements: the review will consider the TRA's current governance arrangements, identifying whether they represent good practice and comply with recognised principles.

The review will then look at the remit of the TRA within England and how it relates to other Devolved Administrations; the impact of the UK leaving the EU on the TRA; and the

location of the TRA. The review will also consider the gender pay gap and inclusion and diversity within the TRA.

## **Further information**

### **Timescales**

The period of the review is expected to be approximately three months, commencing in July 2019.

### **Cabinet Office designation**

The Tailored Review – Post Implementation Review of the TRA has been designated as a Tier 3 review. Further details can be found in the [Cabinet Office guidance](#).

### **Evidence Gathering**

The review will gather evidence in a range of ways, including engagement with the TRA (in the form of evidence requests and interviews with senior staff), liaison with Departmental teams that engage with the TRA, and evidence from external stakeholders.

As this is a Tier 3 review the evidence gathering will be proportionate and in line with Cabinet Office guidance principles.

### **Clearance**

The report will be cleared by the Minister of State for School Standards and the Cabinet Office Public Body Review Team.

## **Annex B – stakeholders consulted**

The TRA has a range of stakeholders across Government and the teaching profession. In taking a proportionate approach to this review, the review team identified a range of stakeholders to provide a sample representation of views. The stakeholders given the opportunity to input into the review included:

### **Teaching Regulation Agency**

- Chief Executive Officer
- Head of Teacher Qualification Unit
- Head of Teacher Misconduct Unit
- Head of Programme Management Office
- Independent member of the Strategic Performance Review

### **Department for Education**

- Director of System Leadership and Strategy (Early Years and Schools)
- Departmental Business Partners
- Departmental Corporate Services Leads
- Departmental Policy Officials

### **External stakeholders**

- Association of School and College Leaders
- Brunel University London
- Canterbury Christ Church University
- Department for Business Energy and Industrial Strategy
- Liverpool Local Authority
- Manchester Local Authority
- National Association of Head Teachers
- National Education Union
- National Teacher Accreditation
- NASUWT
- Silverdale School Appropriate Body
- The Disclosure and Barring Service
- University of St Mark and St John

We would like to thank all those stakeholders who contributed.

## **Annex C - Delivery Options Checklist**

### **The Form of the TRA**

#### **Abolish**

Abolishing the functions of the TRA could undermine the profession

#### **Bring in house**

During the review of repurposing the NCTL to the TRA the Department considered locating the Teacher Misconduct work within the Department. It concluded that it was more appropriate for the work to be delivered via an Executive Agency to keep a level of separation from the Department and Ministers and the decision makers.

The review team concluded that these findings are still valid.

#### **Transfer to local government**

This would not be appropriate as the teaching profession is a national issue.

#### **Transfer to charitable or voluntary sector**

This is not appropriate as there is a need for Ministerial accountability.

#### **Transfer to commercial venture**

This is not appropriate as there is a need for Ministerial accountability.

#### **Merge with another body**

During the review of repurposing the NCTL to the TRA the Department considered locating Teacher Misconduct work in a current DfE Executive Agency or Non-Departmental Public Body (NDPB). The Department concluded that there was significant risks with moving the work to the Standards and Testing Agency or the Education and Skills Funding Agency and no logical reason why the work would fit with any of the Departments other NDPBs.

The review team concluded that these findings are still valid.

#### **Less formal structure**

A less formal structure could undermine the profession.

## Annex D – TRA organisation details

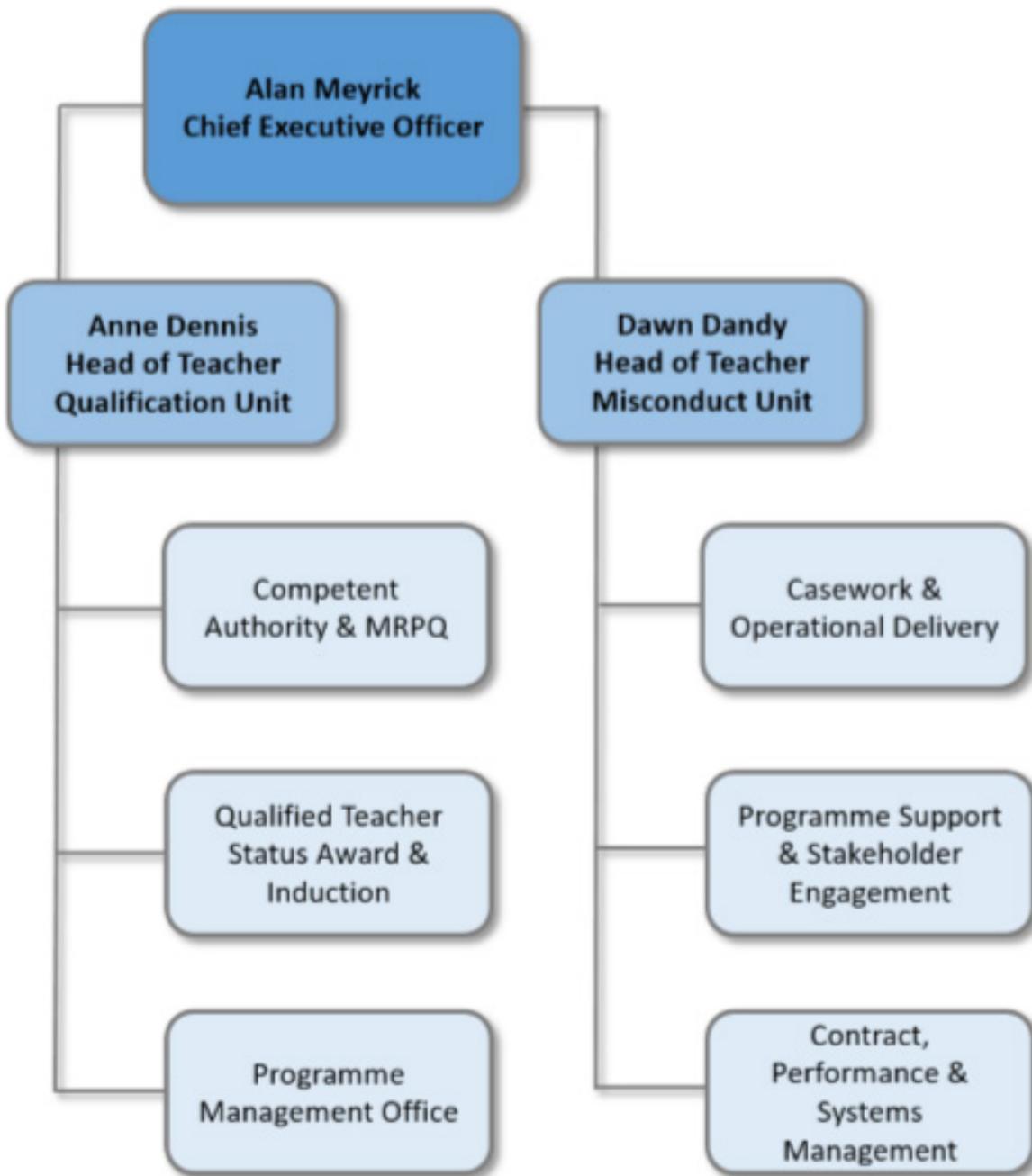
### Staffing Numbers

Grade Equivalent	TMU	TQU	Total (1 Deputy Director covers both TMU and TQU)
Deputy Director	1	1	1
Grade 6	1	1	2
Grade 7	3	2	5
Senior Executive Officer	7*	4	11*
Higher Executive Officer	12	6*	18*
Executive Officer	11*	15	26*
Executive Assistant	5*	8*	13*

\* This includes any vacancies to be filled and temporary posts

Source: TRA November 2019

## TRA Management Structure



Source: [TRA Corporate Plan 2018-21 p10](#)

## **Annex E -The TRA's key performance indicators published April 2018**

The TRA's key performance indicators published April 2018<sup>7</sup>

### **Teacher Qualification Unit**

- Database of Qualified Teachers: the TQ Unit will process all qualified teacher status (QTS) recommendations from initial teacher training providers and make the outcomes available on DQT web services within two working days of receipt
- Database of Qualified Teachers: the TQ Unit will process all induction results submitted by appropriate bodies and make the outcomes available on DQT web services within two working days of receipt
- Database of Qualified Teachers: all DQT web services will be available to users for 98% of the reporting year
- Initial Assessment: 100% of EEA applications completed within 20 working day service level agreement
- Award/Decline decision: completed within 90 working days for EEA, and 20 working days for OTT service level agreements
- TQ Helpdesk: all helpdesk emails responded to within five working days of receipt
- TQ Helpdesk: abandonment rate for helpdesk telephone enquiries to be less than 5%.

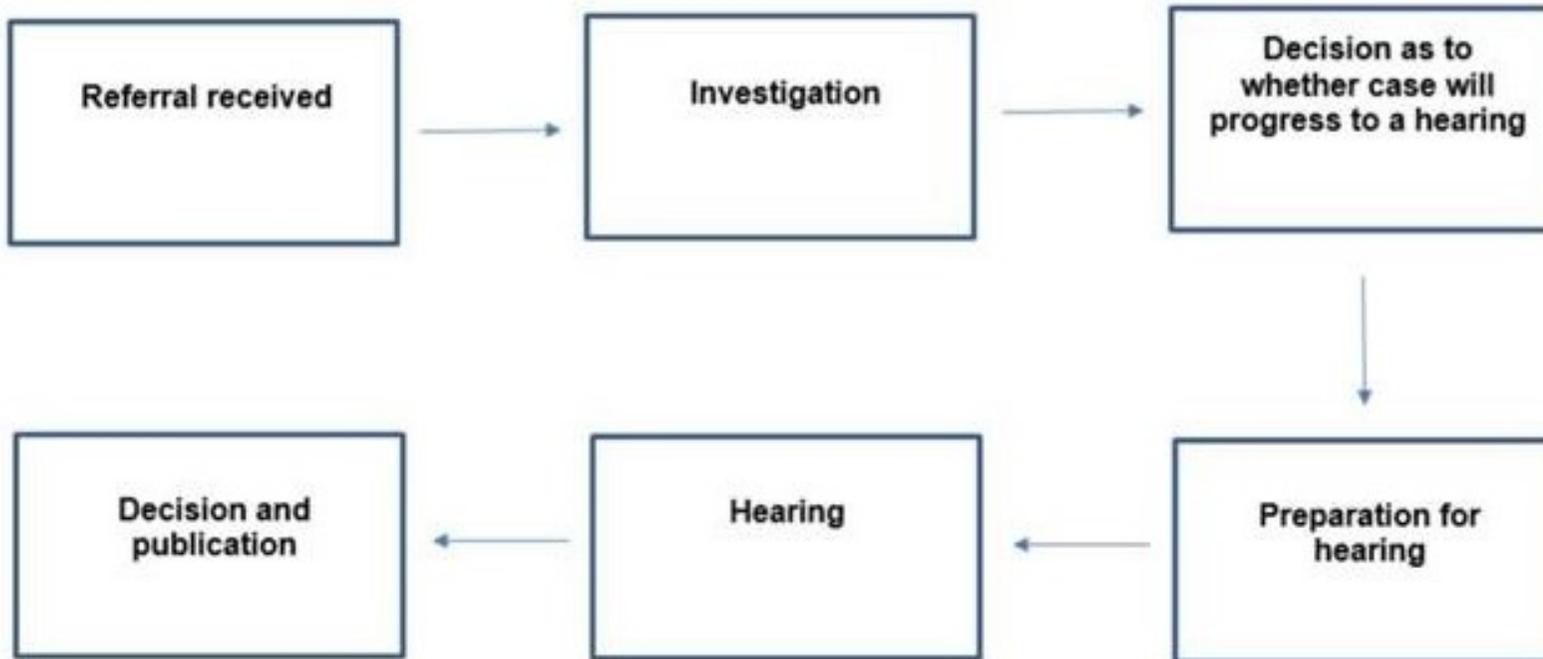
### **Teacher Misconduct Unit**

- Initial Assessment: 95% of teacher misconduct cases are screened and sifted within 72 hours of receipt
- Investigation: 95% of teacher misconduct cases are concluded or referred to hearing within 20 weeks
- Hearing: Teacher misconduct cases that are considered at the hearing stage are concluded within 52 weeks (average median) from the date of receipt
- Prohibition list: 100% of changes to list of prohibited teachers are made within two working days of notification.

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<sup>7</sup> [Teaching Regulation Agency Corporate Plan, 2018-2019](#)

## Annex F – Overview of Teacher Misconduct Process





Department  
for Education

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