

Registration and Regulation of Teachers

Annual report 2007-08



registration



regulation

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Introduction

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

We show how both employers and the public can check the register. Now that direct online employer access is fully in place, employer checks continue to rise, with a further 5% increase in 2007-08 compared to the year before.

We describe how we award qualified teacher status (QTS) to teachers, and the arrangements by which teachers who fail to meet induction standards can appeal to the GTC. Although the number of induction appeals remains low, we have identified a number of areas which it is important for those assessing induction to address.

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

There were 140 disciplinary hearings in 2007-08, an increase on the 126 the year before. This reflects the growing capacity of the GTC to hear cases and of employers and others to refer on appropriate causes of concern.

The setting of boundaries of conduct and competence is a key task for the GTC. The public has a right to expect that teachers uphold the highest professional standards, and indeed teachers have a right to be certain that their peers are in good standing with their professional body.

Our code of conduct, provided to every registered teacher, gives clear guidance on expected standards of conduct and competence, and our statement of professional values and practice reflects on the high standards of the profession. The context for teaching continues to change however, and we are revising the code and statement with a view to a new version appearing in 2009.

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

Please note that cases which relate to the safety and welfare of children and young people are dealt with by the Department for Children, Schools and Families (from October 2009 by the Independent Safeguarding Authority).

The data and most of the commentary in this report cover the 12 months ending 31 March 2008, but where relevant we have signposted key changes since, for example the introduction of provisional registration. Except where legislation is explicitly stated, this report interprets rather than establishes the law in relation to our registration and regulatory responsibilities.

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

Awarding qualified teacher status

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

Hence in these two senses, the GTC is the gatekeeper of entry to the profession. We are granting entry to the profession in the name of the public that the teacher will serve, rather than that of a particular higher education institution, or indeed on behalf of the government of the day. Before the advent of the GTC in 2000, qualified teacher status was granted by the government's Secretary of State; by creating the GTC, they transferred that role to teaching's professional body.

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

The process

The largest single group of teachers – more than 27,000 this year – to whom we award QTS come through courses for initial teacher training (ITT).

Early in the academic year we write to all ITT providers – mostly colleges and universities, but there are also Scitts or school-centred providers of ITT – and ask them for details of their final year trainees. From these lists, we ascribe TRNs to trainees and create fledgling records on our database.

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

From June onwards, we hear from providers as to who has passed their course and also the 'skills tests' required by the Department for Children, Schools and Families (DCSF). We can then send out individual QTS certificates and welcome these new teachers into the profession.

The next-largest group, just over 6,000 this year, come through employment-based routes and the graduate and registered teacher programmes. These follow a broadly similar approach to the above, but timetables are more flexible to allow for on-the-job training and recognition of prior learning.

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

People with teaching qualifications from outside the EEA can undertake a variety of courses that can lead towards QTS. We awarded QTS to over 1,300 teachers through these routes during 2007-08.

Table 1 overleaf shows how many NQTs have come through the various routes over the last few years.

“ The GTC is the gatekeeper of entry to the profession ”

Table 1: QTS awards

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

Induction

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

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

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

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

“ On 1 September 2007, the induction standards were replaced by new core standards. ”



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

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

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

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

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

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

Induction appeals

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

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

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

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

Table 2: Induction results

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

Table 3: Induction appeals

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

Registration

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

Who must register

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

Other people who must also register include local authority advisory teachers or higher level teaching assistants who work in these places and:

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

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

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

Who can choose to register

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

Suitability to teach

New regulations introduced in August 2007 mean that any teacher who wants to register with the GTC must complete a declaration of 'suitability to teach' as part of the application process. This self-declaration covers a number of issues which could be relevant to the teacher's suitability to register, including criminal convictions, disciplinary action by other professional bodies and disciplinary proceedings by employers.

Table 4: Registered teachers 2006-08

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

The table shows a relatively stable trend in the number of teachers registered over the last three years.

See our Digest of statistics for more information, either as a printed publication or on our website at: www.gtce.org.uk/AnnualStatistics

Provisional registration

In summer 2008 – after the timescale covered by this report – government consulted on plans for the provisional registration of trainee teachers, overseas trained teachers and instructors. At the time of going to press, we expect that provisional registration will come into effect for trainee teachers from September 2008, and for unqualified teachers (instructors) and non-EEA overseas trained teachers from September 2009. We will report further on this in next year's report.

How to check whether a teacher is registered

Checks by the public

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

Checks from employers

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

Employer access

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

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

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

The full list of teachers who have received orders in 2007-08 is not included in this report. However local authorities and schools can access all decisions through employer access.

Table 5: employer checks

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

The code and statement

Teachers inspire and lead young people. Their role is vital, unique and far-reaching.

If high standards of teaching and learning are maintained and guaranteed, the public have confidence in the profession.

We set out the high professional standards of teaching, its beliefs, values and attitudes, in our statement of professional values and practice. We wrote the statement after consulting a wide range of people within the profession, and we revised the statement in 2006 to reflect changes that have influenced teaching.

Alongside the statement, we have developed a code of conduct and practice. By law, we must send it to all registered teachers. The code explains our role in acting when there are claims that a teacher has behaved unacceptably or their teaching is seriously below standard, and sets out the minimum standards which should be upheld by registered teachers.

The context for teaching has changed significantly since the code was first published, and so we are consulting on a new document during 2008 with a view to publication in 2009.

We have also worked with our fellow professional bodies, the General Social Care Council and the Nursing and Midwifery Council, to produce a code of inter-professional values. It recognises that teachers now work within the context of the Every Child Matters legislation, where a range of professionals may need to work in the interests of individual children.

All three documents are available on our website at www.gtce.org.uk/code

Code of Conduct and Practice for Registered Teachers

Setting minimum standards for the regulation of the profession



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

How regulation works

Our powers

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

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

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

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

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

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

During the year, we completed 150 hearings, our highest yet. This was below our target of 200 due to postponements, generally at the request of the teacher involved, and a high number of complex and long-running cases. The time we took to deal with cases went down from 78 weeks to 67 weeks.

Where we find allegations proved, or criminal offences to be relevant, we have these disciplinary orders available, in ascending order of severity.

- **Reprimand.** A reprimand will remain on the Register for a two-year period.
- **Conditional registration order.** This applies conditions to registration for a specified period or without limit of time.

- **Suspension order.** This suspends the teacher's eligibility to register for up to two years, and may contain conditions.
- **Prohibition order.** This removes the teacher's eligibility to register. Teachers may apply for the restoration of their eligibility to register following a period specified in the order, which may not be less than two years and may be for an unlimited period.

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

Teachers who receive suspension or prohibition orders may not teach in a maintained school, a non-maintained special school or a pupil referral unit during the period covered by the order.

How cases are referred to us

Cases come to us from the employer of a registered teacher, from the DCSF, or from the public.

The employer is obliged to refer a case to the children's safeguarding operations unit of the DCSF when a teacher is dismissed for misconduct, and also when a teacher resigns in circumstances where dismissal was a possibility. Permanent, supply and temporary teachers are all covered by the requirement to refer.

If the case raises issues relating to the safety and welfare of children and young people under the age of 19, the DCSF will retain and deal with it. They will refer any other case of teacher misconduct to us.

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

We also consider cases where teachers are convicted of a relevant criminal offence. Criminal offences committed by teachers are referred initially to the DCSF as 'notifiable offences', so they can judge whether there is a risk of harm to children and young people that can be dealt with under 'List 99' procedures. They pass on other cases to us so that we can assess whether they are relevant to GTC registration.

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

Deciding on cases

Before a hearing

After a case is received, it is first screened by staff, to determine whether or not it meets a minimum threshold of likely impact on registration. This work particularly focuses on minor criminal offences and public complaints.

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

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

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

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

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

During a hearing

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

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

Table 6: Referrals

Type of case	2006-07	2007-08
Minor criminal offence	206	209
Non-minor criminal offence	8	12
Conduct	138	165
Competence	18	28
Public complaints	46	92
Total	416	506

Table 7: Screening

Type of case	2006-07		2007-08	
	minor offences	public complaints	minor offences	public complaints
Awaiting screening	45	10	65	13
Referred to investigating committee	5	3	14	3
No further action	149	18	124	44
Adjourned for further investigation	6	15	6	27
Referred to Secretary of State	1	0	0	5
Total	206	46	209	92

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

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

In deciding on these matters, committees bear in mind their responsibility to act in the public interest, and that this in turn involves taking account of:

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

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

- the teacher has insight into failings;
- there is any genuine expression of regret or apologies;

- the behaviour has seriously affected the education and/or well being of pupils;
- there has been an abuse of position or trust; and
- there is evidence of harmful deep-seated personality or attitudinal problems.

After a hearing

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

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

Details of decisions are available on our website at: www.gtce.org.uk/standards/hearings/

We hold a record of current and expired disciplinary orders; where an order has expired it is clearly marked as such. For employers, the record is available through a secure passworded area of our website. For the public, the record is available on request to our professional standards support team at the address on page 23.

From 1 April 2008, the record of decisions has included all expired orders, which are clearly marked as such.

Table 8: Outcome of hearings

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

Case categories

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

Table 9: Case categories

	2001-03	2003-04	2004-05	2005-06	2006-07	2007-08
Inappropriate language and/or inappropriate conduct in respect of pupils	5	2	4	13	19	16
Actions which undermine the school and/or parents	2	3	23	26	32	43
Misconduct relating to management and administration of exams	2	4	9	23	10	23
Fraud and financial impropriety	2	10	7	15	11	23
Misrepresentation of qualifications and other matters	1	2	5	10	35	22
Misconduct relating to contractual matters	1	1	5	15	38	40
Misconduct outside the workplace including criminal convictions	1	6	7	23	52	55

There were in addition 48 instances of serious professional incompetence in 2007-08.

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

Inappropriate language and/or inappropriate conduct in respect of pupils

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

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

Sample case A

Teacher A gave a sex education lesson for which the content was inappropriate, and failed to adhere to the school's policy and schemes of work for teaching pupils about sex and personal relationships.

Decision: reprimand. The lesson was an isolated incident, the result of under-preparation and inexperience. It had upset some pupils. However he had had no specialist training in this area and there were no available resources in it. Teacher A had expressed regret and was of previous good history.

Sample case B

Teacher B engaged in an inappropriate sexual relationship with a pupil in his class.

Decision: prohibition without limit of time. His actions potentially compromised a girl's education and breached the position of trust he was in. He showed a stark lack of insight into the behaviour expected of a teacher, failing to set appropriate personal and professional boundaries, with neither genuine expression of regret nor any understanding of the potential damage he may have caused her. The committee believed he posed a serious risk to pupils in the future and reached its decision, not by way of a punishment for him, but to protect vulnerable pupils from harm.

Sample case C

Supply teacher C secretly filmed students and colleagues over a period of four months without their knowledge or permission, or that of the pupils' parents.

A further allegation that she failed to promote the education and welfare of students by not managing appropriately pupil behaviour was found not proven; the committee found ample evidence that her attempts to manage classes were genuine but inadequate, lacking the up-to-date knowledge and skills to do so.

Decision: suspension for one year. The filming was undertaken on behalf of Channel 5, who later used the footage in a programme entitled 'Classroom Chaos'. The programme and, subsequently, the five-day GTC hearing and the resulting decision, were all subject to extensive media comment.

The teacher had not taught for 30 years and had pursued a career as a journalist. After taking a 'return to teaching' course, she was engaged by Channel 5 to enlist as a supply teacher for the purposes of the programme. She admitted the facts of the found allegation. Her case was that the secret filming was necessary to capture and convey the reality of the situation and was justified on public interest grounds.

In its finding, the committee said secret filming constitutes an abuse of the teacher's privileged position and an abuse of the trust of pupils and staff. She herself accepted that it was not part of her duty as a registered teacher to secretly film pupils, but to ensure that they learned safely and well. In the committee's view, there was an inconsistency between her role as a journalist and as a registered teacher; she was thinking primarily as a journalist and did not address in any meaningful way the implications for her responsibilities in the latter role. The committee was not satisfied that her public interest argument was sufficiently strong and exceptional, and found that she was therefore guilty of unacceptable professional conduct.

In deciding on the sanction, the committee was conscious that she had neither shown insight nor demonstrated any understanding that secret filming is a breach of trust for a registered teacher, whatever justification she might have felt she had as a journalist. Suspension for one year, they felt, would appropriately mark the seriousness of the matter and demonstrate to the public and the profession the importance attached to the privileged position of trust held by teachers and abused in this case.

Actions which undermine the school and/or parents

The wide range of actions covered here includes the misuse of school equipment, for example to view pornography, bullying or harassment of staff, and mismanagement of the school. We find that alcohol can be a factor in some of these cases.

Sample case D

Over a five-year period, teacher D accessed and stored inappropriate material on a school laptop computer.

Decision: reprimand. The committee felt that it was important to make clear that it is not acceptable for teachers to use computers supplied to them for educational purposes for the purpose of accessing and storing inappropriate material. However, in this case, the teacher did not bring the laptop into school, and she was of previous good standing.

Sample case E

Over an 18-month period, head teacher E sexually harassed four members of staff, behaviour that seriously demeaned and undermined his colleagues.

Decision: conditional registration order, without limit of time, the condition being that he should not in future hold the position of head. The committee found that he had abused his position as head, lacking any insight into the impact of his behaviour on female colleagues, without perception as to how his actions would be interpreted, and with a serious attitudinal problem in dealing appropriately with female staff.

Sample case F

Teacher F made inappropriate approaches to, and engaged in serial relationships with, mothers of pupils under his care, involving pupils in the conduct of those relationships and inappropriately discussing them with pupils. Without permission, he lent a school keyboard to one of the mothers. He also used a school laptop to download inappropriate and indecent images.

Decision: prohibition, reapplication not before two years. This behaviour took place over a long period of time and took place at two schools and while on secondment elsewhere. Teacher F demonstrated no insight, and posed a significant risk of repeat behaviour.

Misconduct relating to management and administration of examinations

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

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

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

Sample case G

Teacher G failed to tell pupils of a GCSE coursework deadline, and allowed them to continue working on it after the deadline. This exposed pupils with risk regarding their results and jeopardised the school's integrity as an examination centre. In relation to one particular pupil, she awarded an unjustified coursework grade A, and presented work that she knew not to be their own.

Decision: conditional registration order, for four years.

Sample case H

Teacher H intentionally altered Sats papers and inappropriately administered Sats tests. He destroyed certain books of the children and so destroyed evidence of the realistic level of ability of the class.

Decision: suspension for one year. Although these were optional Sats tests, teacher H knew they were being used to benchmark pupil performance. By his actions he breached the trust placed in him by the school community and so brought the reputation and standing of the profession into disrepute.

Sample case I

Teacher I failed to complete coursework assessment sheets for his class, or to ensure that they were on target to complete projects by the deadline. He failed to tell his head of department about the latter, or give him requested information about examination results and coursework assessments. During a period of absence, Teacher I failed to set appropriate work, enable pupils to access their folios and practical work, or keep the department informed about his return.

Decision: prohibition, reapplication not before two years. He had consistently failed to communicate appropriately with his colleagues and pupils, even though previous difficulties had been addressed with support and guidance. There was evidence of deep-seated attitudinal problems and a persistent lack of insight into the seriousness of his actions.

Fraud and financial impropriety

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

Sample case J

Head teacher J failed properly to tender for building works, exposed the school to tax liabilities in relation to payments to both the contractors and individuals, allowed her son to operate a business from the school, and failed to declare an interest in meetings on her husband's salary.

Decision: reprimand. The GTC code requires teachers to maintain appropriate standards of honesty and integrity in relation to finance and the use of property. The committee did not find the head teacher J to be dishonest but that she chose not to find out about procedures and took a cavalier attitude towards management and administration. Her conduct however did not seriously affect pupils and her energy and enthusiasm had a considerable impact on the school.

Sample case K

Head teacher K sought a secondment from the Maritime and Coastguard Agency, but misrepresented their position, falsified a letter purportedly from them, and misled the governing body about its funding.

Decision: conditional registration order, without limit of time. He shall be excluded from handling school finances or any financial arrangements with outside bodies. The committee took into account his thirty years' unblemished service, and considered that his enthusiasm for the project clouded his judgment, with potential adverse consequences for the school finances.

Misrepresentation of qualifications and other matters

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

Sample case L

Teacher L had made false statements on her application form in relation to nationality, employment record and education and training history, and not given sufficient information to enable a CRB check to be made. She had also driven a motor vehicle without a full valid driving licence.

Decision: conditional registration order, for four years. Four conditions were set, relating to her providing the GTC with an accurate CV (to be used as updated in all future job applications) and a CRB check, and her informing future employers of the existence of the order.

Sample case M

On an application form for a new post, teacher M had withheld the name of her current employer and misrepresented (as a supply rather than permanent teacher) the nature of her contract at a previous school. She had also failed to declare a number of sickness absences, and failed to attend medical examinations required by the school.

Decision: suspension for two years. The committee found her inaccuracies and omissions to be deliberate, for she meant to mislead the school and in effect derive a financial advantage. It is of fundamental importance that teachers are entirely transparent in how they approach applications for employment so that the school can employ teachers most able to maximise the potential of their pupils.

Sample case N

The proven allegations against teacher N covered a twelve-year period and his employment at three schools. In part they related to misleading information on an application form relating to his past employment, including the failure to disclose dismissal for gross misconduct; and, having gained the post sought, his failure to control pupil behaviour and provide an adequate standard of teaching. The allegations also related to malicious communications leading to a police caution, and menacing correspondence to the head teacher of one of the schools involved.

Decision: prohibition without limit of time. The teacher had repeatedly sought to undermine the authority of staff and had on occasion resorted to threatening behaviour. He had failed to be honest in disclosing his past history. The committee noted the chaotic nature of many of his lessons and his failure to provide a safe teaching environment. No apology, expression of regret or insight had been offered. A number of core components of the GTC code having been ignored, the committee did not consider teacher N's behaviour to be compatible with a future career in teaching; the evidence of twelve years of misconduct demonstrated a harmful attitudinal problem and a significant risk of such misconduct returning should he ever return to teaching.

Misconduct relating to contractual matters

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

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

Sample case O

Teacher O had behaved in an aggressive and intimidating manner towards the head teacher of his primary school. The GTC code requires teachers not to demean colleagues.

Decision: reprimand. The committee recognised the serious nature of the allegation, but the head could have managed the situation more sensitively, there had been no repetition of the behaviour, and there was no evidence that teacher O's behaviour had affected pupils.

Sample case P

Following the arrest of a teaching assistant on child abuse charges (in another capacity), head teacher P failed to properly follow disciplinary procedures in relation to him. He also failed to carry out appropriate recruitment procedures, including in relation to the appointment of a new deputy head.

Decision: conditional registration order, with the condition that he should not hold the position of head teacher, without time limit. The committee felt that the head's wilful circumnavigating of school procedures was a serious matter.

Sample case Q

While employed at, and on maternity leave from, a primary school, teacher Q worked for a neighbouring local authority, and later took sick leave from the school whilst continuing that employment.

Decision: suspension for six months, subject to her providing the GTC with evidence that she has informed the relevant authorities that she had received certain benefits to which she was not entitled. The committee stated that teacher Q had failed to maintain the standards of honesty and integrity expected of a teacher.

Sample case R

Over a period of six years, teacher R acquired three written warnings in relation to his refusal to be managed and to work under reasonable direction, leading to dismissal. He was unable or unwilling to accept the authority of the head teacher and behaved in an intimidating and aggressive manner.

Decision: prohibition, reapplication not before two years. The committee found that teacher R showed a persistent lack of insight into the effects of his behaviour and inability to understand the effects of his actions on others, and that such behaviours are fundamentally incompatible with continuing to be a teacher.

Misconduct outside the workplace including criminal convictions

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

Factors relevant to the seriousness of an offence include:

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

Factors relating to relevance include:

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

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

Sample case S

Teacher S had been convicted of affray and possessing a firearm, leading to a six months sentence, reduced on appeal to a conditional discharge. This resulted from an incident in which she brandished and fired an air gun and air rifle towards two youths she felt had been responsible for vandalism of her property. Following the sentence, she lost her job at a special school.

Decision: reprimand. The teacher had said she was ashamed of the incident, which took place at a time when she was under considerable personal pressure and suffering from a psychiatric disorder. The committee took into account her exemplary history and that she was at low risk of repeating her behaviour.

Sample case T

Teacher T had been convicted of drink-driving on three separate occasions within eight years, the most recent leading to (inter alia) a three-year disqualification, a two-year supervision order, and a suspended prison sentence.

Decision: conditional registration order for two years, subject to a satisfactory four-monthly medical report to the Registrar and notification of the terms of the order to any potential teaching employer. The committee were impressed by teacher T's recognition of her condition and her recent progress, and felt that the CRO would encourage her to maintain that progress.

Sample case U

Teacher U was cautioned for possession of a class A drug (methadone) and resigned his post at a secondary school shortly after. However he later misrepresented his reason for leaving the school in an application form to a residential unit. The teacher has recognised his deep-seated dependency, which dates back many years, and is committed to tackling it.

Decision: prohibition, reapplication not before three years. The committee recognised that teacher U had insight into his wrongdoing and had taken rehabilitative steps, but given the deep-seated nature of his dependency, a lesser sanction would not provide sufficient protection for children and the public.

Serious professional incompetence

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

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

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

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

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

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

Sample case V

Over a fourteen month period, despite continual support, teacher V failed to make sufficient progress in reaching targets of class control, classroom standards and adherence to the behaviour management procedure.

Decision: reprimand. The committee found that her teaching over this period had a detrimental effect on the pupils in her care. However, at that time teacher V was suffering from ill health and also caring for her terminally ill father. The committee were impressed with the insight she had shown into her actions and how she had resurrected her career since.

Sample case W

Nearly two years into her headship, the local authority identified concerns about the school to which she failed to provide an adequate draft action plan. Head teacher W provided inadequate leadership and management of the school.

Decision: conditional registration order without limit of time, subject to her not holding a responsibility beyond that of head of year or department without first supporting evidence of successful completion of a relevant training course. The committee accepted that there had been certain improvements at the school and there were no concerns about her teaching or relationship with pupils. However, she herself had admitted to mistakes with staff and the committee were concerned about her limited insight into failings.

Sample case X

Following concerns over the progress of pupils in her class, capability proceedings were instituted against teacher X, leading to an action plan with explicit performance targets. However, she failed to make significant progress towards them before a review two months later; an extension was granted, but she resigned before the new deadline was reached, without evidence that she was meeting the targets.

Decision: suspension for one year, subject to teacher X providing evidence that she has successfully completed a re-entry or refresher course based on the National Standards (in other words, the suspension continues beyond one year without such evidence). This was a serious case of professional incompetence, but there was no evidence of personality or attitudinal problems and there were identifiable areas of practice in need of retraining.

Sample case Y

More than two years before, a conditional registration order had been made against teacher Y on grounds including inadequate behaviour management and failure to deliver lessons that developed pupil learning. Conditions included the provision of details on appropriate courses to be undertaken within a two-year period.

Decision: prohibition, reapplication not before three years. The teacher had provided misleading information about courses attended, some pre-dating the original hearing and others not relevant to the type of training required by the CRO. The committee found that teacher Y had demonstrated a complete unwillingness to seek to improve the failings identified then, and moreover demonstrated attitudinal problems and a lack of insight.

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Further information

The best source of further information about our work in registration and regulation is our website. From the home page, use the options that take you directly to information on each.

There is also information specifically designed for employers and for parents in the employer and parent sections of the website.

www.gtce.org.uk

See also the following documents.

- Disciplinary procedure rules
- Guidance for members of disciplinary committees
- Guidance for teachers subject to the Council's disciplinary procedures
- Information on referrals for employers
- Complaining to the GTC – Information for parents and members of the public
- Statement of professional values and practice
- Code of conduct and practice for registered teachers

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