



Teaching  
Agency

# **Teacher misconduct - Information for witnesses**

**Providing evidence to  
Professional Conduct Panel  
Hearings for the regulation of  
the teaching profession**

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## 1. Introduction

1.1 This document sets out information for witnesses who may be required to give evidence in a case of teacher misconduct that is heard by a Professional Conduct Panel. For full details of the teacher regulation process, please refer to the Department for Education website at: <http://www.education.gov.uk/schools/leadership/teachermisconduct>

## 2. What is the process for the regulation of teachers?

2.1 The Teaching Agency, an executive agency of the Department for Education (DfE), operates the process of regulation of the teaching profession on behalf of the Secretary of State.

2.2 The Teaching Agency will only become involved in the most serious cases of teacher misconduct, in order to make a decision about whether the teacher should be prohibited from teaching. Less serious cases of misconduct, and all cases of incompetence, should be dealt with locally.

2.3 Where an allegation against a teacher is referred to the Teaching Agency, the Agency will consider whether the teacher:

- may be guilty of unacceptable professional conduct;
- may be guilty of conduct that may bring the profession into disrepute; or
- may have been convicted, at any time, of a relevant offence.

2.4 If the Teaching Agency decides that one or more of these applies, and that a prohibition order may be appropriate, it will begin an investigation. Further information about the terminology can be found in 'The Prohibition of Teachers' and about an investigation in the 'Disciplinary Procedures' (available from the DfE website – see paragraph 1.1).

2.5 If the investigation suggests that there is a case for the teacher to answer, the Teaching Agency will refer the case to a Professional Conduct Panel. In certain circumstances, where the teacher agrees the facts of the case, the case may be considered without a hearing. Otherwise, a panel hearing will be convened. Details of a panel's membership and the hearing procedure can be found in the 'Disciplinary Procedures'.

## 3. What is a hearing?

3.1 A hearing aims to investigate the evidence in order that the panel can decide:

- whether the facts have been proved, and if so
- whether there has been 'unacceptable professional conduct', 'conduct that may bring the profession into disrepute' or 'conviction, at any time, of a relevant offence', and if so
- whether to recommend to the Secretary of State that a prohibition order is

appropriate.

3.2 The Teaching Agency will arrange for a presenting officer (a lawyer) to put forward the case against the teacher to the hearing.

3.3 Hearings are normally held in public, although there are circumstances where it may take place in private, e.g. to protect the interests of children or vulnerable witnesses. If the hearing is in public, members of the press may be present. There may also be observers, e.g. officials from the Teaching Agency.

3.4 Notice of hearings will be published on the Department for Education website approximately one week in advance.

## **4. What is the role of witnesses?**

4.1 Either the presenting officer or the teacher, who is the subject of the case, may request you to attend a hearing as a witness. If you are reluctant to attend, the Secretary of State may intervene to require you attend.

4.2 Your role is to give evidence objectively to the hearing, irrespective of which party has invited you to attend.

## **5. How will I know if I'll be required to attend the hearing?**

5.1 If the presenting officer requests your attendance, they will send you an introductory letter and then contact you to discuss the arrangements for the hearing and answer any questions you may have. The presenting officer will ask you to make a witness statement, which will be included in a bundle of papers to be considered by the panel at the hearing and copied to the panel and the teacher in advance. The presenting officer will normally take the witness statement during a pre-arranged telephone call, though sometimes they may wish to take the statement in person. A draft statement will be sent to you for approval or amendment before you sign the final version. Closer to the hearing, the presenting officer will write to you to confirm the arrangements and provide you with relevant papers, including a copy of your statement.

5.2 If the teacher or the teacher's representative requests your attendance, they will contact you to brief you about the arrangements.

## **6. When and where will the hearing be held?**

6.1 Hearings will usually be held at the Teaching Agency's offices in Coventry. The presenting officer will give you a preliminary indication of when the hearing might be held and will ask you if there are any dates around that time when you will definitely be unavailable to attend. The presenting officer will pass this information to the Teaching Agency. A date (or dates) for the hearing will then be arranged and confirmed with you as soon as possible.

6.2 To enable the hearing to go ahead as planned, it is very important that you make every effort to be available for any dates confirmed to you. If, at any point, you believe that you may be unable to attend, you must notify the presenting officer immediately,

though the Teaching Agency will only postpone scheduled hearings in exceptional circumstances.

6.3 Please notify the presenting officer if you have any special requirements relating to a disability which might hinder your access to, or participation in, the hearing. The Teaching Agency will make arrangements as appropriate. For example, there is an induction loop facility to assist those who are hearing impaired.

## **7. Will I be paid expenses?**

7.1 The Teaching Agency will provide reimbursement for witnesses, normally up to two per party, for their travel and subsistence expenses. Claims should be submitted on the appropriate form (see the DfE website for details) and supported, as appropriate, by tickets and receipts. Travel claims are normally paid on the basis of the standard return rail fare. However, where exceptional circumstances (related to location or timing of journeys) dictate that travel by private car is necessary, expenses will be reimbursed according to a fixed mileage rate.

7.2 For witnesses who would normally have a teaching commitment on the day of the hearing, the Teaching Agency will also meet the reasonable costs of employing a supply teacher.

7.3 For witnesses who are not teachers, the Teaching Agency will consider applications for replacement costs on a case by case basis.

7.4 If it is necessary for you to stay overnight before the hearing, you should alert the Teaching Agency, so that you are able to claim reasonable expenses for any hotel booking you make.

## **8. What time do I have to arrive at the hearing?**

8.1 Hearings will normally begin at 9.30 a.m., although the presenting officer, teacher or teacher's representative may ask you to attend earlier for a pre-hearing discussion of the evidence you will be giving.

8.2 On arrival at Earlsdon Park, please report to the reception desk, where you will be asked to sign in and then shown to a waiting room. The location of the hearing room will be explained to you; a plan showing how the hearing room is typically laid out is at Appendix 2. You may not bring cameras or other recording equipment into the hearing suite and the Teaching Agency may refuse entry of any items into the hearings area.

8.3 Coffee, tea and water will be provided during the day. We are unable to provide lunch for the presenting officer, the teacher concerned or any witnesses, though there are amenities inside and close to the hearing venue where sandwiches and light meals are available. The chair of the panel will adjourn the hearing at convenient points in the proceedings for a lunch break and for other comfort breaks.

## **9. When will I give my evidence?**

9.1 When the hearing begins, you should remain in the waiting room until you are called to give your evidence. If you have been called by the presenting officer, they will

do their best to estimate when you may be called into the hearing room to give your evidence.

9.2 There will be a number of preliminary issues for the panel to deal with before the hearing starts with the allegation against the teacher being read out. The panel chair will then ask the teacher whether they admit the facts and, if so, whether they admit to unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction, at any time, of a relevant offence.

9.3 If the teacher decides to admit the facts of the allegation without having done so beforehand, the panel may foreshorten the proceedings in agreement with the parties. This may affect the extent to which witnesses will be required to give evidence.

9.4 Where the teacher contests some or all of the facts of the allegation, the panel will invite the presenting officer to put forward the case, with the opportunity to call and question witnesses. This process is then followed by the teacher putting forward their response and also questioning witnesses, either themselves or through their representative.

9.5 You will find an indicative running order of events at Appendix 3, to help you have an overview of how the hearing day as a whole should unfold.

## **10. How will I give my evidence?**

10.1 When it is your turn to give evidence, you will be called into the hearing room and directed to sit at the witness table. After the panel chair has introduced the members of the panel to you, you will first be asked to take an oath according to your faith or religion, or affirm the truth of your evidence if you have no faith or religion. It would be helpful if you could notify the presenting officer, teacher or teacher's representative of your preference before the hearing.

10.2 The presenting officer will then ask you to identify yourself. Your witness statement will normally be taken as read, though the panel may direct you to read it aloud. The presenting officer will ask you some questions. All hearings are recorded. Please try to speak up at all times, so that everyone taking part in the hearing can hear you clearly and an accurate record is made.

10.3 There will be a bundle of documents on the table in front of you. Each section of this bundle will be referenced clearly. It is likely you will be asked to look at various documents in the bundle and asked questions about them.

10.4 The hearing will be taking place some time after the events giving rise to the allegations. If you find you have forgotten any details or facts, do not feel afraid to say so. The obligation on you is to give a truthful account of the events giving rise to the hearing as you recall them.

10.5 After the presenting officer has questioned you, there is then an opportunity for the teacher or teacher's representative to ask you questions. Some of the questions they ask you may be put in the form of inviting you to respond to an alternative version of events. When this questioning is completed, the presenting officer has a final opportunity to ask any supplementary questions, after which you may be asked questions by one or more of the panel members.

## **11. When will I be able to leave the hearing?**

11.1 If the hearing is adjourned for any reason before you have finished giving your evidence, the panel will inform you when you should return. Until then, you will be regarded as still being on oath and you must not discuss the evidence you have given or any other aspect of the case with anyone else.

11.2 After you have completed giving your evidence, it is normally possible for you to leave, although this is a decision for the panel. In some circumstances, they may ask you to remain in the building as you may be recalled later in the hearing.

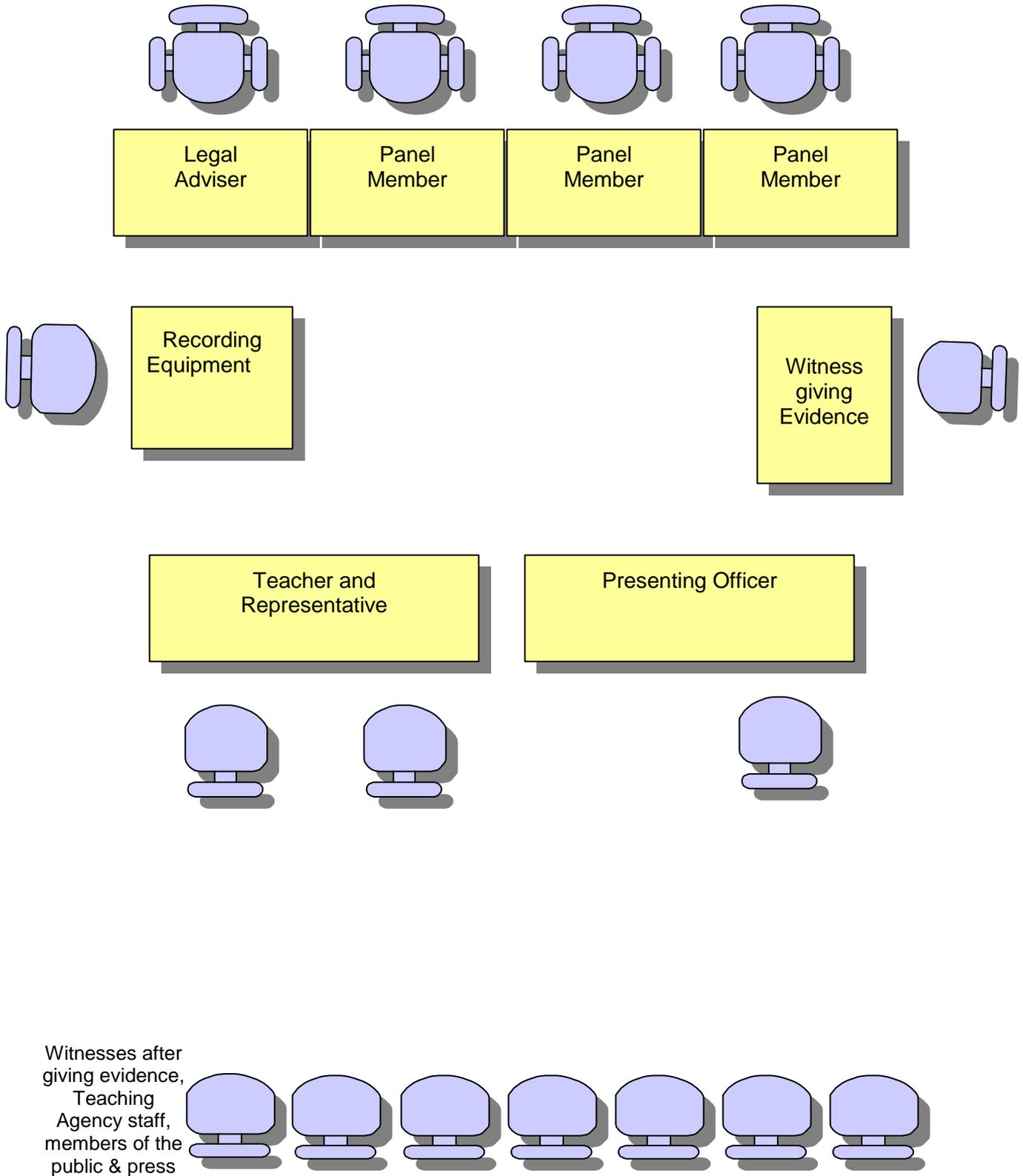
11.3 If you are released by the panel, you are free to leave. However, you may choose to continue to wait in the waiting room or remain in any public part of the hearing.

11.4 Every hearing will aim to conclude the day's proceedings by 5.00 p.m., if possible, and by 5.30 p.m. at the latest.

11.5 Many hearings are concluded in one day. If it is anticipated that a hearing will last more than one day, you will be informed when the arrangements are made. If, following a day's hearing, there is a need to reconvene, then another date will be decided and appropriate notice will be given to all the parties.

# Appendix 1

## Layout of Professional Conduct Panel Hearing Room



## **Appendix 2**

### **Outline running order for hearings**

#### **1. Opening of the hearing by the chair and confirmation of attendees**

The chair introduces themselves and the other members of the Professional Conduct Panel hearing the case and explains the arrangements and procedure for the hearing.

The chair asks the teacher and/or their representative and the presenting officer to confirm their identity.

The chair then asks the parties to confirm the names and occupations of any witnesses they intend to call. The teacher and/or their representative is also asked to confirm whether the teacher will be giving evidence.

The chair asks the parties whether they think that witnesses should be present during the hearing prior to giving their evidence.

#### **2. Public or private hearing**

The Professional Conduct Panel may decide, at any time, to deliberate or hold any part of the proceedings in private if there are reasonable grounds to do so e.g. to protect the interests of children or vulnerable witnesses.

#### **3. Documents**

The chair confirms that all the papers in the hearing bundle are correct and that everyone has sight of a full set of papers. If either party has new documents to present to the panel, their admission is considered at this point.

#### **4. Allegation and opportunity for teacher to make admissions**

The chair/legal adviser reads out the allegation.

The chair then asks whether the teacher admits the facts of the allegation and, if so, whether the teacher admits that it amounts to unacceptable professional conduct, conduct that may bring the profession into disrepute or that they have been convicted, at any time, of a relevant offence, as appropriate.

The chair invites the presenting officer to read out any agreed statement of facts (where facts admitted).

The chair invites the presenting officer to make an opening statement (where facts disputed).

#### **5. Presenting officer presents evidence/witnesses**

The chair invites the presenting officer to present their evidence (including evidence presented through witnesses). If witnesses are called, the chair asks them to affirm the

truth of their evidence or swear an oath appropriate to their faith or religion. Witness statements are normally taken as read, though the panel may direct them to be read aloud. The presenting officer may then question their witness(es).

## **6. Allow teacher or representative to question**

The chair informs the teacher or their representative that they now have the opportunity to ask the witness(es) any questions, or put an alternative version of events to the witness(es) where the teacher disagrees with what the witness(es) has said.

## **7. Questioning by members of the panel**

Members of the panel may then ask the witness(es) questions.

## **8. Re-questioning by presenting officer**

The chair may, exceptionally, allow the presenting officer to re-question their witness(es) on new areas raised by the teacher's/representative's/panel's questions only.

## **9. Witnesses called by the teacher or representative**

The chair introduces the panel to each witness and asks them to affirm the truth of their evidence or swear an oath appropriate to their faith or religion. The witness's statement will normally be taken as read but there may be circumstances where the panel ask the witness to read it. The teacher or representative is allowed additional questioning if necessary. The presenting officer is then allowed to question the witness/teacher, followed by the chair and panel members.

Exceptionally, the chair allows the teacher or representative to re-question their witness(es) on new areas raised.

## **10. Release of witness(es)**

The chair considers whether the witness can be released or whether they may need to be recalled. The parties may be asked whether they have a view about this.

## **11. Panel may request summings-up**

The chair may invite both parties, beginning with the presenting officer, to make closing statements summing-up their case. The chair reminds the parties that new evidence should not be introduced at this stage.

## **12. Conclusion and decision**

The chair asks the parties to return to their respective rooms whilst they adjourn (in private) to consider whether they conclude that the facts of the case are proven and, if so, whether this amounts to unacceptable professional conduct, conduct that may bring the profession into disrepute or conviction of a relevant offence. If the panel is satisfied on these points, it will ask the teacher or teacher's representative whether they wish to offer any mitigation, including that not previously mentioned, that would be relevant to a

decision on whether to impose a prohibition order. All parties are then dismissed as the panel then decides in private whether to recommend to the Secretary of State that a prohibition order is appropriate. The Secretary of State's decision is always announced in public.



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