



Fitness to Practise

**How to complain about an education practitioner registered with the
Education Workforce Council**

Who can complain?

Any person or organisation can make a complaint about a person registered with the Education Workforce Council (EWC).

What can I complain about?

A complaint must be about the alleged **unacceptable professional conduct** or **serious professional incompetence** of a registered person.

For the EWC's purposes, unacceptable professional conduct means '**conduct which falls short of the standard expected of a registered person**' and serious professional incompetence means '**conduct which demonstrates a level of competence which falls seriously below that expected of a registered person, taking into account all the relevant circumstances**'.

What conduct will the EWC find 'unacceptable'?

You should read the enclosed Code of Professional Conduct and Practice for Registrants with the Education Workforce Council. This explains what the education profession might find 'unacceptable' in a practitioner's behaviour, and therefore the kind of behaviour the EWC might have an interest in investigating. The Code does not, of course, cover all examples.

As a guide, you should note the threshold for a finding of unacceptable professional conduct or serious professional incompetence by the EWC is high. For example, if a registered person is dismissed because of their behaviour either inside or outside of an educational establishment, it is more likely the EWC will find this to be unacceptable.

Behaviour which is unlikely to lead to dismissal by an employer is less likely to be found to be unacceptable by the EWC.

Is there anything I need to do first before I complain?

Yes. The EWC will only accept a complaint if **exactly the same complaint** has already been reported to the registered person's employer or agent, and a response to that complaint received. 'Employer' usually means the school (Governing Body) and/or local authority, further education institution and any other relevant body which employs a youth worker, youth support worker, or work based learning practitioner. If you have not done this, you will need to first.

The EWC will then need to see written evidence that you have made the same complaint, and the outcome of the employer or agent's investigation of it when you send the complaint in.

Complaints the EWC will not accept

The EWC **will not** accept a complaint which is about:

1. a person who is not registered with the EWC
2. a registered person's health
3. any issues you have with an employer, agency, local Council, Governing Body, further education institution or other relevant employer or organisation which have not been resolved to your satisfaction, unless they are about the behaviour of a registered person.

The EWC also cannot accept anonymous complaints.

I still want to make a complaint. How do I do it?

You will need to make sure your complaint is clear and easy to understand, and:

- **is exactly the same as the one you made to the employer or agent**

If it is not, the EWC will not accept it.

- **is specific, clear and succinct** - you will need to confine it to the box on page 3 of the form

- **includes important names, date and times**

- **has attached to it:**

- **written evidence which shows you made the same complaint to the employer or agent**

You must number this and make reference to it at page 3 of the complaint form

- **written evidence which shows the employer or agent investigated your complaint, and told you the outcome, in writing, of that investigation**

You must number this and make reference to it at page 3 of the complaint form

If you do not provide your complaint in the format prescribed above, it will be returned to you.

- **Other written evidence which shows what you say has a basis**

This might include statements written by people who witnessed the events you mention, minutes of meetings, reports, memos, diary entries and so on. If you decide to use information which needs permission, please get this first.

It is very important you send in as much information as you can to add 'weight' to your complaint. Without it, the EWC might not be able to take it any further.

Please remember the threshold for a finding of unacceptable professional conduct or serious professional incompetence by the EWC is high.

- **Send in your complaint and supporting information together**

If you send information in at a later date, or in a piecemeal fashion, the EWC might not accept it. This is because for fairness, it is important the registered person involved can see and answer any complaint made about them, and be given enough time to do this.

It is also important the EWC deals with complaints as quickly as possible to minimise stress to all people involved, and to make sure it operates in a fair and transparent fashion as a regulatory body.

How will the EWC deal with my complaint?

Where the EWC accepts a complaint, it will forward it to an Investigating Committee for investigation.

Before this investigation, the EWC will send the complaint and supporting information to the:

- registered person. He or she will be given time to respond to the complaint.
- registered person's employer. It will be asked whether or not it has received the complaint, investigated it, and for the outcome of that investigation if concluded.

All information gathered will be given to the Investigating Committee.

What action can an Investigating Committee take?

An Investigating Committee does not take any 'action' as such, but it can make one of the following decisions:

- decide a registered person has a 'case to answer'. If this is the case, the complaint will be sent to a public hearing by a Fitness to Practise Committee.
- decide the registered person has 'no case to answer', in which case the EWC will take no further action.

If an Investigating Committee decides the registered person has 'no case to answer', the complaint will go no further.

**I am not happy that the Investigating Committee decided the registered person has no case to answer.
Can I appeal?**

No. There is no appeal process, and the EWC is not able to look at the same complaint more than once. The Committee's decision is final.

For this reason alone, it is important you follow carefully the guidance set out above.

Disciplinary Procedures and Rules 2017

Relevant sections of the Rules are Rule 5(2), Rule 6, Rule 7 and Rule 8.

The EWC will write to you when it has reached a decision about your complaint.

Key contact

Address **Fitness to Practise Team**, Education Workforce Council, 9th floor, Eastgate House, Newport Road, Cardiff, CF24 0AB

Telephone 029 2046 0099

Fax number 029 2047 5850

Email fitnesstopractise@ewc.wales



**COMPLAINT OF
UNACCEPTABLE PROFESSIONAL CONDUCT / SERIOUS PROFESSIONAL INCOMPETENCE
REGARDING A PERSON REGISTERED
WITH THE EDUCATION WORKFORCE COUNCIL (EWC)**

Please complete in **block capitals**

If you wish to complain about more than one registered person, please use a
separate form for each

The Education Workforce Council, Fitness to Practise Team,
9th floor, Eastgate House, Newport Road, Cardiff, CF24 0AB
Tel: 029 2046 0099; Fax: 029 2047 5850; e-mail: fitnesstopractise@ewc.wales

1. YOUR DETAILS

Name	<input type="text"/>
Address	<input type="text"/>
Post Code	<input type="text"/>
Telephone No.	<input type="text"/>

2. REGISTERED PERSON DETAILS – the person you are complaining about

Name and position:	<input type="text"/>
Name of employer/agent:	<input type="text"/>
Address of employer/agent:	<input type="text"/>
Post Code:	<input type="text"/>

3. EVIDENCE YOU HAVE MADE THE SAME COMPLAINT TO THE EMPLOYER OR AGENT

THE EWC WILL ONLY ACCEPT YOUR COMPLAINT IF:

- (1) You have made **exactly the same** complaint in writing to the registered person’s employer or agent
- (2) You have received a written response to your complaint from the registered person’s employer or agent as a result of their investigation of it
- (3) You provide evidence in writing of both the complaint you made, and the outcome of the employer or agent’s investigation of that complaint

If you have not reported this complaint to the employer or agent of the registered person you are complaining about, you will need to do so FIRST before approaching the EWC.

4. YOUR COMPLAINT

You **must** complete the table below in order to submit your complaint.

Your evidence to support your complaint **must** be numbered and referenced below.

If what you say here does not reflect the complaint you made to the registered person's employer or agent, or you do not adequately summarise your complaint, the EWC I will **not** accept it. You will need to be clear what it is you would like the EWC to investigate or it will be unable to do so.

Allegation	Evidence <u>the same</u> complaint has been made to the employer/agent is at page....	Evidence the employer/agent has responded to the complaint is at page....
1.		
2.		
3.		
4.		
5.		
6.		
7.		

5. YOUR DECLARATION

- I have read and understood the contents of the explanatory letter and/or leaflet from the EWC which accompanies this form.
- I wish the EWC to consider this complaint, the details of which are set out above.
- I understand that a copy of this form and any correspondence or documentation I enclose may be disclosed to the registered person against whom I am making the complaint, and the current or previous employer or agent, and I consent to this disclosure.
- I confirm that I have obtained any necessary permission from third parties for such correspondence and documentation to be disclosed.
- I understand I may be required to attend a Fitness to Practise Committee of the EWC to give evidence.
- I confirm that, to the best of my knowledge and belief, the contents of this form are true.

SIGNED

DATE