



Education Workforce Council

Remote hearings

Remote hearings: Fitness to Practise

As a result of the restrictions which remain in force in Wales following the Covid-19 pandemic during 2020, we have determined that, unless there are exceptional factors, all hearings will be conducted using a **remote** hearings process. A remote hearing (sometimes referred to as a virtual hearing) is one held online, using a video link.

This is a high-level guide which explains how we will conduct remote hearings in the short term.

Background

Our responsibilities

Established in 2015 by the Education (Wales) Act 2014, we are the largest, independent professional regulator in Wales for more than 80,000 school and FE-based teachers and learning support staff, qualified youth/youth support workers and work-based learning practitioners.

Our aims include to maintain and improve standards of professional conduct amongst our registrants, to safeguard the interests of learners, parents and the public and maintain public trust and confidence in the education workforce in Wales. We do this by keeping a Register of Education Practitioners, and by investigating and hearing allegations of misconduct, incompetence and criminal offences that question whether a registrant is fit to continue to practise.

The Code

Registrants are expected to adhere to the key principles of our Code of Professional Conduct and Practice. The Code can be found [here](#).

Legislation

We are bound by the requirement to hear cases as set out in the Education Wales (Act) 2014, as amended, and the Education Workforce Council (Functions) Regulations Wales 2015, as amended.

We are also we are bound by, and committed to, the Wales-specific public sector equality duty, Welsh Standards and GDPR legislation.

Principles we apply

We apply the same, fundamental principles to each case and hearing, namely those of **fairness, efficiency, transparency, impartiality, confidentiality** and **natural justice**.

Remote hearing

Even in these unprecedented times, we still have a responsibility to discharge our aim and functions.

Having postponed our hearing activity since March, we have taken legal advice which confirms continuing with hearings on a remote basis is proportionate, fair and in the interests of justice. We also know from our

extensive research this approach has been in place for some time with other regulators, as well as the judiciary allowing the court system to continue operating.

A registrant's right to a fair and public hearing, and their right to participate, can still be met through a remote hearing. However, it is open for a registrant to object to their hearing being held in this way. Any objections will be carefully considered, the decision being whether the hearing will continue to be held remotely, or be delayed to a later date for a physical hearing. Where no objections are put forward, the hearing will take place remotely.

Process

Hearings will be managed remotely using Zoom Professional software, which all our panel members and staff have been trained to use.

We will issue Zoom Professional user guidance to those involved in a hearing in good time, carry out test calls in advance and on the day. This is to make sure the hearing runs as smoothly as possible, although we accept technical problems may still arise. Direct dial numbers and email addresses of our Team will be provided to participants in advance to help resolve any problems quickly on the day.

The expectation that our hearings will be held in public remains. Any member of the public or press who would like to 'join' a hearing may do so by giving us the appropriate amount of notice. We will provide the link to a hearing 24 hours in advance of it starting to those who have booked to join.

It is possible a hearing may go into private, for the whole or part of it. This means any member of the public or press will need to leave the hearing, and may not be invited to re-join.

We will still record our hearings. However, it is **strictly prohibited** for any other person to audio or video record, screen shot, photograph, copy or share our hearing proceedings.

Procedure

We accept hearing cases remotely may take longer, but our process otherwise remains broadly the same. The Chair of a hearing committee controls how a hearing will be run, and is responsible for following the procedure set out in our Disciplinary Procedure and Rules.

An independent legal adviser sits with the Committee to ensure the procedure is fair, and to deal with any points of law.

Our staff will closely monitor any breaks in connection for any participant, recommend to the Chair that an adjournment is needed, and aim to resolve those issues quickly.

We provide participants with detailed guidance in good time before the hearing in order to prepare.

Further information

We can be contacted at fitnesstopractise@ewc.wales

For general information about the EWC, please visit www.ewc.wales