



Fitness to Practise

**Information for registered persons:
giving evidence at a hearing**

This information is for registered persons preparing for a Fitness to Practise Committee hearing of the Education Workforce Council ('the EWC').

Please note: most of our hearings are now held remotely.

Do I have to attend a hearing?

The EWC strongly advises you talk to your union or other representative for advice and support.

You can decide not to come to the hearing. The EWC cannot force you to attend but strongly encourages it. A Fitness to Practise Committee would always prefer to hear first-hand the registered person's response to a conduct or competence allegation referred. Your attendance will also allow the Committee to ask questions where it is not clear on what you have said in evidence.

If you do not attend, the Committee can continue with the hearing and reach a decision in your absence.

If you do not have a representative, the following information may help you reach a decision about attending.

There are other reasons I don't want to attend.

There may be specific reasons why you do not want to, or feel you cannot attend.

For example, you may have a disability, illness or a condition, such as a depression or anxiety, a learning difficulty, a physical disability, or you experience difficulty in social situations. Or you may feel intimidated because of your age, gender, race, cultural background or sexuality.

However, the EWC may be able to suggest adjustments to the way in which you give evidence, for example, by arranging help if you are hearing or visually impaired, or have mobility difficulties.

You can ask for your evidence to be heard in private (see below).

It is important the EWC is aware of your needs so it can ensure help is in place.

I'm not sure if I want to give evidence at the hearing. What should I do?

Again, the EWC strongly suggests you contact your union or other representative which will help in making decisions you are comfortable with.

The EWC cannot force you to give evidence.

Is this a public hearing? Who will be there?

It is a public hearing in keeping with the *Human Rights Act* – this ensures all people have a fair hearing in that anyone can attend and observe it. However, you can ask the Committee to hear some parts or all of the hearing in private if you have very good reasons. The Committee does not have to agree to this.

There may be members of the public or press observing, but they cannot take part in the hearing. This might include local authority or further education institution staff. It is quite rare that members of the public attend who have no specific interest.

Other people at the hearing are EWC staff, the Committee which is made up of registered persons and lay people in the main, and independent solicitors. The first of these solicitors is the Presenting officer. Presenting Officers act for the EWC, and are employed by an independent law firm. Their role is to evidence to the Committee that the facts, as set out in the Notice of Proceedings, are proved. He or she can do this with live witnesses and paperwork. The second is a solicitor from another independent law firm who can give legal advice to the Committee.

Can I bring someone with me to the hearing?

Yes. In addition to a union official or other representative, you can bring someone to support you, for example, a friend or relative. Anyone you bring as a support cannot take part in the hearing.

Observers cannot stay in the hearing if any part of it is in private.

You may also bring witnesses who can give evidence on your behalf. These can be witnesses who may have been involved in the issues the Committee will look at ('the facts'), or who can speak about your personal circumstances, character and/or professionalism ('mitigation').

I do not want to have any contact with the witnesses the EWC has called.

The EWC will arrange a private waiting room for you to use before and after the hearing, during breaks and lunch. Your union or other representative and other support can also use this.

If the EWC has called witnesses, they will use a separate waiting room. The EWC clerks will do their best to make sure you do not have any contact with witnesses, although in every venue there are communal areas.

During the hearing, Clerks will ensure you are seated away from the witness stand.

Will I receive the bundle of papers before the hearing?

Yes. This will be sent to you 10 days before the hearing. A copy will also be sent to your union or other representative.

The same bundle of papers will be available at the witness stand, if you decide to give evidence.

It is possible you will be asked to look at certain documents in the bundle if being questioned. You should take your time to read each document carefully before answering any questions.

What happens at the hearing?

On the day of the hearing, you should aim to arrive at the venue by 9:30am. Hearings usually start at 10am. The Clerk will make sure you are comfortable by showing you the hearing room, and taking you to a waiting room.

Arriving in good time means your union official or representative has time to talk to you about what is to follow. If you are not supported, an EWC officer and the EWC's legal adviser will come and talk to you before the hearing starts to explain what will happen

The layout of the hearing room (attached) shows where you will be sitting when the hearing begins.

The Presenting Officer will set out the EWC's case first. This will be followed by your evidence.

The Clerk will ask you to give either the oath or affirmation (whichever is your preference – this will be checked with you beforehand), and seat you at the witness table when it is time for you to give evidence.

If you have sent in a statement to the EWC prior to the hearing, you may decide, with the advice of your representative, to read this out to the Committee. This may well be a nerve-wracking experience. It is important therefore that, when asked, you take your time and read slowly which should help. No one will rush you. Your representative, if you have one, might ask you questions as you read, or after you have finished reading.

The EWC's Presenting Officer can then ask you questions.

Finally, the Committee will then ask you questions if it has any. The Clerk will then return you to your seat.

What questions will I be asked?

You should only be asked questions about your evidence.

All parties at the hearing will be aware questions should not be confrontational or inappropriate. The Committee Chair or legal adviser will step in if the tone of questioning changes.

The hearing may well be taking place some time after the events you were involved in. If you find you have forgotten any details or fact, do not feel afraid to say so.

What happens if I need a break?

The Committee will be keen to make sure you are comfortable when giving evidence. If you want a break at any time, for whatever reason, please say so. The Committee might also decide it is time to take a break if you have been giving evidence for a while.

Can I give evidence in Welsh?

Yes. You will need to give the EWC 21 days' notice.

The EWC will have sent you all the information you need 4 weeks before the hearing. Within this information is a form called 'Registered Person Attendance'. You can use this form to let the EWC know you would like to give your evidence in Welsh.

Is there anything else I need to know or consider?

Make sure you have all the information you need before the day of the hearing. In particular, check that you know where the hearing venue is and how to get there – a map will be provided to you in good time.

In addition, please note:

- Smart work attire is the expected dress code for hearings.
- Hearings are recorded.
- The use of mobile telephones during the hearing is prohibited.

I have had to travel to the hearing, and take a day off school. Can I claim expenses?

No. The EWC is unable to reimburse you for any costs.

Key contact

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

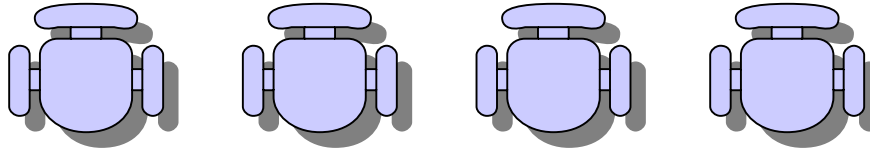
Telephone 029 2046 0099

Email fitnesstopractise@ewc.wales

Registered persons subject to these proceedings may submit forms, documents and make written representations to the EWC, in English or Welsh.

Hearing Room

(Fitness to Practise Committee)

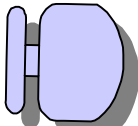


Fitness to Practise Committee Member

Fitness to Practise Committee Chair

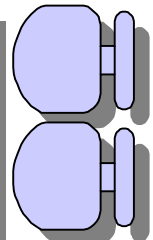
EWC's Legal Adviser

Fitness to Practise Committee Member

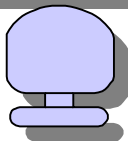


Witness/
registered
person
stand

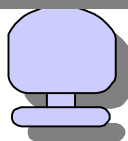
Clerks
(EWC)



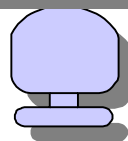
Committee Officer (EWC)



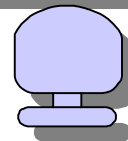
Presenting Officer (EWC)



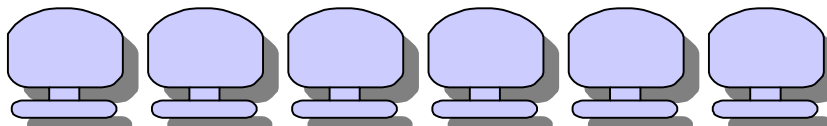
Registered Person's Representative



Registered Person



Observers



Observers

