

Education Workforce Council

Fitness to Practise Annual Report for the year ending 31 March 2022



Mae'r ddogfen hon hefyd ar gael yn Gymraeg.
This document is also available in Welsh.



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1. About the EWC

The Education Workforce Council (EWC) is an independent regulator, established by the Education (Wales) Act 2014.

Education professionals, from the foundation phase through to Further Education (FE), youth work, and Work-Based Learning (WBL) are legally required to register with us. The Register of Education Practitioners in Wales (the Register) is the biggest public register of any profession in Wales and the most wide-ranging of its kind in the world, with over 82,000 practitioners registered across seven different groups within the education workforce.

Our aims

Contribute to improving the standards of teaching and the quality of learning in Wales.

Maintain and improve standards of professional conduct amongst teachers and others who support teaching and learning in Wales.

Safeguard the interests of learners, parents and guardians, and the public, and maintain public trust and confidence in the education workforce.

Our functions

Maintain a Code of Conduct and Practice

Establish and maintain a Register of Education Practitioners

Investigate and hear allegations that may call into question a registrant's fitness to practise

Accredit and monitor programmes of ITE

Promote careers in the education workforce

Provide advice to Welsh Government and others

Monitor induction and hear induction appeals

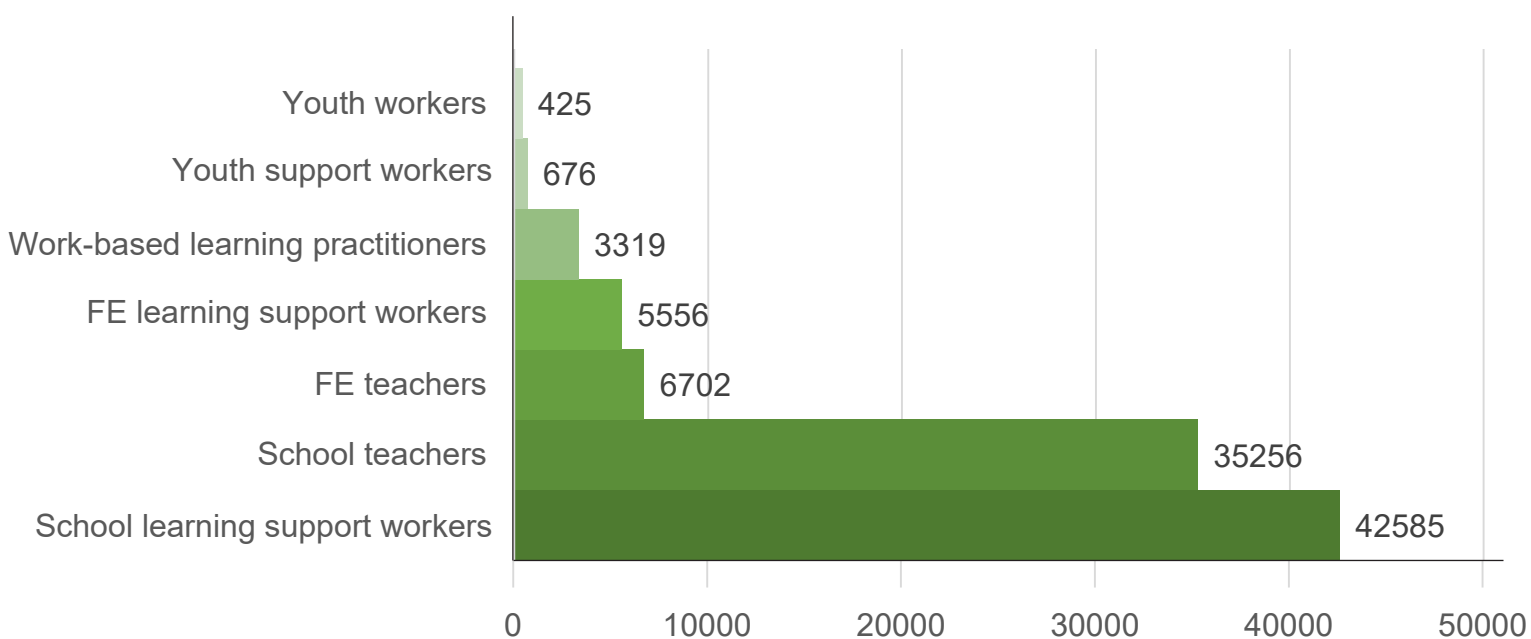
Undertake specific work at the request of Welsh Government

We are not a Welsh Government sponsored body and registration fees fund our core functions. However, we do lead a range of work nationally on behalf of Welsh Government for which we receive grant funding. These activities include:

- administering the award of Qualified Teacher Status (QTS)
- administering funding, tracking, and recording arrangements for induction
- developing and hosting the Professional Learning Passport (PLP)
- hearing induction appeals and issuing induction certificates
- promoting careers in the education professions
- acting as the secretariat to the Independent Welsh Pay Review Body (IWPRB)
- leading a range of national initiatives and research projects on specific teaching and learning matters

2. The Register of Education Practitioners

As at 31 March 2022, there were **82,159** individual education practitioners registered with the EWC, however, some registrants are registered in more than one category. The table below shows the number who were eligible to work in each category on 31 March 2022.



3. The Code of Professional Conduct and Practice

In September 2019, following an extensive period of consultation and engagement, we published the [Code of Professional Conduct and Practice](#) for registrants.

In accordance with legislation, we will review the Code every three years. Since the current version was implemented, it has stood the test of time in the way it was written, the content, and its relevance to practitioners across all seven registrant groups. As such, the review planned in 2022 will be a light touch one. This year, there have been over 14,000 downloads of the Code.

CODE OF PROFESSIONAL CONDUCT AND PRACTICE

for registrants with the Education Workforce Council (EWC)



Our registrants commit to upholding the **five key principles of: Personal and Professional Responsibility, Professional Integrity, Collaborative Working, Professional Knowledge and Understanding, and Professional Learning.**

The Code is intended to guide registrants' judgements and decisions. It also informs learners, parents and guardians, employers, and the general public of the standards they can expect from a registrant.

Failure to comply with the Code may call a practitioner's registration into question.

We deliver regular training sessions and presentations which focus on the Code, the use of social media, and professional ethics and responsibilities. This year, we have delivered over **50** virtual/ in person sessions to practitioners across all registrant groups, future registrants, and to key stakeholders.

4. About Fitness to Practise

We have a statutory duty to investigate and hear cases against registrants of alleged unacceptable professional conduct, serious professional incompetence, and/or convicted (at any time) of a relevant criminal offence.

Our [Disciplinary Procedures and Rules 2021](#) set out the procedures we follow in undertaking our work in this area.

In March 2021, the Senedd approved legislation which gave us the ability to impose interim suspension orders where it is considered necessary in the public interest. This was an important milestone for us, and has closed a significant safeguarding loophole on which we had been lobbying Welsh Government for a number of years. The Disciplinary Procedures and Rules to implement the powers [were consulted on](#) in April/May 2021, and are incorporated in the 2021 rules.

As at 31 March 2022, we had **48** independent panel members who undertake all Fitness to Practise work. This pool of panel members is made up of registered practitioners from across the seven registrant groups, lay members, and retired practitioners. No member of Council has any involvement in Fitness to Practise cases and they do not sit on panels.

5. Referral of cases

The EWC receives referrals in one of the following ways:

Police referrals	Police forces can make direct referrals to the EWC under Common Law Police Disclosure (CLPD)
Employers/agents	Employers and private supply agencies have a statutory duty to refer a registrant to the EWC where: <ul style="list-style-type: none"> • a registrant is dismissed, or leaves employment prior to a possible dismissal (e.g. resignation or settlement agreement) (employers) • an agency ceases to use the services of a registrant, or may have done so had the registrant not stopped working for them already <p>In both cases, the grounds for a referral are:</p> <ul style="list-style-type: none"> • misconduct; and/or • professional incompetence; and/or • conviction of a relevant offence
Complaints	Any individual or organisation can make a complaint about the alleged conduct or incompetence of a registrant.
DBS	The EWC receives direct referrals from the Disclosure and Barring Service (DBS).
EWC	The EWC is able to self-refer registrants where it becomes aware of information about a registrant and considers it is in the public interest to do so.

6. What happens when a case is received?

Most referrals received are considered firstly by an Investigating Committee and the meetings are held in private.

The Investigating Committee includes a minimum of three panel members and is supported by an independent legal adviser who does not participate in the decision-making process, but ensures the investigation is fair.

The committee's role is to decide whether or not it is likely the facts of the case will be proven, and then, whether those findings might amount to unacceptable professional conduct, serious professional incompetence, and/or a conviction of a relevant offence, if the case proceeds to a public hearing.

A public hearing is held when an Investigating Committee has decided that a registrant has a 'case to answer'. The registrant is invited to attend and/or be represented at the hearing.

A Fitness to Practise Committee comprises of a minimum of three panel members and the committee is supported by an independent legal adviser. The committee which sits at a hearing will not have had any previous knowledge of the case before it.

Possible hearing outcomes are as follows:

- facts not proved
- facts proved, but not unacceptable professional conduct/serious professional incompetence, and/or a relevant offence
- facts proved – no order
- reprimand – recorded for two years on the Register of education practitioners
- conditional registration order – recorded on the Register for period indicated. If no period set, then this order will apply permanently
- suspension order – removed from the Register for the period specified (not exceeding two years). Conditions can be applied to a suspension order
- prohibition order – removed from the Register. No application can be made for re-admission to the Register until at least two years has elapsed

Following the hearing of a case, should a Fitness to Practise Committee impose a disciplinary order upon the registration of an education practitioner, a notice to that effect will appear on the [EWC website](#). The notice will remain for a period of six months from the day it is published.

Any disciplinary order imposed will be recorded on the practitioner’s record on the EWC’s Register and will be available publicly for the duration of the order.

7. Summary of Fitness to Practise casework

This year, we concluded **86** Fitness to Practise cases. This included **60** Fitness to Practise hearings, all of which took place remotely due to the ongoing COVID-19 pandemic.

Notes on the data

- A practitioner can be registered in one or more categories at any one time. For the purpose of this report, where a person is registered in more than one category, they are included under ‘multiple category registrant’
- This is the fourth Fitness to Practise Annual Report from the EWC

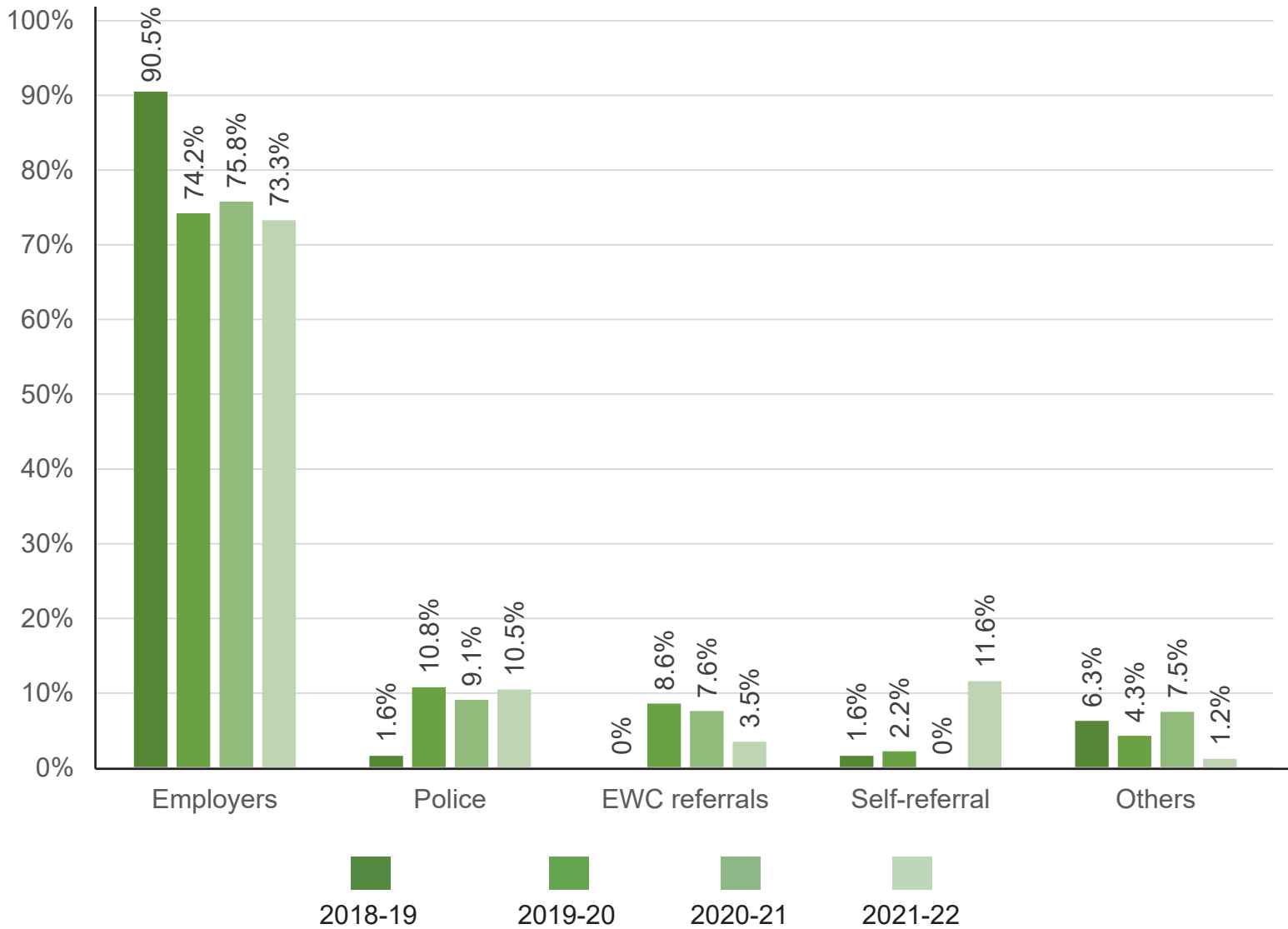
7.1 Number of Fitness to Practise cases concluded, by registrant group and year

Registrant Group	2017-18	2018-19	2019-20	2020-21	2021-22
School teachers	25	22	27	24	25
FE teachers	8	9	17	6	11
FE learning support workers	2	4	7	2	3
School learning support workers	14	16	21	19	21
Work-based learning practitioners	0	4	10	5	9
Youth support workers	0	0	1	1	1
Youth workers	0	1	0	0	0
Multiple registrant categories	6	9	10	9	16
Total	55	65	93	66	86

Of the **86** cases referred to above:

- **60** cases were considered at Fitness to Practise hearings, including 3 applications for eligibility to be restored following a prohibition order – 2 such applications were granted, 1 was refused
- **11** were considered as ‘no case to answer’ by an Investigating Committee
- **9** were closed at officer level – minor offence (Rule 5 of the Disciplinary Procedures and Rules applied)
- **6** cases involved registrants who were DBS barred prior to a final decision being made by the EWC

7.2 Referral source – cases concluded in 2021-22



***Others includes complaints or referrals from the DBS and other regulators**

In 2009-10, 54.9% of the cases concluded by the GTCW (the EWC’s predecessor) were as a result of police referrals, 32.4% were from employers, and 12.7% complaints.

In 2014-15, 24.5% of cases concluded by the GTCW were police referrals, 55.1% from employers, 16.3% complaints, and 4.1% were cases taken forward by the GTCW itself.

From 2015 onwards, the number of referrals received from police forces declined significantly following changes to the referral criteria adopted by them (defined as a ‘pressing social need’). However, since 2019, the EWC has received an increased number of referrals from the police which is evidenced in the chart on this page.

7.3 Outcomes of Fitness to Practise cases by year

Registrant Group	2017-18	2018-19	2019-20	2020-21	2021-22
Concluded with no order imposed	16 (29%)	19 (29%)	38 (41%)	28 (42%)	27 (31%)
Reprimand	14	13	18	9	20
Conditional registration order	3	4	6	1	1
Suspension order (no conditions)	5	5	5	5	4
Suspension order (with conditions)	4	4	3	4	2
Prohibition order	12	15	22	15	23
Application for variation/breach of conditions	1	2	1	1	0
Application for eligibility following a prohibition order	0	1	0	0	3
DBS barred before EWC concluded	0	1	0	3	6
Case closed – registrant deceased	0	2	0	0	0
Total	55	66	93	66	86

Note - of the 27 cases concluded with no order:

- 9 related to minor convictions
- 11 were considered as ‘no case to answer’ by an Investigating Committee
- 7 were concluded at hearing stage

7.4 Types of behaviour – cases concluded 2021-22

Registrant Group	Number of cases
Conviction(s) only	18
Failure to meet practitioner standards	12
Combination of misconduct issues	9
Convictions and conduct	9
False claims, declarations, and/or forged documents	8
Failure to comply with procedures	6
Unprofessional/inappropriate behaviour towards learners	5
Inappropriate level of punishment/force/restraint/physical contact	4
Examinations/assessment malpractice	4
Inappropriate contact with learners via social media	3
Inappropriate relationship with learners	2
Abusive language	1
Misuse of IT (at work or from personal use)	1
Under the influence of alcohol at work	1
Total	83

Note: In 2021-22, **3** cases were also concluded, but not included in this table. These were hearings which considered applications from prohibited persons seeking to have their eligibility to apply for EWC registration restored. **2** applications were granted, **1** was refused.

7.5 Completion time for concluded cases in 2021-22

There are a number of factors which affect the timescales for concluding cases including:

- employment tribunal claims (the EWC will place its consideration of the case on hold until the tribunal is concluded)
- the registrant suffers from ill-health and medical evidence confirms they are not fit to participate, but wish to do so
- issues raised by the registrant, or their representative, during their case preparation
- further concerns are established during hearing preparation which require referral back to an Investigating Committee in the first instance

The EWC monitors its own timescales for concluding cases compared to other regulators/ professional bodies and it is a leader in this area.

	Number of cases	Percentage
Case concluded within 8 months (35 weeks)	69	80.2%
Case not concluded within 8 months (35 weeks)		
Additional concerns raised during investigation stage requiring referral back to the Investigating Committee	2	2.3%
Issues raised by the registrant/employer	9	10.5%
Issues raised by the EWC	2	2.3%
Other third party delays e.g. the police	4	4.7%

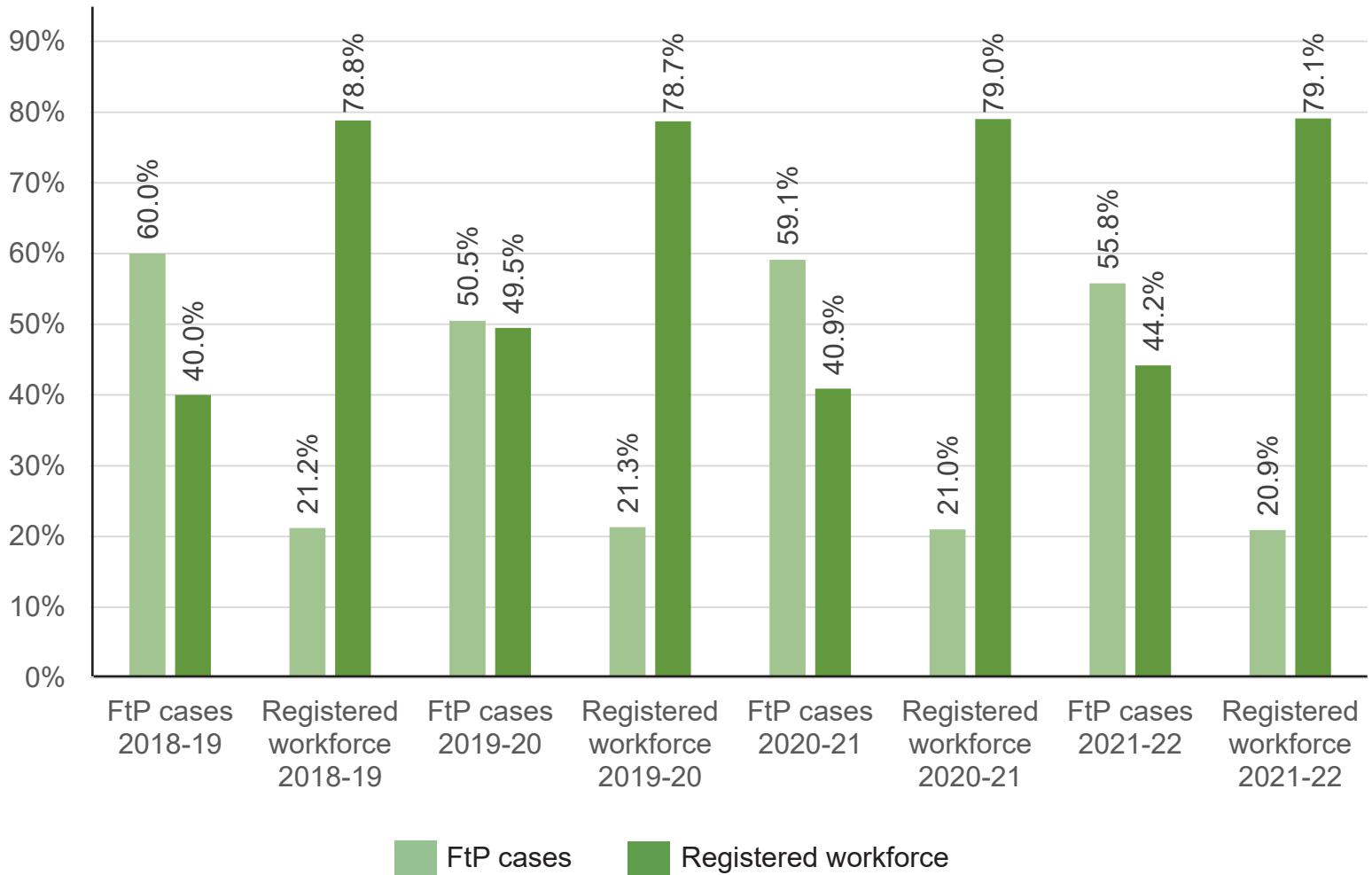
Of the **69** cases concluded within 8 months, the average time taken from receipt to conclusion was 27 weeks (6.2 months).

7.6 The demographic of disciplinary cases concluded in 2021-22

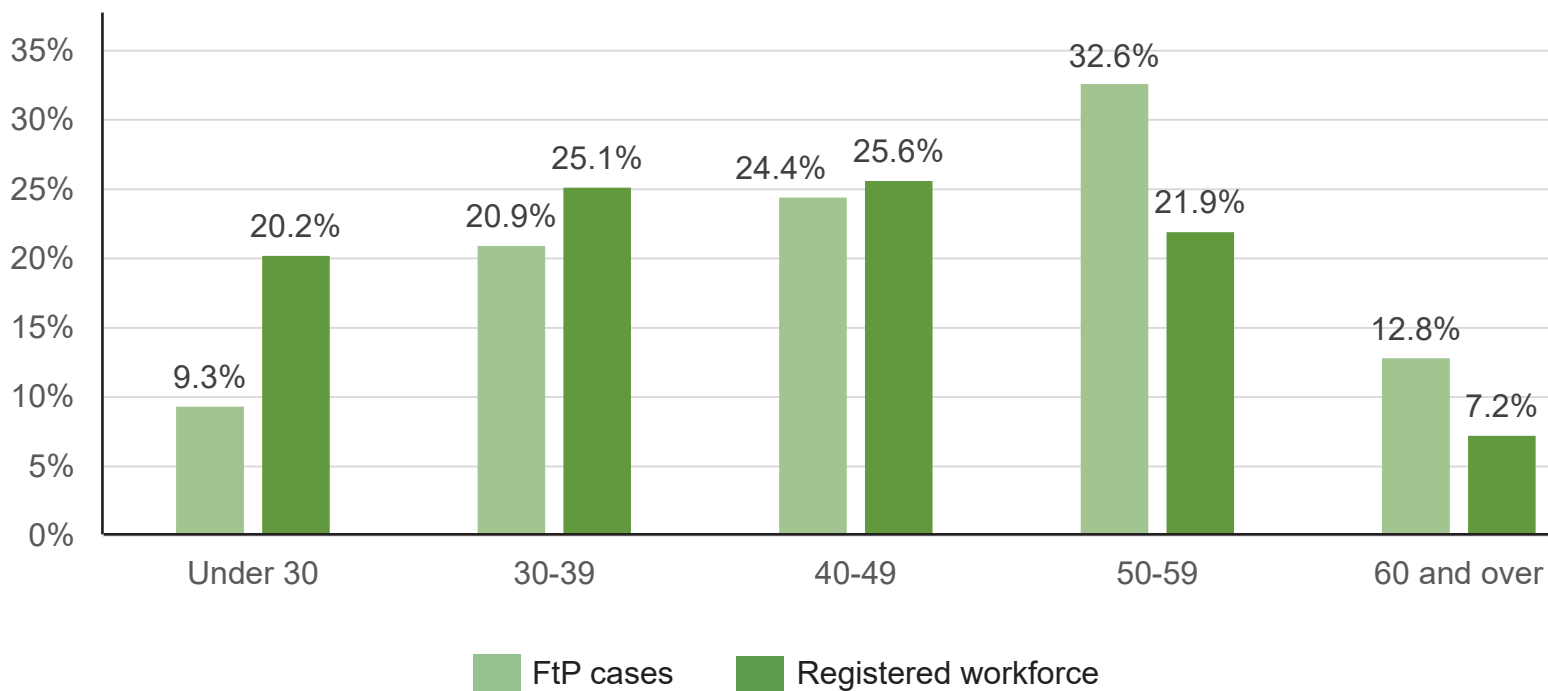
Note:

- ‘FtP cases’ means Fitness to Practise cases
- ‘Registered workforce’ is derived from the Register of Education Practitioners as at 31 March in each year shown.
- ‘Other category of ethnic group’ are those who declared an ethnic group based on Office for National Statistics classification. They have been grouped under this description as the number of individual registrants is low and not at a reportable level.

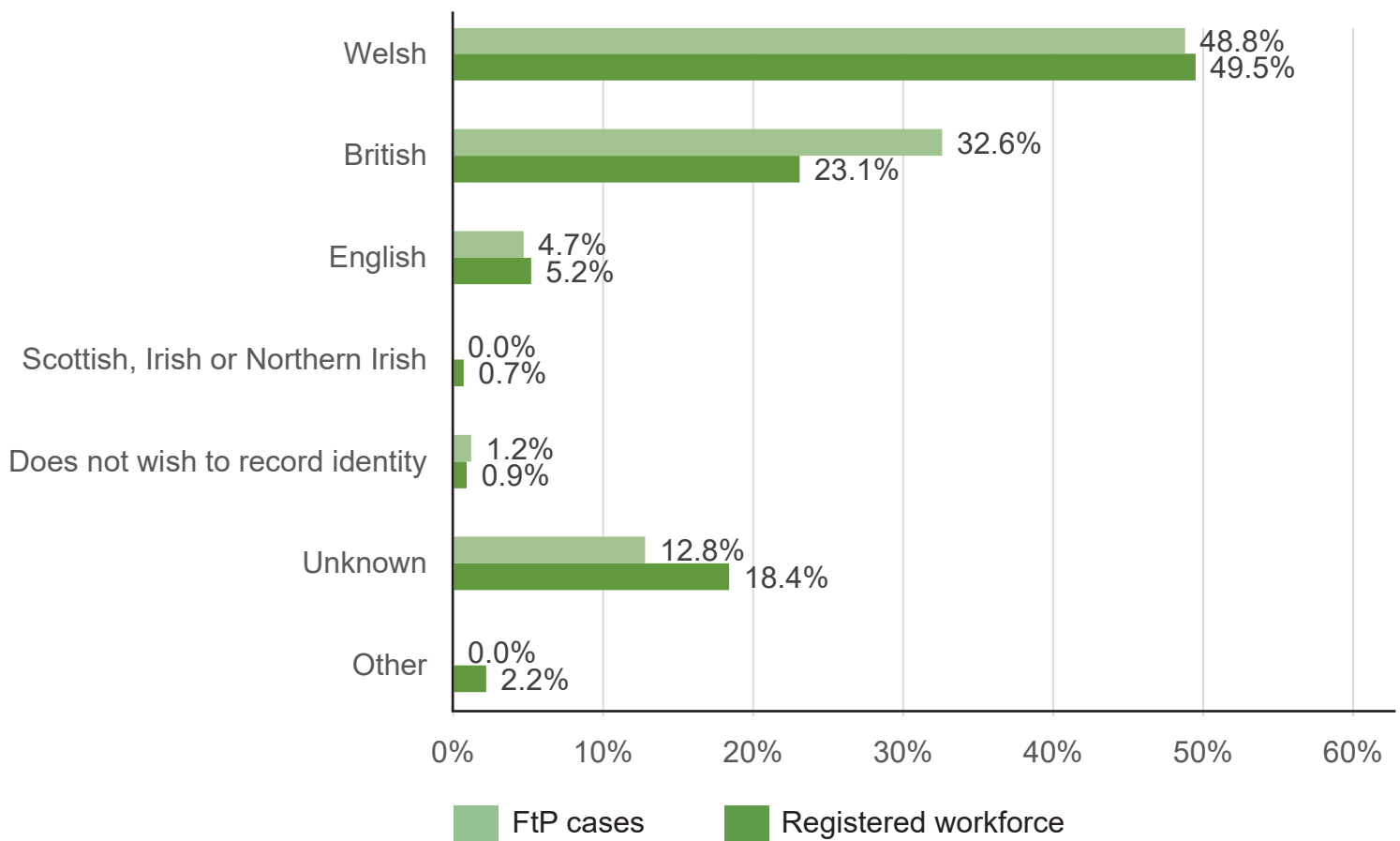
Gender



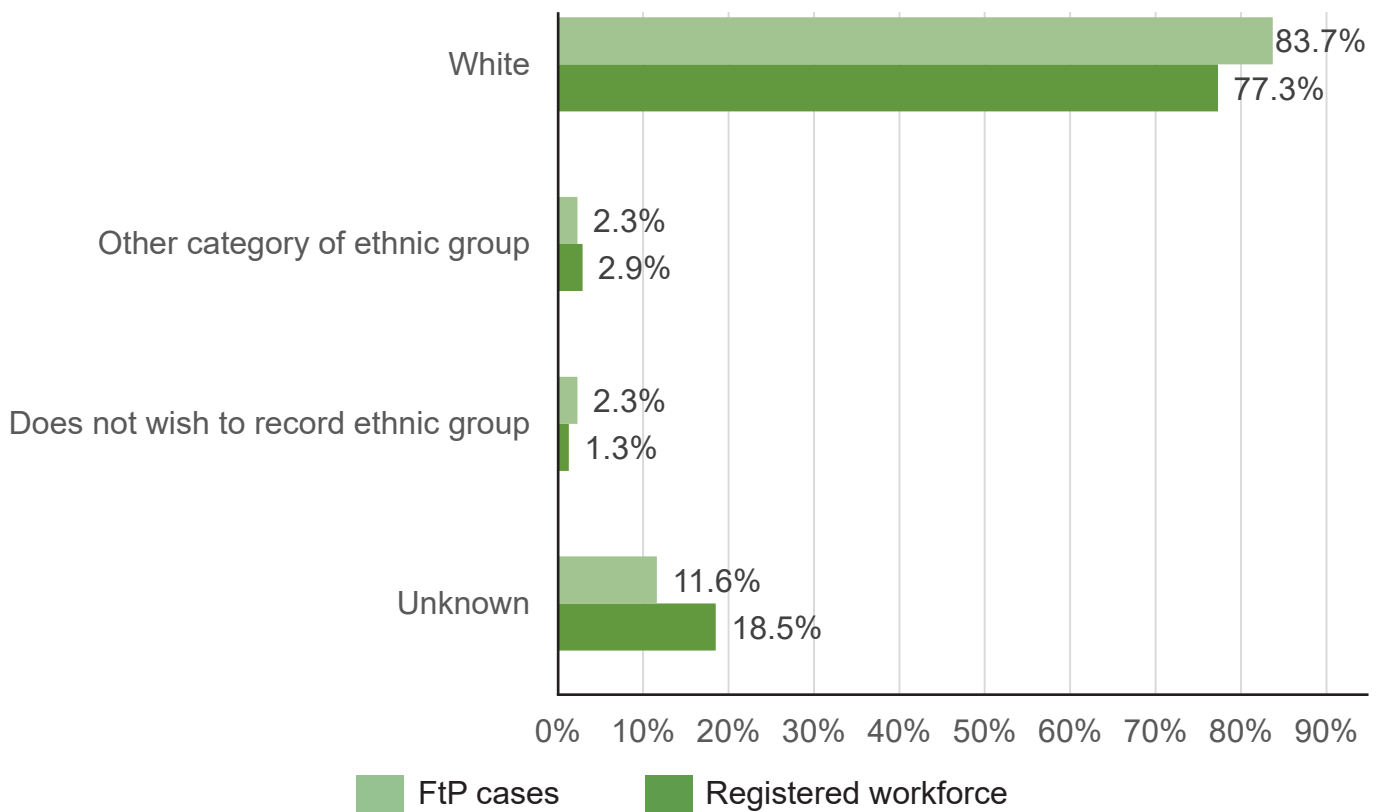
Age



National identity



Ethnic group



The registrants grouped under 'Other category of ethnic group' are those who declared an ethnic group based on Office for National Statistics classification. They have been grouped under this description as the number of individual registrants is low and not at a reportable level.

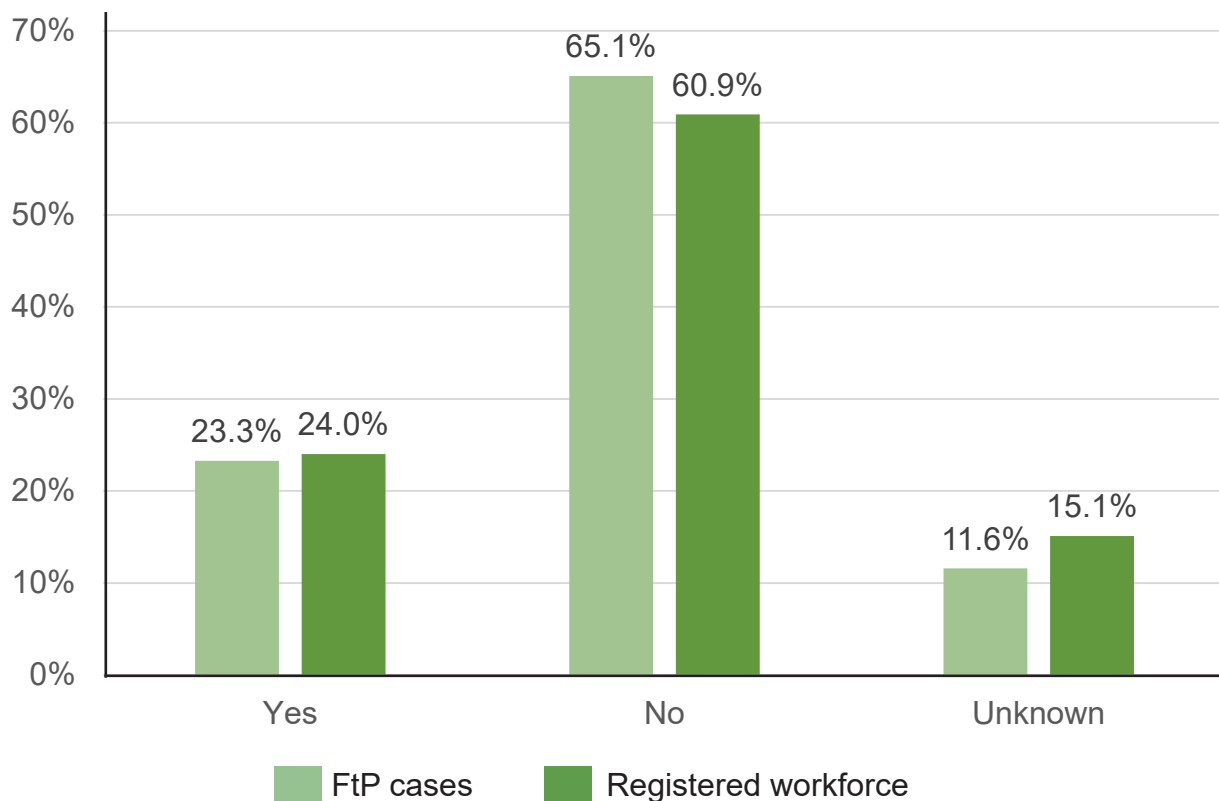
Welsh language

When a practitioner applies to join the EWC Register, they are asked to confirm whether or not they are able to speak Welsh. A response 'yes' means that they are fluent, or fairly fluent in the language.

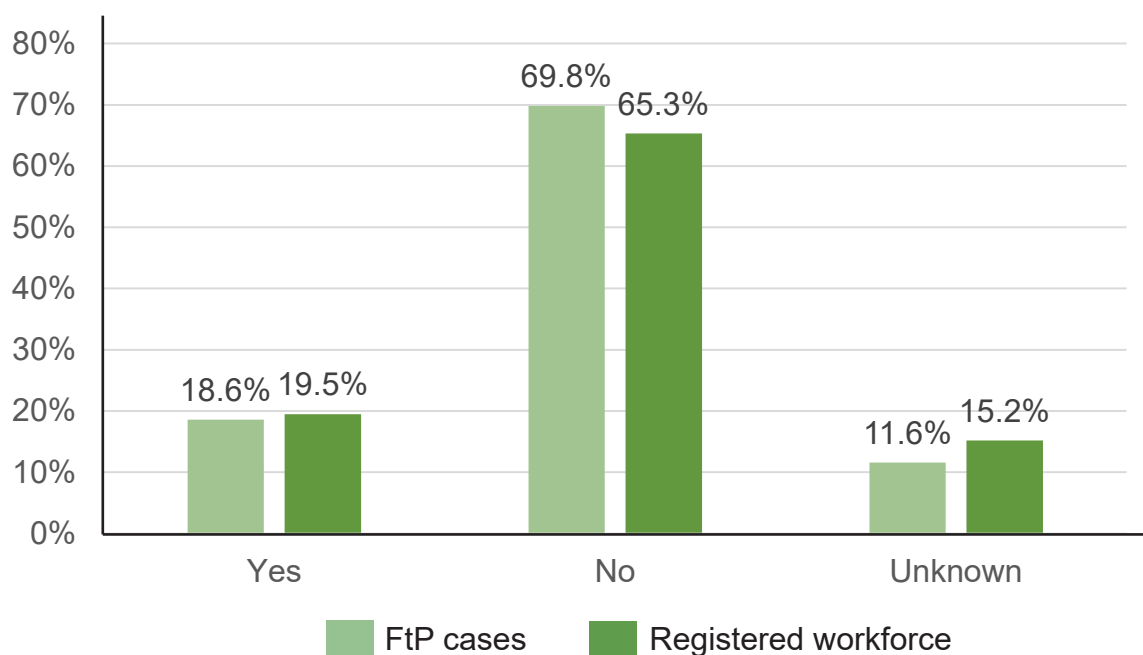
They are also asked to confirm whether they currently deliver, or are able to deliver, education and training through the medium of Welsh.

In both cases, the responses are based on 'self-declaration'.

Welsh speaker



Able to deliver education and training through the medium of Welsh



8. Assessment of suitability for registration

Prospective registrants are asked to answer a number of questions about their previous history when applying for EWC registration. If an applicant answers 'yes' to any question in the declaration, their application will be assessed by the Fitness to Practise team.

The onus is upon the applicant to demonstrate their suitability for registration with us.

Suitability assessment

Stage 1: Officers consider the criminal offence declared to be relatively minor, and that which would not affect the applicant's suitability for registration. Registration is granted.

Stage 2: The applicant is asked to provide more detailed information about the circumstances of their declaration and some testimonials/representations in support of their suitability for registration. If officers are content with the applicant's response, registration is granted.

Stage 3: Officers decide to refer the application for independent scrutiny by a suitability committee at a private meeting. These referrals relate to more serious declarations where officers are not content to grant registration.

Suitability Committee meeting

The Suitability Committee meeting is private and an opportunity for the applicant to explain to the committee why they consider they are suitable to be registered with the EWC.

The suitability committee consists of a minimum of three panel members, including at least one member from the registration category appropriate to the applicant, and one lay person. The committee is supported by an independent legal adviser.

Once it has heard from the applicant, the committee retires to consider, in private, whether to grant registration or not. If registration is not granted, the applicant is not able to make any further application in the same registration category/categories for a further 12 months, after which time they can reapply for registration.

8.1 Number of assessments of the suitability of applicants for registration following a declaration being made, by registrant group and by year

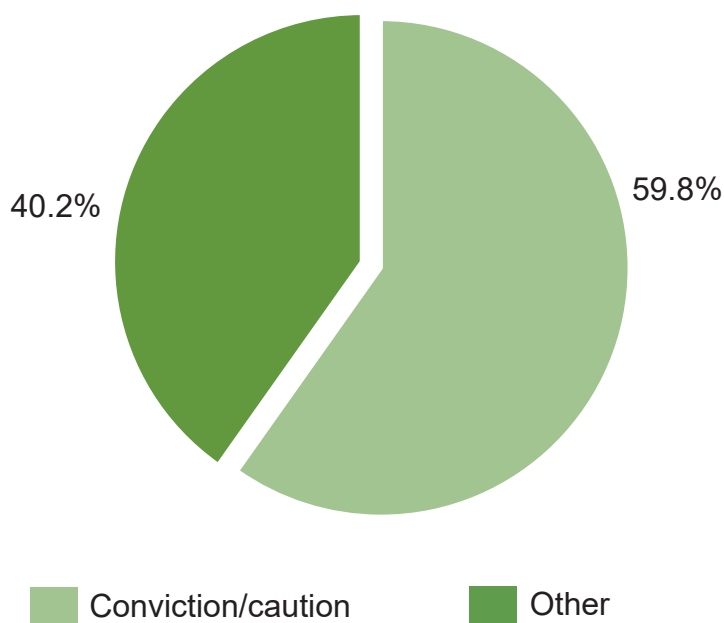
Registrant Group	2017-18	2018-19	2019-20	2020-21	2021-22
School learning support workers	167	119	84	80	86
School teachers	34	27	30	33	30
FE teachers	33	23	21	16	20
FE learning support workers	18	9	6	5	6
Work-based learning practitioners	27	23	24	14	9
Youth workers	5	3	3	0	0
Youth support workers	3	6	7	6	3
Multiple registrant categories	74	69	40	27	29
Total	361	279	215	181	183

8.2 Outcomes of assessments of the suitability of applicants for registration following a declaration being made, by year

Outcomes	2017-18	2018-19	2019-20	2020-21	2021-22
Application granted (stage 1/2)	303 (83.9%)	221 (79.2%)	167 (77.7%)	143 (79.0%)	149 (81.4%)
Application granted (stage 3)	15 (4.1%)	14 (5.0%)	8 (3.7%)	2 (1.1%)	10 (5.5%)
Application refused (stage 3)	3 (0.8%)	3 (1.1%)	4 (1.9%)	1 (0.6%)	2 (1.1%)
Application withdrawn/closed	40 (11.1%)	41 (14.7%)	36 (16.7%)	35 (19.3%)	22 (12.0%)
Total	361	279	215	181	183

Note: Applications can be withdrawn/closed by both the EWC and the applicant. For example, where an applicant fails to respond to enquiries about the declaration they have made, we may discontinue our assessment. An applicant may also decide to withdraw their application at any time during the assessment process.

8.3 Type of declaration made. Applicants for registration where a declaration has been made – assessment completed 2021-22

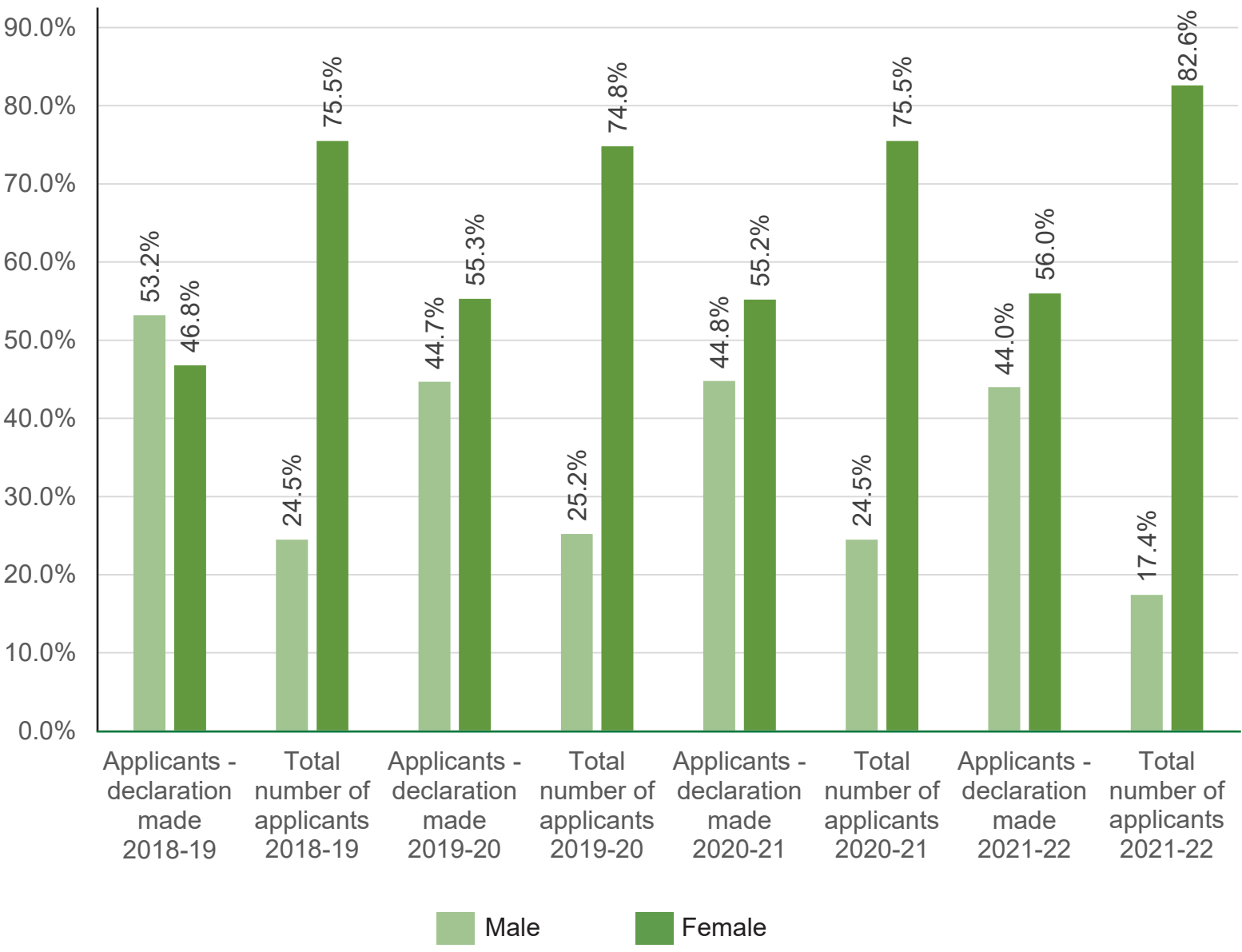


Other includes:

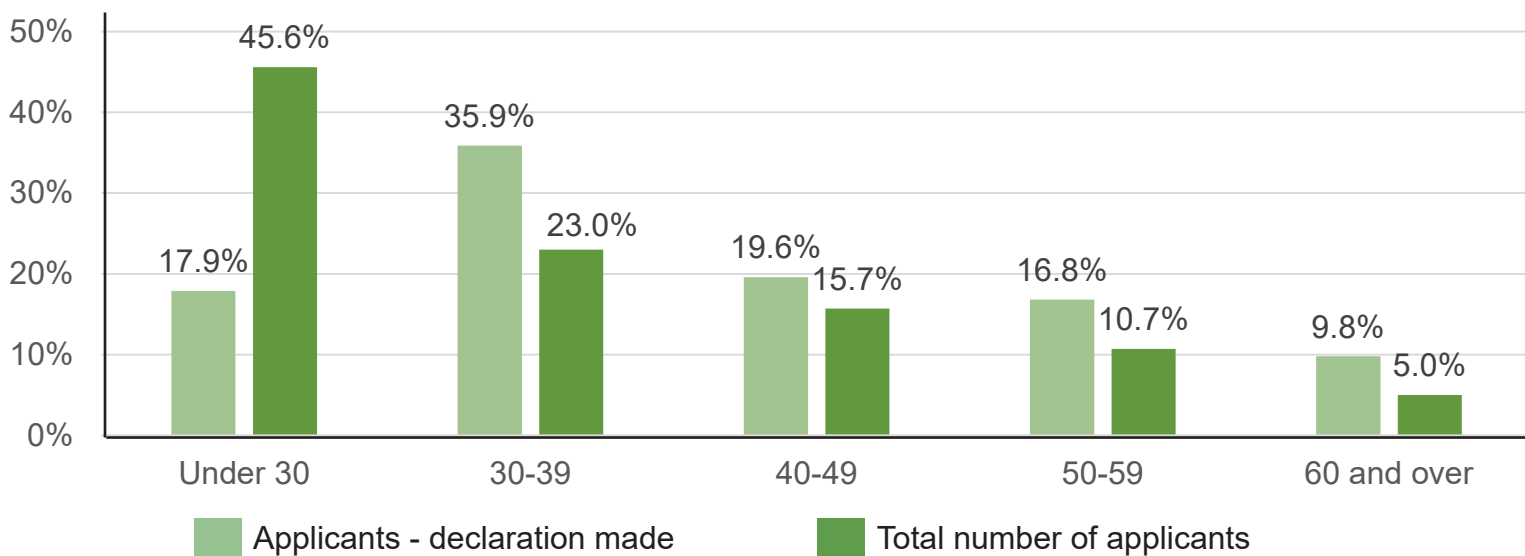
- past or pending action by an employer, or another regulatory body
- a failure to declare information
- making a declaration which did not meet the threshold for disclosure

8.4 The demographic of applicants for registration in 2021-2022

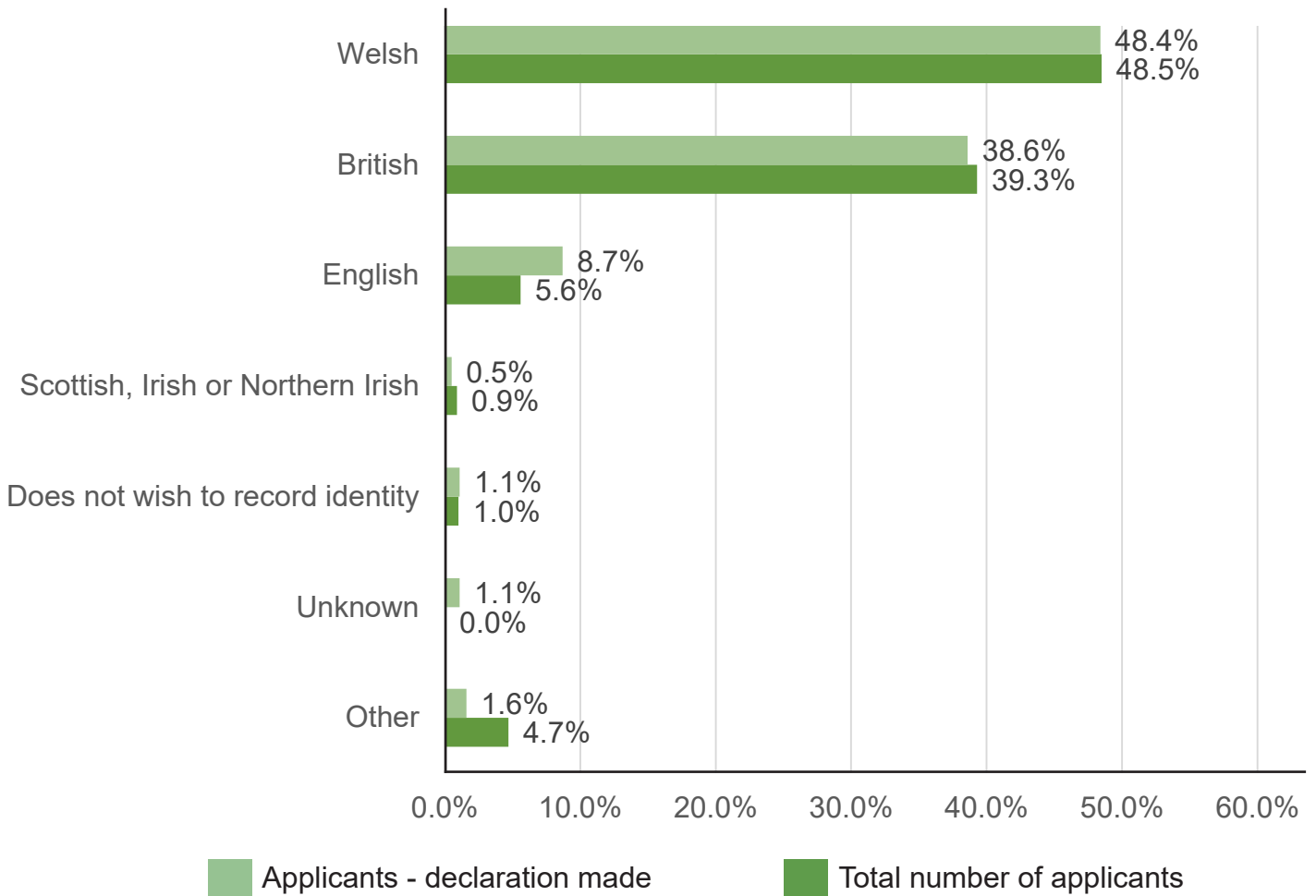
Gender



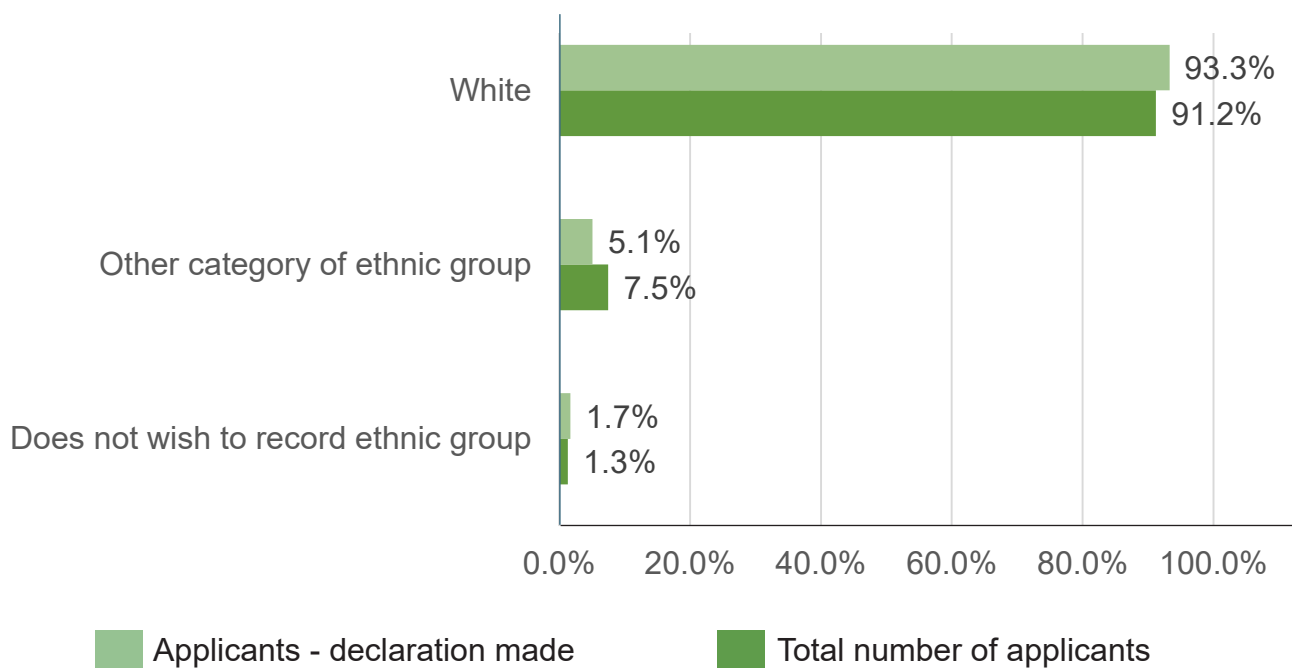
Age



National identity



Ethnic group



'Other category of ethnic group' are those who declared an ethnic group based on Office for National Statistics classification. They have been grouped under this description as the number of individual registrants is low and not at a reportable level.

9. Looking forward

- Since the start of the COVID-19 pandemic, we have closely monitored the number of case referrals received. As at 31 March 2022, we saw an equal number of referrals received this year compared to last, and a 40% decrease compared to 2019-20. Consequently, we still anticipate a possible increase in referrals in 2022-23 as employers conclude outstanding disciplinary matters.
- Due to the successful transition to virtual meetings and hearings held during the pandemic, we will adopt a hybrid approach in 2022-23. Some Fitness to Practise hearings will continue to be held virtually and some will be held 'in-person'. All other committees and meetings will continue to be carried out virtually.
- During 2022-23, we will be recruiting additional panel members in order to maintain a complement that allows the effective administration of our casework. We will also be looking at a panel member review process.
- In March 2022, Welsh Government consulted on additional registration categories for the EWC which, if implemented, will bring into regulation education practitioners in the independent schools sector and some additional roles in the post-16 and youth sectors.
- We will complete our review of the Code of Professional Conduct and Practice for Registrants which we are required to do every three years in legislation. The next Code will be published in September 2022.
- EWC Officers deliver training to a range of different audiences - current and future registrants, employers, agents, and other key stakeholders about the [Code of Professional Conduct and Practice](#). Registrants have access to [Good Practice Guides](#) to support their understanding of the Code, and reinforce its principles. The EWC has nine such guides published and available via its website with a further guide for leaders in education to be published in 2022-23. This year, we will also undertake a wholesale review of the current guides which will be refreshed where necessary.
- During 2022-23, officers will begin work on developing a range of online material and resources to assist and support all parties involved in Fitness to Practise casework.

