



**WALES
CYMRU**

RESPONSE TO:

**Proposals for minor amendments to the current
General Teaching Council for Wales (GTCW)
Disciplinary Procedures and Rules in preparation
for its reconfiguration to the Education
Workforce Council (EWC) on 1st April 2015**

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1. The University and College Union (UCU Wales) represents more than 7,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians, and postgraduates in universities, colleges, adult education and training organisations across Wales.

2. UCU Wales is a politically autonomous but integral part of UCU, the largest post-school union in the world: a force for educators and education that employers and government cannot ignore.

3. UCU was formed on the 1st June 2006 by the amalgamation of two strong partners – the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE) – who shared a long history of defending and advancing educators’ employment and professional interests.

4. We welcome the opportunity to respond to the consultation on Proposals for minor amendments to the current General Teaching Council for Wales (GTCW) Disciplinary Procedures and Rules in preparation for its reconfiguration to the Education Workforce Council (EWC) on 1st April 2015

Question 1

Do you agree with the approach taken, in that the new Disciplinary Procedures and Rules are based on the existing GTCW rules with minor amendments to incorporate the changes in the *Education (Wales) Act 2014* and the *Education Workforce Council (Main Functions) (Wales) Regulations 2015*?

YES	x	NO	<input type="checkbox"/>
If no, please explain why?			
As far as is possible to tell.			

Question 2

Do you agree that the revised draft *Disciplinary Procedures and Rules 2015* accurately reflect the changes made under the *Education (Wales) Act 2014* and the *Education Workforce Council (Main Functions) (Wales) Regulations 2015*?

YES	x	NO	<input type="checkbox"/>
If no, please explain why?			
As far as is possible to tell.			

Question 3

The *Education (Wales) Act 2014* provides for the EWC to consider whether to determine a disciplinary case without a hearing. Do you agree with the procedures and rules as set out in section 9 and 10 of the draft *Disciplinary Procedures and Rules 2015*?

YES	<input type="checkbox"/>	NO	x
If no, please explain why?			
<p>UCU have concerns that whilst section 9 of the draft Disciplinary Procedures and Rules 2015, makes reference to allowing the registered person, in some cases, to choose for the case to be disposed of without a hearing, by either a Voluntary Reprimand or Voluntary Prohibition, it is not clearly explained at this point, how the registered person will be made aware of the details of the allegation or the proposed voluntary reprimand or voluntary prohibition. It seems that details will not be sent to the registered person, until they have consented to accepting the voluntary reprimand or voluntary prohibition.</p> <p>It is most certainly not in the interest of justice and fairness to expect a registered person to accept the terms of a voluntary reprimand or prohibition without knowing what those terms are or the allegation that they relate to. If this is not the intention of the rule, it needs to be clarified in the <i>Procedures and Rules 2015</i>.</p> <p>Whilst there is scope for voluntary reprimands and voluntary prohibition, under the draft rules, they do not make provision for voluntary conditional registration orders or suspension orders. We are concerned that registered persons who are considered by the duly appointed officer, to be facing a conditional registration order or a suspension order, will not be offered the opportunity for the case to be disposed of without a hearing.</p> <p>We are concerned that section 10 allows the fitness to practice committee to overturn the decision previously made by the duly appointed officer and the registered person, to opt for a voluntary reprimand or voluntary prohibition without a hearing. This seems to indicate that there may be a lack of standard criteria on which to base the need for a hearing. The decision as to whether a case requires a hearing or not should be made final by the duly appointed officer, prior to seeking the consent of the registered person. It would seem unnecessarily stressful to the registered person and incur unnecessary cost to the EWC, for this part of the decision making process, to be carried out twice.</p> <p>We would like to see all hearings held privately. We do not believe that the hearing procedure is beneficial to the public. It is the hearing outcome that is in the public interest, that is, that those considered unfit to practice do not continue do so and those that are, can do so without being publicly humiliated, in the process.</p>			

Question 4

Do you have any additional comments on the draft *Disciplinary Procedures and Rules 2015*?

Our main concern regarding any disciplinary rules and procedures is that members of the education workforce are not publicly named and shamed where there is no need to do so, particularly in the cases where the outcome of a procedure is that the registered person was found to be not guilty. Anonymity should be preserved to protect those who are found not guilty or where there is no public interest or it is not in the interests of justice.

With regard to the quorum of the committee we have concerns that a committee may consist of only three members, two of whom may be lay members. Committees have the power to determine the livelihood of registered persons and as such UCU would strongly urge that committees have a more balanced practitioner perspective.

Responses to this consultation will be published on the internet or in a report. If you would prefer your response to remain anonymous, please tick the box.