

Education Workforce Council

Fitness to Practise Annual Report

for the year ending 31 March 2023



Mae'r ddogfen hon hefyd ar gael yn Gymraeg.



Contents

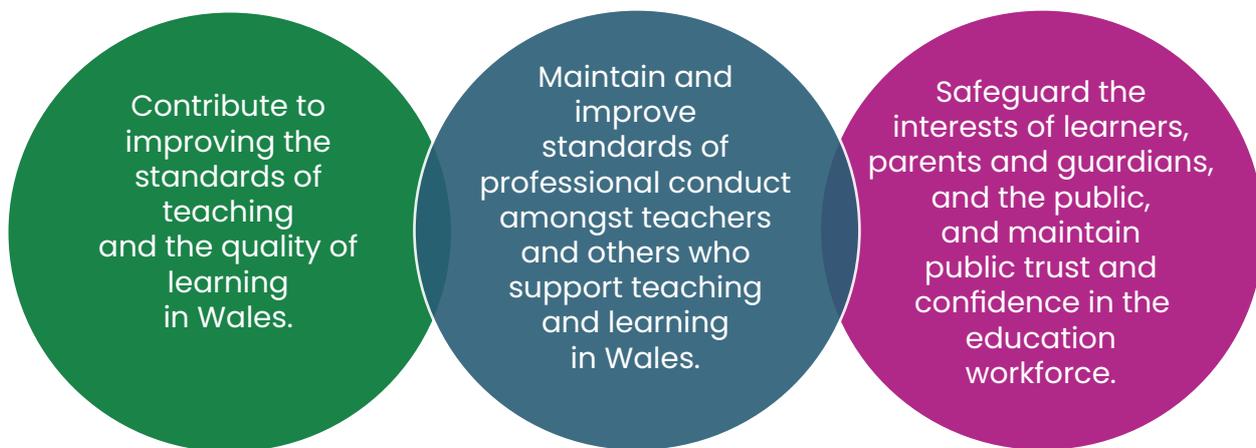
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1. About the EWC

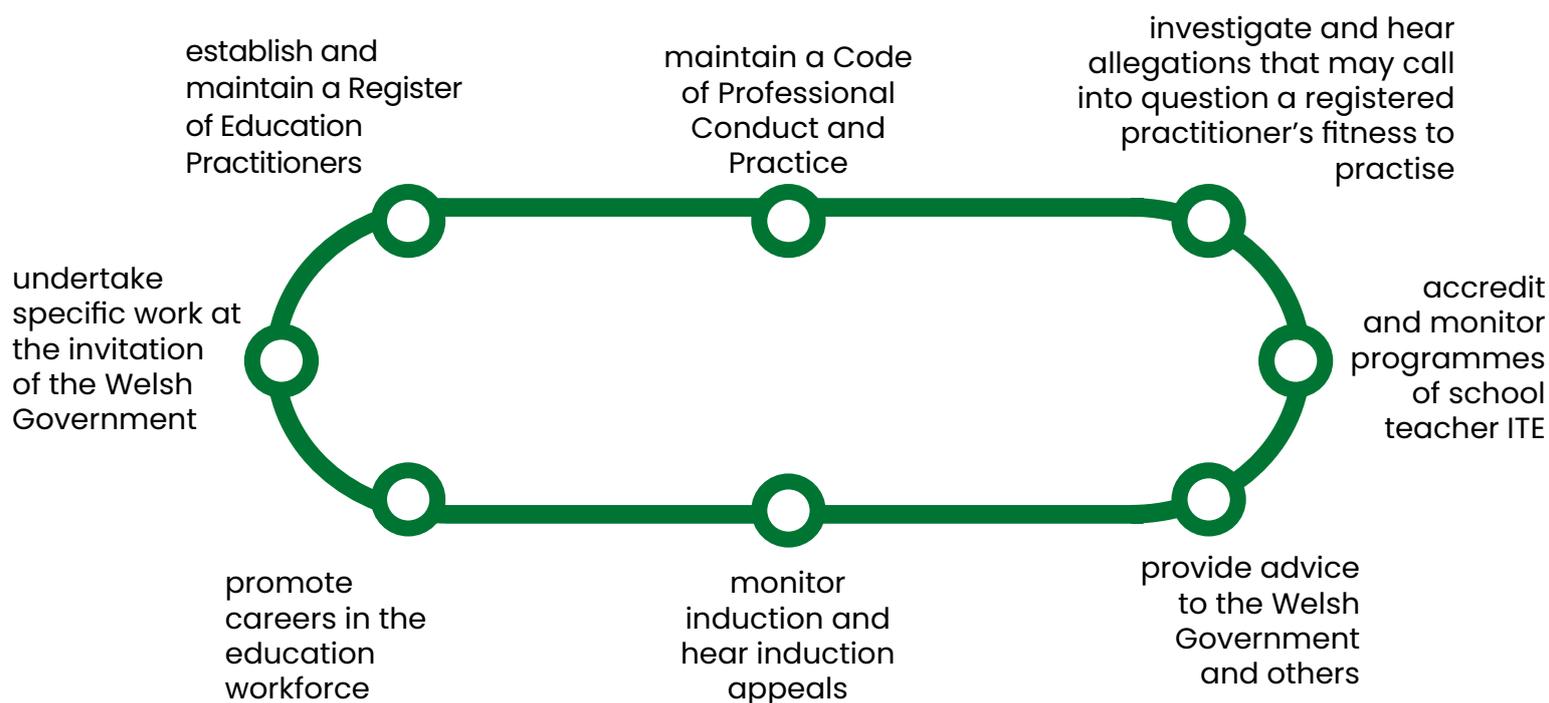
The Education Workforce Council (EWC) is the independent, professional regulator for the education workforce in Wales.

Established by the Education (Wales) Act 2014, practitioners across seven different groups within the education workforce, from the foundation phase through to further education, youth work, and work-based learning, are legally required to register with the EWC. Our Register of Education Practitioners in Wales is the biggest public register of any profession in Wales, and the most wide-ranging register of education professionals in the world, with over 88,000 practitioners registered.

Our aims

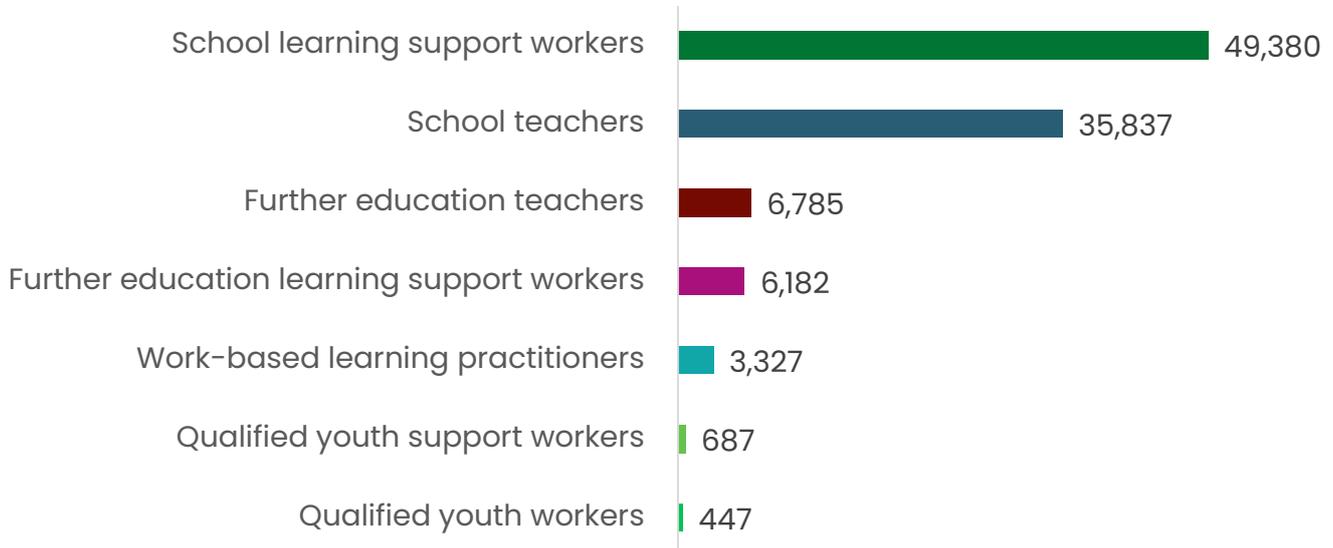


Our functions



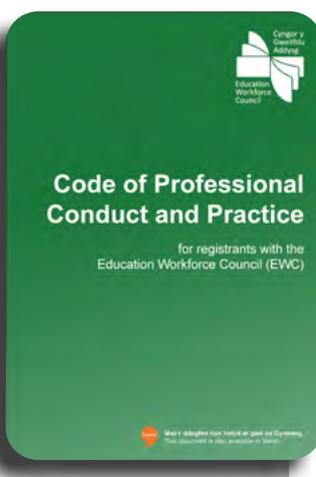
2. The Register of Education Practitioners

As at 31 March 2023, there were **88,748** 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 2023.



3. The Code of Professional Conduct and Practice

In September 2022, following a period of consultation and engagement, we published a revised Code of Professional Conduct and Practice for registrants. All new registrants receive a copy of the Code upon registration (18,756 in 2022-23), all employers receive copies of the Code annually to disseminate to registered employees and, in addition, there have been over 6,000 downloads of the Code in year.



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, 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. We offer a suite of good practice guides, designed to complement the Code and help guide registrants' day to day professional judgments and decisions. This year we published two new guides, one for leaders in education and one to support registrants' mental health and wellbeing (in collaboration with Education Support).

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 including our powers to impose Interim Suspension Orders (ISO) in specific circumstances.

As at 31 March 2023, we had 53 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 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 In both cases, the grounds for a referral are any of the following: <ul style="list-style-type: none">• misconduct• professional incompetence• 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 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 proven

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

Conditional Registration Order – recorded on the Register for a period indicated by the Committee. If no period set, then this Order will apply permanently

Suspension Order – removed from the Register for the period specified by the Committee (not exceeding 2 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 2 years has elapsed

Following the hearing of a case, should a Fitness to Practise Committee impose a disciplinary order (other than an interim suspension 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 6 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 publically for the duration of the order.

7. Summary of Fitness to Practise casework

This year, we concluded 71 fitness to practise cases. This included 46 fitness to practise hearings, 44 of which were virtual hearings and 2 in-person.

We have statutory powers to impose interim suspension orders, which temporarily remove a registered person from the Register as '**an emergency measure**' pending an investigation. In the reporting year we imposed three interim suspension orders.

The majority of hearings are held virtually. However, in line with the approach of many other regulators, registrants are invited to confirm whether they wish their case to be heard virtually or in-person. For an in-person hearing to be confirmed, the registrant must commit to attending or be represented in-person at the hearing.

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'.

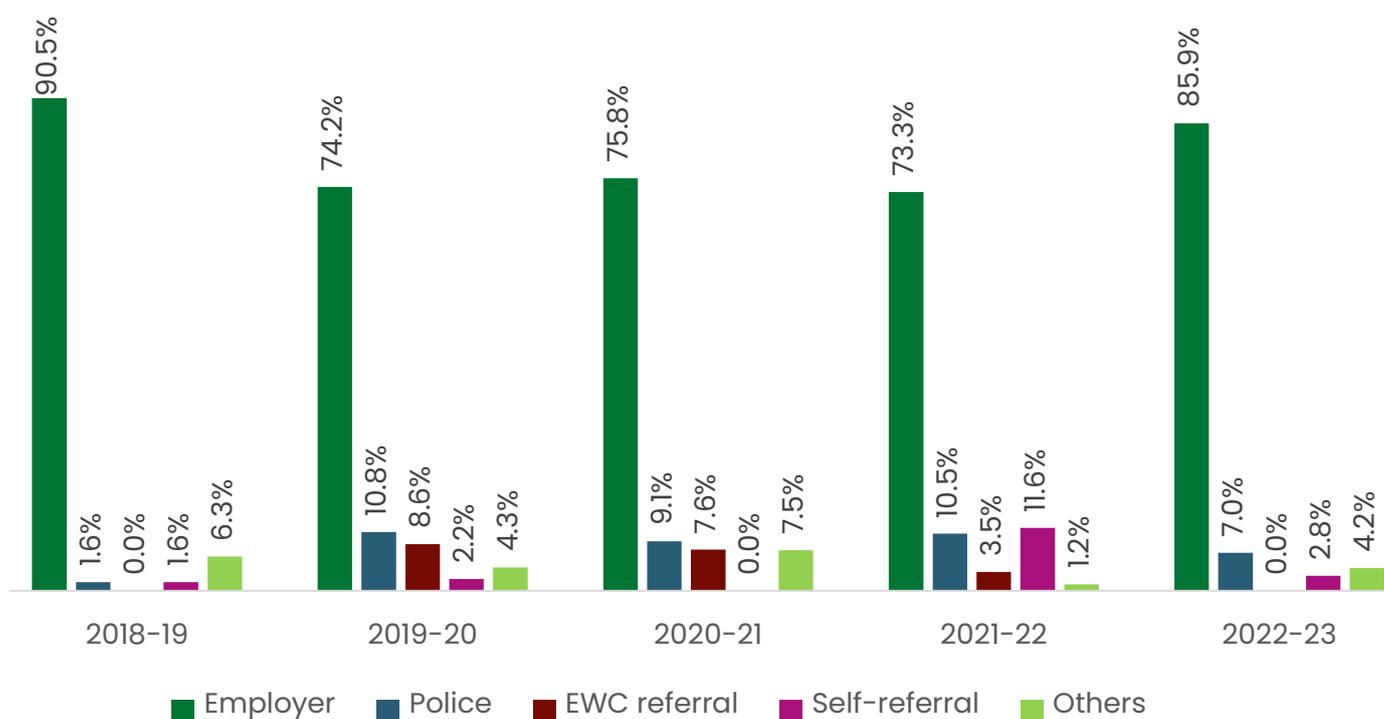
7.1 Number of Fitness to Practise cases concluded by registrant group and year

Registrant Group	2018-19	2019-20	2020-21	2021-22	2022-23
School teachers (ST)	22	27	24	25	21
FE teachers (FET)	9	17	6	11	9
FE learning support workers (FELSW)	4	7	2	3	0
School learning support workers (SLSW)	16	21	19	21	21
Work-based learning practitioners (WBL)	4	10	5	9	5
Youth support workers (YSW)	0	1	1	1	0
Youth workers (YW)	1	0	0	0	0
Multiple registrant categories	9	10	9	16	15
Total	65	93	66	86	71

Of the **71** cases referred to above:

- **46** cases were considered at fitness to practise hearings (not including ISO hearings), including 1 application which related to compliance with conditions
- **11** were considered as 'no case to answer' by an Investigating Committee
- **9** did not meet the threshold for investigation and were closed as 'no further action'
- **5** cases involved registrants who were DBS barred prior to a final decision being made by the EWC

7.2 Referral source – cases concluded in 2022-23



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

7.3 Outcomes of Fitness to Practise cases by year

Outcome	2018-19	2019-20	2020-21	2021-22	2022-23
Concluded with no order imposed	19 (29%)	38 (41%)	28 (42%)	27 (31%)	25 (35%)
Reprimand	13	18	9	20	19
Conditional Registration Order	4	6	1	1	0
Suspension order (no conditions)	5	5	5	4	2
Suspension order (with conditions)	4	3	4	2	2
Prohibition order	15	22	15	23	17
Application for variation/breach of conditions	2	1	1	0	1
Application for eligibility following a Prohibition Order	1	0	0	3	0
DBS Barred before EWC concluded	1	0	3	6	5
Case closed – registrant deceased	2	0	0	0	0
Total	66	93	66	86	71

Note – of the **25** cases concluded with no order:

- **5** were concluded at hearing stage
- **12** were considered as ‘no case to answer’ by an Investigating Committee
- **8** related to minor convictions

Interim Suspension Orders (ISO) 2022-23

	ST	FET	FELSW	SLSW	WBL	YW	YSW	Multiple	Total
ISO imposed	1	0	0	1	0	0	0	1	3

7.4 Types of behaviour – cases concluded 2022-23

Type of behaviour	Number of Cases
Conviction(s) only	10
Convictions and conduct	9
Failure to comply with procedures	7
Unprofessional/inappropriate behaviour towards learners	7
Combination of misconduct issues	6
Failure to meet practitioner standards	6
Examinations/assessment malpractice	5
False claims, declarations and/or forged documents	5
Inappropriate level of punishment/force/restraint/physical contact	5
Inappropriate contact with learners via social media	3
Inappropriate relationship with learners	2
Abusive language	2
Inappropriate communication regarding employer - breach of trust	1
Theft from employer	1
Under the influence of alcohol at work	1
Total	70

Note: In 2022-23, 1 case was also concluded which is not included in this table which was the determination of whether or not conditions of an Order had been complied with.

7.5 Completion time for concluded cases in 2022-23

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 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 continues to be a leader in this area.

Completion time	Number of cases	%
Case concluded within 8 months (35 weeks)	59	83.1%
Case not concluded within 8 months (35 weeks)		
Issues raised by the registrant/employer	6	8.5%
Other third party delays e.g. the Police	3	4.2%
Issues raised by the EWC	2	2.8%
Additional concerns raised during investigation stage requiring referral back to the Investigating Committee	1	1.4%
Total number of cases concluded in 2022-23	71	100%

Of the **59** cases concluded within 8 months, the average time taken from receipt to conclusion was 29.4 weeks (6.7 months).

7.6 The demographic of disciplinary cases concluded in 2022-23

Note:

- 'FTP Cases' means Fitness to Practise Cases
- 'Registered Workforce' is derived from the Register of Education Practitioners as at 31 March 2023

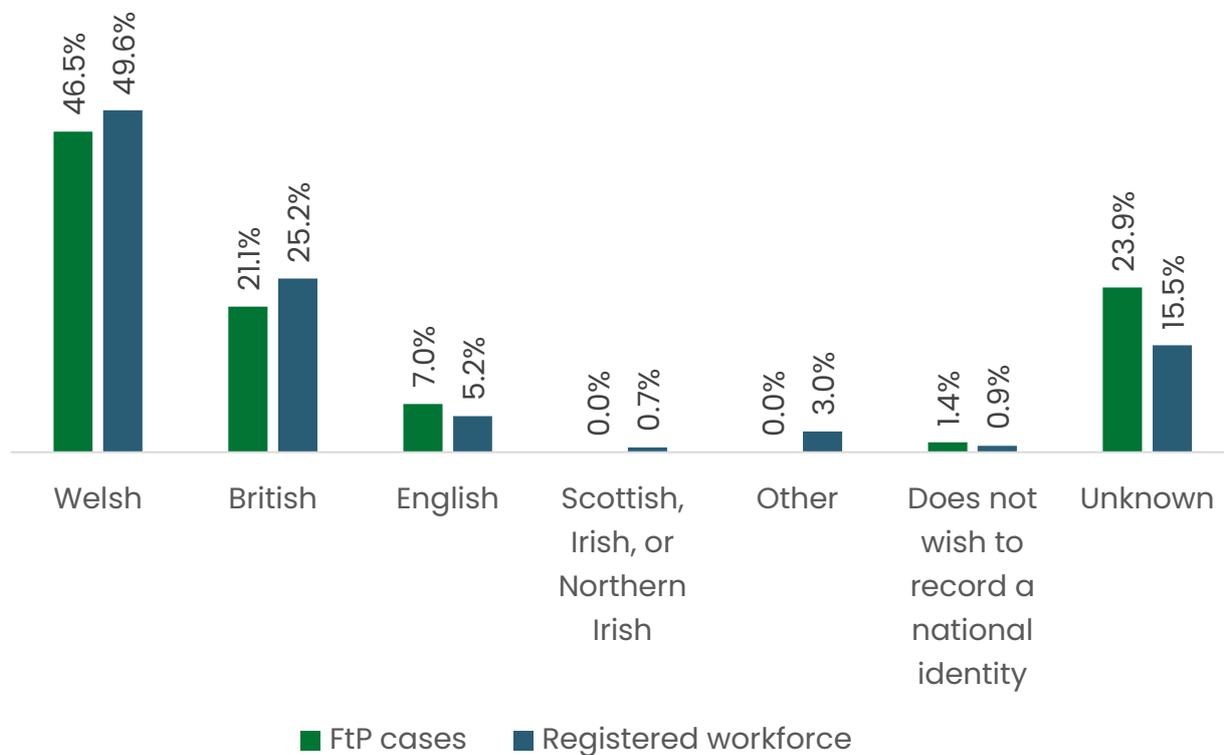
Gender



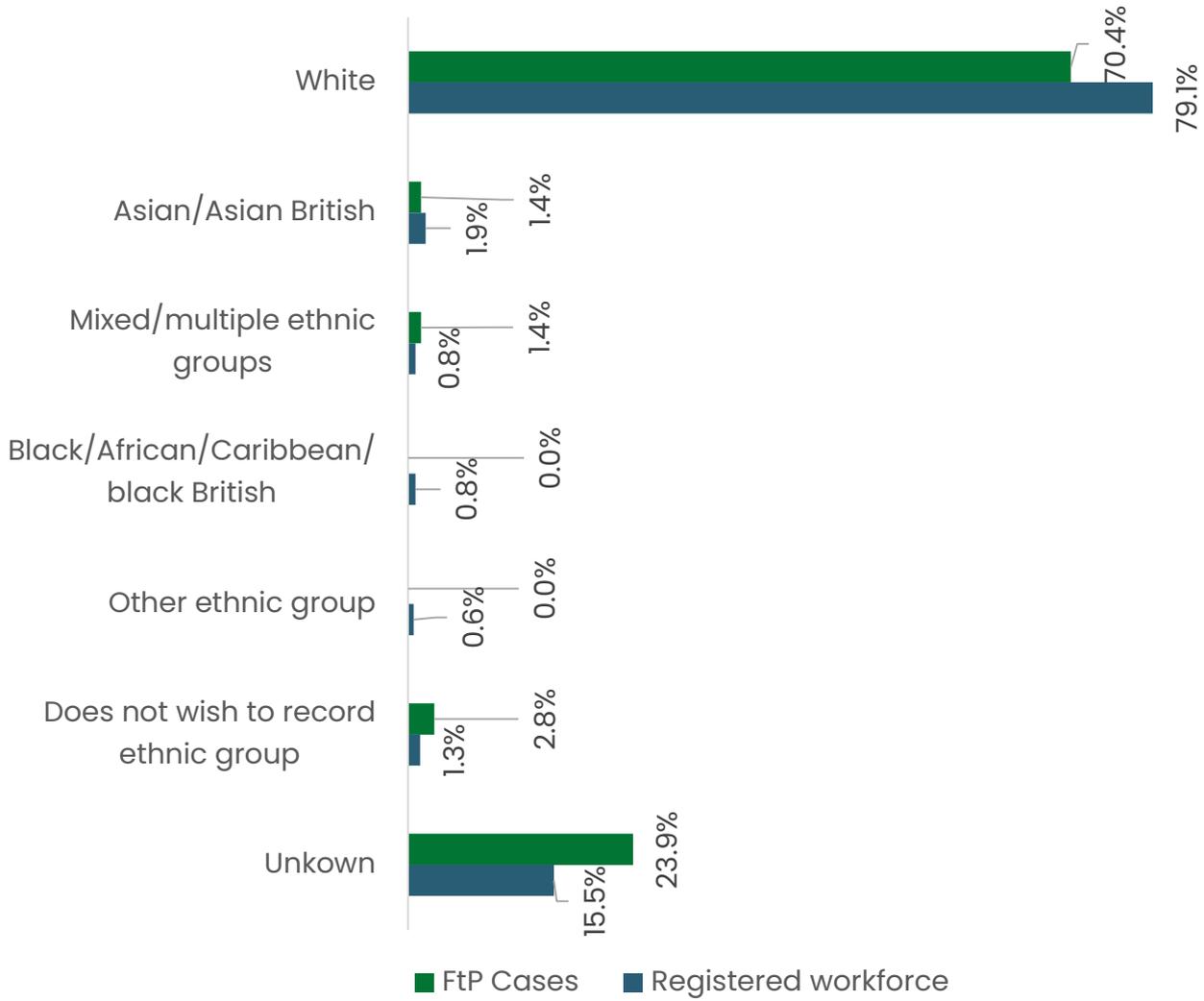
Age



National identity



Ethnic group



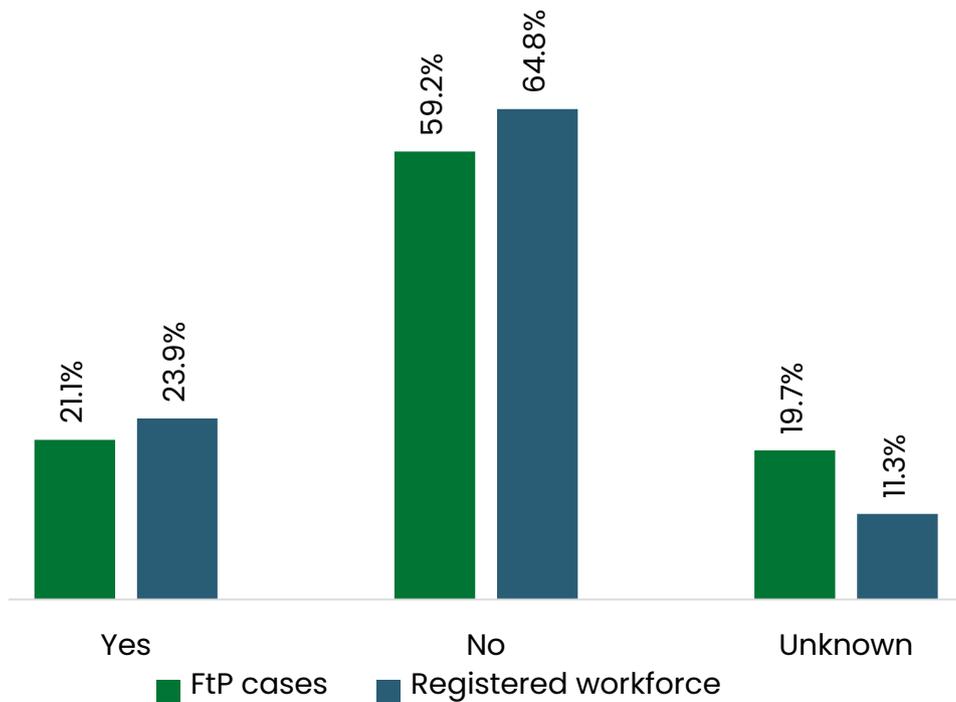
Welsh language

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 declaration made 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 declarations where officers are not content to grant registration at Stage 2.

Suitability meeting

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

The Suitability Committee consists of a minimum of three panel members, including at least one member from the registrant 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	2018-19	2019-20	2020-21	2021-22	2022-23
School learning support workers	119	84	80	86	96
School teachers	27	30	33	30	24
FE teachers	23	21	16	20	12
FE learning support workers	9	6	5	6	7
Work-based learning practitioners	23	24	14	9	13
Youth workers	3	3	0	0	1
Youth support workers	6	7	6	3	0
Multiple registrant categories	69	40	27	29	33
Total	279	215	181	183	186

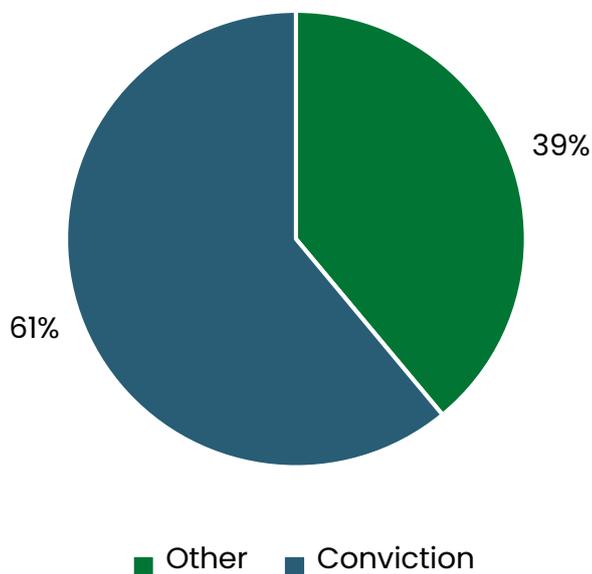
8.2 Outcomes of assessments of the suitability of applicants for registration following a declaration being made, by year

Outcomes	2018-19	2019-20	2020-21	2021-22	2022-23
Application granted (stage 1/2)	221 (79.2%)	167 (77.7%)	143 (79.0%)	149 (81.4%)	159 (85.5%)
Application granted (stage 3)	14 (5.0%)	8 (3.7%)	2 (1.1%)	10 (5.5%)	4 (2.2%)
Application refused (stage 3)	3 (1.1%)	4 (1.9%)	1 (0.6%)	2 (1.1%)	4 (2.2%)
Application withdrawn/closed	41 (14.7%)	36 (16.7%)	35 (19.3%)	22 (12.0%)	19 (10.1%)
Total	279	215	181	183	186

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 2022-23

2022-23 declaration

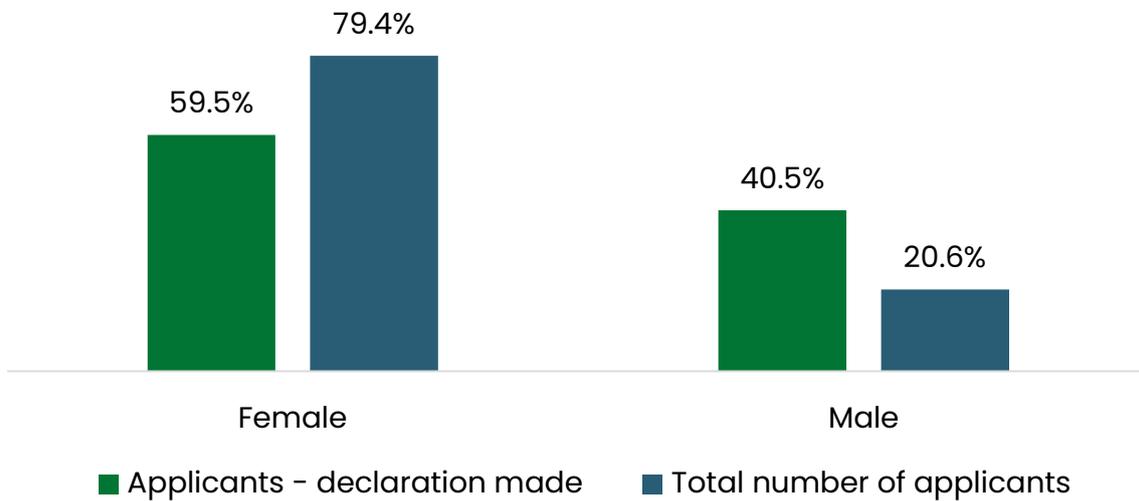


'Other' includes:

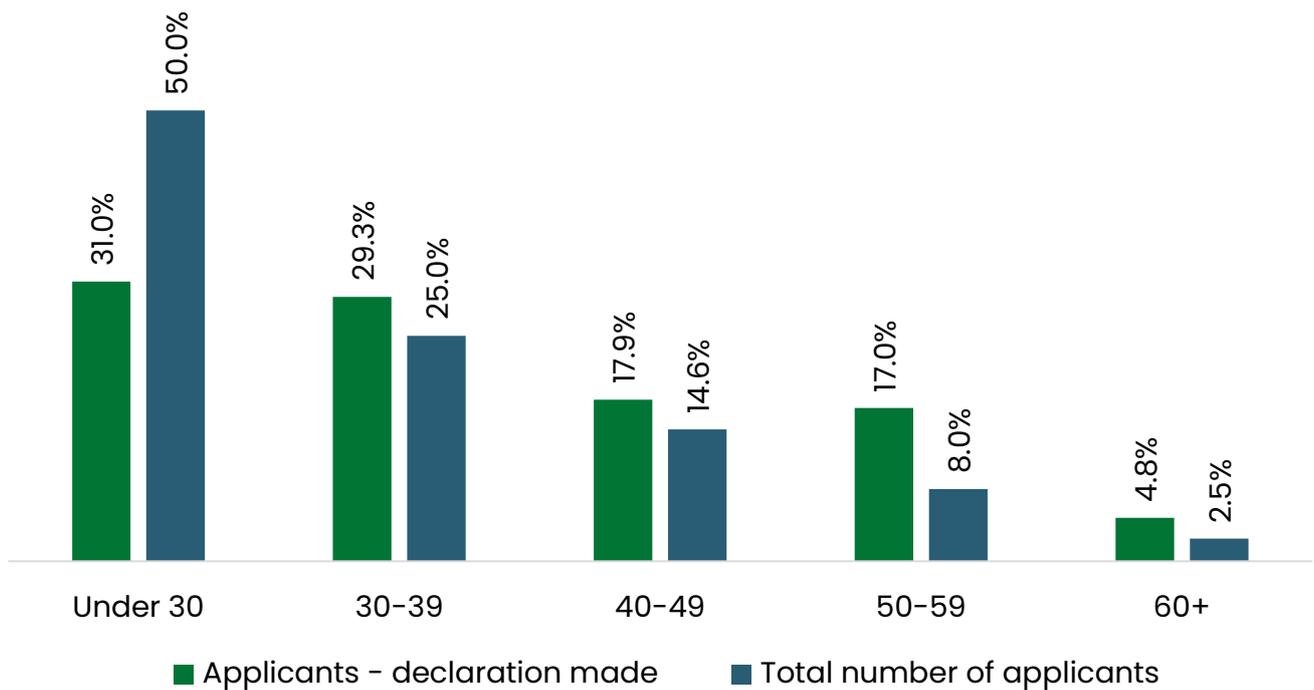
- Past or pending action by an employer or another regulatory body
- A failure to declare information
- Making a declaration which did not meet the threshold for disclosure

8.4 The demographic of applicants for registration in 2022–2023

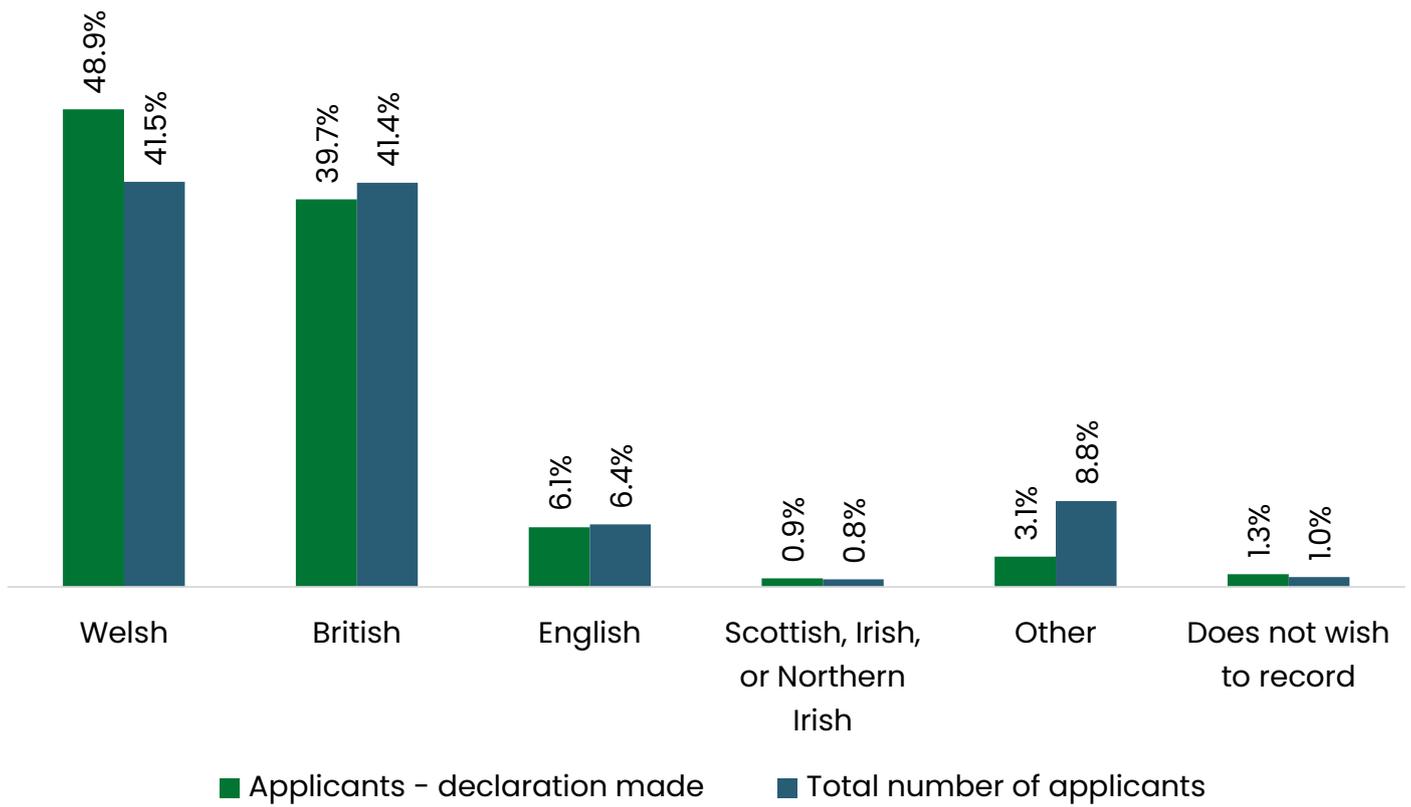
Gender



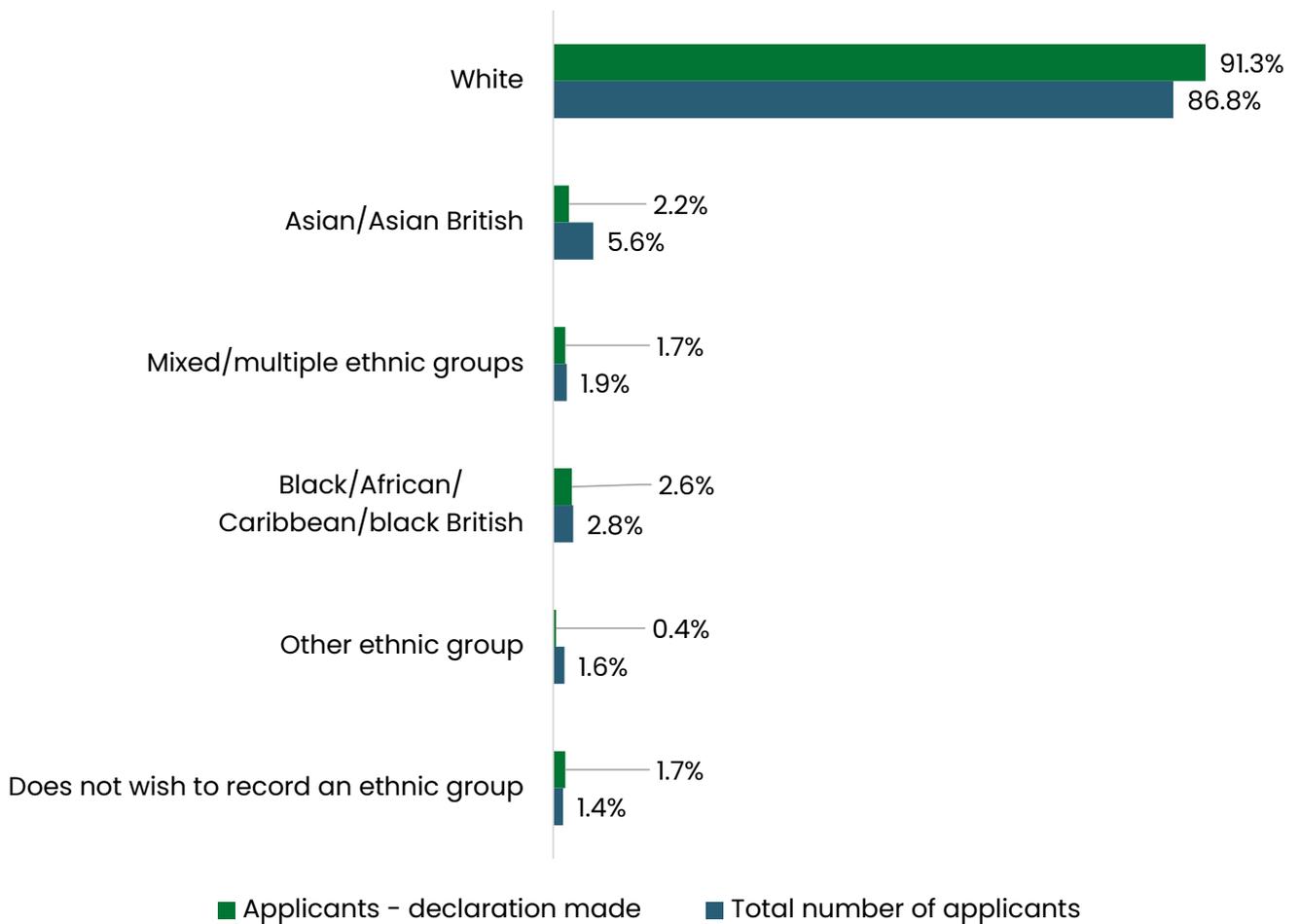
Age



National identity



Ethnic group



9. Looking forward in 2023–24

- Enactment in May 2023 of The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 will bring into regulation education practitioners in the independent sector and some additional roles in the youth sector. The EWC will then regulate 11 different registration categories within the education workforce.
- We will complete a review of all good practice guides published on our website, updating them when required and disseminating them publically.
- We will recruit additional lay panel members in order to maintain a complement that allows the effective administration of our casework.
- We will continue work on developing a range of online material and resources including a number of information videos which inform the public about this area of our work and to assist and support all parties involved in Fitness to Practise casework.
- We will be developing a review process for fitness to practise panel members which will incorporate extensive research of those processes in place with other regulators.
- Referrals received during the Covid-19 pandemic decreased. Officers continue to monitor numbers closely, anticipating a possible increase in referrals in 2023–24 as employers and employment tribunals conclude outstanding matters from the Covid-19 period.
- Due to the successful transition to virtual meetings and hearings held during the pandemic, the majority of our fitness to practise casework will continue to be held virtually. However, in line with the approach of many other regulators, registrants will be able to request an 'in-person' hearing if they and/or their representative are attending 'in-person'.
- EWC Officers will continue to deliver training to a range of different audiences (58 sessions were completed in 2022–23) – current and future registrants, employers, agents and other key stakeholders about the Code of Professional Conduct and Practice.
- The EWC's legal services contract which provides the legal adviser that supports the fitness to practise committees will expire at the end of September so an open procurement for a new contract will take place during the year.

