



## Subsequent Registration Applications Practice Statement

### Introduction

A subsequent registration application (SRA) means an application for registration by a person who was removed from (or refused entry to) the Register:

- in accordance with an outcome of the fitness to teach process (or the historic equivalent);
- because of a failure to achieve full registration within the set probationary service time limit; or
- because he/she was barred at that time from working with children under the Protecting Vulnerable Groups Scheme and that barring has now been reviewed.

An SRA must be considered by a Fitness to Teach Panel and an applicant may only be admitted (or re-admitted) to the Register if the Panel is satisfied that he/she is now fit to teach. The onus is on the Teacher to demonstrate to the Panel that this is the case.

This document has been produced to:

- Support the consistent consideration of subsequent registration applications by Panels in line with the GTCS Fitness to Teach Rules 2017 (the Rules).
- Allow a teacher (and others) involved in the process to understand how decisions will be made in this context and the factors that will be taken into account by Panels.
- Demonstrate openness and transparency in GTCS' regulatory work, allowing the profession and wider public to understand it.

### Procedure

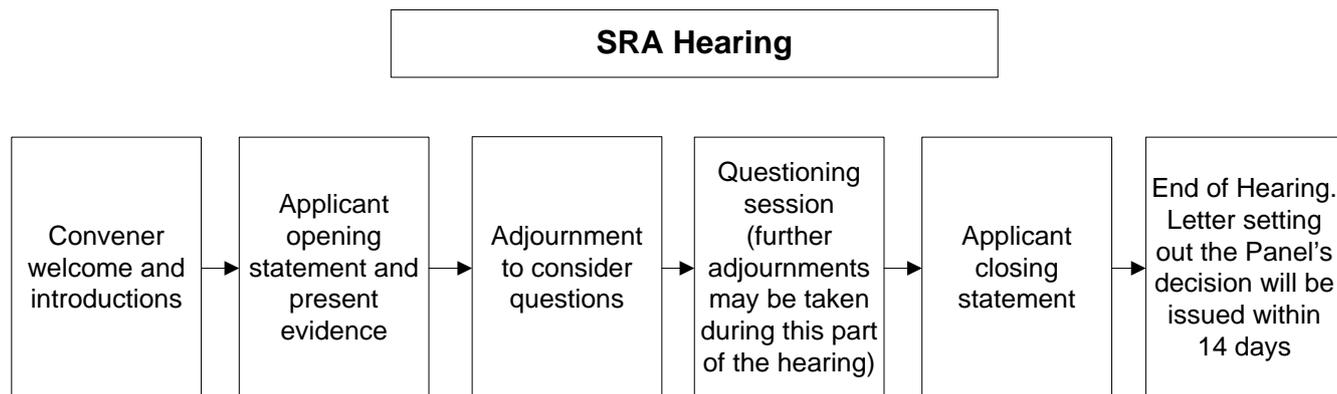
There is a specific subsequent registration application form that must be completed. This is available from the GTCS website and on request.

The GTCS regulation team administer and support the consideration of SRAs through the required process.

On receipt of an SRA, a Servicing Officer (a member of the regulation team) will consider whether the case would benefit from any form of case management (i.e. a case management discussion or issuing directions) in seeking to secure the just, expeditious and effective running of a hearing. Usually, however, formal case management in this way is unnecessary in the context of SRAs and the Servicing Officer will simply contact the Teacher with a view to identifying a suitable hearing date and ensuring he/she understands what the process will involve.

SRA hearings operate in an inquisitorial (inquiring) rather than adversarial way. It is for the Panel to question the Teacher effectively and appropriately in order to seek out the information needed to determine whether he/she is fit to teach.

The general procedure followed at SRA hearings is summarised below.



In advance of the hearing, the Panel will generally have been provided with relevant information from the Teacher's application form (including references as well as any accompanying written evidence provided with that application or in advance of the hearing).

Where the Teacher's registration was removed as a result of the outcome of a fitness to teach process (i.e. for conduct of professional competence reasons) then the Panel will also have been provided with the relevant written decision explaining why that outcome was reached<sup>1</sup>. Whilst this decision will be relevant to the Panel in making its decision, it must be emphasised that an SRA is not an appeal from, or review of, the original findings and determination. Panels should therefore try to avoid being drawn into "going behind" the original finding and determination and instead focus on whether the Teacher is fit to teach. Fitness to teach is not proved in the same way that facts are and in the context of SRAs will involve considering holistically:

- The matters that led to the individual being removed from (or refused entry to) the Register and the reasons for this, including the relative seriousness
- Whether the individual accepts and shows genuine insight into those matters
- Whether the matters are remediable
- What remedial or rehabilitative steps the individual has taken to address the matters and whether they have been properly addressed
- Whether there is a risk of reoccurrence of the matters (in the provisional registration and probationary service context, this will include assessing whether the Teacher has a realistic plan that he/she is committed to achieving which will mean he/she will likely achieve the Standard for Full Registration were he/she to be given another opportunity to do so)
- What steps the individual has taken to keep his/her professional knowledge and skills up to date
- The public interest, including public protection as well as maintenance of the public's trust and confidence in Teachers and GTCS as a professional regulator

The Panel will need to read and consider all of the written evidence carefully, in advance, in order to determine what questions it is appropriate and necessary to ask at the hearing, as well as consider whether it wishes to request further written evidence in order to make its decision.

The Panel should take care to ensure its questioning at the hearing:

- Is relevant
- Has a clear purpose and is concise: the question should be easy to understand, short and simple and address one point at a time only
- Is open and not leading
- Is appropriately comprehensive so that it obtains a "full picture" (i.e. all of the issues and factors that the Panel considers relevant are addressed), allowing the Panel to reach a fair and informed decision
- Maintains and supports its role as an independent decision-maker
- Avoids value judgments, any suggestion of bias and any opinion

<sup>1</sup> Where the Teacher has made an unsuccessful SRA previously, the Panel will also be provided with a copy of that decision.

Where a Panel seeks further written evidence, it must consider that the information is relevant and it is fair to seek it. The Panel should consider how the additional information will assist it in deciding on the Teacher's fitness to teach. If the additional information will not make a material difference to this, then it is unlikely to be needed and any delay caused by obtaining the information is likely to be disproportionate and unfair.

Where a Panel wishes to seek additional information, the purpose of the additional information should be clearly stated. A Panel should provide a list of targeted and specific questions it seeks answers to and from whom, or list what documentary evidence is required. An example of what may be requested is evidence to support an assertion made by the Teacher, for example a certificate confirming completion of a course. Where additional information is obtained, the Teacher will be provided time to consider it and, if wished, provide a response.

### **Assessing the Evidence to Determine Fitness to Teach**

A Panel must make its decision based on evidence: it must not speculate, guess or take into account outside influences.

Once the Panel is satisfied that it has asked all of the questions it needs to and has all of the evidence it reasonably thinks necessary to make a decision, it will need to carefully assess all of that evidence and determine whether it finds the Teacher fit to teach. It is important that the Panel bears in mind that in the SRA context, the onus is on the Teacher to demonstrate that he/she is fit to teach.

Assessing the evidence will require a Panel to determine what evidence it accepts because it believes it to be true and what evidence it rejects because it believes it to be false or unreliable.

This may involve the Panel in assessing the credibility and reliability of the evidence that it has heard from the Teacher (and any other witnesses) at the hearing. A credible witness is an honest one, doing his/her best to tell the truth. A witness is reliable if he/she recalls events accurately.

In assessing the evidence, a Panel may find it helpful to ask itself the following questions:

- How did the Teacher (and any other witness) give evidence? Do you believe that he/she is telling the truth?
- What was the demeanour/attitude of the Teacher (and any other witness) in giving his/her evidence? [Note: this should be approached with caution: demeanour can be a very unreliable factor to use to determine credibility as it can be affected by things like: a disability, personal characteristics/disposition or culture]
- Has key evidence been verified or is it supported by other pieces of evidence and appropriately robust? For example, if the Teacher has stated he/she has completed a course to remediate, is confirmation of this available from the course provider? Has it been evidenced that the Teacher has learned appropriately from the course?
- Where any professional reference (or similar) evidence has been submitted, who has provided it and what do they know of the matters that led to removal/refusal?

The factors to be considered in order to determine fitness to teach are set out within the Procedure section above.

### **Determining the Outcome**

Once a Panel has made its fitness to teach finding, it will need to determine the appropriate outcome in the case.

A Panel has the following options:

- To refuse the SRA
- To grant the SRA and award full or provisional registration in part or parts of the Register

- To grant the SRA and award full registration in part or parts of the Register subject to a specified condition or conditions

In setting any conditions, the guidance on conditional registration orders set out at Part B of the Indicative Outcomes Guidance should be referred to and considered by the Panel.

Where a Panel decides to refuse the application, a Panel has the option to set a period of time in which the Teacher would be prohibited from making a further application. The period of prohibition can be set at up to 2 years. A Panel should always set the period of time according to what it considers appropriate based on the circumstances of the case. A Panel should provide reasons for its decision: these may relate to (or incorporate) suggested actions to be taken by the Teacher to address the key areas that the Panel has identified and that have led to the application refusal.

Where a Panel decides to grant provisional registration, this means that the Teacher is given a fresh period of probationary service in which to demonstrate that the Standard for Full Registration has been achieved (in accordance with the Registration and Standards Rules and accompanying Provisional Registration and Probationary Service Policy). The Panel and Teacher will have been made aware of this period in advance of the hearing.

**Approved 27 September 2017**