

**Teacher misconduct referral form for use by employers**

For referring allegations of serious misconduct by a teacher

Please read this form carefully, including the Guidance and notes section at the end of this document, before deciding whether it is appropriate to make a referral.

You must provide your contact details in part 7 and complete the declaration in Part 9. We cannot accept anonymous referrals.

**Part 1: Details of the teacher you are referring**

**Personal information (as known)**

|  |  |
| --- | --- |
| Title (eg Mr, Mrs, Miss, Ms) |  |
| Surname |  |
| Forenames |  |
| Date of birth |  |
| Teacher’s age (if date of birth is not known) |  |
| Previous names or aliases |  |
| Male or female |  |
| Nationality |  |
| National insurance (NI) number |  |
| Does the teacher have qualified teacher status (QTS)? |  |
| Teacher reference number (TRN) |  |

**Contact details of the teacher you are referring:**

|  |  |
| --- | --- |
| Contact address |  |
| Postcode |  |
| Country |  |
| Home telephone number |  |
| Mobile number |  |
| Work telephone number (if the teacher is still working) |  |
| Email address |  |

**Part 2: Details of the work carried out by the teacher you are referring**

**About their role**

|  |  |
| --- | --- |
| Role title |  |
| Date they started working in this role |  |
| Date they ceased working in this role |  |
| How did they leave this role? (eg dismissed, resigned, retired) |  |
| School name |  |
| School address |  |
| Describe the main duties of their role (may be continued on a separate sheet if required) |  |

**Part 3: Details of any previous misconduct, disciplinary action or complaints**

**Please give details of any previous misconduct, disciplinary action or complaints (including any previous referrals to the Teaching Regulation Agency (TRA), National College for Teaching and Leadership (NCTL), Teaching Agency or General Teaching Council for England (GTCE)).**

|  |  |
| --- | --- |
| Date | Nature of allegation and what action was taken |
|  |  |

**Part 4: Details of the allegations of serious misconduct**

**Please describe the incidents that lead you to believe that the teacher is guilty of serious misconduct (you may continue on a separate sheet if required).**

|  |
| --- |
|  |

**Part 5: Chronology of events (including details of all local procedures followed)**

**Please set out the events relating to this referral in the order in which they happened (please continue on a separate sheet if required)**

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Event | Relevant documents | Persons involved |
|  |  |  |  |

**Part 6: Documentation supplied**

Please note that the list below is not intended to be a definitive list of information to be forwarded with a referral. It is a guide to the most common documents used in local level disciplinary procedures that would be useful for TRA’s investigation. See the Guidance and notes section for more information on what to include with a referral.

**Please use the table below to show the types of documentation you are supplying with this referral.**

|  |  |
| --- | --- |
| **Document supplied** | **Yes or No** |
| Application for employment |  |
| CV or resume |  |
| References |  |
| Letter of employment offer |  |
| Job description, role requirement or person specification |  |
| File notes concerning conduct, behaviour, attitude |  |
| Statements made by the referred teacher |  |
| Documents of internal investigations and outcomes |  |
| Documents of any past disciplinary action and complaints |  |
| Police investigation and reports |  |
| Local authority investigation reports or documents |  |
| Reports from other bodies or agencies |  |
| Signed witness statements |  |
| Dismissal, resignation or redeployment letters |  |
| Interview reports relating to the referral |  |
| Minutes of strategy meetings |  |
| Other documents (please state) |  |

**If you have not supplied any relevant documents, please state reasons. For example, if documents are missing or to follow.**

|  |
| --- |
|  |

**Part 7: Referring party**

**Referring organisation or establishment**

|  |  |
| --- | --- |
| Name of organisation |  |
| Type of organisation |  |
| Contact address |  |
| Postcode |  |
| Country |  |

**Primary contact**

|  |  |
| --- | --- |
| Title (eg Mr, Mrs, Miss, Ms) |  |
| Surname |  |
| Forenames |  |
| Position |  |
| Telephone number |  |
| Mobile number |  |
| Email address |  |

 **Alternative contact**

|  |  |
| --- | --- |
| Title (eg Mr, Mrs, Miss, Ms) |  |
| Surname |  |
| Forenames |  |
| Position |  |
| Telephone number |  |
| Mobile number |  |
| Email address |  |

 **Part 8: What completing this referral means for you**

If your allegation of serious misconduct is investigated, it could result in the person you’re referring being banned from teaching.

You might need to attend a hearing of a professional conduct panel to give evidence, if the allegation reaches that stage.

Personal information contained in this referral can be released to individuals making a subject access request (SAR) in line with their information rights. TRA will tell the person making the SAR the name of the organisation making the referral, they will not release any personal or staff details.

If this referral results in an investigation, TRA will share the full referral, the organisation name and referrer’s details with all parties connected to the investigation using Public Task as its legal basis.

Once a referral is submitted, it’ll be kept on file for up to 50 years.

**Part 9: Declaration**

**You must sign this referral form. By sending this referral, you agree that:**

* your allegation may be investigated, which could result in the person you’re referring being stopped from teaching
* your answers are true to the best of your knowledge and belief
* your referral, any evidence and supporting information may be shared with the person you’re referring and any employer
* you have permission from the relevant third parties for any evidence and supporting information to be shared, for example the police or DBS
* you may need to attend a hearing and give evidence if your allegation reaches that stage
* your referral will be kept on file for 50 years

**Signature:**   **Date:**

**Name (in BLOCK CAPITALS):**

**Job title or position:**

**Organisation:**

**Relationship to the individual you are referring:**

**Returning the form**

**Please check that you have answered all the questions you can and you have signed or typed your name in the declaration section.**

Please return this form, together with all supporting documentary evidence, to misconduct.teacher@education.gov.uk.

If you experience any issues whilst trying to email us or require assistance with this form, please contact us on 020 7593 5393.

**Guidance and notes: TRA teacher misconduct referral form for use by employers**

This form is for employers (including employment or supply agencies) who wish to refer an allegation of serious misconduct by a teacher in England to the Teaching Regulation Agency (TRA).

* **TRA will only consider cases where the misconduct is serious enough to potentially result in a prohibition order, meaning that the person can no longer be a teacher.**
* **TRA will not deal with cases and complaints relating to less serious misconduct issues or to a teacher’s performance or competence as these should be dealt with locally.**

**Before making a referral** please consult the [Teacher Misconduct: The Prohibition of Teachers document](http://www.gov.uk/tra/teachermisconduct) which outlines the types of misconduct and relevant offences that might lead to a teacher being prohibited from the teaching profession in England.

 Then please consider the following questions:

1. Is the allegation against the teacher serious enough that they should be prevented from teaching?
2. Has the teacher been dismissed for serious misconduct, or resigned prior to a likely dismissal for serious misconduct? If so, do you think a prohibition order may be appropriate?

If the allegation against a teacher is in any way connected to the risk of harm, or actual harm, to a child (safeguarding) then you should make the referral to the [Disclosure and Barring Service (DBS)](http://www.gov.uk/government/organisations/disclosure-and-barring-service). If misconduct and safeguarding are both involved, or if you are in any doubt, referral should be made to both the DBS and TRA.

Please include with this form all relevant correspondence, documentation and information in relation to the teacher’s alleged conduct.

Examples of the specific types of information that may be relevant are:

* letter or notice terminating a teacher’s employment
* statement of reasons for dismissal
* employer’s records relating to the dismissal or any contemplated dismissal, including notes and minutes of meetings and hearings, interview notes, signed witness statements, and any other evidence supplied or obtained by the employer
* employer’s letters, warnings or notices issued to the teacher, and the teacher’s replies or representations relating to it
* any other statements, representations and evidence submitted by the teacher to the employer
* letter of resignation
* relevant training documentation (eg safeguarding training received or completed)
* relevant school policies and procedures (particularly where these may have been breached)

**Notes**

Please read the full details of the [teacher regulation process](http://www.gov.uk/teacher-misconduct-regulating-the-teaching-profession).

It is important to note that when we receive a referral, consideration is given solely as to whether the alleged conduct is of such a serious nature that it could possibly result in a prohibition order to prevent the teacher from teaching again. In carrying out this role we will consider referrals where we will then take no action. This is not to condone such conduct but to adhere to our specific remit of only being involved in the most serious of cases of misconduct.

In accordance with The Teachers’ Disciplinary (England) Regulations 2012 (the Regulations), TRA only has jurisdiction over teachers who are, or have ever been, employed or engaged to carry out teaching work at:

* + a school in England
	+ a sixth-form college in England
	+ relevant youth accommodation in England
	+ a children’s home in England
	+ a 16 to 19 Academy

and when employed in these settings have been engaged in:

* + planning and preparing lessons and courses for pupils
	+ delivering lessons to pupils
	+ assessing the development, progress and attainment of pupils
	+ reporting on the development, progress and attainment of pupils

Delivering includes delivering lessons through distance learning or computer aided techniques. The activities specified above are not teaching work for the purposes of the Regulations if the person carrying out the activity does so, other than for the purposes of induction, subject to the direction and supervision of a qualified teacheror other person nominated by the headteacher to provide such direction and supervision.

We will not usually be able to consider cases relating to teaching assistants, higher level teaching assistants or other support staff not engaged in unsupervised teaching activities. We do not have jurisdiction to consider individuals who are employed in further education (except for sixth-form colleges) and higher education and who have never engaged in teaching as set out above. For advice and guidance, please contact the Office of the Independent Adjudicator for higher education, and the Society for Education and Training for further education (formerly the Institute for Learning).

When providing documentation to support your referral, please consider that signed and dated statements and minutes are of greater legal value than unsigned documentation. If your documents were not signed at the time of any internal investigation process, if possible, please ask the parties involved to sign and date a statement that testifies to the truth and accuracy of the documentation.

Please do not redact the documentation that you send to us as this will make it difficult to fully understand and to appropriately consider the evidence being referred. All information provided is treated in strict confidence.

If there are other organisations that are involved in a case that may be relevant to our investigation (eg police force or examination board) please provide contact names and details.

If you require further information about making a referral to TRA please contact us on 020 7593 5393 or by email misconduct.teacher@education.gov.uk.