



1. Introduction

1.1 Teachers are expected to demonstrate high standards of professional conduct as they are the role models of students.¹ In Hong Kong, teachers' professional conduct has been the subject of heated discussion after the outbreak of the social incidents in June 2019. There have been complaints about some teachers allegedly posting hate remarks on social media, committing provocative/unlawful acts, and using inappropriate teaching materials. Under the existing regulatory framework, the Education Bureau ("EDB") and relevant authorities are entrusted to handle complaints against teachers and take appropriate disciplinary action if necessary. Nonetheless, stakeholders have raised concerns about the complaint-handling and disciplinary mechanisms in terms of areas such as the transparency and fairness of the process and the outcome.²

1.2 Similar to Hong Kong, many overseas jurisdictions have put in place a regulatory regime to govern teachers' professional practice and conduct. Their regulatory models may vary depending on the level of involvement of the government, the teaching professionals and other stakeholders. Nevertheless, the responsible regulatory authorities/bodies are usually guided by a set of professional code or standards in regulating the practice and professional conduct of teachers, as well as governed by the complaint-handling and disciplinary procedures established for handling cases of teachers' misconduct. Some jurisdictions may also regulate teachers' expression of political views in school through specific legislative provisions or case law.

¹ According to the Secretary for Education, "[t]he professional quality of the teaching profession makes a direct impact on the quality of education. Enhancing the professional capability of teachers and maintaining a teaching profession of ethical standards is one of the main responsibilities of the Education Bureau (EDB). Teachers serve as role models for our next generation by words and deeds." See GovHK (2020b).

² See GovHK (2020d & 2020e).

1.3 At the request of Hon CHEUNG Kwok-kwan, the Research Office has prepared this information note which studies the regulatory regimes governing teachers' professional conduct in selected places. It will first study the relevant regulatory regime in Hong Kong, followed by an overview of the common models adopted by overseas jurisdictions in regulating teachers' professional conduct and the general scope of conduct being covered under the regulatory regimes.

1.4 This information note also studies England of the United Kingdom ("UK") and British Columbia of Canada in detail, as these two places are similar to Hong Kong in terms of the involvement of the government in regulating teachers' professional conduct. Nevertheless, British Columbia has adopted a balanced control approach which involves not only the government but also the teaching profession and other stakeholders in the regulatory regime. The study of England and British Columbia will focus on the scope of the relevant professional code or standards, the complaint-handling and disciplinary mechanisms, the implementation experiences of the respective mechanisms and the related issues of concern.

2. Hong Kong

2.1 In Hong Kong, the regulatory framework of the teaching profession³ is laid down in the Education Ordinance (Cap. 279) and the related regulations. According to the Education Ordinance, EDB administers the registration and de-registration mechanisms to ensure teachers' compliance with the specified academic qualifications and other relevant statutory requirements. EDB is empowered to issue reprimand letters, written warnings, written advice and verbal reminders. It may refuse or cancel a person's teacher registration if the person concerned is "not a fit and proper person to be a teacher" or "has been convicted of an offence punishable with imprisonment".

³ As at September 2019, there were some 71 700 teachers practising in the kindergartens, and primary and secondary schools in Hong Kong. Among them, 20% were kindergarten teachers, 39% primary school teachers and 41% secondary school teachers. See Census and Statistics Department (2020).

Professional code of conduct and standards

2.2 The professional conduct of teachers in Hong Kong is primarily guided by the **Code for the Education Profession of Hong Kong** ("the Code") promulgated in October 1990.⁴ The Code sets out eight objectives, which include (a) providing a set of recognized ethical standards and self-disciplinary guidelines for the teaching profession; (b) establishing and maintaining high standards in education; and (c) obtaining the community's confidence in and support for the profession by emphasizing the social responsibilities of the profession towards the community.⁵

2.3 The Code also specifies that a member of the teaching profession "shall strive to uphold the honour, dignity and ethics of the education profession" and "shall show respect for the law and the behavioural norms acceptable to the society as a whole".⁶ Besides, the teachers are expected to "as far as possible adopt an objective viewpoint in discussing controversial matters with students" and "teach students to respect different positions and opinions in matters over which public opinion is divided".⁷

2.4 In 2018, the Committee on Professional Development of Teachers and Principals ("COTAP")⁸ issued the **Professional Standards for Teachers of Hong Kong** ("the Professional Standards") which further sets out the expectations and goals for the professional development of teachers. The Professionals Standards stipulate that teachers should serve "as a role model of all-round personal development with moral virtues, positive values and attitude" for nurturing students' character. As committed role models of professionalism, teachers are also expected to "uphold ethical practices and abide by the Code for the Education Profession of Hong Kong; understand the

⁴ The Code was compiled by the Preparatory Committee, Professional Code for Educational Workers set up by the then Education Department in 1987.

⁵ Other objectives include (a) promoting a sense of professional identity among members of the profession; (b) enhancing morale among members of the profession; (c) promoting democratization in educational policy making and democracy in society; and (d) elevating the autonomy and social status of the profession through professionalization.

⁶ The Code stipulates the commitment of the teaching profession in general and the specific commitments of teachers to students, colleagues, employers, parents/guardians and the community respectively. It also lays down the rights of teachers in general, and their rights as a professional and as an employee. See Council on Professional Conduct in Education (1995).

⁷ See Council on Professional Conduct in Education (1995).

⁸ COTAP is a non-statutory advisory body responsible for advising the Government on policies and measures relating to the professional development of teachers and principals at different career stages of professional growth.

principles of the Basic Law and respect the rule of law as a core value of Hong Kong".⁹

2.5 The Code and the Professional Standards do not contain any specific provision regarding teachers' expression of political views in school, which comes under heated discussion after the outbreak of social incidents. Nevertheless, the Education Ordinance stipulates that the Chief Executive in Council may make regulations on the control of the dissemination of information, or expression of opinion, of a clearly biased political nature in schools.¹⁰ The Chief Executive in Council made regulation 98(2) of the Education Regulations, whereby the Permanent Secretary for Education ("PS(Ed)") may give directions in writing or other guidance to the management authority of any school as to the dissemination of information or expression of opinion of a political nature in that school, so as to ensure that that information or opinion is unbiased.

Complaint-handling and disciplinary mechanisms

2.6 Complaints about teachers' professional misconduct can be lodged with **the school concerned, the Council on Professional Conduct in Education ("CPC")¹¹ or EDB**. The mechanism on handling the registration status of teachers committing offence or misconduct is summarized in **Appendix I**.

School-based mechanism

2.7 All public and Direct Subsidy Scheme schools are required to establish a school-based complaint-handling mechanism, namely the "Enhanced School Complaint Management Arrangements" ("Enhanced Arrangements"),¹² for

⁹ See Committee on Professional Development of Teachers and Principals (2021) and GovHK (2020e).

¹⁰ See section 84(1)(m) of the Education Ordinance.

¹¹ CPC, established in 1994, is a non-statutory advisory body responsible for (a) advising the Government on measures to promote professional conduct in education; (b) drafting operational criteria defining the conduct expected of an educator; and (c) advising PS(Ed) on cases of disputes or alleged professional misconduct involving teachers.

¹² The essence of the Enhanced Arrangements also includes clearly defining the roles and responsibilities of schools and EDB in the handling of school-related complaints. For example, EDB would intervene and conduct direct investigation in any time if the cases involve serious incidents such as maladministration of the school authorities and students' safety, etc. Furthermore, the Enhanced Arrangements also include setting up an independent mechanism by EDB to review school-related complaints.

handling complaints relating to their daily operation and internal affairs lodged by parents, students or members of the public.¹³ The schools concerned can impose disciplinary actions on staff members committing misconduct proportionate to the nature and gravity of the misconduct.

Council on Professional Conduct in Education

2.8 CPC handles complaint cases lodged directly by complainants in accordance with the standing case handling procedures.¹⁴ As an advisory body, CPC will only make recommendations on the disciplinary action to be taken against teachers committing misconduct for consideration of PS(Ed) who is vested with power to impose disciplinary actions. PS(Ed) may accept or disagree with the views of CPC, taking into consideration the deliberation of CPC and making reference to the disciplinary action taken for similar cases handled by EDB.¹⁵

Education Bureau

2.9 Misconduct complaint cases lodged directly with EDB that are not related to offences will first be investigated by the schools concerned. After completing investigation and taking the appropriate school-based follow-up actions, the schools concerned will submit a report to EDB for review. Offence-related complaint cases will be handled by EDB directly.¹⁶

2.10 An **internal Task Force** comprising EDB's directorate officers will examine in detail cases involving the registration status of the teachers concerned and recommend to PS(Ed) on whether cancellation or refusal of teacher registration is necessary. Depending on the nature and severity of a

¹³ EDB conducted three phases of pilot project between the 2012-2013 and 2014-2015 school years on assisting participating schools to establish a fair, just and open complaint-handling mechanism under the Enhanced Arrangements. In view of the positive evaluation results of the pilot project, the Enhanced Arrangements were fully implemented in all public sector and Direct Subsidy Scheme schools with effect from 1 September 2017. See Education Bureau (2021).

¹⁴ See Council on Professional Conduct in Education (2018).

¹⁵ See Council on Professional Conduct in Education (2018) and Working Group on Promoting and Upholding Teachers' Professional Conduct (2015).

¹⁶ For cases involving police investigation or unlawful acts of teachers, regardless of whether the teacher is convicted or not, EDB will, upon completion of all the legal proceedings (including the appeal proceedings), review his or her teacher registration status based on the information available. See GovHK (2020d).

case, PS(Ed) may cancel a teacher's registration pursuant to the Education Ordinance if he or she considers that the teacher concerned is not a fit and proper person to be a teacher. PS(Ed) may take other follow-up action in case cancellation of registration is not warranted, such as issuing a reprimand, warning or advisory letter so as to allow the teacher concerned to make improvements.¹⁷

2.11 In case a teacher is not satisfied with PS(Ed)'s decision of cancelling his or her teacher registration after review of an offence or misconduct case, he or she may appeal to the **Appeal Boards Panel**¹⁸ within 21 days. The appeal case will be considered by an Appeal Board comprising five members of the Appeal Boards Panel, of which at least three members must be registered teachers. If the appellant is not satisfied with the decision, he or she may appeal by way of petition to the Chief Executive in Council.

2.12 Between 2010 and 2019, EDB handled 585 cases relating to suspected professional misconduct of teachers, of which the registration of 72 teachers was cancelled. The number of complaint cases handled by EDB has increased after the social incidents in June 2019. Specifically, EDB received 262 complaints about alleged professional misconduct by teachers between June 2019 and October 2020.¹⁹ Investigation in 226 complaints was completed and 85 cases were found unsubstantiated. As at end-November 2020, EDB cancelled the registration of two teachers,²⁰ reprimanded 23 teachers, and issued warning letters, written advice or verbal reminders to another 62 teachers.

Issues of concern

2.13 Many stakeholders have recently expressed concerns about EDB's complaint-handling and disciplinary mechanisms for teachers involved in professional misconduct cases. Some are of the views that EDB has to make

¹⁷ See Working Group on Promoting and Upholding Teachers' Professional Conduct (2015), and GovHK (2020d & 2020e).

¹⁸ The members of the Appeal Boards Panel are appointed by the Chief Executive in accordance with section 59 of the Education Ordinance. See GovHK (2020e).

¹⁹ See South China Morning Post (2021).

²⁰ In 2020, EDB cancelled the registration of two teachers, one for preparing a lesson plan that allegedly promoted Hong Kong independence, and the other because some of the historical facts he taught students were not accurate. See GovHK (2020e) and RTHK (2020a).

public the details of the complaint cases²¹ to protect the interests of students and parents, as well as ensuring that the punishments imposed have deterrent effect and are proportionate to gravity of the misconduct. Some others, particularly teachers, are concerned about fairness of EDB's complaint-handling and disciplinary mechanisms. They worry that teachers involved in de-registration cases have not been given the opportunity to fully defend their cases.²² Some are also concerned that the complaint procedures have been abused and cases lodged by anonymous complainants may not be well-grounded. In addition, there is a call for establishment of an independent statutory body to handle regulatory matters relating to teachers including registration, complaint-handling and disciplinary matters.²³

2.14 In response to the disclosure of details of the complaint cases, EDB has unveiled that it is subject to the Personal Data (Privacy) Ordinance (Cap. 486) and adheres to the principle of confidentiality when handling matters involving the personal data of teachers.²⁴ Notwithstanding this, EDB would consolidate and analyse the cases it has handled or select some common or typical cases for parents and society to learn about the actual situation of the incidents.

2.15 With regard to the disciplinary mechanism, EDB has stated that it would fully consider the information collected through the investigation process (e.g. the school's report and the teacher's representations), and take appropriate action based on the severity of the incident. For teachers who had been reprimanded or warned in writing before, EDB may consider cancelling their registration if they misconduct themselves again.²⁵ For cases that may involve cancellation of registration, EDB has iterated that it would follow the procedure as described in Appendix I. In particular, it will inform the teacher concerned of the possible sanction and invite him or her to submit representations within 14 days.

2.16 EDB has stated that it does not categorize the complaints by whether they are anonymous or not. It has the responsibility to follow-up complaints,

²¹ These include the disclosure of details of the complaint cases such as the names of the teachers and the schools concerned.

²² In October 2020, EDB decided to cancel a teacher's registration and the teacher concerned claimed that he was not given any opportunity for making an oral representation before EDB's decision. See GovHK (2020e).

²³ See GovHK (2020d & 2020e) and RTHK (2020b & 2020c).

²⁴ See GovHK (2020d).

²⁵ See GovHK (2020c & 2020d).

even if they are anonymous, if the allegations involve words or deeds which obviously fail to meet the moral standards as acceptable to the general public, risk the safety of students, or harm the healthy development of students. In addition, EDB has reiterated that it has handled every complaint against teachers in a prudent, fair, impartial and objective manner.²⁶

2.17 On establishing an independent statutory body to handle regulatory matters related to teachers, EDB has made reference to a report published by the Working Group on Promoting and Upholding Teachers' Professional Conduct ("the Working Group")²⁷ in 2015. In the report, the Working Group recommended maintaining the existing government-controlled regulatory framework and affirmed that the complaint-handling mechanism of EDB had been working effectively.²⁸

3. Overview of the global regulatory regimes

3.1 Many jurisdictions around the world have established their respective regulatory regimes to regulate teachers' professional conduct. In general, the responsible regulatory authorities or related bodies in the education sector usually lay down a set of professional code and/or standards to provide the guiding framework for teachers' training, continuous development, certification, practice and/or disciplining of any misconduct.²⁹

3.2 Indicative of the above trend, some Asian jurisdictions such as China and Singapore have set out codes and standards of professional conduct for the teaching profession. In China, the Ministry of Education is responsible for, among others, regulating the professional practice and conduct of teachers

²⁶ See GovHK (2020a, 2020d & 2020e).

²⁷ The Working Group was established by the Education Commission in 2013 to review and make recommendations to refine the framework and mechanism for promoting and upholding teachers' professional conduct.

²⁸ Nonetheless, the Working Group had suggested EDB considering providing some principles on handling misconduct cases and decided cases illustrating how these principles were applied so that the teaching profession could be properly guided. See Working Group on Promoting and Upholding Teachers' Professional Conduct (2015).

²⁹ According to the United Nations Educational, Scientific and Cultural Organization (2009), a code of conduct for the teaching profession should include two major components, namely: (a) the ethical values that should underpin the work of teachers; and (b) based on those values, the standards of professional conduct that should guide teachers in their daily activities in working with various stakeholders.

under the relevant codes and standards. These include the professional ethics of primary and secondary school teachers (中小學教師職業道德規範) promulgated in 2008 and the professional code of conduct for new generation primary and secondary school teachers (新時代中小學教師職業行為十項準則) issued in 2018. These codes and standards specify the commitment of teachers to the country, the teaching profession and students, as well as providing the guidance for teaching standards, ethical standards and continuous professional development.³⁰

3.3 Similarly, in Singapore, the Ministry of Education administers the registration, complaint-handling and disciplinary mechanisms for the teaching profession. The Ministry issued the Code of Professional Conduct for Educators in 2013, which lays down (a) rules that teachers have to comply with, such as not drinking, gambling or smoking in school, and avoiding inappropriate relationships with students; and (b) guidelines on behaviour such as use of social media. Complaints about teachers' misconduct can be reported to the schools concerned or the Ministry. The cases will be investigated by the Ministry and disciplinary action will be taken if there is any wrongdoing.³¹ Serious misconduct cases leading to de-registration of teachers were reportedly related to misconduct such as sexual abuse of students or drug consumption.³²

3.4 The scope of the professional code/standards and the specific conduct governed may vary by jurisdictions depending on the local circumstances. For a particular conduct like the teachers' expression of political views in school, it may not be specifically covered in the professional code or standards. Instead, it has been regulated by case law in jurisdictions like the United States and Canada and by specific legislative provisions in England.

3.5 While it is common for overseas jurisdictions to put in place professional codes or standards regulating the teaching profession, the level of involvement of the government, the teaching professionals and other stakeholders in the regulatory regime differs among them. The regulatory

³⁰ The disciplinary mechanism for primary and secondary school teachers committing misconduct is stipulated in the relevant state and local regulations, which specify the categories of misconduct that are subject to sanction and the types of sanction that can be imposed.

³¹ Scanty information is available in the public domain about the Code of Professional Conduct for Educators in Singapore and the complaint-handling and disciplinary mechanisms of the Ministry of Education.

³² See Singapore Press Holdings Ltd (2018).

model adopted may vary from **an absolute or a great majority public control** model like that in China, Singapore and England, to a **self-regulatory** model as in Ontario of Canada, and a **balanced control** model involving the government, teachers and the public in the cases of British Columbia of Canada and Scotland of the UK.³³

3.6 According to the Working Group,³⁴ there is an international trend for some jurisdictions to shift their regulatory regime of the teaching profession from a self-regulatory model to a model featuring greater public control. In the early 2010s, England and British Columbia had both reformed their regulatory regimes in this direction. The features of their current regulatory regimes and the complaint-handling and disciplinary mechanisms for teachers involved in professional misconduct are highlighted in the ensuing sections.

4. England

4.1 In England, the Department for Education ("DfE") set up an executive agency³⁵ in 2012 to take over the regulatory responsibilities of the then General Teaching Council for England ("GTCE"),³⁶ marking a shift in the government's policy from adopting a self-regulatory approach to employing a public control approach to regulate the professional conduct of teachers. DfE had adjusted the name and roles of the executive agency in several rounds of reform between 2012 and 2018.³⁷ Under the latest round of reform in 2018, the executive agency was renamed as the **Teaching Regulation Agency** ("TRA"), and was tasked to, among others, (a) award qualified teacher status to

³³ See Working Group on Promoting and Upholding Teachers' Professional Conduct (2015).

³⁴ Ibid.

³⁵ An executive agency is a "semi-detached" central government body tasked to deliver the functions of a primarily policy-focused department with considerable freedom from day-to-day intervention by the department concerned.

³⁶ GTCE was established in 2000 aiming to, among others, establish and maintain a register of eligible teachers, and exercise disciplinary power regarding teachers' misconduct. The government decided to abolish GTCE in 2010 as it was considered ineffective in delivering its regulatory responsibilities. At that time, there had also been strong criticism about GTCE for not punishing a teacher who was alleged of making racist comments against immigrants. See Tes.com (2010).

³⁷ DfE set up the Teaching Agency in 2012 as the regulatory agency overseeing the recruitment, training and regulation of teachers. In 2013, the Teaching Agency was merged with the then National College for School Leadership to form the National College for Teaching and Leadership ("NCTL") to deliver the regulatory functions. In 2018, NCTL was renamed and its teacher recruitment and training related responsibilities were transferred to DfE.

those who have completed the relevant training; (b) administer the investigation and disciplinary procedures for complaint cases involving teachers alleged of serious misconduct; and (c) maintain the database of qualified teachers to allow employers to conduct pre-recruitment checks and allowing teachers to access their certificates.³⁸ TRA comprises two operational teams, namely the Teacher Qualification Unit and the Teacher Misconduct Unit, employing 75 staff in 2019-2020.³⁹

Regulatory framework governing teachers' professional conduct

4.2 Teachers in England are required to comply with the **Teachers' Standards** which lay down a clear baseline of expectations for the professional practice and conduct of teachers and provide guidelines for teachers' professional training and development. The Teachers' Standards, which came into effect in September 2012, have statutory force in relation to teachers' performance assessment⁴⁰ and misconduct hearings as specified in the relevant legislation.⁴¹

4.3 The Teachers' Standards comprise two main parts with part one governing teachers' **teaching standards**⁴² and part two regulating teachers' **personal and professional conduct**. Specifically, part two of the Teachers' Standards stipulate that teachers have to "uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school by", among others, (a) "not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs"; and (b) "ensuring that

³⁸ As at November 2019, there were full-time equivalent of about 454 000 teachers working in state-funded schools in England, of which 95% held qualified teacher status. See Gov.UK (2020d).

³⁹ See Teaching Regulation Agency (2020a).

⁴⁰ According to the Education (School Teachers' Appraisal) (England) Regulations 2012, all schools funded by the local authorities have to adopt the Teachers' Standards for assessing teachers' performance.

⁴¹ See Legislation.gov.uk (2012b).

⁴² Teaching standards cover eight key areas, namely: (a) setting high expectations which inspire, motivate and challenge pupils; (b) promoting good progress and outcomes by pupils; (c) demonstrating good subject and curriculum knowledge; (d) planning and teaching well-structured lessons; (e) adapting teaching to respond to the strengths and needs of all pupils; (f) making accurate and productive use of assessment; (g) managing behaviour effectively to ensure a good and safe learning environment; and (h) fulfill wider professional responsibilities. See Gov.UK (2011).

personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law".⁴³

4.4 As for teachers' **expression of political views** in school, section 406 of the Education Act 1996⁴⁴ provide that "the local authority, governing body and head teacher shall forbid the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils,⁴⁵ and the promotion of partisan political views in the teaching of any subject in the school". In 2018, DfE issued an advice reminding teachers to "ensure that they act appropriately in terms of their behaviour, the views they express (in particular political views)" and "should not use school resources for party political purposes".^{46, 47}

Complaint-handling and disciplinary mechanisms

4.5 In England, complaints about teachers, in particular those **less serious misconduct, incompetence or underperformance cases**, are handled at the **school level**. Governing bodies of individual schools are required to establish a set of fair and objective internal disciplinary procedures in the workplace and ensure that staff members are fully aware of those procedures.⁴⁸ Disciplinary sanctions imposed on the teachers concerned range from oral and written warning to dismissal, depending on the nature and gravity of the misconduct committed.

Misconduct proceedings of the Teaching Regulation Agency

4.6 As the regulatory agency of the teaching profession, TRA mainly handles **serious professional misconduct cases** which would warrant an imposition of a prohibition order (i.e. a ban on undertaking unsupervised

⁴³ See Gov.UK (2011).

⁴⁴ See Legislation.gov.uk (2018).

⁴⁵ Junior pupils are not allowed to participate in political activities organized by members of the school staff even if they take place outside schools.

⁴⁶ See Department for Education (2021).

⁴⁷ The advice was issued subsequent to a political campaign initiated by a group of headteachers in 2017 to protest against the budget cut of the government. The headteachers concerned sent letters to parents informing them of the budget cut and urging them to lobby Members of Parliament to increase school funding. See The Guardian (2018).

⁴⁸ See Department for Education (2021).

teaching work in schools or other relevant settings).⁴⁹ Serious professional misconduct refers to (a) unacceptable professional conduct; or (b) conduct that may bring the profession into disrepute or a conviction of a "relevant offence". TRA must consider any serious professional misconduct cases referred by employers of teachers, members of the public, the police, the Disclosure and Barring Service,⁵⁰ or other relevant regulators in accordance with the relevant regulations.⁵¹ Complainants are required to sign their names on the complaint referral form. Referrals by members of the public will only be considered after all possible local procedures have been followed, including complaining to the schools concerned.

4.7 The misconduct proceedings of TRA are characterized by the following procedures:

- (a) **interim prohibition orders ("IPO")**: as an initial step, TRA will determine whether an IPO should be considered to prevent the subject of the referral from teaching until the case is concluded. An IPO can be made at any stage in the misconduct proceedings without the need for a hearing once the seriousness of the allegation has been established;
- (b) **investigation and hearing**: should TRA decide to carry out an investigation, it will formulate the allegations to be put to the teacher concerned and inform him or her of TRA's decision. When the TRA has completed its investigation, it will decide whether to refer the case to a **professional conduct panel hearing**.^{52, 53} An independent panel will be formed comprising at least three members, one of them should be a current teacher or a teacher in the past five years, and another one should be a lay person. All panel members are recruited through a public appointment process;

⁴⁹ The purpose of imposing a prohibition order is to (a) protect students; (b) maintain public confidence in the teaching profession; and (c) uphold proper standards of conduct.

⁵⁰ The Disclosure and Barring Service is responsible for deciding whether an individual should be barred from working with children and vulnerable adults and maintaining a list of those individuals who are determined to be unsuitable.

⁵¹ See Legislation.gov.uk (2012b & 2014).

⁵² A case may be considered in a professional conduct panel meeting instead of a hearing if the teacher agrees the facts of the case and admits committing the serious misconduct.

⁵³ If TRA decides that a case should not be referred to a professional conduct panel hearing, the case will be closed.

- (c) **teachers' representation:** the teacher concerned can **submit written representations and evidence** to TRA within a four-week period at each of the investigation and hearing stages. He or she may **appear in person or represented by another person**, including a legal representative **at a hearing** to defend his or her case, and call witnesses to give evidence at a hearing;
- (d) **decision:** the professional conduct panel will decide whether to recommend to the Secretary of State for Education to impose sanction on a teacher, after finding him or her guilty of unacceptable professional conduct. The sanction may be a prohibition order with lifetime effect or a prohibition order with a condition allowing application to set it aside as recommended by the professional conduct panel after a hearing. No other sanction is imposed in case the panel considers a prohibition order not warranted after a hearing or TRA decides not to refer a case to a panel; and
- (e) **appeals:** the teacher concerned may appeal against a prohibition order to the High Court within 28 days of the date a notice is served. He or she may also apply to the Secretary of State for Education to set aside a prohibition order after a minimum of two years if it is a condition of the order.

4.8 TRA also strives to ensure **transparency** of the misconduct proceedings by providing relevant guidelines and information on the government website for stakeholders' reference. Professional conduct panel **hearings** are usually **held in public**.⁵⁴ Information on forthcoming hearings covering the name of the teacher concerned and the district where he or she has worked is published online by TRA about one week before the hearings are conducted. The **outcomes of the hearings**, including the decision of the Secretary of State for Education as to whether a prohibition order is imposed, the reasons for it and a summary of the evidence are also **published onto the government website**.⁵⁵ Besides, the names of persons under a prohibition order are put on a

⁵⁴ A hearing may be held in private if (a) it appears necessary in the interests of justice; (b) the teacher concerned makes a request and the panel does not consider it to be contrary to the public interest; or (c) children or vulnerable witnesses such as persons with mental disorder or alleged victims of misconduct of a sexual nature are involved in the hearing.

⁵⁵ For cases that are not substantiated or that imposition of a prohibition order is not warranted, the panel's findings will be published only at the request of the teacher concerned.

"prohibited list" which can be accessed online by prospective employers of school staff.

Observed outcomes

4.9 In 2019-2020, TRA received 900 teacher misconduct referrals, of which 637 (71%) fell within its jurisdiction. It investigated 488 cases of alleged serious misconduct and referred 298 cases to a professional conduct panel to consider the evidence.⁵⁶ Of the 96 cases handled by professional conduct panels in 2019-2020, prohibition order was imposed on 63 teachers. The other 33 cases were not substantiated, or the professional misconduct found did not warrant imposition of a prohibition order.⁵⁷

4.10 As for the misconduct proceedings of TRA, there have been concerns about imposing an IPO on the teacher alleged of serious misconduct before the proceedings are completed. The teacher concerned may be dismissed and his or her reputation may be damaged even before the case is concluded. Besides, TRA only allows the teacher to submit his or her response to the proposed IPO in 10 days. Furthermore, the teacher cannot appeal an IPO to a court. He or she can only request for a review by the Secretary of State for Education within six months of the date it is made and subsequently at six monthly intervals.⁵⁸

5. British Columbia

5.1 In 2012, the government of British Columbia reformed the regulatory regime for the teaching profession consequential to an earlier review of the British Columbia College of Teachers ("BCCT"),⁵⁹ the then self-regulatory body for the teaching profession in the province.⁶⁰ The 2012 reform saw the

⁵⁶ Cases referred to TRA may not be concluded in the same year when they are referred.

⁵⁷ See Teaching Regulation Agency (2020a).

⁵⁸ See Lawyers for Teachers (2020).

⁵⁹ BCCT, formed in 1987, was tasked to set and enforce standards for teachers in the province, assess applicants to the profession, and issue teaching certificates.

⁶⁰ The review report completed in 2010 raised concerns about the independence and credibility of BCCT. In particular, the independence of BCCT had been hampered by the intrusion of the BC Teachers' Federation, a union representing public school teachers, on its operations. In addition, the report revealed that BCCT had failed to properly balance "interest of members" and "public interest" in handling some professional misconduct cases. See Avison, D. J. (2010).

replacement of BCCT by the Teacher Regulation Branch of the Ministry of Education, which marks a shift from a self-regulatory approach to a balanced control approach characterized by the involvement of the government, the teaching profession⁶¹ and other stakeholder groups in the regulatory regime.

5.2 The enactment of the Teachers Act in 2011 provides for the setting up of the following regulatory structure to take over various responsibilities of BCCT:

- (a) **Director of Certification:** the Director is responsible for overseeing certification processes and determining fitness of applicants for certification;⁶²
- (b) **British Columbia Teachers' Council ("BCTC"):** BCTC, comprised of 16 elected and appointed members,⁶³ is responsible for approving teacher education programmes and setting standards relating to the competence and professional conduct of teachers;
- (c) **Commissioner for Teacher Regulation:** the Commissioner is an independent decision maker who oversees all discipline processes and considers certification appeals. He or she is appointed on the recommendation of the Minister of Education for a five-year term; and
- (d) **Disciplinary and Professional Conduct Board ("Disciplinary Board"):** the Disciplinary Board, comprised of nine members of BCTC, is responsible for serving on hearing panels for discipline and professional conduct matters.

⁶¹ As at September 2020, there were some 75 700 certified teachers in British Columbia. See Gov.bc.ca (2020e).

⁶² All teachers in British Columbia are required to hold a teaching certificate such as a certificate of qualification or an independent school teaching certificate to qualify for work in the kindergarten to Grade 12 education sector.

⁶³ BCTC comprises (a) five members elected by teachers; (b) three members appointed by the Minister of Education based on nomination from the BC Teachers' Federation, a union representing public school teachers; (c) seven members appointed by the Minister from other education stakeholder groups; and (d) one non-voting member representing the Minister. Election of BCTC members is held every three years.

Regulatory framework governing teachers' professional conduct

5.3 BCTC has established the **Professional Standards for BC Educators** ("Professional Standards") to guide the practice, conduct and ongoing professional development of certified teachers,⁶⁴ as well as providing the framework for the relevant authorities in making decisions related to teacher education programme, certification, fitness to practise and discipline of teachers. The latest version of the Professional Standards was issued in 2019,⁶⁵ containing nine standards which specify the knowledge, skills, attitudes and values that define teachers' professional practice. Specifically, teachers are required to, among others, act ethically and maintain the integrity, credibility and reputation of the profession in order to foster confidence of the public in the profession. According to the Professional Standards, "educators are held to a higher standard and are accountable for their conduct on duty and off duty".⁶⁶

5.4 The Professional Standards do not make specific reference to teachers' expression of political views in school. Instead, such behaviour is governed by case law.⁶⁷ Over the years, there have been cases of conflicts between teachers and their employers on teachers' freedom of expression⁶⁸ resolved through arbitration or judicial review. For example, in 2013, the judgment of the British Columbia Court of Appeal on a case recognized that teachers had contributed to democratic discourse by using their right of political expressions. The court also ruled that school boards could not justify limits to teachers' expression of views on education policies if there was no evidence of harm to students.⁶⁹ Nonetheless, there were rulings that

⁶⁴ The Professional Standards are applicable to holders of a certificate of qualification. These teachers account for 98% of all certified teachers in British Columbia. Holders of an independent school teaching certificate have to comply with another set of standards.

⁶⁵ The previous set of Professional Standards had been in effect since 2008. The Professional Standards were updated to reflect changes in the education system following a two-year consultation process involving various stakeholders.

⁶⁶ See BC Teachers' Council (2019).

⁶⁷ See Feitosa de Britto, T. (2017) and Kuehn, L. (2013).

⁶⁸ In Canada, freedom of expression is protected under section 2(b) of the Canadian Charter of Rights and Freedoms. However, the exercise of this freedom is "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society".

⁶⁹ Yet, a decade before the 2013 decision, teachers faced administrative directives at several schools prohibiting them from providing information to parents and posting materials on bulletin boards, which expressed opposition to government policies that were having a negative impact on class size and other classroom conditions.

teachers' freedom of expression was subject to limitations if there was harm to students or expression of hate and discrimination.⁷⁰

Complaint-handling and disciplinary mechanisms

5.5 The local school boards or authorities have put in place their respective policies for handling school-related complaints including those against teachers alleged of breaching the Professional Standards. While parents are encouraged to lodge their complaints to the schools, or the local school boards/authorities concerned, they may submit a written complaint to the **Commissioner for Teacher Regulation** in case their complaints cannot be resolved at the school level. A complainant is required to put his or her name on the designated complaint form and sign it for lodging a complaint. In addition, the Commissioner will (a) **review reports on specified misconduct cases filed by teachers,**⁷¹ **schools or school boards**⁷² to determine if a further investigation is required, or (b) **initiate investigation** on his or her own.⁷³

5.6 The Commissioner for Teacher Regulation will decide whether further action is required following preliminary review of the cases.⁷⁴ If so, he or she will institute the disciplinary process characterized by the following procedures:⁷⁵

⁷⁰ In one case, an arbitrator in British Columbia upheld the direction to teachers to remove black armbands they were wearing as a protest against the Foundation Skills Assessment. The arbitrator ruled that a teacher had made negative comments on the assessment and students were affected by the protest of an assessment that they were required to take on that day. There were also examples of ruling against teachers making racist and discriminatory statements in school. See Kuehn, L. (2013).

⁷¹ Under the Teachers Act, a certified teacher must promptly provide to the Commissioner a written and signed report if he or she has reason to believe that another teacher has engaged in misconduct involving physical harm, sexual abuse or exploitation, or significant emotional harm to a student. Teachers are also required to self-report to the Ministry of Education if they are criminally charged or convicted in relation to a relevant offence such as sexual offence, assault or abduction.

⁷² Schools or school boards are required to report cases involving the teachers concerned being disciplined for physical harm, sexual abuse or exploitation, or significant emotional harm to a student; or cases involving suspension or dismissal of the teachers concerned.

⁷³ The Commissioner may initiate an investigation in light of a media report or a notification from the relevant authorities such as the Ministry of Attorney General.

⁷⁴ The Commissioner may not take further action for reasons such as: (a) the matter is not within the Commissioner's jurisdiction; (b) the matter is frivolous or trivial; (c) the report or complaint was made in bad faith; or (d) it is not in the public interest to take further action.

⁷⁵ See British Columbia Commissioner for Teacher Regulation (2020), Gov.bc.ca (2020b) and Teachers Act (2011).

- (a) during the investigation of a case, the Commissioner may **suspend a teacher's teaching certificate** until the final outcome is determined by a voluntary consent resolution or a hearing if the teacher concerned may pose serious risk to the health or safety of students;
- (b) after the preliminary review or investigation of a misconduct case, the Commissioner or the teacher concerned may decide to resolve the case through a voluntary **consent resolution agreement** as an alternative to a hearing. Under the agreement, the teacher concerned admits committing the alleged misconduct or incompetence, and agrees on the sanction imposed;
- (c) cases that are not resolved after the investigation process or cannot proceed with consent resolution will be resolved through a **public hearing** to hear evidence and testimony on the case and decide on the sanction to be imposed. A hearing panel comprises three members, two are selected from the pool of Disciplinary Board members and one from the pool of six lay people with legal or professional regulation expertise;
- (d) the teacher concerned is allowed to **respond in writing** within 28 days **to an investigation report** that summarizes the facts of the investigation. In case a hearing is held, the teacher concerned may **call an expert to give evidence** at the hearing or submit a report stating the expert's opinions. The teacher concerned may also be **represented by a legal counsel** at the hearing;
- (e) depending on the severity of the breach of the Professional Standards determined through a consent resolution agreement or a hearing, the **sanction** imposed on the teacher concerned may range from a reprimand and suspension of a teaching certificate for a fixed period, to placing limits or conditions on a teaching certificate and cancellation of the certificate; and
- (f) the decisions of the Commissioner and of a hearing panel are **final and binding**.

5.7 The Ministry of Education ensures the **transparency** of the disciplinary process of teachers' misconduct by providing information of the process on the government website. A **hearing** of misconduct case is **held in public** unless it will bring hardship to the person harmed by the teacher concerned. Notification of a hearing, covering the name of the teacher concerned and the alleged misconduct, is posted online 10 days before it is held. **Outcomes of the disciplinary process** are **published onto the government website**, and the information provided include the consent resolution agreements or public hearing reports, the name of the teacher concerned, the misconduct involved, the sanction imposed and reasons for the decision. However, the outcome of a misconduct case will not be published if it will cause hardship to a person who was harmed by the teacher concerned. Disciplinary action involving suspension or cancellation of a teaching certificate will be recorded in the online registry of certified teachers available for access by the public.

Observed outcomes

5.8 In the 2019-2020 school year, the Commissioner for Teacher Regulation received 220 cases, including complaints lodged against teachers (53), reports from teachers, schools or school boards (143) and commissioner-initiated investigations (24).⁷⁶ Among the cases resolved, 80% of the cases did not involve further action following a preliminary review or an investigation and 20% of the cases were resolved through a consent resolution agreement. For the 53 cases that were found guilty of breaching the Professional Standards, the most commonly imposed sanction in the 2019-2020 school year was a suspension (involving 29 cases), followed by a reprimand (16 cases) and a ban on issuance of a teaching certificate for a fixed or indeterminate period of time (five cases). The least common sanction was cancellation of a teaching certificate (three cases).⁷⁷

5.9 The current regulatory system of teachers' professional conduct involves the government, teachers and other stakeholders. Such make-up has brought improvement over the previous self-regulatory system in terms of

⁷⁶ The cases received were related to misconduct such as: (a) inflicting emotional harm on students (44%); (b) breach of school rules (42%); (c) inappropriate behaviour before the class (26%); (d) non-sexual boundary violation with students (14%); (e) inflicting physical harm on students (13%); and (f) sexual boundary violation with students (7%). For some cases, a report or complaint of misconduct committed by a teacher fell into two or more categories.

⁷⁷ See British Columbia Commissioner for Teacher Regulation (2020).

transparency and effectiveness in handling complaints and disciplining teachers for professional misconduct. The current system has also been considered better in balancing public interest with interest of the teachers, in contrast to the previous system which had been criticized for favouring teachers' interest in handling disciplinary cases. It was reported that none of the complaint cases received by the former BCCT between 2003 and 2011 had resulted in disciplinary action against a teacher.⁷⁸ Nonetheless, there have been concern about public shaming of teachers under the disciplinary process as their names and misconducts will be made public even if the misconducts involved are not so serious in nature such as abuse of sick leave.⁷⁹

6. Concluding remarks

6.1 In all the selected places studied, the respective governments have adopted a public-control or balanced control model in regulating the teaching profession. The salient features of the regulatory regimes adopted are summarized in **Appendix II**. The responsible regulatory authorities and/or advisory bodies have put in place a set of professional code and standards for guiding the practice, conduct, training and development, certification and/or discipline of teachers. The relevant professional code and standards set out the ethical standards and values that teachers have to uphold, as well as providing guidelines on broad categories of relevant behaviour that may not be all-encompassing. For example, teachers' expression of political views in school is not covered in the professional code and standards. However, such behaviour is governed by specific legislative provisions in England and the case law in British Columbia.

6.2 With regard to the **complaint-handling mechanism** for teachers' misconduct, EDB in Hong Kong may handle cases lodged by anonymous complainants. In contrast, TRA in England and the Commissioner for Teacher Regulation in British Columbia do not handle anonymous complaints. Besides, these two regulatory authorities mainly handle complaints that have gone through the complaint procedures at the school or local authority level. At the investigation stage of a serious misconduct, they may suspend the teacher concerned from teaching before the case is concluded to protect interests of the school and students concerned.

⁷⁸ See CBC (2011 & 2016).

⁷⁹ See CBC (2011 & 2015).

6.3 As for the **disciplinary mechanism** for resolving serious misconduct cases that may lead to de-registration or cancellation of a teaching certificate, the cases in Hong Kong are examined by an internal Task Force of EBD. In contrast, serious misconduct cases in England and British Columbia are resolved through a hearing by an independent three-member panel comprising teachers, lay people and/or representatives of other stakeholder groups. In England, an independent hearing panel, comprising at least a current teacher/a teacher in the past five years and a lay person, hears evidence, determines if the case is substantiated and makes recommendation on the sanction to be imposed. In British Columbia, a misconduct case may be resolved through a consent resolution agreement as an alternative to a public hearing under which the teacher concerned admits committing the alleged misconduct and agrees on the sanction imposed. If a public hearing is held, a hearing panel will be formed to hear testimony on the misconduct case and decide on the sanction to be imposed. The panel comprises three members, two are selected from the pool of Disciplinary Board members and one from the pool of six lay people with legal or professional regulation expertise.

6.4 In all the three places studied, the teacher alleged of committing a misconduct is allowed to submit written representations to defend his or her case during the investigation stage. In Hong Kong, a teacher concerned who is notified of a possible cancellation of registration can submit representations within 14 days. As for England and British Columbia, the teacher concerned can appear in person or be represented by another person such as a legal counsel at a hearing and call witnesses or experts to give evidence.

6.5 The types of **sanction** imposed by the regulatory authorities on teachers committing professional misconduct vary in the places studied due to differences in the disciplinary power that they are vested with. In England, as TRA only handles serious misconduct cases that warrant a ban on teaching if they are substantiated, no sanction is imposed on substantiated cases in case a ban is not justified. As for Hong Kong and British Columbia, a range of sanctions ranging from a warning and reprimand to de-registration and cancellation of a teaching certificate may be imposed depending on the severity of the misconduct committed.

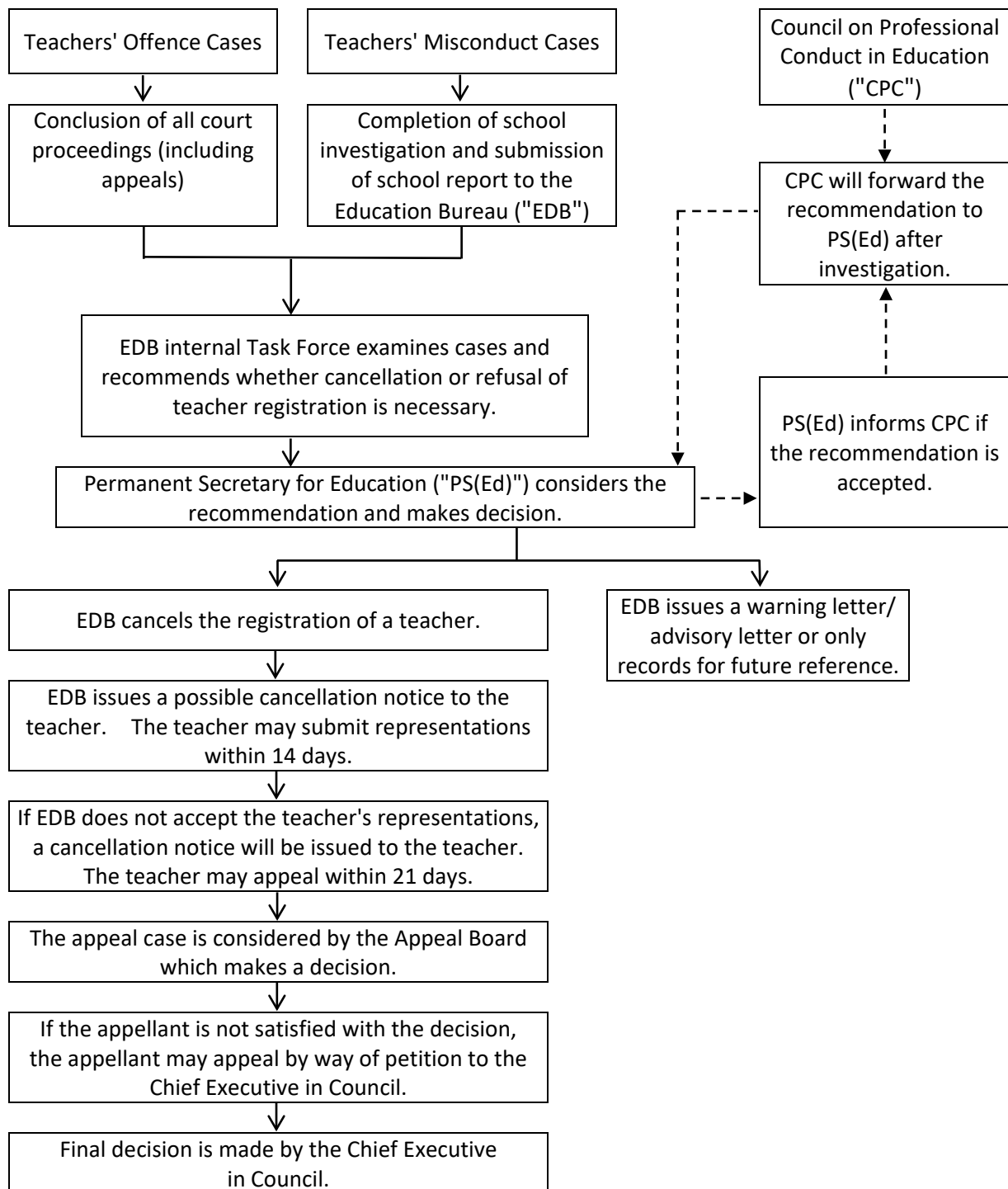
6.6 In Hong Kong, EBD may only disclose details of some common or typical misconduct cases where appropriate. However, England and British Columbia have made efforts to ensure **transparency** of the complaint-handling and disciplinary mechanisms by providing detailed information on the

respective mechanisms on the government website. Brief information on the teacher's name, the alleged misconduct and/or the district where the teacher concerned has worked is also disclosed in the hearing notifications. Furthermore, hearings for serious professional misconduct cases are usually held in public. Details on outcomes of the hearings and/or consent resolution agreements are posted onto the government website.

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Mechanism on Handling the Registration Status of Teachers Committing Offence or Misconduct in Hong Kong



Source: Working Group on Promoting and Upholding Teachers' Professional Conduct (2015).

Regulation of teachers' professional conduct in selected places

	Hong Kong	England	British Columbia
A. Overview of the regulatory framework			
Relevant legislation	<ul style="list-style-type: none"> Education Ordinance (Cap. 279) and related regulations 	<ul style="list-style-type: none"> Education Act 1996 Education Act 2011 The Teachers' Disciplinary (England) Regulations 2012 	<ul style="list-style-type: none"> Teachers Act and related regulations
Authorities responsible for regulating teachers' registration and professional conduct	<ul style="list-style-type: none"> Education Bureau ("EDB") 	<ul style="list-style-type: none"> Teaching Regulation Agency ("TRA"), an executive agency under the Department for Education 	<ul style="list-style-type: none"> Ministry of Education Director of Certification British Columbia Teachers' Council Commissioner for Teacher Regulation ("The Commissioner") Disciplinary and Professional Conduct Board ("Disciplinary Board")
Number of registered teachers	<ul style="list-style-type: none"> About 71 700 practising kindergarten, primary school and secondary school teachers as at September 2019 	<ul style="list-style-type: none"> Full-time equivalent of about 454 000 teachers working in state-funded schools as at November 2019 	<ul style="list-style-type: none"> About 75 700 certified teachers as at September 2020
B. Relevant code of conduct and/or standards and legislation governing teachers' professional conduct			
Relevant code of conduct and/or standards	<ul style="list-style-type: none"> Code for the Education Profession of Hong Kong ("the Code") promulgated in 1990 Professional Standards for Teachers of Hong Kong ("the Professional Standards") issued in 2018 	<ul style="list-style-type: none"> Teachers' Standards adopted in 2012 	<ul style="list-style-type: none"> Professional Standards for BC Educators ("Professional Standards") issued in 2019

Regulation of teachers' professional conduct in selected places

	Hong Kong	England	British Columbia
B. Relevant code of conduct and/or standards and legislation governing teachers' professional conduct (cont'd)			
Objectives of setting the code and/or standards	<ul style="list-style-type: none"> The Code sets the ethical standards and self-disciplinary guidelines for teachers to ensure high standards in education, among other objectives. The Professional Standards further lay down the expectations and goals for the professional development of teachers. 	<ul style="list-style-type: none"> Setting guidelines for teachers' professional practice and conduct, training and development, performance assessment and misconduct hearing. 	<ul style="list-style-type: none"> Setting guidelines for teachers' practice and ongoing professional development. Establishing a framework to guide relevant authorities in making decisions related to education programme, certification, fitness to practise and discipline of teachers.
Expression of political views in school	<ul style="list-style-type: none"> According to the Code, teachers are expected to, as far as possible, adopt an objective viewpoint in discussing controversial matters with students. The Permanent Secretary for Education ("PS(Ed)") may give directions to the management authority of any school regarding the dissemination of information or expression of opinion of a political nature to ensure that it is unbiased in accordance with the Education Regulations. 	<ul style="list-style-type: none"> According to the Teachers' Standards, teachers have to ensure that personal beliefs are not expressed in ways which exploit students' vulnerability or might lead them to break the law. Teachers are not allowed to promote partisan political views in the teaching of any subject in school in accordance with the Education Act 1996. 	<ul style="list-style-type: none"> There is no specific provision in the Professional Standards to govern teachers' expression of political views in school. However, according to case law, teachers may express views on the government's education policies provided that they do not bring harm to students. Teachers are, however, limited to express hate and discrimination in school.

Regulation of teachers' professional conduct in selected places

	Hong Kong	England	British Columbia
C. Complaint-handling and disciplinary mechanisms			
Authorities responsible for handling complaints against teachers' misconduct	<ul style="list-style-type: none"> Schools concerned EDB Council on Professional Conduct in Education (without disciplinary power) 	<ul style="list-style-type: none"> Schools concerned TRA 	<ul style="list-style-type: none"> Schools or school boards/authorities concerned The Commissioner
Handling of anonymous complaints lodged by members of the public by the regulatory authority	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> No
Procedures for handling serious cases that may lead to de-registration or cancellation of a teaching certificate	<ul style="list-style-type: none"> Offence-related complaint cases are handled directly by EDB. Misconduct cases are firstly investigated by the schools concerned, which will submit reports to EDB for review. An internal Task Force of EDB will then examine and follow up the cases and recommend appropriate disciplinary actions to PS(Ed). 	<ul style="list-style-type: none"> TRA investigates the cases and decides whether to refer the cases to a professional conduct panel hearing after considering the evidence and seeking relevant expert advice if necessary. The profession conduct panel hears the evidence and decides if a case is substantiated and a prohibition order is warranted. 	<ul style="list-style-type: none"> The Commissioner conducts preliminary review of the cases, undertakes investigation, and may decide to resolve a case through a voluntary consent resolution agreement or a public hearing.
Provision for suspending the registration or certificate of the teachers concerned during investigation for serious cases	<ul style="list-style-type: none"> No relevant provision 	<ul style="list-style-type: none"> Yes (interim prohibition order) 	<ul style="list-style-type: none"> Yes (suspension of the teaching certificate)

Regulation of teachers' professional conduct in selected places

	Hong Kong	England	British Columbia
C. Complaint-handling and disciplinary mechanisms (cont'd)			
Composition of a hearing panel if formed for resolving a serious misconduct case	<ul style="list-style-type: none"> No provision for a hearing procedure 	<ul style="list-style-type: none"> Comprising at least three panel members, one of them should be a current teacher or a teacher in the past five years, and another one should be a lay person 	<ul style="list-style-type: none"> Comprising three members, two are members of the Disciplinary Board and one is a lay people from the pool of pre-recruited legal and professional regulation experts
Opportunities for teachers to defend their cases	<ul style="list-style-type: none"> The teacher concerned can submit representations to EDB after being informed of the possible substantiation of the case and/or possible cancellation of his or her registration. 	<ul style="list-style-type: none"> The teacher concerned can submit written representations and evidence at the investigation and hearing stages. The teacher concerned may appear in person or represented by another person at a hearing, and call witnesses to give evidence at a hearing. 	<ul style="list-style-type: none"> The teacher concerned may respond in writing to an investigation report. At a hearing, the teacher concerned may call an expert to give evidence. He or she may also be represented by a legal counsel.
Disciplinary actions taken by the regulatory authority	<ul style="list-style-type: none"> Cancelling registration of the teacher concerned if PS(Ed) considers that he or she is not a fit and proper person to be a teacher; or issuing a reprimand, warning or advisory letter to the teacher concerned if cancellation of registration is not warranted 	<ul style="list-style-type: none"> Imposing a lifetime prohibition order or a prohibition order with a condition allowing application to set it aside on the teacher concerned for a substantiated case that warrants a ban on teaching. For other concluded cases, no sanction will be imposed 	<ul style="list-style-type: none"> Ranging from reprimand and suspension of a teaching certificate for a fixed period, to placing limits/conditions on a certificate and cancellation of the certificate depending on severity of the misconduct

Regulation of teachers' professional conduct in selected places

	Hong Kong	England	British Columbia
C. Complaint-handling and disciplinary mechanisms (cont'd)			
Appeal mechanism for de-registration/certificate cancellation cases	<ul style="list-style-type: none"> The teacher concerned may appeal to the Appeal Boards Panel. He or she may appeal by way of petition to the Chief Executive in Council if dissatisfied with the decision of the Panel. 	<ul style="list-style-type: none"> The teacher concerned may appeal against a prohibition order to the High Court, or apply to the Secretary of State for Education to set aside a prohibition order after a minimum of two years if it is allowed by the terms of the prohibition order. 	<ul style="list-style-type: none"> The decisions of the Commissioner and the hearing panel are final and binding.
Disclosure of information on complaint cases	<ul style="list-style-type: none"> EDB adheres to the principle of confidentiality when handling personal data of the teacher concerned. However, EDB may disclose details of some common or typical cases where appropriate. 	<ul style="list-style-type: none"> Brief information on a teacher's name and district of work is disclosed in the hearing notification. Outcomes of the hearings with more details of the cases and the sanction imposed are posted onto the government website. 	<ul style="list-style-type: none"> Name of the teacher concerned and the alleged misconduct are disclosed in the hearing notification. Outcomes of the consent resolution agreements and public hearings with more details of the cases and the sanction imposed are published onto the government website.

Regulation of teachers' professional conduct in selected places

	Hong Kong	England	British Columbia
D. Observed outcomes			
Number of complaint cases handled	<ul style="list-style-type: none"> 585 cases were handled between 2010 and 2019, of which 72 cases involved de-registration of the teachers concerned. 	<ul style="list-style-type: none"> 900 misconduct referrals were received in 2019-2020 of which 71% fell within TRA's jurisdiction. 96 cases were handled by professional conduct panels in 2019-2020, of which 63 cases were substantiated with imposition of a prohibition order. 	<ul style="list-style-type: none"> 220 cases were received by the Commissioner during the 2019-2020 school year. Of the 53 substantiated cases, suspension and cancellation of a certificate were imposed on 29 and three cases respectively.
Issues of concern	<ul style="list-style-type: none"> Stakeholders' concerns include: <ul style="list-style-type: none"> not making public details of the complaint cases; punishments imposed lacking deterrent effect; teachers concerned not given the opportunity to fully defend their cases; and ill-grounded complaints lodged by anonymous complainants. 	<ul style="list-style-type: none"> Imposing an interim prohibition order on a teacher before the conclusion of his or her misconduct proceedings might do harm to the teacher concerned (e.g. dismissal or damaged reputation). 	<ul style="list-style-type: none"> There has been concern about public shaming of teachers who have committed misconducts that are not so serious in nature.

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