

15 May 2017



## Procedures for the Handling of a Complaint about a Registered Teacher to the Investigating Committee of the Teaching Council

May 2017

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## **1 Preliminary**

- 1.1 The following procedures (“the Procedures”) outline how a complaint to the Investigating Committee of the Teaching Council will be managed from the receipt of the complaint to the decision of the Investigating Committee (“the Committee”).
- 1.2 The Procedures are based on Part 5 of the Teaching Council Acts 2001 to 2015 (“the Acts”), and in particular section 42.
- 1.3 The Procedures, which have been approved by the Teaching Council on the advice of the Committee, are at all times subordinate to the Acts and must be read in conjunction with Part 5 of the Acts.
- 1.4 A glossary of terms used frequently in this document is set out in Appendix 1 to this document.

## **2 The Investigating Committee**

- 2.1 The Committee consists of 11 serving members of the Council. The membership is determined in accordance with section 27 of the Acts.
- 2.2 The Chairperson of the Committee is the Deputy Chairperson of the Council. In the event that the Chairperson of the Committee is unavailable to be present at all or part of a meeting of the Committee, the Committee shall elect an acting chairperson from among those present at the meeting who shall act as chairperson while the Chairperson of the Committee is unavailable.
- 2.3 The quorum for a meeting of the Committee is a simple majority of the members of the Committee, i.e. six members. However, members who are precluded from attending a meeting due to a conflict of interest shall not be included in the total membership from which the quorum shall be calculated.
- 2.4 Meetings of the Committee take place in private.
- 2.5 The Committee shall be supported by a secretariat, composed of one or more of the Teaching Council staff, who will be responsible for administrative matters to support the functioning of the Committee. Some of these staff members will be known as Case Officers, who will manage complaints from receipt of complaint to conclusion of consideration of the complaint, in the manner directed by the Committee.
- 2.6 The members of the Committee who propose to be present at a meeting to consider a complaint or appeal, will provide the secretariat with information relating to any possible conflict of interest. The Committee members will be required to consider possible reasons for exclusion from the Committee, based on a relationship with either the complainant or the registered teacher that could be deemed to be prejudicial, e.g., family relationship, colleague relationship, friendship, member of the school's board of management, staff colleague, or any relationship, or prior knowledge, that could be deemed by the Committee to be prejudicial to the outcome.

- 2.7 If necessary, legal advice may be sought by the Committee in respect of a possible conflict of interest. Where a possible conflict of interest is considered to exist, the member will withdraw from the Committee for so long as the complaint, or appeal by a complainant of a decision of the Director to refuse a complaint, is being considered. If a possible conflict of interest exists for the Chairperson, he or she will withdraw from the Committee for so long as the complaint, or appeal by a complainant of a decision of the Director to refuse a complaint, is being considered, and the Committee shall elect an acting chairperson from among those present at the meeting.
- 2.8 The Committee may have a legal advisor present at any stage of its proceedings as outlined in these procedures. Such advisor may provide legal advice and assistance to the Committee and to the secretariat, on any aspect of the Committee's consideration of a complaint or of an appeal by a complainant of a decision of the Director to refuse a complaint.
- 2.9 A member of the Committee may not sit on the Disciplinary Committee and vice-versa.

### **3 Grounds on which a complaint can be made**

3.1 Section 42(1) of the Act sets out the grounds for making a complaint to the Investigating Committee in relation to a registered teacher, which are as follows;

- a) that he or she has failed to comply with, or has contravened any provision of the Teaching Council Acts, 2001 to 2015, the Education Act, 1998, the Education (Welfare) Act, 2000, the Education for Persons with Special Education Needs Act, 2004, the Education and Training Boards Act, 2013, or any regulations, rules or orders made under those Acts;
- b) that his or her behaviour constitutes professional misconduct;
- c) poor professional performance;
- d) that he or she has engaged in conduct contrary to a code of professional conduct established by the Council under section 7(2)(b) of the Acts;
- e) that his or her registration is erroneous due to a false or fraudulent declaration or misrepresentation;
- f) that he or she is medically unfit to teach;
- g) that he or she has been convicted in the State of an offence triable on indictment or convicted outside the State of an offence consisting of acts or omissions that , if done or made in the State, would constitute an offence triable on indictment;
- h) that he or she has failed to comply with an undertaking or to take any action specified in response to a request under section 43(6) of the Acts.

3.2 The Acts do not define what constitutes professional misconduct by a registered teacher. However the Teaching Council's Code of Professional Conduct for Teachers includes the following definition:

*Disgraceful or dishonourable conduct either in the course of the Registrant's profession, or otherwise than in the course of the Registrant's profession if the conduct is of such a serious nature as would bring the profession of teaching into disrepute.*

3.3 Poor professional performance is defined in the Acts as follows:

*A failure by the registered teacher to meet the standards of competence (whether in knowledge and skill or the application of knowledge and skill or both) that can reasonably be expected of a registered teacher.*

3.4 The "failure" referred to in the above definition of poor professional performance must be serious.

3.5 For any complaint to be referred to the Disciplinary Committee for an inquiry, the matters complained about must be serious.

3.6 As set out in section 42(1D) of the Acts, if the Council receives a concerning vetting disclosure on behalf of another relevant organisation the Council represents for the purpose of vetting procedures under the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 ("the Act of 2012"), the Council may make a complaint to the Investigating Committee on the grounds that the information contained in the vetting disclosure is of such a nature as to reasonably give rise to a bona fide concern that the registered teacher may:

- i. harm any child or vulnerable person,
- ii. cause any child or vulnerable person to be harmed,
- iii. put any child or vulnerable person at risk of harm,
- iv. attempt to harm any child or vulnerable person, or
- v. incite another person to harm any child or vulnerable person.

3.7 As set out in section 42(1E) of the Acts, the Council may make a complaint to the Investigating Committee under section 42(1)(g) (see 3.1 above) of the Acts, on the basis of information contained in a vetting disclosure received by the Council on behalf of another relevant organisation the Council represents for the purpose of vetting procedures under the Act of 2012.

#### **4 Timing of Events**

- 4.1 The Committee may consider a complaint concerned with any of the grounds at (a), (e) or (g) of paragraph 3.1 above notwithstanding that the matter to which the complaint relates occurred prior to the commencement of Part 5 of the Acts.
- 4.2 The Committee may consider a complaint on the ground of professional misconduct (see (b) of paragraph 3.1 above) notwithstanding that the conduct that gave rise to the complaint occurred prior to the commencement of Part 5, where that conduct:
- a) would have constituted a criminal offence at the time the conduct occurred; and
  - b) is of such a nature as to reasonably give rise to a bona fide concern that the teacher may -
    - i. harm any child or vulnerable person,
    - ii. cause any child or vulnerable person to be harmed,
    - iii. put any child or vulnerable person at risk of harm,
    - iv. attempt to harm any child or vulnerable person, or
    - v. incite another person to harm any child or vulnerable person.
- 4.3 The Council may not make a complaint to the Committee pursuant to section 42(1D) of the Acts (see paragraph 3.6 above), if the information contained in the vetting disclosure is specified information relating to conduct which occurred prior to the commencement of Part 5 of the Acts and would not have constituted a criminal offence at the time the conduct occurred.
- 4.4 Where a vetting disclosure obtained by the Council under section 42(7A) (see paragraph 9.5 below) contains specified information relating to conduct which occurred prior to the commencement of Part 5, the Committee may not consider that information unless the conduct concerned would have constituted a criminal offence at the time the conduct occurred. Further, as set out in paragraph 10.6 below, the



Committee may only consider the information contained in the vetting disclosure for the purpose of its investigation in so far as the information relates to the conduct the subject of the investigation.

## **5 Complaints**

- 5.1 A person (including the Council) may make a complaint to the Investigating Committee about a registered teacher.
- 5.2 A complaint under section 42(1) of the Act shall be:
- a) in writing,
  - b) signed by the complainant, and
  - c) accompanied by such documents and information as may be relevant to the complaint.

## **6 Receipt of the Complaint and Director Review**

- 6.1 A Case Officer will manage each complaint (hereinafter referred to as “the Case Officer”) and will acknowledge receipt of all complaints and confirm with the complainant if he or she is making a complaint, if this has not already been clearly stated. The Case Officer will send the complainant a copy of the Procedures and any Council literature on making a complaint.
- 6.2 The Director, or any employee of the Council to whom the Director has delegated this function, (hereinafter referred to as “the Director”) will review the complaint and will forward it to the Committee, unless:
- a) it does not fulfil the requirements under paragraph 5.2 above, or
  - b) it is considered by the Director to be frivolous or vexatious, or made in bad faith or is an abuse of process, in which case the Director will refuse the complaint.
- 6.3 When forwarding the complaint to the Committee, the Director will confirm in writing that the requirements under paragraph 5.2 above have been met.
- 6.4 Where a complaint is being forwarded to the Committee, the Case Officer will inform the registered teacher, who is the subject of the complaint, of the decision, and enclose a copy of the complaint. The Case Officer will also enclose a copy of these Procedures, a copy of the Council literature on a registered teacher dealing with a complaint, and a copy of Part 5 of the Acts. The registered teacher will be informed that he or she is not obliged to furnish any information in relation to the complaint at this time.

## **7 Refusal of a Complaint by the Director**

- 7.1 If the Director refuses the complaint, the complainant will be informed by notice in writing within 21 days of:
- a) the decision,
  - b) the reasons for the decision, and
  - c) the right of the complainant to appeal the decision to the Committee within 21 days of the date of service of the notice.
- 7.2 The notice of refusal will be served in accordance with section 62 of the Acts.
- 7.3 The Case Officer will forward a copy of the notice of refusal and a copy of the complaint to the registered teacher who is the subject of the complaint, together with a list of the members of the Investigating Committee.

## **8 Initial consideration of a complaint by the Investigating Committee**

- 8.1 The Committee shall, subject to paragraph 8.2 below, make a decision to proceed to hold, what is referred to in the Act as “an inquiry” but will, for the purpose of distinguishing it from an inquiry before a panel of the Disciplinary Committee, be referred to throughout these procedures as “an investigation”, in relation to a complaint referred to it by the Director or appealed to it by the complainant.
- 8.2 The Committee shall refuse to hold an investigation in relation to a complaint where:
- a) The Committee decides to uphold the decision of the Director to refuse the complaint; or
  - b) the complaint or appeal does not relate to the fitness to teach of a registered teacher; or
  - c) procedures established under sections 24 and 28 of the Education Act, 1998, or the Vocational Educational Acts, 1930 to 1999, as the case may be, have not been exhausted, save where there are good and sufficient reasons for considering the complaint or appeal notwithstanding that fact.
- 8.3 The Committee may instruct the Case Officer to seek such further information with regard to matters pertinent to paragraph 8.2 c) as it may deem appropriate, prior to making a decision as to whether to investigate or refuse a complaint. Therefore, there may be more than one meeting of the Committee before a decision is made with regard to whether to refuse to consider a complaint or to proceed to hold an investigation. The Committee will determine if the procedures have been exhausted, and if not exhausted, give consideration to the reasons for this. If the procedures have not been exhausted, the Committee will determine whether there are good and sufficient reasons to consider the complaint or appeal notwithstanding this.
- 8.4 Where the Committee refuses to consider a complaint or appeal in accordance with paragraph 8.2 above, the Case Officer having been

requested to do so by the Committee, shall, within 21 days of the Committee making the decision, inform the complainant by notice in writing, of the decision and the reasons for the decision.

8.5 The notice referred to in paragraph 8.4 will be served in accordance with section 62 of the Act.

8.6 A copy of the notice of refusal will be forwarded to the registered teacher the subject of the complaint.

8.7 If at any stage, while a complaint made under section 42(1) or 42(1D) of the Acts is being considered by the Committee, and where the registered teacher is employed by a recognised school, an education and training board or a centre for education, or engaged in the delivery of home tuition, or employed in teaching children or vulnerable persons, and where the identity of the employer of the teacher is known to the Council, the Committee must consider whether it has a bona fide concern that the teacher may -

- i. harm any child or vulnerable person,
- ii. cause any child or vulnerable person to be harmed,
- iii. put any child or vulnerable person at risk of harm,
- iv. attempt to harm any child or vulnerable person, or
- v. incite another person to harm any child or vulnerable person.

If the Committee does have such a bona fide concern, it shall, as soon as it reasonably practicable, direct the Case Officer to inform the employer of the teacher of the complaint and the nature of the concern.

8.8 On initial consideration, and each subsequent consideration of a complaint, the Committee shall consider whether immediate suspension of the registered teacher's registration may be necessary to protect the public. If the Committee believes that immediate suspension may be warranted, it shall provide the Council (or the Executive Committee if the Council has delegated its power) with a copy of the complaint and any accompanying documentation for the Council's consideration pursuant to section 47 of the Acts.

## **9 Decision by the Investigating Committee to hold an investigation**

- 9.1 Where the Committee decides to hold an investigation, the Case Officer shall, within 21 days of the Committee making the decision, inform the registered teacher of the decision, and provide the registered teacher with a notice stating that the registered teacher may, but is not obliged to, make submissions in writing to the Committee within 21 days of receipt of the notice.
- 9.2 The notice referred to in paragraph 9.1 will be served in accordance with section 62 of the Acts.
- 9.3 The Case Officer will ensure that if he or she has not already done so, he or she will provide the registered teacher with a copy of the complaint and any documents or information accompanying the complaint. For the avoidance of doubt, if a vetting disclosure is being provided to the registered teacher, the Case Officer shall confirm the information in the disclosure that grounds the complaint.
- 9.4 The Case Officer will also inform the complainant of the decision.
- 9.5 Where the Committee decides to hold an investigation, the Committee shall request the Council to apply to the National Vetting Bureau for a vetting disclosure in respect of that teacher where the Committee considers that the complaint is of such a nature as to reasonably give rise to a bona fide concern that the registered teacher may:
- i. harm any child or vulnerable person,
  - ii. cause any child or vulnerable person to be harmed,
  - iii. put any child or vulnerable person at risk of harm,
  - iv. attempt to harm any child or vulnerable person, or
  - v. incite another person to harm any child or vulnerable person.

## **10 The Investigation by the Investigating Committee**

10.1 The Case Officer will conduct an initial review of the complaint and prepare a draft case plan for the Committee to consider at its meeting. The draft case plan shall be a plan for the investigation of the complaint. It may identify (in general or specific terms) some or all of the following:

- a) Information or documents to be procured.
- b) Persons to supply information or documents.
- c) Experts to provide reports.
- d) Schools to provide submissions.
- e) Such other matters as may appear to be relevant to the complaint.

10.2 Prior to the meeting of the Committee, members of the Committee will be provided with all relevant documentation available at that time.

10.3 The Committee will meet and consider the complaint, the draft case plan prepared by the Case Officer and all documentation and information accompanying the complaint together with any submissions received from the registered teacher.

10.4 If the complaint relates to information contained in a vetting disclosure, the Committee will consider the information contained in the vetting disclosure in so far as it grounds the complaint.

10.5 On its first and any subsequent consideration of the complaint after deciding to hold an investigation as referred to in section 9 above, the Investigating Committee may do one or more of the following:

- a) Approve a case plan – whether or not in the form of a draft case plan.
- b) Direct the Case Officer to carry out any or all of the actions identified in the case plan and any other actions the Committee thinks appropriate.
- c) Require the complainant to verify anything contained in the complaint.



- d) Request the complainant to supply additional information whether by means of a statutory declaration or not.
- e) Require the complainant to supply documents.
- f) Require the registered teacher to furnish information or documents.
- g) Require any school where the teacher is or was employed or any other person the Committee has reason to believe holds material information, to provide information or documents to the Committee.
- h) Obtain such expert advice or assistance as it considers appropriate.
- i) Invite any school where the teacher is or was employed as a registered teacher to make submissions in writing.
- j) In the case of alleged medical unfitness, seek the submission of medical evidence, the making of representations, attendance for medical examination or take any other steps set out in the Teaching Council [The submission of medical evidence, making of representations and attendance for medical examination] Regulations 2015.
- k) Adjourn consideration of the complaint.
- l) Make its substantive decision in relation to the complaint.
- m) Take such other action within its statutory powers as may seem appropriate.

10.6 If the Committee seeks a vetting disclosure as referred to in paragraph 9.5 above, the Committee may, for the purpose of its investigation, consider the information contained in the vetting disclosure in so far as the information relates to the conduct the subject of the investigation. The Committee will provide a copy of the disclosure to the registered teacher and invite him or her to make submissions in relation to the disclosure. All submissions furnished by the registered teacher will be considered by the Committee.

10.7 If the registered teacher supplies any information to the Committee, the Case Officer will, where directed by the Committee, furnish a copy of such information to the complainant for his or her response.

A copy of any response from the complainant will then be sent to the registered teacher for his or her comment.

- 10.8 The Case Officer will carry out all steps directed by the Committee and will prepare a case report which shall include the complaint and all correspondence, submissions, reports, documents representations and information which the Case Officer was directed by the Committee to obtain.
- 10.9 Unless otherwise directed by the Committee, the case report and all correspondence, submissions, reports, documents, representations, and information received by the Committee during the course of its investigation will be sent to the registered teacher by the Case Officer. The registered teacher will be given a reasonable period of time to submit a response in writing.
- 10.10 Thereafter, the case report and any response will be furnished to the Committee for its consideration.
- 10.11 On considering the case report the Committee may direct the Case Officer to carry out further investigations and in that respect paragraph 10.5 shall apply. The results of any further investigations will be incorporated into a revised case report and paragraph 10.9 shall apply.
- 10.12 When the Committee is satisfied that it has sufficient material or that further reasonable investigation of the complaint is unlikely to disclose additional material likely to substantively affect the Committee's decision, the Committee shall make its substantive decision in relation to the complaint.

## **11 Substantive Decision of the Investigating Committee following its Investigation**

11.1 Following its investigation, the Committee shall:

- a) Where it is of the opinion that there is a prima facie case to warrant further action being taken in relation to the complaint, refer the complaint, in whole or in part, to the Disciplinary Committee, or
- b) Where it is of the opinion that there is no prima facie case to warrant further action being taken in relation to a complaint, refuse to refer the complaint to the Disciplinary Committee.

11.2 The Committee shall record its decision, in writing, and shall set out the reasons for the decision.

11.3 The Case Officer, having been instructed by the Investigating Committee, shall, within 21 days of receiving the decision, provide a copy of the decision and the reasons for the decision to the complainant, the registered teacher and where the teacher is employed as a teacher, his or her employer.

## **12 Duties of Chairperson**

12.1 The role of the Chairperson is to be a member of the Committee, to chair the proceedings of the Committee when considering a complaint or an appeal of a decision by the Director to refuse a complaint, and to chair proceedings of the Committee when the Committee is meeting as part of its' investigation. The Chairperson will ensure that the investigation is conducted in accordance with the Act and the Procedures.

### **13 General**

- 13.1 Non-compliance with the Procedures shall not render any proceedings or steps void unless the Committee so directs. Such proceedings or steps may be set aside either wholly or in part as irregular, or amended or otherwise dealt with in such manner or upon such terms as the Committee shall think fit.
- 13.2 Paragraph 13.1 shall not affect the requirements to comply with any statutory provisions.
- 13.3 The Committee will endeavor to manage complaints as expeditiously as possible, taking into account the interests of justice and also any administrative constraints.
- 13.4 The Committee will act at all times in accordance with the principles of fair procedures.
- 13.5 The Procedures have been approved by the Teaching Council on the advice of the Committee and will be reviewed on a periodic basis if required.
- 13.6 No amendment to the Procedures shall be made unless notice of the proposed amendment is formally placed before a meeting of the Committee.
- 13.7 The Procedures shall take effect on the date of commencement of Part 5 of the Acts and shall apply to all complaints received on or after that date.

## **APPENDIX 1**

### **Glossary of Terms**

(Terms and phrases used in this document explained in alphabetical order)

#### **The Acts**

This term is an abbreviation for the Teaching Council Acts, 2001 – 2015.

#### **Bona Fide**

A latin term meaning “good faith” which is used in the Acts. A bona fide concern is a real or genuine concern, held in good faith.

#### **Case Officers**

Members of the Teaching Council staff who will manage complaints from receipt of the complaint to the conclusion of the consideration of the complaint, in the manner directed by the Committee. Case officers will be responsible for administrative matters to support the functioning of the Committee.

#### **Case Plan**

The case plan will be a plan for the investigation of the complaint and may identify information or documents to be procured, persons to supply information or documents, experts to provide reports, schools to provide submissions and any other matters as may appear to be relevant to the complaint. It may be prepared by a Case Officer for the Committee to consider at its meeting.

#### **Case Report**

A case report is a report which shall include the complaint and all correspondence, submissions, reports, documents, representations and information which the Case Officer was directed by the Committee to obtain. It may be prepared by a Case Officer for the Committee to consider at its meeting.

#### **The Complainant**

The complainant is any person (including the Teaching Council) who submits a complaint to the Investigating Committee.

## **The Complaint**

The complaint is the written and signed request for an inquiry into of a registered teacher, including all accompanying documents and information relevant to the complaint, as submitted by the complainant

### **Complaint is frivolous or vexatious**

A complaint lacking in any arguable basis or merit in either law or fact, or instituted without sufficient grounds serving only to cause annoyance to the registered teacher the subject of the complaint.

### **Complaint made in bad faith or which is an abuse of process**

A complaint made in bad faith or where the procedure for making a complaint is being misused by the complainant, for reasons other than making a legitimate complaint against a registered teacher.

## **Director**

The Director is the Chief Executive Officer of the Teaching Council. The Director is required to refer complaints to the Committee, except in exceptional circumstances where the Director may refuse to refer a complaint. The Director may delegate this function to an employee of the Council.

## **Disciplinary Committee**

Thirteen members of the Council sit on the Disciplinary Committee. Section 28 of the Acts contains provisions regarding the membership of the Committee. The Disciplinary Committee is the body from which a panel is formed to hold an inquiry into a complaint referred to it by the Investigating Committee under section 42(9) of the Acts.

### **Disciplinary Committee Panel**

The Chairperson of the Disciplinary Committee shall appoint a panel from the members of the Disciplinary Committee to conduct an inquiry into a complaint referred to it by the Investigating Committee. The Disciplinary panel, referred to as “the panel”, is made up of not less than 3 and not more than 5 members, the majority of whom are registered teachers. Under section 43(14) of the Acts, the panel has the powers, rights and privileges of the High Court or a judge of the High Court in respect of

- Enforcing the attendance of witnesses and their examination on oath, and
- Compelling the production of documents.

### **Education Act, 1998, as amended**

The Education Act 1998 was enacted by the Oireachtas for the purpose of dealing with a wide range of educational matters including the following, which are mentioned in the Teaching Council Acts:

- Section 24 - deals with matters relating to the employment of teachers and staff in a school, including suspension and dismissal procedures.
- Section 28 - deals with grievance and other procedures.

### **Education (Welfare) Act 2000, as amended**

The Education (Welfare) Act 2000 was enacted by the Oireachtas to provide for the entitlement of every child in the state to a certain minimum education and to carry out other functions as they relate to matters connected with school attendance.

### **Executive Committee**

The Executive Committee consists of 11 members to include the Chairperson of the Council and the deputy Chairperson of the Council. The functions of the Committee are set out in section 26 of the Acts.

### **False or Fraudulent Declaration or Misrepresentation**

Under section 42 of the Acts, one of the grounds for the Investigating Committee holding an inquiry into a registered teacher refers to registration with the Council being erroneous due to a false or fraudulent declaration or misrepresentation. Any individual who deliberately provides false personal information about herself/himself in order to be registered with the Teaching Council will be viewed as having made a fraudulent declaration or as having misrepresented himself or herself.

The Code of Professional Conduct for Teachers 2nd Edition, 2012 states that:

“Teachers should: act with honesty and integrity in all aspects of their work; respect privacy of others and the confidentiality of information gained in the course of professional practice, unless a legal imperative requires disclosure or there is a legitimate concern for the wellbeing of an individual; represent themselves, their professional status, qualifications and experience honestly; use their name/names as set out in the Register of Teachers, in the course of their professional duties; avoid conflict between their professional work and private interests which could reasonably be deemed to impact negatively on pupils/students”. (P.7)



## **Inquiry**

The Acts refer to an inquiry being held by the Investigating Committee and if the complaint is referred to the Disciplinary Committee, an inquiry being held by the panel of the Disciplinary Committee.

An inquiry held by the Investigating Committee is an investigation into the complaint, which may involve the consideration of information, documents, reports, submissions, or such other matters as may appear relevant to the complaint.

An Inquiry held by the panel of the Disciplinary Committee takes the form of either an oral hearing where sworn evidence is considered, or an examination of documents and written submissions.

## **Investigating Committee**

Eleven members of the Council sit on the Investigating Committee. The membership of the Committee is set out in section 27 of the Act. The Investigating Committee can hold an investigation into a complaint following referral of a complaint by the Director or where a refusal by the Director is appealed to the Committee. If the Committee holds an investigation it will make a decision to refer the complaint to the Disciplinary Committee or refuse to refer the complaint.

## **Medically unfit to teach**

Section 42(8)(b) of the Acts provides that in the case of alleged medical unfitness, the Council may make regulations which provide for the submission of medical evidence, the making of representations and attendance for medical examination.

The Code of Professional Conduct for Teachers, 2nd Edition, 2012 states that:

*Teachers should ensure that they do not practise while under the influence of any substance which impairs their fitness to teach. (P. 8).*

## **National Vetting Bureau**

The National Vetting Bureau of An Garda Síochána.

## **Offence triable on indictment**

Indictable offences are those which may or must be tried on indictment usually before a judge and jury.

### **Poor Professional Performance**

A failure by the registered teacher to meet the standards of competence (whether in knowledge, skill or the application of knowledge and skill or both) that can be reasonably expected of a registered teacher.

### **Prima Facie**

A latin term meaning “at first sight” or “on the face of it”. The term is used in the Acts and means that there appears to be a real prospect of the complaint being proven at an inquiry held by a panel of the Disciplinary Committee.

### **Professional Misconduct**

Disgraceful or dishonourable conduct either in the course of the Registrant’s profession, or otherwise than in the course of the Registrant’s profession if the conduct is of such a serious nature as would bring the profession of teaching into disrepute.

### **Registered Teacher**

A teacher who is registered with the Teaching Council on the register of teachers.

### **Secretariat**

One or more of the Teaching Council staff, who will be responsible for administrative matters to support the functioning of the Committee.

### **The Teaching Council**

The Teaching Council is the statutory body with responsibility for the registration and professional standards for primary and post-primary teachers in Ireland. It was established on a statutory basis on 28 March 2006, in accordance with the Acts.

### **The Teaching Council Acts, 2001 – 2015**

The Teaching Council Acts, 2001 – 2015, establish and set out the functions of the Teaching Council. The original 2001 Act has been amended in 2006, 2012 and 2015. Part 5 of the Act governs complaints regarding the fitness to teach of a registered teacher.

### **Vetting Disclosure**

A disclosure made by the National Vetting Bureau in respect of a person.

### **Vetting Procedures**

The enquiry and examination undertaken by the Bureau under section 14 of the Act of 2012, and, where appropriate, assessment by the Chief Bureau Officer of specified information under section 15 of the Act of 2012 in relation to an application for a vetting for a person who wishes to undertake relevant work or activities.

### **Vocational Education Acts, 1930 to 1999**

The original 1930 Act and a number of amending Acts govern the Vocational Education Sector. These Acts have been repealed and replaced by the Education and Training Boards Act 2013.

### **Vulnerable Person**

Vulnerable person means a person, other than a child, who—

- a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or
- b) has an intellectual disability, or
- c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- d) has a physical disability, which is of such a nature or degree—
  - (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
  - (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

### **Written submissions**

A registered teacher who is the subject of an application to the Teaching Council may make written submissions in his or her defence to the Investigating Committee.