

## PUBLICATION POLICY

March 2018

## Publication Policy - Fitness to Teach Inquiries

### Introduction

Part 5 of the Teaching Council Acts 2001-2015 (“the Act”) provides for the consideration and investigation of complaints by the Teaching Council’s Investigating Committee. It provides for the holding of inquiries by Panels of the Disciplinary Committee, where necessary.

Part 5 of the Act also provides for the possible imposition of sanctions, if a finding is made at the conclusion of an inquiry.

Publication of information is only relevant when a complaint is referred by the Investigating Committee to the Disciplinary Committee for an inquiry. If a complaint is not referred to the Disciplinary Committee for an inquiry, no information is published.

This is a policy that provides for the publication of information on fitness to teach inquiries and sanctions imposed if a finding is made at the conclusion of an inquiry. This policy should be read in conjunction with the Act. In the case of any conflict between this policy and the Act, the Act shall take precedence.

### Fitness to Teach Inquiries

If the Investigating Committee refers a complaint to the Disciplinary Committee, an inquiry will take place before a Panel of the Disciplinary Committee. An inquiry could take the form of:

- a) An oral hearing; or
- b) an examination of documents and written submissions.

### Oral Hearings

Fitness to teach inquiries that proceed by way of an oral hearing are held in public unless:

- a) An application is made by the teacher, or a witness about whom personal matters may be disclosed, which may include the complainant, to hold all, or part of the hearing otherwise than in public, **and**
- b) The Panel of the Disciplinary Committee is satisfied that it would be appropriate in the circumstances to hold all or part of the hearing otherwise than in public.<sup>1</sup>

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<sup>1</sup> Otherwise than in public may include:

- i. an inquiry proceeding in private; or
- ii. an inquiry proceeding partly in private; or

Members of the public and media can attend public hearings. A calendar of public hearings will be published on the Teaching Council website [www.teachingcouncil.ie](http://www.teachingcouncil.ie).

Individual queries about upcoming inquiries will be dealt with by Council staff in writing.

The Teaching Council will not publish information relating to individual hearings in advance. On the day of a public hearing, information sheets will be available in hard copy to those attending the hearing.

### **Inquiries by examination of Documents and Written Submissions**

Fitness to teach inquiries that proceed by way of an examination of documents and written submissions and not as an oral hearing, take place in private.

## **The Completion of an Inquiry**

After considering all of the evidence at the inquiry (either as an oral hearing or an examination of documents and written submissions), the Panel shall deliberate in private session and prepare a report which will contain details of whether the allegation(s) have been found to be proven.

The Panel will provide its report to the registered teacher and the Director. If a finding has been made in relation to the allegations, the Panel will invite the registered teacher and the Director to make submissions in relation to sanction. The Panel may consider oral or written submissions. Oral submissions will be considered in the same manner in which the hearing took place, that is, in public or otherwise than in public. The Panel may decide to sanction the registered teacher.

If it is decided to impose one of the more serious sanctions (i.e. conditions, suspension or removal), the teacher has 21 days to appeal to the High Court. In the event that the decision is not appealed, the Council will apply to the High Court for confirmation of the decision.

## **The Publication of Information following an Inquiry on the Council's website**

It is a matter for the Council to decide if it is in the public interest to publish the finding or findings of the Panel and/or any sanction decided on by the Panel, with or without any information which would enable any party to an inquiry to be identified.

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- iii. an inquiry proceeding in public but with the identity of any person including any witness or institution or location being kept anonymous.

Generally, publication of the finding and/or sanction on the Council's website will not take place until after confirmation of sanction by the High Court, where applicable.

If no finding is made, and if requested by the registered teacher, the Council shall publish a notice recording this in such form and manner as the Council may determine. In addition, the Council will inform such other persons as the teacher may request.

### **Publication of Information relating to a teacher's health/ medical fitness**

Where an inquiry relates to a teacher's health (*termed 'medically unfit to teach' under the Act*) the teacher can make an application to the Panel for all or part of the hearing to be held in private. Generally, inquiries relating to a teacher's health are likely to be appropriate to be held in private, but it is a matter for the Panel to decide on a case by case basis whether it is appropriate in the circumstances. Similarly, in relation to the publication on the Council's website of the finding or findings of the Panel and/or any sanction decided on by the Panel, it is a matter for the Council to decide whether it is in the public interest to publish on a case by case basis.

### **Additional Information**

- The Register will be updated as necessary to reflect a sanction imposed on a teacher's registration following an inquiry.
  - If the sanction is removal, then the teacher will be removed from the register.
  - If a teacher's registration is suspended, this will be apparent until the expiration of the suspension period.
  - If conditions are attached to the teacher's registration, the fact that there are *fitness to teach* conditions attached will be apparent from the public facing register until the conditions have been complied with to the satisfaction of the Council's Disciplinary Committee. The public facing register will record that a teacher has fitness to teach conditions attached to his or her registration. The actual conditions themselves will not appear on the public facing register.
  
- The Council will at all times adhere to the requirements in the Act to notify certain persons at various stages of the complaint and inquiry process, including the complainant, the teacher, the teacher's employer and the Minister.

- The Council will at all times comply with their reporting obligations to bodies including An Garda Síochána, Tusla (The Child and Family Agency) and the National Vetting Bureau regarding the protection of children and vulnerable persons.
- If a sanction is imposed on a teacher at the conclusion of an inquiry, and if the Council has reason to believe that the teacher is registered in another jurisdiction, and that the decision to sanction the teacher may not have come to the attention of the equivalent body to the Teaching Council in that jurisdiction, the Council shall provide notice in writing to that body of the decision to impose a sanction.
- The Council will, where possible, adhere to the requirements in the Directive 2005/36/EC, as amended, regarding the recognition of professional qualifications, including the alert mechanism which provides for notifications to other Member States regarding restrictions or prohibitions imposed on teachers.
- If it comes to the Council's attention that a sanction comparable to one of the sanctions referred to in the Act has been imposed on a registered teacher while teaching in another country, the Council shall publish this on the Council's website if it is satisfied that it is in the public interest to do so.

Date: 26 March 2018