



An Chomhairle
Mhúinteoireachta



The Teaching Council

Information for witnesses at hearings before a Disciplinary Committee Panel

Information for witnesses

JULY 2016

About this booklet

This booklet tells you what to expect if you are called as a witness by the Director of the Teaching Council, to give evidence at oral hearings before a Disciplinary Committee Panel. We have included a glossary to help you understand important terms. We hope you find this booklet helpful.

About the Teaching Council

The Teaching Council is the professional standards body for teaching that promotes and regulates the teaching profession. It acts in the interests of the public good while upholding and enhancing the reputation of the teaching profession. One of the functions of the Teaching Council is to investigate complaints and, where appropriate, hold inquiries about registered teachers.

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General information

Why am I being called to give evidence?

You are being called to give evidence as a witness because a complaint has been made about a teacher and you may be able to help the panel that hears the inquiry to understand what happened. You will be asked to give factual information and not your opinion about what happened.

What is a hearing?

A hearing is an oral hearing before a panel of the Disciplinary Committee. It is similar to a hearing before a court or tribunal. At the hearing, witnesses will give evidence under oath.

Do I have to give evidence?

Yes. To make it easier for you to attend the hearing, we can send you a formal witness summons, if needed. A witness summons legally requires you to attend the hearing. You may need to show the witness summons to your employer so that your employer knows that you have to attend a hearing.

Where do hearings take place?

Most hearings take place at the Teaching Council offices at Block A, Maynooth Business Campus, Maynooth, Co. Kildare. Occasionally, hearings are held elsewhere. Before the hearing, we will write to you with the location, date and time that you should attend. You should be prepared to travel and perhaps stay overnight if necessary. We will do our best to let you know beforehand if you need to stay overnight.

Can you tell me more about what's involved in being a witness?

If you have any concerns about giving evidence, or if you would like to discuss the hearing process, please contact our Professional Standards team, who will assist you with your query. Our Professional Standards team can be reached by email at professionalstandards@teachingcouncil.ie or by phone at LoCall 1890 224 224 or (01) 651 7900.

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Preparation for the hearing

How is the case prepared?

When we receive a complaint about a registered teacher, our Investigating Committee will look into the complaint. If the Investigating Committee decides that an inquiry is needed, it refers the complaint to the Disciplinary Committee. A panel of the Disciplinary Committee is then formed to hold the inquiry, which usually takes the form of an oral hearing.

The Director of the Teaching Council will be responsible for preparing and presenting the evidence to the panel at the hearing. The Director is required to prove the complaint at the hearing. The Director will usually get solicitors to help. The Director and solicitors will gather evidence such as reports, correspondence and written witness statements.

What is a written witness statement?

We may ask you to give a written witness statement. If we do, the following will typically happen:

1. The solicitors for the Director will arrange a telephone call or a meeting with you to prepare a written statement of the evidence you will give to the panel.
2. They will send the statement to you in draft form for your review.
3. You should make any changes to the statement that you wish or else contact the solicitors for the Director, who can make the changes for you.
4. When you are satisfied that your statement is accurate and complete, you should sign it and return it to the solicitors for the Director.
5. The draft version of your statement, together with your final signed statement, will be sent to the teacher and to the teacher's representatives.
6. On the day of the hearing, we will ask you to give evidence.

Witness statements are taken so that the Director and the teacher complained about are aware of the evidence that you will give to the panel at the hearing.

When does the hearing take place?

Before a date for the hearing is fixed, we will usually contact you to discuss your availability and possible dates. We will try to fix a date that suits you. However, this may not always be possible. Please tell us as soon as possible, and before the date is fixed, whether you have any holidays booked or other planned commitments.

Will the hearing be in public or private?

Hearings take place in public unless the teacher or a witness about whom personal matters may be disclosed requests the panel to hold the hearing or part of the hearing in private, and the panel is satisfied that it would be appropriate to do so. If a hearing is held in public, the panel may keep your identity or the identity of the other people involved, including the teacher, confidential.

If you have any concerns about the hearing being held in public, please discuss these with us or with the solicitors acting for the Director.

Can I tell others that I am giving evidence?

You may need to tell your employer that you have been called to give evidence at a Teaching Council hearing. You may also need to show the witness summons to your employer so that you can attend the hearing.

However, you should treat all information about the hearing as strictly private and confidential.

In particular, you should not discuss the details of the evidence that you will give to the panel with anyone. This includes others who may be called to give evidence.

What should I do with the documents you send me?

The Teaching Council or the solicitors for the Director may send you documents before the hearing. These documents are strictly private and confidential, and must be confidentially shredded at the end of the inquiry process. If you are not in a position to confidentially shred the documents, please return them to us and we will shred them.

What if I have a disability or a special need?

If you have a disability or any special needs, please tell us before the hearing so that we can make it easier for you to give evidence.

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The day of the hearing

At what time should I attend?

We will write and tell you what time to attend. When you arrive, please go to the reception desk. The receptionist will record your arrival and direct you to a waiting room.

You will be asked to stay in the waiting room until it is your turn to give evidence. You must not, under any circumstances, discuss any aspects of the case with any other witness who may be in the waiting room.

How long will I be waiting to give evidence?

It is hard to say. We will try our best to make sure that you are called to give evidence shortly after you arrive. However, you may have to wait as it is often difficult to say how long the witnesses before you will take to give their evidence. On rare occasions, you may not give evidence on the day that you are asked to attend due to delay. If this happens, we may ask you to attend on another day. If you received a witness summons, that summons will be valid for the next hearing day and every day after that until the hearing ends. We will try to minimise any inconvenience caused to you.

Will I meet the teacher and other witnesses?

Many people may be asked to attend the hearing to give evidence. The teacher and the teacher's representatives may attend, as will any witnesses that are giving evidence on behalf of the teacher. It is likely that you will meet people involved in the case. You must not discuss any aspect of the case with others.

Who will be present in the hearing room?

The panel of the Disciplinary Committee – this will include three to five people who are members of the Disciplinary Committee. One member of the panel will act as Chairperson.

The legal assessor – this is a barrister who will sit with the panel and advise the panel about legal or procedural issues. The legal assessor does not decide whether the complaint has been proven. This is a matter for the panel only.

The Director's legal representatives – these may include solicitors or barristers who will present the case on behalf of the Director.

The Teaching Council staff – these will include relevant staff of the Teaching Council.

The registered teacher – this is the person who is the subject of the inquiry.

The teacher’s representatives – these may include legal, union or other representatives who may act and speak on behalf of the teacher. They will put the teacher’s position to the panel and will question the witnesses about their evidence. Some teachers may not have representatives and may defend their own case.

The stenographer – this person records all the evidence given at the hearing.

The public – if the hearing is held in public, there may be members of the public, including journalists, present to watch and listen to the proceedings. They usually sit at the back of the hearing room.

What happens when I am called to give evidence?

You will be brought to the witness table in the hearing room. The chairperson of the panel will introduce the panel members to you.

You will then be asked to swear an oath or to make a statement as to the truth of your evidence.

When answering questions you should speak clearly and slowly into the microphone on the witness table. If you do not hear a question, you should ask for it to be repeated. If you do not understand a question, you should ask for it to be explained to you.

The panel will not be aware of the evidence that you are giving and in most cases will not have seen your statement, so it is important that you answer questions fully.

You cannot have your witness statement with you when you give evidence but you may read it while you are in the witness waiting room.

While you are giving evidence you may be shown other documents and asked about them. Carefully read each document shown to you.

If you need to take a break while giving evidence, please ask the chairperson of the panel. If there is a break while you are giving evidence, you must not discuss your evidence or the case with anyone. This includes the solicitors acting on behalf of the Director.

If you are called as a witness you will be entitled to the same immunities and privileges as a witness before the High Court.

Who will ask me questions?

The Director's legal representatives will ask you questions based on your signed statement. As stated above, you will not be able to have your witness statement with you when you give evidence but you may read it while you are in the witness waiting room.

The teacher, or his or her representative, may then ask you questions.

Members of the panel may also ask you questions.

Will there be breaks during the day?

The hearing will stop for lunch each day. It will also stop (adjourn) at the end of each day if the hearing lasts for more than one day. The panel may adjourn the hearing for a longer time to get more evidence or to hear from other witnesses. It is vital that you do not discuss the case or your evidence with anyone during an adjournment. This includes the Director's legal representatives, the teacher and the teacher's representatives, anyone else involved with the case, and your family and friends.

What happens after I have given evidence?

When you finish giving your evidence you may leave the hearing centre. If the hearing is being held in public, you can stay to watch the rest of the hearing. If the hearing is being held in private, you can only stay if you are given permission to do so by the panel. If you wish to stay, you should tell the Director's legal representatives before the hearing so that they can put your request to the panel.

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After the hearing

What happens after the hearing finishes?

Once the hearing is over, the panel will prepare a report. The report will say whether the complaint has been proven. Normally, complaints have to be proven beyond a reasonable doubt.

What happens to the teacher?

If the complaint is proven, the panel will decide whether to impose a sanction (penalty).

The panel could decide to:

- > advise, admonish or censure the teacher;
- > place conditions on the teacher's registration;
- > suspend the teacher from the Register of Teachers for a set time (up to two years);

(This would mean that the teacher would not be able to teach in a position funded by the Department of Education and Skills for the time that he or she is suspended from the register.)

- > remove the teacher from the register and not allow him or her to apply to be restored to the register for a set time.

(As an unregistered teacher, the teacher would then not be able to teach in a position funded by the Department of Education and Skills.)

If the panel imposes a sanction (other than advise, admonish or censure), the teacher has 21 days to appeal the decision to the High Court. Appeals to the High Court are held in public. At an appeal, the case may be re-heard in full, which means that you may be required to give evidence at the appeal.

Is the teacher's employer notified?

When the hearing is over, we will notify the teacher's employer of the outcome. The teacher's employer will already be aware that a hearing was due to take place.

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Additional information

Witness Expenses

We will refund you all reasonable out-of-pocket expenses. You must give us receipts for these expenses.

Reasonable out-of-pocket expenses include travel expenses, accommodation expenses, and expenses for meals or refreshments.

Things to remember

- Make sure you know the location of the hearing centre before the day of the hearing.
- Arrive at the hearing centre on time.
- Bring all original documents to the hearing even if you have previously given copies to the solicitors for the Director.
- If you think of any additional evidence that may be relevant, please tell the solicitors for the Director as soon as possible. The day of the hearing may be too late.
- Do not talk to anyone about the details of the case or about your evidence.
- Keep your receipts.

Feedback

We welcome any comments that you may have following your experience as a witness. Please forward any comments to professionalstandards@teachingcouncil.ie

Glossary

You may not be familiar with all the terms in this booklet so we have explained them below.

Adjournment

a break in the hearing before it has finished.

Admonish

to reprimand firmly.

Censure

to express severe disapproval.

Chairperson

the panel member who manages the rest of the panel and makes sure that the hearing is run fairly.

Director

the Chief Executive Officer of the Teaching Council.

Disciplinary Committee

the committee in the Teaching Council from which the panel who will hold the inquiry is formed.

Evidence

what a witness says at an inquiry hearing, and documents or other records that are examined during the hearing.

Inquiry

either a hearing similar to a hearing before a court or tribunal, or an examination of relevant documents and written submissions.

Investigating Committee

the committee in the Teaching Council that considers a complaint and decides whether to refer it to the Disciplinary Committee for an inquiry.

Legal assessor

a barrister who advises the panel about legal or procedural issues.

Panel

the group of three to five people who will hold the inquiry and decide whether the case is proven or not.

Poor professional performance

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

Professional misconduct

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

Sanction

the type of penalty that the Teaching Council can place on a teacher.

Stenographer

the person who records all the evidence given at the hearing.

Summons

a legal document that says what you must do. It is an offence not to comply with a summons.

Teacher's Employer

the school Board of Management or the Chief Executive of the relevant Education and Training Board that is employing the teacher in question.

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