

Code of Practice:

**Council Members, Chairperson,
Director and Secretary**

March 2016

An Chomhairle Mhúinteoireachta – The Teaching Council
Code of Practice:
Council Members, Chairperson, Director and Secretary

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Schedule of Revisions to Code of Practice

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Teaching Council – An Chomhairle Mhúinteoireachta

Code of Practice: Council Members, Chairperson, Director and Secretary

Purpose of the Code of Practice

The purpose of this document is:

- a) to set out a code of corporate governance for the Teaching Council;
- b) to serve as a guide to the members of the Council, the Chairperson, the Secretary of the Council and the Director by setting out their respective functions;
- c) to establish clearly the respective authority and responsibilities; and
- d) to clarify the delegation of certain functions from the Council to its sub committees and the Director.

While the Council may amend this Code from time to time, the Code will be formally reviewed every two years.

The responsibilities, duties, policies and procedures set out in this Code of Practice are subject to the Act¹ and all other relevant legislation and statutory regulation.

1 Council

1.1 Responsibilities

- 1.1.1 Council members, through their participation in Council meetings and subcommittee meetings, will form the policy of the Teaching Council collectively in accordance with the Acts.
- 1.1.2 The Council will have prepared and will be responsible for approving a strategic plan, covering a period between 3 and 5 years, which will set out the key objectives and outputs to be achieved, and the related strategies, policies and resources.
- 1.1.3 Should the Council have insufficient authority or finance to meet necessary targets it will so advise the Minister for Education & Skills and it will take all necessary steps towards securing this authority or finance.

1.2 Duties of the Council

- 1.2.1 The Council's duty is to supervise the affairs of the Teaching Council in accordance with the Teaching Council Acts and the organisation's compliance with all relevant statutory obligations.
- 1.2.2 The effective discharge of this duty calls for delegation by the Council to the Director as hereafter provided. It is a function of the Council to determine, on the basis of data submitted by the Director, whether executive performance is effective, in accordance with its plans and policies and in compliance with statutory obligations.

¹ The Teaching Council Act and subsequent amending legislation is referred to as 'the Acts' in this document.

- 1.2.3 Council members will bring an independent judgment to bear on all aspects of the work of Council.
- 1.2.4 Members of the Council will comply with the Code of Conduct – Council and Staff of the Teaching Council in the furtherance of their duties.
- 1.2.5 The Council will reserve certain functions to itself:
- a) formulation of policy and the approval of changes or initiatives in policy, including the Council’s Strategic Plan;
 - b) approval of annual capital and operating budgets within the finances available to the Teaching Council, and the reviewing of actual expenditure, taking account of draft proposals and financial reports submitted by the Director;
 - c) approval of fees and other charges as set out in Section 23 of the Acts;
 - d) approval of procurement and disposal policies and procedures for the disposal of the Teaching Council’s assets;
 - e) purchasing, leasing or disposal of equipment and property, or the awarding and terms of contracts, where the amount of money involved in any single transaction is greater than €50,000, excluding items specifically agreed by the Council in its budget. The Council may review these figures periodically;
 - f) purchasing, leasing or selling of real property;
 - g) approval for the opening of bank accounts for and on behalf of the Teaching Council, and for arrangements for the drawing of funds from such accounts;
 - h) approval for the borrowing of monies in accordance with section 20 of the Acts;
 - i) decisions on bad debts in excess of €6,500 (any one debt);
 - j) reviewing, on an annual basis, the effectiveness of the organisation’s system of internal financial controls;
 - k) consideration and approval of major structural changes in the organisation involving the establishment or dis-establishment of main functions or divisions within the Council’s organisational structure, in the context of the Council’s strategic priorities as set out in the Teaching Council Acts 2001-2015;
 - l) appointment, suspension or dismissal of the Director in accordance with sections 11 and 12 of the Acts;
 - m) determination of the number and grading of personnel to be employed from time to time by the Teaching Council subject to the consent of the Minister for Education & Skills and the Minister for Public Expenditure and Reform. (section 13 (1) of the Acts);
 - n) approval of the policies governing the appointment of all permanent personnel of the Teaching Council and the approval of permanent appointments at senior management level as set out in Appendix ‘A’ to this document. (section 13 of the Acts);

- o) approval of employment policies and general terms & conditions for staff as set out in Appendix 'A' to this document;
- p) approval of an Annual Report for submission to the Minister for Education & Skills in accordance with section 55 of the Acts which reflects a balanced review and assessment of the Teaching Council's activities. A draft of this Report will be prepared by the Director;
- q) the making of regulations and orders in accordance with the Acts;
- r) adoption of a research strategy;
- s) establishment of sub-committees to deal with once-off or specified matters;
- t) establishment of the following statutory and standing committees in accordance with section 24 of the Acts, and the determination of their terms of reference as set out in Appendix 'B' of this document:
 - Executive Committee
 - Investigating Committee
 - Disciplinary Committee
 - Registration Committee
 - Education Committee
 - Remuneration Committee
 - Finance Committee
 - Audit Committee.
 - Qualifications Panel
 - Evidence of Character Panel
 - Registration Panel

A member of the Council will act as chairperson of these committees. Unless directed otherwise by the Council, the Executive Committee will deal with casual vacancies that may arise on a committee from time to time. The Director or his/her representative will be entitled ex-officio to attend, speak at and advise such meetings;
- u) consideration of recommendations of such committees and the approval of the expenditure of monies by such committees;
- v) approval of Standing Orders for Council and Committee meetings;
- w) decisions in relation to representation of the Teaching Council on standing national and international bodies; and
- x) consideration of reports from the Executive Committee on assessment of the Director's performance in accordance with agreed protocols, and the determination, subject to the provisions of the Acts and Government policy, of remuneration and superannuation arrangements for the Director.

In making such decisions in relation to the matters set out above, except in the case of (x), the Council may have recourse to the advice of the Director, supplemented here necessary by the advice of the appropriate committee of the Council, any Advisory Committee established by the Council and/or independent professional advice.

1.2.6 The Council recognises that the achievement of the Teaching Council’s objectives and its effective operation depends mainly on the performance of the Director and his/her staff. It is, therefore, to devote its meetings to the matters set out above which are reserved to it for consideration and decision, and by appropriate delegation, especially as outlined in section 5 below, it should put the Director in a position to ensure that all other matters are effectively and efficiently discharged.

1.2.7 When, due to exigencies of time or any other reason, the Council is unable to meet, to do all or any of the following, the Executive Committee shall;

- a) act on behalf of the Council;
- b) make interim orders subject to confirmation by the Council within the period specified by the Council in its procedures which shall not exceed 28 days from the making of the order concerned; and
- c) authorise expenditure, subject to such regulations as may be made from time to time by the Council and to budgetary constraints.

Any such matter dealt with in this manner will be reported on in full to the next meeting of the Council.

1.2.8 Members of the Council shall not make statements in the name of the Council except when authorised to do so by the Chairperson of the Council.

1.2.9 It is acknowledged that members will wish to keep their nominating bodies or constituencies informed in general terms of the progress being made on various plans and policies as they are being developed. Council members, functioning as members of a body corporate, must be prudent in any such communications and should bear in mind the following points – whether the matter is under consideration or is the subject of a deliberative process; any associated communications approach that may have been agreed by Council; the potential impact on discussions between Council representatives and other bodies. Council members may communicate on the basis of minutes and reports that have been approved or noted by Council. Where a member is unsure as to how or what to communicate on a particular issue or matter, it is recommended that they consult with the Chairperson and / or the Director. Information that has been designated as “confidential” by Council or its committees should not be disclosed to any external party.

1.2.10 Observer Status: A Council member may attend a meeting of a committee of the Council of which he/she is not a member as an observer subject to the following provisions:

- Members must be particularly cognisant of, and seek to avoid, any conflict of interest that may arise through attendance at a meeting of a committee or panel;
- Council members should be conscious of the cost of attendance at meetings and should only seek observer status when necessary;
- A written request to attend must be submitted to the Chairperson of the committee at least three days in advance of the meeting. The correspondence should state the reason for the request. This request should also be copied to the Director who will advise the committee Chairperson if there are any issues to be considered, if appropriate. The committee Chairperson shall decide if attendance will be permitted;

- Where a number of observers wish to attend a committee meeting, the Chairperson may limit the number of observers, in the interest of the working of the committee;
- Observers are not normally entitled to speak at the meeting but may write to the committee Chairperson and request that an issue is raised at the meeting. The Chairperson may invite the observer to speak on the issue at the meeting;
- The Chairperson of the committee may request an observer to withdraw from the meeting, for confidential discussions;
- Observers are not entitled to vote at the meeting;
- It is not generally deemed appropriate for an Observer member to attend meetings being held under Part 5 of the Teaching Council Acts or meetings of panels or the Registration Committee when hearing reviews of panel decisions.

1.2.11 Council and Committees

For the purposes of this section, “committee(s)” is also taken to include the Evidence of Character Panel, the Qualifications Panel and the Registration Panel.

- a) The quorum for each of the committees appointed by Council shall be a simple majority of the total membership at that time. For absolute clarity, members who are precluded from attending a meeting due to a conflict of interest shall not be included in the total available membership for calculating the quorum. For example, where a Committee had 13 members, the quorum would be 7. If it had 12 members, the quorum would also be 7.
- b) The Council acknowledges that each committee requires an appropriate degree of flexibility and autonomy in order to fulfil the functions delegated to it, within the parameters of the Terms of Reference as approved in Appendix B of this Code. Where committees are considering proposals that seek to clarify a policy as approved by Council, as opposed to an amendment to that policy, they shall have the delegated authority to do so without recourse to Council approval. Such decisions shall be reported in the normal way through reports from the Director and the relevant committee chairperson.
- c) Pursuant to section 24 (3) of the Teaching Council Acts, the Council determines that in any case where a decision-making function has been delegated by the Council to a committee or sub-committee in the Terms of Reference of the committee as set out in Appendix B, such decisions shall not be subject to confirmation by Council.
- d) Membership of all committees shall be included in the annual report.

Further to 1.2.11 (c) above, the following table sets out the committees or panels to whom the Council has delegated certain decision-making functions, and details of same:

Committee / Panel	Delegated functions
Education Committee	Prepare submissions and reports on educational issues in line with agreed Council policy
Executive Committee	<ul style="list-style-type: none"> • Establish an Investigative Sub-Committee, as set out in the Process for the Removal of a Council Member for stated reasons, where a complaint is received about a Council member (see Appendix E); • The Council’s power to make a complaint to the Investigating Committee in relation to a registered teacher, which is provided for in section 42 of the Acts. (see Appendix B.4.3.1.i); • The Council’s power to apply to the High Court for an order suspending a teacher’s registration for a specified period, which is provided for in section 47 of the Acts (see Appendix B.4.3.1.i).
Finance Committee	Approve amendments exceeding €10,000 to the Council’s budget where they do not result in a net increase.
Registration Committee	<p>Review and approve matters in relation to the registration of teachers in line with Council approved policy to include registration processes and documentation.</p> <p>Acting on behalf of the Council, the Committee will review registration application decisions made by:</p> <ul style="list-style-type: none"> • The Qualifications Panel • The Registration Panel • The Evidence of Character Panel <p>when so requested by an applicant, where the Committee’s decision shall be deemed to be the decision of the Council.</p>
Qualifications Panel	In the context of sections 31(5) and section 38 of the Teaching Council Acts 2001-2015, and regulations made thereunder, the panel shall assess the professional qualifications of applicants seeking to register as teachers with the Council referred to it by the Director or his / her nominee, and shall decide on the suitability of qualifications so assessed for the purposes of registration.
Evidence of Character Panel	In the context of Registration Regulations made from time to time by the Teaching Council in accordance with section 31(5) and section 33 of the Teaching Council Acts 2001-2015 and specifically in relation to the requirements as to evidence of character, the Panel shall assess and decide upon the evidence of character, including Garda Vetting and disclosures, of applicants seeking to register as teachers with the Council.
Registration Panel	In the context of Registration Regulations made from time to time by the Teaching Council in accordance with sections 31(5) and 33 of the Teaching Council Acts 2001-2015 and specifically in relation to the requirements for initial and ongoing registration, the Panel shall assess and decide upon, the registration applications, extension requests for conditional registration and other such matters that arise from time to time in relation to the registration of teachers.

1.2.12 It is standard practice that policy matters requiring Council consideration and/or decision will have been considered initially by the relevant committee or panel with recommendations or proposals being made to Council by the committee or panel.

1.3 Recoupment of Expenses Necessarily Incurred by Council Members

- 1.3.1 Travel expenses at rates approved by the Department of Finance from time to time may be paid to members of the Council in respect of travelling expenses necessarily incurred while engaging in the business of the Council and committees of the Council, in accordance with Department of Finance Circular 11/82.
- 1.3.2 Other vouched and approved expenses necessarily incurred by members of the Council while engaging in the business of the Council and committees of the Council may also be refunded.

2 Chairperson

The Chairperson of the Council is responsible for guiding and coordinating the deliberations and policy-forming activities of the Council.

2.1 General Responsibilities as a Council member

In addition to the general responsibilities as a Council member the Chairperson shall have the special functions set out below.

2.2 Conduct of Meetings

S/he will guide the discussions of the Council, ensuring that the variety of interests and the special experience of members is drawn upon in an even handed manner with a view to reaching sound conclusions and integrating, wherever possible, differing or conflicting views. The Chairperson will ensure that the collective responsibility and authority of the Council is safeguarded and that excessive influence as regards Council decision making by individual members is avoided.

2.2.1 The Chairperson will:-

- a) ensure that Council meetings are held in accordance with the provisions of the Acts;
- b) approve the Agenda for each meeting of the Council as prepared by the Executive Committee in accordance with section 26 (b) of the Acts;
- c) sign the minutes after their adoption by the Council;
- d) ensure that the proceedings are conducted in a proper manner and in accordance with such Standing Orders as the Council may approve from time to time. Due regard will be had to the Council's Code of Conduct for the members and staff of the Council;
- e) ensure that the Council's conclusions and decisions on any matter are properly recorded;

- f) provide a report to the Minister for Education & Skills on an annual basis to accompany the Council's Annual Report which will refer, inter alia, to the following matters:
- i. internal financial controls;
 - ii. procedures for financial reporting, internal audit and procurement and asset disposal;
 - iii. Code of Conduct for Council Members and staff is in place and being complied with;
 - iv. application of Government policies regarding remuneration and Council members' fees and expenses;
 - v. the adoption of the Department of Finance's Code of Practice for the Governance of State Bodies; and
 - vi. the Teaching Council's tax compliance.

2.3 Deputy Chairperson

The Deputy Chairperson will act in place of the Chairperson where the Council Chairperson is unavailable or the position is vacant and at Council meetings where the Chairperson is not present. The Deputy Chairperson will not act in place of the Council Chairperson in circumstances where the provisions of the Acts or other statutory or common law requirements would debar such actions.

2.4 Measurement of Organisational Performance

The Chairperson will maintain ongoing contact with the Director towards ensuring that the Council is in a position to assess adequately organisational performance in relation to those functions delegated by the Council to the Director (ref. schedule 2, section 2 of the Acts).

2.5 Contact with the Minister for Education & Skills

The Chairperson (or his/her nominee) will ensure that the Minister for Education & Skills is kept advised of significant matters arising and will normally lead any delegation and/or issue any correspondence in formal representations by the Council to the Minister.

2.6 Public Relations

The Chairperson will undertake such representational duties as can most appropriately be carried out by him/her.

2.7 Chairpersons of Council Committees and Sub-Committees

Chairpersons of Council committees and sub-committees will apply the general principles set out in section 2.2 of this Code when chairing committees and sub- committees.

3 Disclosure of Interests by Members of the Council

In addition to the requirements of section 57 of the Acts, members of the Council will comply with the procedures set out in Appendix C regarding disclosure of interests.

4 Secretary to the Council

4.1 The Director will act as Secretary to the Council.

4.2 The Secretary is responsible to the Council for ensuring that Council procedures are followed and that applicable rules and regulations are complied with.

4.3 The Secretary will:

- a) make all necessary arrangements for the holding of Council and committee meetings including the taking of minutes;
- b) arrange for the briefing of new members of the Teaching Council on Council activities, their responsibilities and duties as Council members, Council and committee memberships and procedures, and the Code of Practice and the Code of Conduct as it applies to Council members;
- c) advise or arrange for the provision of advice for Council members as necessary in relation to Teaching Council matters; and
- d) ensure that the Council's decisions are communicated to the relevant parties.

5 Director

5.1 General Responsibility

5.1.1 The Director is responsible for pursuing the objectives and achieving the targets set by the Council in accordance with plans and policies approved by the Council and for bringing the attention of the Council to any departures from these.

5.1.2 S/he, in his/her executive function, will draw on the wisdom and special experience of the Council members to guide and advise him/her as s/he deems necessary. Such guidance and advice will not, however, relieve him/her of full executive responsibility.

5.1.3 The Director will advise the Council on all matters relating to the discharge of the Teaching Council's responsibilities in a timely manner to allow members of the Council to satisfactorily discharge their duties.

5.1.4 Towards this end s/he will ensure that Council members receive adequate and timely documentation where this is necessary or useful for their proper consideration of any matter on the agenda. Apart from exceptional circumstances, documentation should issue to committees and Council one week in advance of the scheduled meeting.

5.1.5 The Director will attend Council and committee meetings. If, for any reason, s/he is unable to attend s/he will nominate a senior staff member to act in his/her place. If, for any reason, the Director is not in a position to nominate someone to act in his/her place, the Chairperson will exercise this function. In support of his/her role to advise the Council, other members of staff may attend Council and Committee meetings at the request of the Director.

5.1.6 The Director will ensure, by advising the Council as necessary, that the Council operates within the authority conveyed to it by the Act.

5.2 Main Duties and Responsibilities of the Director

5.2.1 The Director is responsible for all executive performance and for the translation of Council policies and decisions into effective action. The Council recognises that the Director must be assigned authority commensurate with this responsibility.

5.2.2 The Director may, in accordance with the Acts, section 2, schedule 2, to whatever extent s/he considers appropriate, delegate formally to other officers of the Teaching Council the performance of any of the duties and functions given to him/her by the Council but s/he will remain ultimately responsible for all executive actions and decisions.

5.2.3 In addition, the Director will:-

- a) establish and maintain a sound organisational structure with satisfactory definitions of responsibilities and adequate means for ensuring executive co-ordination;
- b) prepare a strategic plan in accordance with 1.1.2 for consideration by the Council, as well as annual plans for the implementation of the objectives contained therein;
- c) ensure that a Register of Teachers as required by section 19 of the Acts is established and maintained;
- d) approve amendments not exceeding €10,000 to the budget set by Council, so long as such adjustments do not result in a net increase in the Council's budget. Such adjustments shall be reported to Finance Committee and Council in the normal manner;
- e) select, appoint and transfer permanent members of the Teaching Council staff in accordance with the Council's policy as set out in Appendix A;
- f) implement staff disciplinary procedures in accordance with 1.2.5 (O)
- g) and Appendix A;
- h) within the agreed procedures, policies and budgets, select and appoint temporary staff and terminate the contract of any temporary or short term contract staff appointed to the Teaching Council;
- i) determine, subject to the provisions of the Acts and the policies of the Council, remuneration and allowances for all the Teaching Council staff and oversee the management of all staff matters;
- j) review periodically the organisational structure of the Teaching Council and make any necessary organisational changes, subject to consultation with all staff affected or, in the case of structural changes reserved to the Council under 1.2.5(k), to recommend such to the Council;
- k) ensure the effective training and development of staff;
- l) arrange regular meetings with senior Council staff to review the progress of activities under their control;
- m) ensure effective channels of communication throughout the organisation and encourage a partnership approach between management, staff and staff representatives in relation to the evolving activities and work of the organisation;
- n) ensure that an effective industrial relations framework operates in the Council and in accordance with nationally agreed procedures and processes;

- o) supervise the preparation of annual financial estimates and operating budgets and annual accounts for submission to the Council for approval and supervise the preparation of monthly accounts for the information of the Council;
- p) authorise expenditure limits within the budgets;
- q) approve the purchase or lease of equipment/property (not real property) or award contracts when the amount of money involved in any single transaction is less than €50,000. Items specifically agreed by the Council in its Budget will not be subject to this limit. The Council may review these figures periodically;
- r) exercise continuous control over the operating effectiveness and costs of the Teaching Council and take any executive action necessary to improve effectiveness and reduce operating costs;
- s) supervise the preparation of data for the Council's Annual Report and other progress reports for submission to the Minister for Education & Skills;
- t) carry out public relations activities appropriate to the Director of the Teaching Council so as to generate the widest possible understanding of the Council's objectives and activities and create an atmosphere of confidence amongst those whom it serves and on whom it relies for services and support;
- u) arrange for the representation of the Teaching Council on such outside bodies (e.g. working and advisory groups) and at such functions as s/he may deem appropriate, other than those confined to the Council in 1.2.5 (W);
- v) ensure that the Teaching Council's policies and activities are brought to the notice of all relevant stakeholders, as appropriate;
- w) undertake other duties assigned or delegated to him/her from time to time by the Council;
- x) whenever the Director makes a decision or enters into a commitment within the terms of his/her delegated authority, s/he shall be deemed to have acted on behalf of the Teaching Council. The Council may, however, require him/her to explain a decision or a commitment;
- y) the Council authorises the Director to take any actions necessary for the discharge of these duties subject only to the limitations on his/her authority or to the specific restriction of authority by the Council or Chairperson elsewhere in this document; and
- z) where the Director is unavailable or indisposed, or the position of Director is vacant, the Deputy Director may with the consent of the Director or Council Chairperson deputise for the Director in relation to the requirements of the Acts and the duties and responsibilities of the Director as set out in this Code of Practice.

Appendices to the Teaching Council Code of Practice

Appendix A : Staff and Employment Matters

- A.1 Application
- A.2 General Policies
- A.3 Partnership
- A.4 Industrial Relations
- A.5 Recruitment
- A.6 Vacancy for the Position Of Director
- A.7 Internal Competitions
- A.8 Filling of Vacancies by Staff within same grade
- A.9 Short-Term and Temporary Vacancies
- A.10 Dissemination of Information on Staffing
- A.11 Disciplinary & Grievance Procedure
- A.12 Termination of Employment
- A.13 Employment Policies
- A.14 Superannuation

Appendix B : Terms of Reference for Council of the Teaching Council Standing Committees

- B.1 Audit Committee
- B.2 Finance Committee
- B.3 Remuneration Committee
- B.4 Executive Committee
- B.5 Investigating Committee
- B.6 Disciplinary Committee
- B.7 Registration Committee
- B.8 Education Committee
- B.9 Qualifications Panel
- B.10 Registration Panel
- B.11 (Registration) Evidence Of Character Panel

Appendix C : Disclosure of Interests by Members of the Council and Application of Ethics in Public Office Acts to Members and Staff of the Council

- C.1 Disclosure of Interests
- C.2 Application of Ethics in Public Office Acts to Members And Staff of the Council

Appendix D : Conduct Of Meetings – Teaching Council

- D.1 Order of Business
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Appendix E : Conduct Of Meetings – Breaches

- E.1 Teaching Council Acts 2001-2015 – Schedule 1, Paragraph 3 (2)
- E.2 Making of a Complaint
- E.3 Investigation Prior to Consideration of Removal
- E.4 Consideration of Resolution to Remove Member

Appendix A: Staff and Employment Matters

[As approved by the Teaching Council on 5 December 2006]

A.1 Application

The policies and procedures outlined in this Appendix refer to the staff employed by the Teaching Council.

A.2 General Policies

- A.2.1 The employment policies, procedures and conditions in operation within the Teaching Council are subject to the terms of the Acts and such legislation and statutory regulation as is applicable to employment matters.
- A.2.2 The Council's fulfilment of its statutory functions and strategic objectives can only be achieved through the staff it employs. Thus a key area of interest for the Council is to ensure that its strategic plans are matched with the necessary organisational structures and human resources.
- A.2.3 The importance of a well-motivated and committed staff is acknowledged as being essential to the effective running of the Council.
- A.2.4 Employee remuneration, allowances, superannuation and employment conditions will be comparable to public service norms and within the guidelines set by the Department of Finance.
- A.2.5 HR policies will be contained in a staff resource manual which will include complaints and grievances procedures and will be available to all staff.

A.3 Partnership

- A.3.1 The Council supports and encourages the working together of management, staff and staff representatives in a spirit of partnership. This approach is recognised as being of particular value in the areas of strategic and organisational change.

A.4 Industrial Relations

- A.4.1 The right of staff to be represented collectively by trade unions is recognised by the Council.
- A.4.2 The Director will establish procedures within the Council which encourage a positive industrial relations environment. The procedures will include reference to the national industrial relations institutions. There is an onus on all parties involved in industrial relations matters within the Teaching Council to act positively and with integrity.
- A.4.3 Outcomes arising from industrial relations discussions shall not be such as to diminish the position, employment conditions or rights of staff who are not members of a trade union.

A.5 Recruitment

A.5.1 Recruitment of staff to approved positions below the level of Director will be a matter for the Director in accordance with the procedural parameters set out below. Recruitment to any position equivalent to the Civil Service grade of Assistant Principal Officer or higher will be subject to the overall approval of the Executive Committee.

A.5.1 All staff positions shall be filled by publicly-notified, open competition unless otherwise noted in this Appendix or varied by agreement of the Council or the Executive Committee on behalf of the Council.

A.5.1.2 Staff positions within the Council will normally be filled on a permanent basis, unless there are specific reasons for not so doing.

A.5.1.3 The following are the selection and employment processes for filling vacant staff positions in the Council other than that of Director.

A.5.2 General Guidelines on Recruitment:

A.5.2.1 A pre-determined and relevant job description and job selection criteria will be established for an advertised post.

A.5.2.2 Candidates will be assessed equally and fairly, and selected only on merit.

A.5.2.3 Canvassing on behalf of candidates is strictly prohibited.

A.5.2.4 A family relationship with a candidate shall exclude a potential selection panel member from serving. Appendix C.1.1 (a) should be noted in this regard.

A.5.2.5 Competition short-listing and interviewing results will be recorded.

A.5.2.6 Relevant employment legislation including equality legislation will be complied with fully.

A.5.2.7 The selection panel will provide a result list, in order of merit, of those it deems suitable to be appointed and the Director will appoint the candidate(s) accordingly.

A.5.2.8 Employment of successful candidates will be subject to satisfactory employment references.

A.5.3 Appointments up to and including Higher Executive Officer Grade

A.5.3.1 Selection panels for short-listing and interviewing candidates for positions up to and including Higher Executive Officer grade will be appointed by the Director.

A.5.3.2 The Director, or the Director's nominee, may be a member of the selection panel.

A.5.3.3 The selection panel should include an external member who has expertise in the job position being filled and should contain at least one member of each gender.

A.5.4 Appointments at Assistant Principal and Principal Officer Grades

- A.5.4.1 Selection panels for positions equivalent to the grades of Assistant Principal and Principal Officer will be appointed by the Director subject to the approval of the Executive Committee.
- A.5.4.2 Selection panels shall have five members. Each panel shall include the Council Chairperson (or the Chairperson's nominee), the Director (or the Director's nominee), at least one other member of the Teaching Council and at least one external member.
- A.5.4.3 The selection panel should include an external member who has expertise in the job position being filled and should contain at least two members of each gender.
- A.5.4.4 Where considered appropriate and with the approval of the Executive Committee, a selection panel may utilise the services of an external agency or professional advisor to assist with the recruitment process.

A.6 Vacancy for The Position Of Director

- A.6.1 Where a vacancy occurs for the position of Director, a sub-committee of the Council, chaired by the Council Chairperson, will be set up to oversee the recruitment process.
- A.6.2 The sub-committee should be broadly representative of the make-up of the Council with a maximum of seven members and act in accordance with the spirit of the general recruitment principles outlined in this Appendix.
- A.6.3 The sub-committee, with the approval of the Council, may utilise an external agency or an external professional advisor to assist with the recruitment process. The sub-committee will recommend the membership of the selection panel for the Council's approval.

A.7 Internal Competitions

- A.7.1 Confined internal competitions to fill vacancies at administrative levels (up to and including the equivalent of the Civil Service Grade of Executive Officer) may be permitted at the discretion of the Director. Selection procedures will be in line with the principles outlined above.

A.8 Filling Of Vacancies by Staff Within Same Grade

- A.8.1 Staff at a similar grade may fill vacant positions where the Director is satisfied as to the suitability of the individual for the position. Where more than one staff member (of similar grade) indicates an interest in a vacant position, a selection procedure based on the principles as outlined above will be applied.

A.9 Short-Term and Temporary Vacancies

- A.9.1 Where short-term or temporary vacancies occur (e.g. due to maternity or parental leave, seasonal workflows), the Director may authorise a more localised recruitment procedure. Selection will, however, be on the principles outlined above. The Director may also authorise the 'acting-up' of an existing staff member for short-term vacancies where appropriate.

A.10 Dissemination Of Information On Staffing

- A.10.1 The Director will keep the Council and Executive Committee generally informed as to staff movements, particularly at management level, on an ongoing basis.

A.11 Disciplinary & Grievance Procedure

- A.11.1 A staff disciplinary procedure will be prepared by the Director for approval by the Council or Executive Committee on the Council's behalf. The procedure will accord with natural justice, and current employment law and precedent.

A.12 Termination of Employment

- A.12.1 Where the circumstances so warrant, the Director may approve the dismissal or termination of employment of an employee in accordance with the terms of the Teaching Council's disciplinary procedure and the employee's employment contract. In cases involving a staff member at a grade equivalent to an Assistant Principal or higher grade the Director will seek the approval of the Council or Executive Committee prior to implementing a dismissal or termination.

A.13 Employment Policies

- A.13.1 The Director will oversee the development and implementation of appropriate staff employment policies. Due regard will be taken of the views of staff and staff representatives in the preparation of these policies. The Council, or the Executive Committee on the Council's behalf, will be kept advised of significant policy developments.

A.14 Superannuation

- A.14.1 Superannuation arrangements for the Teaching Council staff will be in line with schemes available in the non-commercial public sector. A scheme will be drafted under the guidance of the Department of Education & Skills for the attention of the Council in accordance with section 14 of the Acts. Pending approval of a Teaching Council superannuation scheme, the Council will operate its superannuation arrangements under the administrative approval of the Department of Education & Skills.

Appendix B: Terms of Reference for Committees of the Teaching Council

B.1. Audit Committee

B.1.1 Establishment

B.1.1.1 The Teaching Council shall establish a standing committee to be known as the Audit Committee, in accordance with the terms of section 24 of the Acts.

B.1.1.2 The Council shall appoint all members of the committee.

B.1.1.3 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.

B.1.1.4 The committee will meet a minimum of twice a year.

B.1.2 Membership

B.1.2.1 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment to the Council.

B.1.2.2 The committee shall consist of a minimum of five members which should include a Department of Education & Skills representative, a school management representative member, primary teacher member and post-primary teacher member. A maximum of two members appointed to the Finance Committee may also sit on the Audit Committee. The Council chairperson shall have the discretion to attend in an ex-officio role if not appointed as a member.

B.1.2.3 The committee shall appoint a Chairperson from among its own members excluding the Council Chairperson and members who also serve on the Council's Finance Committee.

B.1.2.4 The Director of the Council (or his/her nominee) may attend meetings of the committee.

B.1.3 Scope and Definition of Activities

B.1.3.1 The committee shall ensure, in so far as is practicable, that effective systems, financial controls and procedures are in place and operating, to enable the Teaching Council operate in an orderly, efficient and value-for-money manner.

B.1.3.2 The committee shall have:-

- a) the authority and the resources to investigate any matters that fall within the scope of 1.3.1. above;
- b) full access to information; and
- c) authority to obtain external professional advice and to invite relevant experts to attend meetings if necessary.

B.1.3.3 The committee shall review the draft audited annual accounts and auditor's report and make recommendations to the Council regarding the approval of the accounts.

B.1.4 External and Internal Audit

- B.1.4.1 The external auditor and the internal auditor shall be invited to attend meetings of the committee at least once a year, without staff of the Council present, to discuss the annual audit of the Council’s financial accounts and internal audit matters.
- B.1.4.2 The committee shall ensure that there is an appropriate internal audit function, as specified under the Council’s formal Charter for Internal Audit, to ensure that the Council is fully compliant with all internal audit requirements under the Code of Practice for the Governance of State Bodies.
- B.1.4.3 The committee shall periodically consult with the external auditor regarding the operation, resourcing and work programme of the internal audit function.
- B.1.4.4 The internal auditor shall report directly to the committee and shall also have access to the Chairperson of the Council and the Chairperson of the Committee.
- B.1.4.5 The committee shall ensure that the independence of the internal and external audit functions is maintained.

B.1.5 Reporting to the Council

- B.1.5.1 The committee shall report and make recommendations to the Council and Executive Committee on:-
 - a) external audit reports and requirements; and
 - b) internal audit reports and requirements.

B.1.6 Confidentiality

- B.1.6.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.2 Finance Committee

B.2.1 Establishment

- B.2.1.1 The Teaching Council shall establish a standing committee to be known as the Finance Committee, in accordance with the terms of section 24 of the Teaching Council Acts.
- B.2.1.2 The Council shall review the membership and terms of reference of the committee periodically, as appropriate.
- B.2.1.3 The committee shall meet at least three times a year.

B.2.2 Membership

- B.2.2.1 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment to the Council.
- B.2.2.2 The committee shall consist of a minimum of five members. The Council Chairperson shall have the discretion to attend meetings in an ex-officio role if not appointed as a member.
- B.2.2.3 The committee shall appoint a Chairperson from among its own members.
- B.2.2.4 The Director of the Council (or his/her nominee) may attend meetings of the committee.

B.2.3 Scope and Definition of Activities

- B.2.3.1 The committee shall ensure that proper estimates of income and expenditure are prepared annually, for submission to the Council. These estimates shall include proposals and future plans relating to the discharge by the Council of its functions over a period of years in line with the Council's strategic plan.
- B.2.3.2 The committee shall ensure that a budget is prepared annually, in line with the funding available from Registration Renewal Fees and other projected sources of income.
- B.2.3.3 The committee shall review actual income and expenditure against budget at regular specified intervals during the annual budget cycle, and ensure that a revised budget is prepared where necessary.

B.2.4 Reporting to the Council

- B.2.4.1 The committee shall report and make recommendations to the Council and Executive Committee on:-
 - a) annual estimates of income and expenditure;
 - b) annual budget;
 - c) review of actual income and expenditure against budget; and
 - d) the accounts of the Council for each financial year;
 - e) any proposals from other committees that entail amendments to the budget as approved by Council;
 - f) acting on behalf of the Council the committee will:-
 - approve amendments exceeding €10,000 to the Council's budget;
 - where such amendments do not result in a net increase.

B.2.5 Confidentiality

- B.2.5.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.3. Remuneration Committee

B.3.1 Establishment

- B.3.1.1 The Council of the Teaching Council shall establish at its discretion a standing committee to be known as the Remuneration Committee, in accordance with the terms of section 24 of the Acts.
- B.3.1.2 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.
- B.3.1.3 The committee shall meet as required but not less than once a year.

B.3.2 Membership

- B.3.2.1 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment fixed by the Minister in section 4 of schedule 1 of the Acts.
- B.3.2.2 The committee shall consist of four members, including the Chairperson of the Council, the chairperson of the Audit Committee and the Minister's Departmental nominee on the Council.
- B.3.2.3 The Chairperson of the Council will act as Chairperson of the committee.

B.3.3 Scope and Definition of Activities

- B.3.3.1 The committee shall review the Director's remuneration and allowances and ensure that Government policy is complied with in this respect.
- B.3.3.2 The committee shall implement any performance related award schemes as may be approved by the Council from time to time.

B.3.4 Reporting to the Council

- B.3.4.1 The committee shall report and make recommendations to the Council or the Executive Committee on the Council's behalf on:
- a) remuneration and allowances of the Director;
 - b) assessments or outcomes as required in relation to an approved performance related pay award scheme.

B.3.5 Confidentiality

- B.3.5.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.4. Executive Committee

B.4.1 Establishment

B.4.1.1 The Council of the Teaching Council shall establish a standing committee to be known as the Executive Committee, in accordance with the terms of sections 24 and 25 of the Acts.

B.4.1.2 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.

B.4.1.3 The committee shall meet in advance of Council Meetings and as required.

B.4.2 Membership

B.4.2.1 In accordance with section 25 of the Acts, the Executive Committee shall consist of 11 members of whom not less than six and not more than seven shall be members of the Council appointed in accordance with paragraphs (a) and (b) of section 8 (2) of the Acts.

The members of the Executive Committee shall be:-

- a) the chairperson of the Council;
- b) the deputy chairperson of the Council;
- c) the chairpersons of such committees (other than the Investigating Committee or the Disciplinary Committee) as the Council considers appropriate;
- d) two members of the Council appointed under paragraph (g) of section 8 (2) of the Acts; and
- e) such other members of the Council as the Council considers appropriate;
- f) In the interests of clarity, the chairperson of the Disciplinary Committee shall not sit as a member of the Executive Committee.

B.4.2.2 The chairperson of the Council shall be the chairperson of the Executive Committee. The Director shall act as secretary to the Executive Committee.

B.4.3 Scope and Definition of Activities

B.4.3.1 In accordance with section 26 of the Acts, the functions of the Executive Committee shall be:-

- a) to facilitate and assist the Council in the performance of its functions;
- b) to prepare, in consultation with the Director, the agenda for the general meetings of the Council;
- c) to co-ordinate the activities of committees (other than the Investigating Committee or the Disciplinary Committee) and the operations of the Council generally;
- d) to fill casual vacancies in accordance with section 24(8) of the Acts;

- e) when, due to exigencies of time or for any other reason, the Council is unable to meet, to do all or any of the following:-
 - (i) to act on behalf of the Council;
 - (ii) to make interim orders on behalf of the Council and any such orders shall be subject to confirmation by the Council within the period specified by the Council in its procedures which period shall not exceed 28 days from the making of the order concerned;
 - (iii) to authorise expenditure, subject to such regulations as may be made from time to time by the Council and to budgetary constraints;
- f) to advise the Council as it considers appropriate;
- g) to review and make recommendations to the Council in respect of the establishment, membership, terms of reference and continuance of committees;
- h) to report, as directed from time to time by the Council, on its activities;
- i) to perform such other functions as the Council may from time to time delegate to it, including:-
 - (i) The Council's power to make a complaint to the Investigating Committee in relation to a registered teacher, which is provided for in section 42 of the Acts;
 - (ii) The Council's power to apply to the High Court for an order suspending a teacher's registration for a specified period, which is provided for in section 47 of the Acts.

(These functions were delegated by the Council at a Council meeting on 05 October 2015, with the delegations to take effect immediately upon commencement of Part 5 of the Acts. When delegating these functions, the Council decided that the exercise by the Executive Committee of these functions shall not be subject to confirmation by the Council).

In addition, the Executive Committee has the following functions which are not specified in the Acts:

- j) promoting the Profession – the promotion of teaching as a profession to potential new entrants;
- k) communications – advise on an ongoing basis regarding Council communications strategy;
- l) Oversight of proposed legislative changes which will impact on the Council.

B.4.4 Confidentiality

- B.4.4.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.5 Investigating Committee

B.5.1 Establishment

B.5.1.1 The Council of the Teaching Council shall establish a standing committee to be known as the Investigating Committee, in accordance with the terms of sections 24 and 27 of the Acts.

B.5.1.2 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.

B.5.1.3 The committee shall meet as required but not less than once a year.

B.5.2 Membership

B.5.2.1 The Investigating Committee shall consist of 11 members.

- a) the deputy chairperson of the Council;
- b) six members of the Council appointed under paragraphs (a) and (b) of section 8(2) of the Acts;
- c) three members of the Council appointed under paragraphs (c), (d), (e) and (f) of section 8(2) of the Acts; and
- d) one member of the Council appointed under paragraph (g) of section 8(2) of the Acts.

B.5.2.2 The deputy chairperson of the Council shall be the chairperson of the Investigating Committee.

B.5.2.3 A member of the Disciplinary Committee shall not be eligible to be a member of the Investigating Committee.

B.5.2.4 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment fixed by the Minister in section 4 of schedule 1 of the Acts.

B.5.3 Scope and Definition of Activities

B.5.3.1 The Investigating Committee shall consider and conduct inquiries in accordance with the terms of section 42 of the Acts and such procedures as may be adopted by The Teaching Council.

B.5.3.2 The committee may make recommendations to the Council as regards the manner in which complaints are presented to them and in relation to other administrative matters relating to their consideration of complaints.

B.5.4 Codes of Professional Conduct

B.5.4.1 The drafting and review of codes of professional conduct for teachers, in collaboration with the Disciplinary and Education Committees. The committees will be particularly cognisant of the Council's obligations under section 7.2 of the Acts.

B.5.5 Confidentiality

B.5.5.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.6 Disciplinary Committee

B.6.1 Establishment

- B.6.1.1 The Council of the Teaching Council shall establish a standing committee to be known as the Disciplinary Committee, in accordance with the terms of sections 24 and 28 of the Acts.
- B.6.1.2 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.
- B.6.1.3 The committee shall meet as required but not less than once a year.

B.6.2 Membership

- B.6.2.1 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment fixed by the Minister in section 4 of schedule 1 of the Acts.
- B.6.2.2 The Disciplinary Committee shall consist of 13 members:-
- a) eight members of the Council appointed under paragraphs (a) and (b) of section 8(2) of the Acts;
 - b) three members of the Council appointed under paragraphs (c), (d), (e) and (f) of section 8(2) of the Acts; and
 - c) two members of the Council appointed under paragraph (g) of section 8(2) of the Acts.
- B.6.2.3 The Committee shall appoint a Chairperson from among its members.

B.6.3 Scope and Definition of Activities

- B.6.3.1 The Disciplinary Committee shall hold inquiries in accordance with the terms of section 43 and schedule 3 of the Acts and such rules and procedures as may be adopted by the Teaching Council.
- B.6.3.2 The committee may make recommendations to the Council as regards the manner in which complaints are presented to them and in relation to other administrative matters relating to their consideration of complaints.

B.6.4 Codes of Professional Conduct

- B.6.4.1 The drafting and review of codes of professional conduct for teachers, in collaboration with the Education and Investigating Committees. The committees will be particularly cognisant of the Council's obligations under section 7.2 of the Acts.

B.6.5 Appointment of Disciplinary Panels

- B.6.5.1 The appointment and functioning of Disciplinary Panels shall be in accordance with section 43 and schedule 3 of the Acts, and in accordance with such rules of procedure as may be made by the Council with the consent of the Minister.

B.6.6 Confidentiality

- B.6.6.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.7. Registration Committee

B.7.1 Establishment

- B.7.1.1 The Council of the Teaching Council shall establish a standing committee to be known as the Registration Committee, in accordance with the terms of section 24 of the Acts.
- B.7.1.2 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.
- B.7.1.3 The committee shall meet as required but not less than once a year.

B.7.2 Membership

- B.7.2.1 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment fixed by the Minister in section 4 of schedule 1 of the Acts.
- B.7.2.2 The committee shall consist of a minimum of thirteen members,
- seven from the teacher group (appointed under sections 8(2)(1)(a) & (b) of the Acts),
 - four from the nominated group (appointed under sections 8(2)(1)(c), (d), (e), and (f) of the Acts) and
 - two from the appointed group (appointed under sections 8(2)(1)(g) of the Acts).

The Council Chairperson shall have the discretion to attend in an ex-officio role if not appointed as a member.

- B.7.2.3 The committee shall appoint a Chairperson from among its own members.
- B.7.2.4 The Director of the Council and/or his/her nominee may attend meetings of the committee including registration application review hearings.

B.7.3 Scope and Definition of Activities

- B.7.3.1 The committee will advise the Council and make recommendations in the following areas:-

- a) the regulations for registration as a teacher;
- b) the processes for implementing such regulations,
- c) registration application review of panel decision processes;
- d) the form of certification to be issued to registered teachers;
- e) in consultation with the Education Committee, determine criteria and guidance for the assessment of qualifications for registration purposes;
- f) matters relating to the probation of new entrants to the teaching profession; and
- g) such other matters relating to the registration of teachers as the Committee or Council may consider appropriate.

- B.7.3.2 Acting on behalf of the Council, the Committee will:-

- a) review and approve the implementation of registration procedures to support Council approved policy;

- b) approve the use of professional expertise from time to time, to assist the Registration and Evidence of Character panels and the Registration Committee;
- c) review registration decisions made by the Qualifications Panel, Registration Panel and the Evidence of Character Panel where so requested by the applicant in accordance with the procedures as approved by the Council from time to time and the committee's decision shall be deemed to be the decision of the Council.

B.7.3.3 The decisions taken in such matters above (B.7.3.2) will be recorded in the minutes of each meeting.

B.7.4 Confidentiality

B.7.4.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.8 Education Committee

B.8.1 Establishment

B.8.1.1 The Council of the Teaching Council shall establish a standing committee to be known as the Education Committee, in accordance with the terms of section 24 of the Acts.

B.8.1.2 The Council shall review the constitution and terms of reference of the committee periodically, as appropriate.

B.8.1.3 The committee shall meet as required but not less than four times a year.

B.8.2 Membership

B.8.2.1 Members of the committee shall be members of the Council and appointed for a period no greater than the term of appointment fixed by the Minister in section 4 of Schedule 1 of the Acts.

B.8.2.2 The committee shall consist of a minimum of thirteen members,

- seven from the teacher group (appointed under sections 8(2)(1)(a) & (b) of the Acts),
- four from the nominated group (appointed under sections 8(2)(1)(c), (d), (e) and (f) of the Acts) and
- two from the appointed group (appointed under sections 8(2)(1)(g) of the Acts.

The Council Chairperson shall have the discretion to attend in an ex-officio role if not appointed as a member.

B.8.2.3 The committee shall appoint a Chairperson from among its members.

B.8.2.4 The Director of the Council and/or his/her nominee may attend meetings of the committee.

B.8.3 Scope and Definition of Activities

B.8.3.1 The committee will advise the Council and make recommendations in the following areas:-

- a) standards of entry to the teaching profession – The requirements for entry to programmes of initial teacher education in the State;
- b) practice of teaching – The review of standards of knowledge, skills and competence required for the practice of teaching;
- c) teaching qualifications - The review and accreditation of programmes of initial teacher education in the State, including the development of criteria and procedures for same.;
- d) new entrant induction – Matters relating to the induction of new members to the profession;
- e) liaison and consultation with the Registration Committee - in respect of b), c) and d) above;
- f) g) teachers' learning (CPD) – the promotion of the professional learning of teachers and the review and accreditation of programmes of professional learning (CPD) in accordance with section 39 (when commenced) of the Acts;

- g) Codes of Professional Conduct – The drafting and review of codes of professional conduct for teachers, in collaboration with the Investigating and Disciplinary Committees. The committee will be particularly cognisant of the Council’s obligations under section 7.2. of the Acts;
- h) Research – The development, implementation and review of the Council’s research strategy.
- i) approve the use of professional expertise from time to time, to assist the Qualifications Panel and the review and accreditation process.

B.8.3.2 The committee has also been delegated authority by Council to:-

- a) prepare submissions and reports on educational issues in line with agreed Council policy.

B.8.4 Confidentiality

B.8.4.1 In accordance with section 58 of the Acts, a committee member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the committee. Confidential information includes information that is expressed by the committee to be confidential as regards particular information or as regards information of a particular class or description.

B.9 Qualifications Panel

B.9.1 Establishment

- B.9.1.1 The Teaching Council shall establish a standing committee to be known as the Qualifications Panel, in accordance with the terms of section 24 of the Acts.
- B.9.1.2 The Council shall appoint all members of the panel.
- B.9.1.3 The Council shall establish the terms of reference and membership of the panel periodically, as appropriate.
- B.9.1.4 The panel will meet a minimum of once a year and as often thereafter as the efficient handling of applications requires.

B.9.2 Membership

- B.9.2.1 All members of the panel shall be members of the Council and appointed for a period no greater than the term of appointment to the Council.
- B.9.2.2 The panel shall consist of a minimum of seven members representing a cross-section of the Council as set out in section 8(2) of the Acts and should include one member appointed under each of sections 8(2)(a), 8(2)(b), 8(2)(c) and 8(2)(d) of the Acts.
- B.9.2.3 The panel shall appoint a Chairperson from among its own members. He or she may attend meetings of the Registration Committees on an ex-officio basis if s/he is not a member of the committee.
- B.9.2.4 The Director of the Council (or his/her nominee) may attend meetings of the panel.

B.9.3 Scope and Definition of Activities

- B.9.3.1 In the context of sections 31(5) and section 38 of the Teaching Council Acts 2001-2015, and regulations made thereunder, the panel shall assess the professional qualifications of applicants seeking to register as teachers with the Council referred to it by the Director or his / her nominee, and shall decide on the suitability of qualifications so assessed for the purposes of registration.
- B.9.3.2 The decisions taken in such matters above (B.9.3.1) will be recorded in the minutes of each meeting.
- B.9.3.3 The panel will have an advisory role to the Education Committee in relation to the accreditation of professional qualifications.

B.9.4 Reporting

- B.9.4.1 The Education Committee and/or the Council may seek the view of the panel on matters within its scope as required.

The Council has for the purposes of matters that come before the panel for decision:-

- a) Delegated its functions under the Teaching Council Acts 2001-2015 to include section 32; and
- b) Dispensed with the requirement referred to in section 24(3) of the Teaching Council Acts 2001 - 2015 for confirmation of acts of the panel and the exercise of functions hereby delegated to it.

B.9.5 Confidentiality

B.9.5.1 In accordance with section 58 of the Acts, a panel member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the panel. Confidential information includes information that is expressed by the panel to be confidential as regards particular information or as regards information of a particular class or description.

B.10 Registration Panel

B.10.1 Establishment

- B.10.1.1 The Teaching Council shall establish a standing committee to be known as the Registration Panel, in accordance with the terms of section 24 of the Acts.
- B.10.1.2 The Council shall appoint all members of the panel.
- B.10.1.3 The Council shall establish the terms of reference and membership of the panel periodically, as appropriate.
- B.10.1.4 The panel will meet a minimum of once a year and as often thereafter as the efficient handling of applications requires.

B.10.2 Membership

- B.10.2.1 Members of the panel shall be members of the Council and appointed for a period no greater than the term of appointment to the Council.
- B.10.2.2 The panel shall consist of a minimum of seven members representing a cross-section of the Council as set out in section 8(2) of the Acts.
- B.10.2.3 The panel shall appoint a chairperson from among its own members. The panel chairperson may attend meetings of the Registration Committee on an ex-officio basis if s/he is not a member of the committee.
- B.10.2.4 The Director of the Council (or his/her nominee) may attend meetings of the panel.

B.10.3 Scope and Definition of Activities

- B.10.3.1 In the context of the Registration Regulations approved from time to time by the Teaching Council in accordance with sections 31, 32 and 33 (as amended and when commenced) of the Teaching Council Acts 2001-2015 and specifically in relation to the requirements as to registration and conditions, the panel shall assess and decide on the following:
 - a) Issues arising from applications for registration, including EU Directive applications other than those considered by the Qualifications Panel;
 - b) The conditional status of registered teachers including extension to the period of conditional registration or other variation to a condition and;
 - c) the completion of conditions, with the exception of conditions imposed as a result of fitness to teach proceedings;
 - d) referrals to the panel by the Director or his/her nominee.
- B.10.3.2 Teacher registrations shall be assessed against such regulations, criteria and other requirements as may be determined by the Council from time to time.
- B.10.3.3 The panel will have an advisory role to the Registration Committee in relation to registration matters.

B.10.4 Reporting

B.10.4.1 The Registration Committee and/or the Council may seek the view of the panel on matters within its scope as required.

B.10.4.2 The Council has for the purposes of matters that come before the panel for decision:-

- a) Delegated its functions under the Teaching Council Acts 2001-2015 to include section 32 and
- b) Dispensed with the requirement referred to in section 24(3) of the Teaching Council Acts 2001-2015 for confirmation of acts of the panel and the exercise of functions hereby delegated to it.

B.10.5 Confidentiality

B.10.5.1 In accordance with section 58 of the Acts, a panel member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the panel. Confidential information includes information that is expressed by the panel to be confidential as regards particular information or as regards information of a particular class or description.

B.11 Evidence of Character Panel

B.11.1 Establishment

- B.11.1.1 The Teaching Council shall establish a standing committee to be known as the Evidence of Character Panel, in accordance with the terms of section 24 of the Acts.
- B.11.1.2 The Council shall appoint all members of the panel.
- B.11.1.3 The Council shall establish the terms of reference and membership of the panel periodically, as appropriate.
- B.11.1.4 The panel will meet a minimum of once a year and as often thereafter as the efficient handling of applications requires.

B.11.2 Membership

- B.11.2.1 Members of the panel shall be members of the Council and appointed for a period no greater than the term of appointment to the Council.
- B.11.2.2 The panel shall consist of a minimum of seven members representing a cross- section of the Council as set out in section 8(2) of the Acts.
- B.11.2.3 The panel shall appoint a chairperson from among its own members. The panel chairperson may attend meetings of the Registration Committee on an ex-officio basis if s/he is not a member of the Committee.
- B.11.2.4 The Director of the Council (or his/her nominee) may attend meetings of the panel.

B.11.3 Scope and Definition of Activities

- B.11.3.1 In the context of Registration Regulations made from time to time by the Teaching Council in accordance with section 31(5) of the Teaching Council Acts 2001 – 2015 and specifically in relation to the requirements as to evidence of character, the panel shall assess the evidence of character, including Garda Vetting and disclosures, of applicants seeking to register as teachers with the Council.
- B.11.3.2 An applicant’s evidence of character shall be assessed against such guidelines, criteria, the Code of Professional Conduct for Teachers and other requirements and in accordance with procedures approved by the Council from time to time.
- B.11.3.3 Where the panel decides that an applicant’s evidence of character renders her/him unsuitable for registration purposes, the panel will notify the applicant of their decision, the reasons for that decision and the courses of action open to the applicant at that point.

B.11.4 Reporting

- B.11.4.1 The panel shall periodically report to the Council and Registration Committee on the throughput of cases and outcomes. The panel may make recommendations on areas relevant to its activities to the Registration Committee and Council as it feels appropriate and the Registration Committee and/or the Council may seek the view of the panel on matters within its scope as required.
- B.11.4.2 The Council has for the purposes of matters that come before the panel for decision:
 - a) Delegated its functions under the Teaching Council Acts 2001-2015 to include section 32 and
 - b) Dispensed with the requirement referred to in section 24(3) of the Teaching Council Acts 2001-2015 for confirmation of acts of the panel and the exercise of functions hereby delegated to it.

B.11.5 Confidentiality

- B.11.5.1 In accordance with section 58 of the Acts, a panel member shall not, without the consent of the Council, disclose confidential information obtained by him/her, or as a result of having performed duties as a member of the panel. Confidential information includes information that is expressed by the panel to be confidential as regards particular information or as regards information of a particular class or description.

Appendix C: Disclosure of Interests by Members of the Council and Application of Ethics in Public Office Acts to Members and Staff of the Council

C.1. Disclosure of Interests

In addition to the requirements under section 57 of the Acts, the following procedures should be observed with regard to the disclosure of interests by Council Members.

C.1.1 On appointment to the Council of the Teaching Council, each member should furnish to the Secretary of the Council details relating to his/her employment and all other business interests including shareholdings, professional relationships etc., which could involve a conflict of interest or could materially influence the member in relation to the performance of his/her functions as a member of the Council. Any interests of a member's family of which he/she could be expected to be reasonably aware or a person or body connected with the member which could involve a conflict of interest or could materially influence the member in the performance of his/her functions should also be disclosed. For this purpose persons and bodies connected with a member should include:-

- a) a spouse, parent, brother, sister, child or step-child;
- b) a body corporate with which the member is associated;
- c) a person acting as the trustee of any trust, the beneficiaries of which include the member or the persons at (a) above or the body corporate at (b) above; and
- d) a person acting as a partner of the member or of any person or body who, by virtue of (a) – (c) above, is connected with the member.

Each member should furnish to the Secretary details of business interests on the lines above of which he/she becomes aware during the course of his/her membership.

C.1.2 Where it is relevant in any matter which arises, the member should be required to indicate to the Secretary the employment and any other business interests of all persons connected with him/her, as defined at (b) above.

C.1.3 The Council may exercise discretion regarding the disclosure by members of minor shareholdings. As a general guideline, shareholdings valued at more than €13,000 should be disclosed.

C.1.4 If a member has a doubt as to whether this Code requires the disclosure of an interest of his/her own or of a connected person, that member should consult the Chairperson.

C.1.5 Details of the above interests will be kept by the Secretary in a special confidential register and should be updated on an annual basis. Changes in the interim should be notified to the Secretary as soon as possible. Only the Chairperson, Secretary and Director of the body will have access to the register.

C.1.6 Should a matter relating to the interests of the Chairperson arise, he/she should deputise to the Deputy Chairperson or another member to chair the Council meeting and should absent himself/herself when the Council is deliberating or deciding on a matter in which the Chairperson, or a person or body connected with the Chairperson, has an interest.

- C.1.7** Council or organisational documents on any case which relates to any dealings with the above interests should not be made available to the member concerned prior to a decision being taken. (Such documents should be taken to include those relating to cases involving competitors to the above interests). Decisions once taken should be notified to the member.
- C.1.8** As it is recognised that the interests of a member and persons connected with him/her can change at short notice, a member should, in cases where he/she receives documents relating to his/her interests or of those connected with him/her, return the documents to the Secretary at the earliest opportunity.
- C.1.9** A member should absent himself/herself when the Council is deliberating or deciding on matters in which that member (other than in his/her capacity as a member of the Council) or a person or body connected with the member has an interest. In such cases a separate record (to which the member would not have access) should be maintained for so long as the matter remains a matter for deliberation by the Council and has not reached final conclusion.
- C.1.10** Where a question arises as to whether or not a case relates to the interests of a member or a person or body connected with that member, the Chairperson of the Council should determine the question.
- C.1.11** Former members should treat commercial information received while acting in that capacity as confidential.

C.2 Application of Ethics in Public Office Acts to Members and Staff of the Council

- C.2.1** In accordance with the Ethics in Public Office Acts 1995 & 2001, Council members and staff members in scheduled positions will comply with the provisions of the aforementioned Acts and the guidelines prepared by the Standards in public Office Commission from time to time. Annual statements of interests and statements of a material interest will be completed by Council members and designated staff as required and will be furnished to the Director of the Council.

Appendix D: Conduct of Meetings – Teaching Council

D.1 Standing Orders

- D.1.1** The following standing orders are made in accordance with section 16 of schedule 1 of the Teaching Council Acts, 2001-2015
- D.1.2** Matters in relation to the calling of meetings shall be in accordance with sections 9, 10 and 12 of Schedule 1 of the Acts.
- D.1.3** The quorum for meetings of the Council shall be in accordance with section 8 of schedule 1 of the Acts.
- D.1.4** The business conducted at meetings of the Council will normally include:-
- a) declaration by members at the start of a meeting if they believe they have a conflict of interest;
 - b) to elect a person (by a process of proposing, seconding and voting) to preside if the Chairperson and Deputy Chairperson are absent;
 - c) to receive any communications the Chairperson may desire to lay before the Council;
 - d) to record attendance of members and apologies for those unable to attend;
 - e) to receive and approve as a correct record, the minutes of the previous meeting of the Council duly countersigned by the chairperson of the meeting, and to consider matters arising;
 - f) the Director's report;
 - g) to receive and consider reports or minutes of Committees and make decisions where appropriate;
 - h) to receive and consider reports from officers of the Council;
 - i) to consider notices of motions which have been received by the Director 3 weeks prior to the meeting; and,
 - j) to consider any other urgent business arising since the Executive Meeting provided 72 hours' notice has been given to the Director.
- D.1.5** Decisions of the Council shall be determined in accordance with section 14 of schedule 1 of the Acts.
- D.1.6** The Council may vary the standing orders for conducting Council meetings at its discretion.

D.2 Rules Of Debate

- D.2.1** A member shall direct his/her speech to the question and discussion or to an explanation or to a question of order.
- D.2.2** Any amendments shall not have the effect of introducing a new proposal into or negating the motion before the Council.
- D.2.3** A member may question a point of order and shall be entitled to be heard forthwith.
- D.2.4** A point of order shall relate only to a breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken.
- D.2.5** The ruling of the Chairperson on a point of order shall not be open to discussion.
- D.2.6** Every member of Council should have an opportunity to contribute to meetings. Equally, it is acknowledged that it would not be feasible for every member to speak to every agenda item. Accordingly, Council members will co-operate with each other so as to ensure that the business of Council is conducted in a fair and effective manner.

D.3 Language of Meetings

- D.3.1** Use of the Irish language between Council members is encouraged and respected.
- D.3.2** Council meetings will normally be conducted through the medium of English but members wishing to contribute in Irish or bilingually will be facilitated.

D.4 Observer Status

- D.4.1** Members of the general public will be granted observer status for the public business of Council, on receipt of an application to attend at least five working days in advance of the meeting and subject to availability of space, the number of observers not to exceed seven at any one meeting. The Council reserves the right to take items of the business of the meeting in private; such a decision may be declared by the Council by way of simple majority.
- D.4.2** The Chief Executives of the General Teaching Councils for Scotland, Wales and Northern Ireland or their nominees will be granted observer status for the public business of Council on a reciprocal basis and subject to the general limitations regarding private business as set out in D.4.1 above.

D.5 Decisions of Council

- D.5.1** The Chair shall endeavour to ensure that decisions of Council are made on the basis of consensus. In situations where this is not possible, decisions will be made on the basis of a simple majority of those entitled to vote on the proposal.

Appendix E: Process for the Potential Removal of a Council Member for Stated Reasons

E.1 Teaching Council Acts 2001-2015 – Schedule 1, Paragraph 3 (2)

- E.1.1 This policy has been adopted by the Teaching Council (the ‘Council’) to govern its internal procedures for situations where it may have to consider a resolution for the removal from office of a member of the Council for stated reasons as set out in paragraph 3(2) of schedule 1 of Teaching Council Acts 2001-2015 (the ‘Acts’).
- E.1.2 This policy shall apply where the Council on its own initiative considers it necessary to consider the removal of a member of the Council from office for stated reasons or where the Council receives a complaint relating to a member of the Council.
- E.1.3 This policy shall not apply to a member of the Council appointed by the Minister pursuant to section 8(2)(g) of the Acts.
- E.1.4 This policy applies to all other members of the Council.
- E.1.5 This policy shall not apply in circumstances where:-
- (a) where the Minister has initiated an inquiry under section 16 of the Acts;
 - (b) Paragraphs 3(4) or 3(5) of schedule 1 of the Acts apply^{2 3}; or
 - (c) It is proposed to remove the Chairperson or Deputy Chairperson from his or her role as Chairperson or Deputy Chairperson (as the case may be) (which shall be governed by paragraph 6(2)(c) of schedule 1 of the Acts).

E.2. Making of a Complaint

- E.2.1 Where a complaint is received from a person not being a member of the Council, the complaint shall be given to the Executive Committee of the Council who shall:-
- (a) note the receipt of the complaint on the agenda for the next Council meeting, solely for the purposes of informing the members of the Council of the receipt of the complaint; and
 - (b) forward the complaint received to the Chair of the Investigative Sub-Committee for investigation pursuant to section 3 below.
- E.2.2 Where a member of the Council wishes to make a complaint about another member of Council, he or she shall set out his or her complaint in writing and shall give his or her written complaint to the Executive Committee of the Council who shall then deal with the matter as set out in paragraphs 2.1(a) and 2.1(b) above.
- E.2.3 If a complaint is received which relates to a member of the Executive Committee of Council that member shall remove themselves from any discussion on the complaint and the matter will be dealt with as set out in paragraphs 2.1(a) and 2.1(b) above.

² Registered teacher elected or nominated under Section 8(2)(a) or (b) ceasing to be a registered teacher.

³ Absence from all meetings for 6 consecutive months unless by reason of illness or with Council approval.

E.3. Investigation Prior to Consideration of Removal

- E.3.1 Where a complaint is received under this policy and it is necessary for the Council to consider the removal of a member of the Council from office, the Council shall first cause the matter to be investigated as set out in this policy.
- E.3.2 An investigation under paragraph 3.1 shall be conducted by a sub-committee appointed by the Executive Committee which shall comprise members of the Council and / or an external party appointed by the Executive Committee of Council (the 'Investigative Sub-Committee').
- E.3.3 The member of the Council against whom a complaint, accusation or allegation (a 'Complaint') is made shall be entitled to receive a written statement of the complaint against him or her.
- E.3.4 Where a complaint has been made by a member or members of the Council against another member, the member(s) making the complaint may not be a member of the Investigative Sub-Committee in question and, if he or she is a member of that sub-committee, he/she shall excuse himself or herself from the relevant sub-committee meeting(s) save to the extent that he or she may be required to attend by the Investigative Sub-Committee for the purpose of addressing his or her complaint.
- E.3.5 The Executive of the Council will set Terms of Reference for the investigation to be conducted by the Investigative Sub-Committee.
- E.3.6 The Investigative Sub-Committee shall investigate the substance of the reason stated for considering the removal of the member of the Council, shall establish, on the balance of probabilities, the relevant facts relating to same and shall prepare a report into the matter for the Council. The Investigative Sub-Committee shall comply with the principles of natural justice in carrying out any investigation.
- E.3.7 The Investigative Sub-Committee shall be entitled to engage expert assistance or to commission expert reports (e.g. medical reports) where the Investigative Sub-Committee considers this necessary for the proper discharge of its duties.
- E.3.8 The Investigative Sub-Committee shall not make any decision or finding as to whether or not the member of the Council should be removed from office but it may make a recommendation to this effect if it believes it appropriate to do so. Where the Investigative Sub-Committee is of the opinion that the complaint is not well founded, it shall be entitled to make such a finding.
- E.3.9 Prior to finalising its report, the Investigative Sub-Committee shall provide the member in question with a copy of its draft report and allow him or her a period of seven days within which to comment on the report and to make submissions to it in respect of its content, findings and recommendation (where applicable). Having considered any such comments and submissions the Investigative Sub-Committee shall finalise its report and submit it to the Chairperson of the Council for consideration by the Council at a meeting convened to consider the report (and such other Council business as the Chairperson may decide).
- E.3.10 Any member of the Council who is the subject of a Complaint shall be entitled to be accompanied throughout the process. The member concerned shall notify the Director of the identity of the person accompanying him/her at least 48 hours ahead of any scheduled meeting.
- E.3.11 Pursuant to section 24(3) of the Acts, and for the avoidance of any doubt, the Investigative Sub-Committees' final report as presented to the Chairperson of the Council shall be the conclusive version of the report; the content of the report and its findings shall not require confirmation by the Council.

E.4. Consideration of Resolution to Remove Member

- E.4.1 A resolution to remove a member of the Council under this policy shall be a decision for the Council only.
- E.4.2 Where a report is received by the Council under paragraph 3.9, the Chairperson shall convene a meeting of the Council to consider the report, which may, depending on the findings of the report include consideration of whether or not the Council should resolve to remove the member in question from the Council.
- E.4.3 The member of the Council whose removal is being considered shall be invited to attend the relevant meeting of the Council to make such submissions to the Council as he or she sees fit prior to any decision being taken by the Council.
- E.4.4 Any such meeting shall be convened on not less than seven days' prior notice to all members of the Council.
- E.4.5 If the member of the Council in question declines the invite or fails or refuses to attend the Council meeting considering a resolution for his or her removal from office, the Council may proceed in the member's absence.
- E.4.6 The quorum for any such meeting of the Council shall be 15 members.
- E.4.7 A resolution to remove a member of the Council shall require a majority of the members present and voting on the resolution. The member against whom the complaint, accusation or allegation has been made shall be entitled to vote on the resolution. Any member or members of the Council who has made the complaint, accusation or allegation and the members of the Investigative Sub-Committee, shall not vote on the resolution and shall excuse themselves from the Council's deliberations on the resolution.
- E.4.8 If passed, a resolution of the Council to remove a member of the Council from office shall be final and there shall be no further internal appeal.

Adopted by the Council by resolution 6 October 2014 as an internal procedure pursuant to section 5(3) of the Acts.