

An Chomhairle
Mhúinteoireachta



The Teaching Council

Guidelines – Fit and Proper Person Assessments

(Registration and Renewal of Registration)

Approved by the
Registration Committee
4 September 2017

A. Introduction

These guidelines (“the Guidelines”) have been prepared to assist in the consideration of whether an applicant is a fit and proper person for registration, or whether a registered teacher is a fit and proper person to have his or her registration renewed.

The Guidelines contain general principles and factors for the Teaching Council (“the Council”) to take into account when assessing applications. In addition, applicants for registration and registered teachers renewing their registration may wish to consult the Guidelines when making submissions in relation to whether they are a fit and proper person.

The Guidelines replace the Applications for entry to the *Register of Teachers – Guidelines for the Assessment of Court Convictions and Prosecutions pending before the Courts* (Revised Version – Approved by Council on 17 September 2012).

These are Guidelines only. They are not legally binding. Any departure from the Guidelines shall not render any proceedings or actions void.

B. Fit and Proper Person Assessments

The Council has established and maintains the Register of Teachers (“the Register”). As part of the maintenance of the Register, the Council considers and assesses applications for registration. In addition, on an annual basis, registered teachers are required to apply for their registration to be renewed.

Consideration of applications for registration and renewal of registration often involves the Council carrying out a fit and proper person assessment. This involves the applicant consenting to the Council obtaining a vetting disclosure for the applicant from the National Vetting Bureau, or a foreign vetting or police disclosure, where applicable. In addition, the applicant may be asked to complete self-declarations and to provide other information for consideration as to whether they are a fit and proper person.

The Council will not grant registration to an applicant or renew the registration of a registered teacher unless the Council is satisfied that the person is a fit and proper person. The Council’s role of considering whether a teacher is a fit and proper person has been delegated to the Council’s Evidence of Character Panel (“the Panel”) and Registration Review Group (“the Review Group”).

The types of issues which may be considered by the Panel and Review Group include but are not limited to:

- a) Details of a person’s criminal record (i.e. convictions or pending prosecutions), contained on a vetting disclosure or foreign vetting or police disclosure.
- b) Specified information contained on a vetting disclosure received from the National Vetting Bureau. This is information regarding a finding or allegation of harm received from An Garda Síochána or other scheduled organisations referred to in the National Vetting Bureau Acts, 2012 to 2016, which includes a number of regulatory bodies.
- c) Disciplinary proceedings carried out by other bodies, such as, for example, the equivalent to the Teaching Council in another country.

Where issues of concern come to the attention of the Council which may impact on whether the person is a fit and proper person, the Panel first considers the matter. If the Panel decides to refuse registration / renewal of registration or to attach conditions, the applicant can request a review of this decision by the Council's Registration Review Group. An applicant can in turn appeal a decision to refuse registration / renewal of registration or to attach conditions to the High Court. Full details of the process and procedure involved can be found in the Teaching Council's published procedures entitled *Procedures – Fit and Proper Person Assessments (Registration and Renewal of Registration)*.

C. General Principles

1. Where there are convictions or findings made, any consideration of a case is not a forum for re-hearing the arguments which could have been made in a Court or other forum. Any convictions or findings made by other bodies are matters of fact. The consideration by the Panel and Review Group is whether the applicant is a fit and proper person to be engaged in the practice of teaching, in circumstances where the applicant has a criminal record or disciplinary record.
2. Where there is a pending prosecution or ongoing investigation being carried out, in general, especially where the offence or disciplinary issue is of a serious nature, applicants for registration will be advised that their application for registration will not be considered at this time. They will be advised that they should apply again after the prosecution or investigation has concluded.
3. Where there is a pending prosecution or ongoing investigation in relation to a registered teacher seeking to have his or her registration renewed, and where the offence or disciplinary issue is of a serious nature, this may be brought to the attention of the Teaching Council's Executive Committee for that committee to decide whether to apply to the High Court for an order that a teacher's registration be suspended for a specified period, in the public interest. The specified period could be until the conclusion of the pending prosecution or ongoing investigation. A teacher's registration may be renewed subject to a condition or the provision of a written undertaking from the teacher to inform the Council of the outcome of the pending prosecution or ongoing investigation. In addition, the teacher may be the subject of a further fit and proper person assessment at a subsequent registration renewal date.
4. The Panel and Review Group will endeavor to act reasonably and proportionately on the basis of the information available to it.
5. The Panel and Review Group will consider all relevant information available. This includes all submissions and information provided by the applicant seeking registration or seeking to have his or her registration renewed, including any employment or character references.
6. The Panel and Review Group will consider all information in a round and proportionate way, which has due regard to the public interest, which includes:
 - a) The protection of the public, including students, children and vulnerable persons.
 - b) The maintenance of public confidence in the profession
 - c) The importance of upholding proper standards of conduct (The Teaching Council's Code of Professional Conduct is relevant in this regard).
7. The Panel and Review Group will give reasons for their decisions.

D. Factors to be considered when Assessing whether a Person is a Fit and Proper Person

1. The Panel and Review Group, in reaching their conclusions as to whether a person is a fit and proper person, may have regard to some or all of the following:
 - a) The nature of the offence or disciplinary issue;
 - b) The seriousness of the offence or disciplinary issue;
 - c) The outcome, including any sentence or sanction imposed and the severity of this;
 - d) In the case of more than one offence or disciplinary issue, whether there is a pattern of recidivism or repeat offending;
 - e) The age and circumstances of the applicant at the time of the offence or disciplinary issue;
 - f) The time elapsed since the offence or disciplinary issue;
 - g) The manner in which the applicant dealt with the proceedings. Where the applicant pleaded guilty or made admissions this may be taken into account;
 - h) Whether there was a serious breach of trust;
 - i) Whether the offence or disciplinary issue(s) concerned by its nature gives rise to specific concerns in relation to the applicant's role as a teacher or in relation to contact with young people, children or vulnerable persons generally;
 - j) Where the offence or disciplinary issue relates to the conflict in Northern Ireland, the factors listed here at a) to m) and in addition, the political situation at the time and whether the person was deemed eligible for early release in accordance with the Belfast Agreement may be taken into account;
 - k) The extent to which the applicant has rehabilitated himself or herself;
 - l) The level of insight and reflection shown;
 - m) Whether the incident(s) were disclosed to the Teaching Council by the applicant for registration or registration renewal.
2. The above list is not an exhaustive list.
3. The Panel and Review Group will take particular note of offences or disciplinary issues of a sexual, violent, dishonest, or drug related nature.
4. The Panel and Review Group may also take account of the manner in which the applicant responded to and communicated with them.

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