

An Chomhairle
Mhúinteoireachta



The Teaching Council

Procedures – Fit and Proper Assessments

(Registration and Renewal of Registration)

Approved by Council
2 October 2017

1. Preliminary

- 1.1** These procedures (“the Procedures”) outline how an application for registration is to be considered by the Teaching Council’s Evidence of Character Panel and Registration Committee when deciding whether an applicant is a fit and proper person to be registered, or whether a registered teacher is a fit and proper person to have his or her registration renewed.
- 1.2** The Procedures are based on Part 3 of the Teaching Council Acts, 2001 – 2015 (“the Act”) and in particular section 31 and section 33, together with the Teaching Council (Registration) Regulations 2016 (S.I. No 444 of 2016) and the Teaching Council (Registration) (Amendment) Regulations 2016 (S.I. No 557 of 2016), jointly referred to in the Procedures as “the Regulations”.
- 1.3** The Procedures are at all times subordinate to the Act and Regulations and must be read in conjunction with the Act and Regulations.

2. The Evidence of Character Panel

- 2.1** The Teaching Council has established a committee known as the Evidence of Character Panel (“the Panel”), pursuant to section 24 of the Act.
- 2.2** The Panel consists of a minimum of seven members of Council. The quorum for a meeting of the Panel is a simple majority of the total membership at that time.
- 2.3** Acting on behalf of Council, the Panel’s role includes assessing whether applicants seeking registration and registered teachers seeking renewal of registration are fit and proper persons to be admitted to the register.
- 2.4** Meetings of the Panel take place in private. An applicant for registration or a registered teacher seeking renewal of registration is not entitled to attend a meeting of the Panel.
- 2.5** The Panel shall be supported by a secretariat, composed of one or more of the Teaching Council staff, who will be responsible for administrative matters to support the functioning of the Panel. Such persons may attend the meetings of the Panel.
- 2.6** The Panel may have a legal advisor present at any stage of its proceedings to provide legal advice and assistance to the Panel and to the secretariat, on any aspect of the Panel’s consideration of an application for registration or for renewal of registration.
- 2.7** Where a member of the Panel is also a member of the Registration Committee, he or she will not take part in the proceedings of the Registration Review Group when a person has applied to the Registration Review Group for a review of the decision of that Panel.
- 2.8** When considering applications for registration and renewal of registration, the Panel may refer to the *Applications for Registration and Applications for Renewal of Registration – Guidelines – Fit and Proper Person Assessments*.

3. The Registration Committee

- 3.1** The Teaching Council has established a committee known as the Registration Committee, pursuant to section 24 of the Act.
- 3.2** The Registration Committee consists of a minimum of thirteen members. The quorum for a meeting of the Registration Committee is a simple majority of the total membership at that time.
- 3.3** Acting on behalf of Council, the Registration Committee's scope of activities includes reviewing decisions made by the Panel where requested by the applicant, as referred to in these procedures. When doing so, the Registration Committee is referred to as the Registration Review Group. The term Registration Review Group or "the Group" will be used throughout these procedures.
- 3.4** Meetings of the Registration Review Group take place in private. However, if an oral hearing is requested by the applicant for registration or registered teacher seeking renewal of registration, the person is entitled to attend to make submissions with or without the assistance of a colleague, legal representative or union representative.
- 3.5** The Registration Review Group shall be supported by a secretariat, composed of one or more of the Teaching Council staff, who will be responsible for administrative matters to support the functioning of the Registration Review Group. Such persons may also attend the meetings of the Registration Review Group.
- 3.6** The Registration Review Group may have a legal advisor present at any stage of its proceedings to provide legal advice and assistance to the Registration Review Group and to the secretariat, on any aspect of the Registration Review Group's consideration of an application for registration or for renewal of registration.
- 3.7** At an oral hearing, a member of staff known as the Registration Officer (or nominee) together with any legal representative appearing on that person's behalf may present the application and the decision of the Panel to the Registration Review Group.
- 3.8** At an oral hearing, the secretariat shall arrange for the attendance of a stenographer to prepare a transcript of the hearing.
- 3.9** When considering applications for registration and renewal of registration, the Registration Review Group may refer to the *Applications for Registration and Applications for Renewal of Registration – Guidelines – Fit and Proper Person Assessments*.

4. Registration Process – Fit and Proper Person Assessment

- 4.1** In accordance with section 31 of the Act, a person may apply to the Teaching Council for registration.
- 4.2** Applications for registration shall include evidence as to the applicant's good character, insofar as it relates to the applicant being a fit and proper person to teach.
- 4.3** In this regard, applicants are required to provide a declaration of consent and other information which is required to enable the Teaching Council to obtain a vetting disclosure for the applicant from the National Vetting Bureau, or a foreign vetting or police disclosure (if applicable). In addition, as part of the application process, applicants may be asked to complete self-declarations and to provide other information for consideration as to whether they are a fit and proper person. All information that comes to light during the application process may be considered when deciding whether an applicant is a fit and proper person.
- 4.4** Registration shall not be granted unless the Teaching Council is satisfied that the applicant is a fit and proper person.

Panel Stage

- 4.5** Where information comes to light which is of relevance as to whether an applicant is a fit and proper person, the application is referred to the Panel for consideration.
- 4.6** The applicant will be notified in writing and invited to make submissions in writing to the Panel within a specified period and before any decision is made regarding whether he or she is a fit and proper person. The applicant may decide to provide information including character or employment references with any written submissions.
- 4.7** Further information can be sought by the Panel. The Panel may seek evidence from the applicant, or any other relevant person, organisation or agency to verify any of the information submitted by the applicant.
- 4.8** All documentation received will be provided to the applicant in advance of a decision being made by the Panel and the applicant will be afforded an opportunity make submissions in writing to the Panel.
- 4.9** If the Panel decides that the applicant is a fit and proper person for registration, the applicant may be registered, with or without one or more conditions.
- 4.10** If the Panel decides that the applicant is not a fit and proper person for registration, the Panel will refuse to register the applicant.
- 4.11** The Panel will give reasons for its decisions.
- 4.12** If the Panel decides to register the applicant subject to one or more conditions, or to refuse to register the applicant, the applicant will be informed in writing of this decision and reason(s) for the decision and given the option of requesting a review of the decision by the Registration Review Group. The applicant will be informed that if he or she does not request a review by the Registration Review Group within 21 days of receipt of the decision of the Panel, he or she can apply to the High Court for annulment of the Panel's decision in accordance with Section 31(8) of the Act within 21 days from the expiry of the initial 21 day period.

Registration Review Group Stage

- 4.13** Any request by an applicant for a review by the Registration Review Group must be made in writing. This request must be made within 21 days of the receipt by the applicant of the decision of the Panel.
- 4.14** The applicant may request an oral hearing before the Registration Review Group when requesting a review of the Panel's decision to either refuse registration or attach one or more conditions having carried out a fit and proper person assessment. If a request for an oral hearing is made, the Registration Review Group will provide the applicant with a date and time for the oral hearing. A minimum of 21 days' notice of the hearing will be provided to the applicant.
- ▶ At the hearing, the Council's Registration Officer (or nominee) and any legal representative appearing on behalf of the Registration Officer will inform the Registration Review Group of the application and the decision made by the Panel. The applicant will be afforded an opportunity to make oral submissions to the Registration Review Group. The applicant or any legal or other representatives assisting him or her may be asked to answer questions put to them by members of the Registration Review Group.
- 4.15** Further information can be sought by the Registration Review Group. The Group may seek evidence from the applicant, or any other relevant person, organisation or agency to verify any of the information submitted by the applicant.
- 4.16** The Registration Review Group will consider all documentation provided to them and any submissions made.
- 4.17** All documentation received will be provided to the applicant in advance of a decision being made by the Registration Review Group.
- 4.18** The Registration Review Group will consider the decision of the Panel, all documentation provided to them and all submissions made and can decide to:
- a) Register the applicant with or without one or more conditions; or
 - b) Refuse to register the applicant.
- 4.19** The Registration Review Group will give reasons for its decisions.
- 4.20** If the Registration Review Group refuses to register the applicant or decides that the applicant may be registered with one or more conditions, the applicant will be informed of this by notice in writing within 21 days of the date of the decision. The applicant will also be informed of the reasons for the decision, and that he or she can apply to the High Court for annulment of the decision concerned in accordance with Section 31(8) of the Act within 21 days of receiving the notice of the Registration Review Group's decision.5.21.

5. Registration Renewal Process – Fit and Proper Person Assessment

- 5.1** Pursuant to section 33 of the Act, a registered teacher may apply annually for his or her registration to be renewed.
- 5.2** As part of the registration renewal process, the Council may carry out an assessment regarding whether a registered teacher is a fit and proper person to have his or her registration renewed.
- 5.3** The registered teacher will be notified in writing where the Council intends to seek a vetting disclosure for the purpose of renewing the registration of the registered teacher, in accordance with section 33(5) of the Act.
- 5.4** If a registered teacher is informed that the Council has decided to carry out a fit and proper person assessment, he or she is required to provide a declaration of consent and other information which is required to enable the Teaching Council to obtain a vetting disclosure for the registered teacher from the National Vetting Bureau, or a foreign vetting or police disclosure (if applicable). In addition, as part of the registration renewal process, registered teachers may be asked to complete self-declarations and to provide other information for consideration as to whether they are a fit and proper person.
- 5.5** Registration shall not be renewed unless the Teaching Council is satisfied that the registered teacher is a fit and proper person. All information that comes to light during the renewal application process may be considered when deciding whether the registered teacher is a fit and proper person.

Panel Stage

- 5.6** In general, there are two ways in which a matter will be brought to the attention of the Panel. First, where the registered teacher does not comply within a specified period with a notice requesting him or her to provide a declaration of consent and any other information required to enable the Council to obtain a vetting disclosure, this failure will be brought to the attention of the Panel. Second, where information comes to light which is of relevance as to whether the registered teacher is a fit and proper person, the application is referred to the Panel for consideration.

A. Failure to Comply

- 5.7** Where the registered teacher does not comply within a specified period with a notice requesting him or her to provide a declaration of consent and any other information required to enable the Council to obtain a vetting disclosure, the registered teacher will be informed by notice in writing that the Council may refuse to renew the teacher's registration and that the teacher may within a specified period make submissions in relation to that failure to comply, and in addition, in relation to whether they are a fit and proper person to have their registration renewed. The registered teacher may decide to provide information including character or employment references.
- 5.8** Further information can be sought by the Panel. The Panel may seek evidence from the registered teacher, or any other relevant person, organisation or agency to verify any of the information submitted by the registered teacher.

- 5.9** If the registered teacher has failed to comply within a specified period with a notice requesting him or her to provide a declaration of consent and any other information required to enable the Council to obtain a vetting disclosure, the Panel must first consider whether reasonable grounds have been provided for this failure.
- 5.10** If the Panel is not satisfied that reasonable grounds have been provided for this failure, the Panel shall refuse to renew the registration of the registered teacher.
- 5.11** If the Panel is satisfied that reasonable grounds have been provided for this failure, the Panel will consider whether the registered teacher is a fit and proper person to have his or her registration renewed.
- 5.12** If the Panel decides that the registered teacher is a fit and proper person to have his or her registration renewed, the registered teacher's registration may be renewed, with or without one or more conditions.
- 5.13** If the Panel decides that the registered teacher is not a fit and proper person to have his or her registration renewed, the Panel will refuse to renew the registered teacher's registration.
- 5.14** The Panel will give reasons for its decisions.
- 5.15** If the Panel decides to renew the registered teacher's registration subject to one or more conditions, or to refuse to renew the registered teacher's registration, the registered teacher will be informed in writing of this decision and given the option of requesting a review of the decision by the Registration Review Group. The applicant will be informed that if he or she does not request a review by the Registration Review Group within 21 days of receipt of the decision of the Panel, he or she can apply to the High Court for annulment of the Panel's decision in accordance with Section 33(18) of the Act within 21 days from the expiry of the initial 21 day period.

B. Where information comes to light which is of relevance when deciding whether a registered teacher is a fit and proper person

- 5.16** Where information comes to light which is of relevance as to whether a person is a fit and proper person, the applicant will be notified in writing and invited to make submissions in writing to the Panel within a specified period. The applicant may decide to provide information including character or employment references with any written submissions.
- 5.17** Further information can be sought by the Panel. The Panel may seek evidence from the registered teacher, or any other relevant person, organisation or agency to verify any of the information submitted by the registered teacher.
- 5.18** All documentation received will be provided to the registered teacher in advance of a decision being made by the Panel and the registered teacher will be afforded an opportunity to make submissions in writing to the Panel.
- 5.19** If the Panel decides that the registered teacher is a fit and proper person to have his or her registration renewed, the registered teacher's registration may be renewed, with or without one or more conditions.
- 5.20** If the Panel decides that the registered teacher is not a fit and proper person to have his or her registration renewed, the Panel will refuse to renew the registered teacher's registration.
- 5.21** The Panel will give reasons for its decisions.

- 5.22** If the Panel decides to renew the registered teacher's registration subject to one or more conditions, or to refuse to renew the registered teacher's registration, the registered teacher will be informed in writing of this decision and given the option of requesting a review of the decision by the Registration Review Group. The applicant will also be informed that if he or she does not request a review by the Registration Review Group within 21 days of receipt of the decision of the Panel, he or she can apply to the High Court for annulment of the Panel's decision in accordance with Section 33(18) of the Act within 21 days from the expiry of the initial 21 day period.

Registration Review Group Stage

- 5.23** Any request by a registered teacher for a review by the Registration Review Group must be made in writing. This request must be made within 21 days of the receipt of the decision of the Panel.
- 5.24** The registered teacher may request an oral hearing before the Registration Review Group when requesting a review of the Panel's decision to either refuse registration or attach one or more conditions having carried out a fit and proper person assessment. If a request for an oral hearing is made, the Registration Review Group will provide the applicant with a date and time for the oral hearing. A minimum of 21 days' notice of the hearing will be provided to the registered teacher.
- 5.25** At the hearing, the Council's Registration Officer (or nominee) and any legal representative appearing on behalf of the Registration Officer will inform the Registration Review Group of the application and the decision made by the Panel. The registered teacher will be afforded an opportunity to make oral submissions to the Registration Review Group. The registered teacher or any legal or other representative assisting him or her may be asked to answer questions put to them by members of the Registration Review Group.
- 5.26** Further information can be sought by the Registration Review Group. The Group may seek evidence from the applicant, or any other relevant person, organisation or agency to verify any of the information submitted by the applicant
- 5.27** All documentation received will be provided to the applicant in advance of a decision being made by the Registration Review Group.
- 5.28** The Registration Review Group will consider all documentation provided to them and will consider any submissions made.
- 5.29** The Registration Review Group will consider the decision of the Panel, all documentation provided to them and all submissions made and can decide to:
- a) Renew the registration of the registered teacher with or without one or more conditions;
or
 - b) Refuse to renew the registration of the registered teacher
- 5.30** The Registration Review Group will give reasons for its decision.
- 5.31** If the Registration Review Group refuses to renew the teacher's registration or decides that the teacher may be registered subject to new conditions, the teacher will be informed of this by notice in writing within 21 days of the date of the decision. The teacher will also be informed of the reasons for the decision, and that he or she can apply to the High Court for annulment of the decision concerned in accordance with section 33(18) of the Act within 21 days of receiving the notice of the Registration Review Group's decision.

6. Vetting Disclosures

- 6.1** A vetting disclosure may be considered by the Panel or Registration Review Group when a decision is being made as to whether a person is a fit and proper person to be registered, or to have his or her registration renewed.
- 6.2** A vetting disclosure may contain the following types of information:
- a) Statement of specified information (if any) relating to that person,
 - b) Particulars of a criminal record (if any) or prosecution pending,
 - c) State that there is no criminal record or specified information.
- 6.3** In accordance with the National Vetting Bureau Acts, 2012 to 2016, specified information in relation to a person who is the subject of an application for vetting disclosure, means information concerning a finding or allegation of harm to another person that is received from –
- a) The Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on the Garda Síochána by or under any enactment or the common law, or
 - b) A scheduled organisation pursuant to subsection (1) or (2) of section 19, in respect of the person and which is of such a nature as to reasonably give rise to a bona fide concern that the person may –
 - i. harm any child or vulnerable person;
 - ii. cause any child or vulnerable person to be harmed;
 - iii. put any child or vulnerable person at risk of harm;
 - iv. attempt to harm any child or vulnerable person; or
 - v. incite another person to harm any child or vulnerable person.
- 6.4** Where a vetting disclosure is received as part of the registration process, and where the disclosure contains specified information which relates to the conduct of the teacher which occurred prior to 29 April 2016, the information may not be considered unless the conduct concerned would have constituted a criminal offence at the time the conduct occurred.
- 6.5** Where a vetting disclosure is received as part of the registration renewal process, and where the disclosure contains specified information which relates to the conduct of the teacher which occurred prior to 2 November 2016, the information may not be considered unless the conduct concerned would have constituted a criminal offence at the time the conduct occurred.

- 6.6** The Council may provide the employer of a registered teacher with information contained in a vetting disclosure received by the Council for the purposes of the renewal of a teacher's registration under section 33 where –
- a) the Evidence of Character Panel (the Council having delegated this function) considers that the information in that disclosure is of such a nature as to reasonably give rise to a bona fide concern that the teacher may
 - i. harm any child or vulnerable person;
 - ii. cause any child or vulnerable person to be harmed;
 - iii. put any child or vulnerable person at risk of harm;
 - iv. attempt to harm any child or vulnerable person; or
 - v. incite another person to harm any child or vulnerable person
- and**
- b) the identity of the employer of that teacher is known to the Council.
- 6.7** Where it is proposed to provide the employer of a registered teacher with information contained in a vetting disclosure received by the Council for the purposes of the renewal of a teacher's registration under section 33, the teacher will be notified in writing and invited to make submissions within a specified period. Any submissions will be considered before a decision is made regarding whether to provide the employer of a teacher with the information contained in the vetting disclosure.

7. General

- 7.1** Non-compliance with the Procedures shall not render any proceedings or steps void unless the Panel or Registration Review Group, as the case may be, so directs. Such proceedings or steps may be set aside either wholly or in part as irregular, or amended or otherwise dealt with in such manner or upon such terms as the Panel or Registration Review Group, as the case may be, thinks fit.
- 7.2** Paragraph 7.1 shall not affect the requirements to comply with any statutory provisions or the Regulations.
- 7.3** The Panel and Registration Review Group will endeavour to process applications as expeditiously as possible, taking into account the interests of justice and also any administrative constraints.
- 7.4** The Panel and Registration Review Group will act at all times in accordance with the principles of fair procedures.
- 7.5** The Procedures have been approved by the Council on the advice of the Registration Committee and will be reviewed on a periodic basis if required.
- 7.6** No amendment to these Procedures shall be made unless notice of the proposed amendment is formally placed before a meeting of the Registration Committee.

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