

An Chomhairle
Mhúinteoireachta



The Teaching Council

Procedures – Extension Request Assessments

Approved by Council
12 March 2019

1. Preliminary

- 1.1** These procedures (“the Procedures”) outline how applications for an extension of time to comply with conditions attached to a teacher’s registration will be considered where such applications are to be considered by the Teaching Council’s Registration Panel (“the Panel”) and Registration Review Group (“the Group”).
- 1.2** The Procedures have been prepared following consideration of the Teaching Council Acts, 2001 – 2015 (“the Act”), 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.
- 1.4** The Procedures may be amended by the Registration Committee acting on behalf of the Council from time to time.

2. The Registration Panel

- 2.1** The Teaching Council has established a committee known as the Registration 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 the Council, the Panel’s role includes, amongst other things, assessing and deciding on the conditional status of registered teachers including extension requests and completion of conditions, other than those imposed as a result of fitness to teach proceedings or conditions imposed as part of a fit and proper assessment by the Evidence of Character Panel. Conditions imposed as a result of a qualification assessment by the Qualifications Panel may also be considered, as appropriate.
- 2.4** Meetings of the Panel take place in private.
- 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 a matter coming before it.
- 2.7** Where a member of the Panel is also a member of the Registration Committee, and where that member has previously considered the application at the Panel stage he or she will not take part in the proceedings of the Group when a person has applied to the Group for a review of the decision of that Panel.

3. Registration Review Group

- 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 the Council, the Registration Committee's scope of activities as set out in the Council's Code of Practice includes reviewing registration decisions made by the Panel where requested by a teacher. When doing so, the Registration Committee is referred to as the Registration Review Group (the "Group").
- 3.4** Meetings of the Group take place in private.
- 3.5** The 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 Group. Such persons may attend the meetings of the Group.
- 3.6** The Group may have a legal advisor present at any stage of its proceedings to provide legal advice and assistance to the Group and to the secretariat, on any aspect of the Group's consideration of a matter coming before it.
- 3.7** Where an application for an extension of time is refused by the Panel, the applicant will be offered an opportunity to request a review of this decision by the Group.
- 3.8** For the avoidance of doubt, it is only where an application for an extension of time is made and refused that there is an opportunity to request a review. If no application for an extension of time is made, the registered teacher will lapse from the register as referred to at paragraph 8.1 below, and there is no opportunity for a review.
- 3.9** Where a member of the Panel is also a member of the Registration Committee, and where that member has previously considered the application at the Panel stage, he or she will not take part in the proceedings of the Group where a registered teacher has applied for a review of a decision of the Panel to refuse to grant an application for an extension of time to comply with conditions.
- 3.10** The decision of the Registration Review Group is final.

4. Conditional Registration

- 4.1** In accordance with section 31(6)(b) of the Act, the Teaching Council may register a person subject to such post –qualification professional practice conditions (if any) as the Council considers appropriate including conditions as probation, Droichead, post-qualification employment and Induction Workshop programme. Such conditions shall be complied with within such period as may be specified by the Council.
- 4.2** In accordance with section 33(16)(c) of the Act, the Teaching Council may renew the registration of a registered teacher subject to such conditions (if any) as the Council considers appropriate and such conditions shall be complied with within such period as may be specified by the Council.
- 4.3** In accordance with the Regulations, all newly-qualified teachers (i.e. teachers who meet the Council's requirements in terms of qualifications, but who have not completed the required period of professional practice) who meet particular criteria shall be granted conditional registration pending successful completion of supervised professional practice, as set down by the Council.
- 4.4** The Regulations also provide that conditional registration may be granted to an applicant who comes within the scope of the EU Professional Qualifications Directive for a specified period, to allow the applicant to complete an adaptation period or an aptitude test.
- 4.5** The Regulations also provide that conditional registration may be granted to applicants from third countries who do not come within the scope of the EU Professional Qualification Directive.

5. Principles governing applications for an extension of time to comply with Conditions

- 5.1** Where conditions have been attached to a teacher's registration either at initial registration stage or registration renewal stage, and where the teacher has failed to comply with the conditions within the specified period, he or she may apply to the Teaching Council in writing for an extension of time to comply with the conditions.
- 5.2** Any application for an extension of time must be made prior to the expiration of the specified period. The application must be made in the form prescribed by the Teaching Council.
- 5.3** The Panel and the Group will endeavour to act reasonably and proportionately on the basis of the information available to it.
- 5.4** The Panel and the Group will consider all relevant information available.
- 5.5** The Panel and the Group will consider all information in a round and proportionate way, which has due regard to the public interest, which includes
- The maintenance of public confidence in the profession; and
 - The importance of upholding proper standards in the profession
- 5.6** Registered teachers applying for an extension of time to comply with conditions will be expected to provide evidence of their attempts to comply.
- 5.7** When considering whether to grant an application for an extension of time to comply with conditions, the Panel and Group may have regard to some or all of the following factors
- The reasons provided for the failure to comply;
 - The length of time the registered teacher has been on the register;
 - Whether an extension of time has been granted previously;
 - The extent of the efforts made by the registered teacher to comply with the conditions;
 - The outcome of previous attempts to comply with the conditions, and any supporting material or documentation;
 - Whether the teacher is working (or has been working) as a teacher and if not, the reasons for that;
 - Whether the teacher is working or has been working in an eligible setting to enable compliance with the conditions, and if not, the reasons for that
 - The extent of any attempts made to secure employment in an eligible setting;
 - The extent of cooperation and engagement by the registered teacher with the Teaching Council in relation to the conditions.
- 5.8** The above list is not an exhaustive list

6. Registration Panel Stage

- 6.1** Where a teacher makes an application for an extension of time to comply with conditions, the application may be referred to the Panel for consideration.
- 6.2** Further information may be sought from the teacher, or any other relevant person, organisation or agency to verify any of the information submitted by the teacher as part of the application for an extension of time.
- 6.3** Any additional documentation received will be provided to the teacher in advance of a decision being made by the Panel and the teacher will be afforded an opportunity to make submissions in writing to the Panel.
- 6.4** If the Panel decides to grant an extension of time, the teacher will be afforded an additional period of time to comply with the conditions attached to his/her registration.
- 6.5** If the Panel decides not to grant an extension of time the teacher will be informed of this decision. The teacher will also be informed of his/her right to seek a review of the Panel's decision to the Group.
- 6.6** The Panel will give reasons for its decision.

7. Registration Review Group Stage

- 7.1** Any request by a teacher for a review by the Group must be made in writing. This request must be made within 21 calendar days of the receipt by the teacher of the decision of the Panel.
- 7.2** The teacher will be afforded an opportunity to make written submissions and provide any additional information and/or documentation relevant to the Group's review of the Panel's decision. Any additional information and/or documentation received, together with the documentation which was before the Panel will be provided to the Group for consideration.
- 7.3** Further information can be sought by the Group. The Group may seek information from the teacher, or any other relevant person, organisation or agency to verify any of the information submitted by the teacher.
- 7.4** The Group will consider all documentation provided to it and any submissions made.
- 7.5** All documentation received will be provided to the teacher in advance of a decision being made by the Group.
- 7.6** The Group will consider the decision of the Panel, all documentation provided to it and any submissions made and decide to:
 - (a) Grant the application for an extension of time to comply with conditions, or
 - (b) Refuse to grant an extension of time to comply with conditions
- 7.7** The decision of the Group is final.
- 7.8** The Group will give reasons for its decision.

8. Failure to comply with Conditions within the specified time or any extension of the specified period

- 8.1** Where a condition is attached to a registered teacher's registration at initial registration or registration renewal stage, and where the teacher has failed to comply with that condition within the specified time period, or within any extension of the specified time period, he/she shall lapse from the register.
- 8.2** As such, if no application is made by a registered teacher for an extension of time he or she shall lapse from the register.

9. General

- 9.1** 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.
- 9.2** Paragraph 9.1 shall not affect the requirements to comply with any statutory provisions or the Regulations.
- 9.3** 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.
- 9.4** The Panel and Registration Review Group will act at all times in accordance with the principles of fair procedures.
- 9.5** 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.
- 9.6** No amendment to the Procedures shall be made unless notice of the proposed amendment is formally placed before a meeting of the Registration Committee.

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