



General Teaching Council
for Northern Ireland

Promoting Teacher Professionalism

General Teaching Council for Northern Ireland

Conduct Rules 2017

June 2017

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Part 1 Introduction

The Council and its role in regulating the teaching profession

The General Teaching Council for Northern Ireland (GTCNI) is the professional body for teachers in Northern Ireland. It is dedicated to enhancing the status of teaching and promoting the highest standards of professional conduct and practice.

GTCNI was established by the Education (Northern Ireland) Order 1998 to provide a range of functions, including:

- The establishment and maintenance of a register of teachers;
- The approval of qualifications for the purposes of registration;
- Regulation of the teaching profession; and
- The provision of advice to the Department of Education and Employing Authorities on a range of issues including registration, standards of teaching and standards of conduct.

Anyone wishing to teach in a grant-aided school in Northern Ireland must hold GTCNI registration.

Subsequent legislation, including the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004 and the Education (Northern Ireland) Order 2006 further defined GTCNI's role and remit.

GTCNI's core objectives are to:

- promote and maintain the highest standards of professional conduct and practice;
- build a broad and dynamic 'professional community' and enhance the status of teaching as a profession;
- provide a voice for the profession on matters pertaining to teaching; and
- develop effective and cost efficient structures, processes and systems to support the delivery of the Council's objectives.

Achieving these objectives will ensure that the Council creates a system of professionally-led regulation, which is underpinned by explicit values and commitments.

The Council has established its Register of teachers and developed and disseminated a Code of Values and Professional Practice.

Powers to regulate the teaching profession in relation to conduct were transferred from the Department of Education to the Council on 1st April 2015 following the introduction of the General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015. The regulations allow:

- GTCNI to remove a teacher from the register if found guilty of misconduct;
- Individuals to make representations to GTCNI;
- GTCNI to issue a notice of its decisions; and
- The right of appeal to the High Court if a teacher is removed from the register.

Any allegation that relates to misconduct or conviction of a relevant offence, received by the Council will be considered, investigated and heard in the public interest and in the interests of the teaching profession. This includes the protection of members of the public, the maintenance of public confidence in the teaching profession and the declaration and upholding of proper standards of conduct.

GTCNI will deliver its statutory remit in the interests of both the public and the teaching profession, recognising that:

- Professional self-regulation is hard won, and should be valued by the profession, by their representatives, and by those who employ teachers. Working together these groups will influence the quality of regulation;
- The vast majority of teachers are committed to maintaining the highest standards of professional ethics and conduct. However, in circumstances where a registered teacher's conduct falls short of these standards and is dismissed by their employer, GTCNI will investigate and, if necessary, remove them from the register. In this way, the teaching profession continues to enjoy public confidence, which underpins the profession's status in society; and
- Regulation is welcomed by the public who have come to expect that all professionals are registered and value the reassurance that regulation brings.

These Rules will be made available without charge on request to any registered person, or person who has applied for registration and published on the Council's website.

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The General Teaching Council for Northern Ireland

Conduct Rules 2017

Part 2 General

Citation and commencement

- 1 (1) The General Teaching Council for Northern Ireland make the following rules in exercise of the powers conferred by article 36 of the Education (Northern Ireland) Order 1998 and Regulation 10A of The General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004, as amended by the General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015.
- (2) These Rules may be cited as The General Teaching Council for Northern Ireland Conduct Rules 2017 (The Conduct Rules) and will come into operation on 20 June 2017.
- (3) The Registrar of the Council may delegate any of the powers or duties set out in these Rules to an officer of the Council, and references in these Rules to powers or duties of the Registrar shall be interpreted to include an authorised officer of the Council authorised by the Registrar to exercise such powers or discharge such duties.
- (4) The Conduct Rules will be kept under continuous review and will be updated as appropriate and agreed by the Council.

Interpretation

- 2 (1) In these Rules, unless the context otherwise requires:
 - ‘the 1998 Order’ means the Education (Northern Ireland) Order 1998;
 - ‘the Regulations’ means the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (Northern Ireland) 2004;
 - ‘the 2015 Regulations’ means the General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015;
 - ‘allegation’ means an allegation that a registered person may be guilty of misconduct, or has been convicted (at any time) of a relevant offence;

‘agent’ means a person who makes arrangements for a registered person to provide relevant services at the request of, or with the consent of, a relevant employer (whether or not under a contract),

and ‘current agent’ shall be construed accordingly;

‘authorised officer’ means the person duly appointed by the Council to act on its behalf;

‘a case to answer’ means an Investigating Committee is of the opinion that there is a realistic prospect of a finding of misconduct, and/or a conviction of a relevant offence being made by a Conduct Committee;

‘child’ (in relation to ‘Child and vulnerable witnesses’) means a person under the age of 18 years;

‘Conduct Committee’ means a committee established under regulation 10A of the Regulations;

‘the Committee’ means a committee established under the terms of Part 4 and 5 of these Rules and the Annex, namely an Investigating Committee (Part 4) or a Conduct Committee (Part 5);

‘the Council’ means the General Teaching Council for Northern Ireland;

‘the DBS’ means the Disclosure and Barring Service;

‘employer’ means a person who employs or engages a registered person to provide relevant services,

and ‘current employer’ and ‘employed’ shall be construed accordingly;

‘equivalent body’ means the Education Workforce Council (Wales), the General Teaching Council for Scotland and the National College for Teaching and Leadership (England) or any of their historic equivalents;

‘facts of the case’ means the particulars of an allegation of misconduct, and/or a conviction of a relevant offence;

‘hearing’ means the hearing of a case by a Conduct Committee of a case to answer in respect of a registered person;

‘Investigating Committee’ means a committee established under regulation 10A of the Regulations;

‘the Internal Market Information System’ means the online system managed by the European Commission, in the context of Rule 27(2), for the purpose of reporting on registered professionals.

‘lay member’ means a member of a committee who is not:

- (a) a registered person;
- (b) employed, or engaged to provide relevant services within the period of five years ending with the date of that person’s appointment to the Committee;
or
- (c) barred from regulated activity relating to children (within the meaning of article 7 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007;

‘Legal adviser’ means a Solicitor who has been admitted to the Roll of Solicitors for at least 7 years or Barrister who has been called to the Bar for at least 7 years;

‘misconduct’ means conduct which falls short of the standard expected of a registered person;

‘month’ means a calendar month;

‘officer of the Council’ means a person who is employed by the Council;

‘order’ means an order to remove a registered person’s name from the Register under these Rules,

and includes an order made by an equivalent body or notified in accordance with Rule 27;

‘the Presenting Officer’ means the person instructed by the Council to present the Council’s case at any Conduct Committee hearing, and may include a solicitor or counsel;

‘referral’ means a criminal disclosure involving a registered person, a disciplinary case from an employer or agent, or a complaint or information from any other source;

‘the Register’ means the Register of Teachers established and maintained by the Council in accordance with Article 35 of the 1998 Order,

and ‘registration’ means registration on the Register;

‘registered teacher’ means a person whose name is included on the Register;

‘registered person’ includes a person who is registered and is the subject of a referral that has been made to the Council about any alleged misconduct or a relevant offence;

‘registered member’ means a member of a committee who is a registered teacher;

‘the Registrar’ means the person duly appointed as the accounting officer of the Council;

‘relevant employer’ means a person who employs or otherwise engages registered persons to provide relevant services in Northern Ireland;

‘relevant European State’ means an EEA State or Switzerland;

‘relevant offence’ in relation to a registered person, means a conviction in the United Kingdom, a criminal offence other than one having no material relevance to the person’s fitness to be a registered person; and includes an offence committed outside the UK which is of comparable status to an offence committed in the UK;

‘relevant services’ means services which may be provided only by a registered person to a relevant employer in Northern Ireland and includes professional services;

‘the Rules’ means the GTCNI Conduct Rules 2017;

‘vulnerable witness’ means a person whose quality of evidence is likely to be adversely affected at a hearing. This may include:

- (a) any witness with a mental disorder (i.e. mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind);
- (b) any witness who is significantly impaired in relation to intelligence or social functioning;
- (c) any witness with physical disabilities who requires assistance to give evidence;
- (d) any witness where the allegation against the registered person is of a sexual nature and the witness was the alleged victim; or
- (e) any witness who complains of intimidation.

'week' means a calendar week and excludes a Saturday, Sunday or other public holiday,

and 'day' and 'working day' should be construed accordingly.

(2) In these Rules, unless the contrary intention appears:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) numbered sub-paragraphs and paragraphs are references to the Rule in which they appear; and
- (c) numbered rules are references to the rules of these Rules.

Part 3 Referral Stage

Duty to investigate referrals

- 3 (1) Subject to paragraph (2) and Rule 4 the Council shall investigate all referrals received where it is alleged that a registered person is guilty of misconduct, and/or has been convicted (at any time) of a relevant offence.
- (2) The Council shall, at all times, assess whether or not to notify the DBS, based on the evidence and information received by it, and whether there is a suggestion of harm, or a risk of harm to children or vulnerable adults.
- (3) For the purposes of these Rules, the date the allegation is made shall be deemed the date the referral is received by the Council.

Screening of referrals

- 4 (1) Where a referral is received by the Council in the form of a criminal disclosure, the authorised officer:
 - (a) may conclude that the referral should not be investigated in accordance with Rule 6 as it is incapable of amounting to an allegation. The Council shall therefore take no further action in respect of the referral.
 - (b) shall, where paragraph(1)(a) does not apply, forward the referral to the Investigating Committee for investigation under Rule 6.
- (2) Where a referral is received by the Council in the form of a complaint from a person other than the employer or agent, the authorised officer:
 - (a) may conclude the complaint should not be investigated in accordance with Rule 5, if:
 - (i) it has not been reported to the registered person's employer or agent, or local procedures for complaint resolution have not been exhausted.
 - (ii) the authorised officer is of the opinion that the complaint is not considered capable of amounting to an allegation.
 - (iii) the same complaint has already been received and concluded by the Council.

The Council shall take no further action in respect of such a referral and will notify the registered person of the complaint and the fact the case has been

closed, and may notify the referrer of the reasons why the case has been closed.

- (b) shall, where the referral does not fall under paragraph (2)(a), forward it to the Investigating Committee for consideration under Rule 5, and make enquiries of the registered person's employer or agent to establish whether or not:
 - (i) a complaint has been made to it and, if so, the nature of the complaint; and
 - (ii) the complaint has been investigated by it and, if so, the outcome of that investigation; or
 - (iii) the complaint will be investigated by it and, if so, the likely time necessary for that investigation.
- (3) Where a referral is received by the Council from the employer or agent in accordance with the duty of employing authorities to provide information to the Council as set out under section 40(4) of the 1998 Order, the authorised officer shall forward the referral to the Investigating Committee for investigation under Rule 5.
- (4) Where a referral is received from any source (for example, the DBS), the Council or its authorised officer shall consider whether or not the conduct referred is capable of amounting to an allegation, before proceeding under paragraph (1)(b).
- (5) Where a criminal disclosure is concluded under paragraph (1)(a), the registered person's current or previous employer or agent, as the case may be, shall not be notified of the referral unless the registered person consents in writing.
- (6) Where a complaint is concluded under paragraph (2)(a), the registered person against whom a complaint has been made shall be notified of the complaint, its source and the Council's decision.
- (7) Where the Council receives further evidence relating to a criminal disclosure where the authorised officer had previously determined to take no further action in accordance with paragraph (1)(a), and the additional evidence, together with the evidence previously received, is, in the view of the authorised officer, capable of amounting to an allegation, he or she may forward the referral to an Investigating Committee in accordance with Rule 5. This further evidence may consist of an additional criminal offence committed by the registered person.
- (8) Where the Council receives further evidence relating to a referral in the form of a complaint where the authorised officer had previously determined to take no further action under paragraph (2)(a), the authorised officer shall make enquiries in accordance with paragraph (2)(b), and invite the registered person to comment thereon. Should the authorised officer be of the view that the additional evidence, together with the evidence previously received, is capable of amounting to an

allegation, he or she may forward the referral to an Investigating Committee in accordance with Rule 5.

Part 4 Investigating Committee Stage

Role of an Investigating Committee

- 5 (1) Where a Notice of Investigation has been issued under Rule 6, an Investigating Committee constituted to investigate a referral may:
- (a) decide there is no case for the registered person to answer; or
 - (b) decide there is a case for the registered person to answer, and forward the referral to a Conduct Committee as appropriate; or
 - (c) decide the referral, or any part of it, should be forwarded to the DBS; or
 - (d) decide the referral should be discontinued on other grounds. For example, because of the exceptional personal circumstances of the registered person at the time of the Committee's decision. However, such 'other grounds' shall not include any defect or deficiency in any procedure required to be observed by an employer or agent or any other person under the registered person's terms of employment or contract; or
 - (e) adjourn for further enquiries to be made under Rule 7(3), or for legal advice under Rule 7(5), prior to a final determination under this Rule.
- (2) Where a referral is concluded under paragraph (1), the registered person and the registered person's previous and/or current employer or agent, shall be informed in writing of the Investigating Committee's decision, including reasons, within two weeks of it reaching a decision.
- (3) Where the investigation of a referral is adjourned under sub-paragraph (1)(e), the referral may be forwarded to the same Committee or a differently constituted Committee.
- (4) A Committee convened under this Rule may, in exceptional circumstances and before its final decision, forward a referral to a differently constituted Investigating Committee where it appears that there has been a breach in relation to Committee membership or of natural justice (Annex).
- (5) Where a Committee forwards a referral to another Committee, the authorised officer shall inform the parties accordingly.
- (6) Where the Council receives further evidence relating to a referral where an Investigating Committee had previously determined that there was no case to answer in accordance with Rule 5(1)(a), the authorised officer may forward the referral to an Investigating Committee in accordance with Rule 6. This further evidence may consist of a criminal offence committed by the registered person.

Notice of Investigation

- 6 (1) Where a referral is submitted by the authorised officer to the Investigation Committee to be investigated, the authorised officer shall send a Notice of Investigation in accordance with paragraph 6(2) to the last known address of the registered person.
- (2) The Notice of Investigation shall:
- (a) set out the matters referred to the Committee, enclosing a copy of the information received about the registered person;
 - (b) inform the registered person of the date of the Investigating Committee which is to consider the referral, and the identity of the members of that Committee;
 - (c) invite the registered person to make written representations regarding the matters referred to in paragraph (2)(a) and provide, within four weeks from the day the Notice was sent, any written evidence the registered person wishes to submit;
 - (d) enquire whether the registered person believes a conflict of interest may arise in relation to any member of the Committee, and if so, what the reason is;
 - (e) have annexed to it a copy of these Rules.
- (3) The authorised officer shall notify the employer or agent of the registered person at the time the referral being investigated arose, and any current employer or agent about the particulars set out in the Notice of Investigation.

Investigating Committee proceedings

- 7 (1) Subject to paragraphs (2) to (7) and to Voting and decision making (Annex), the procedure shall be determined at the discretion of the Chair.
- (2) The Committee shall, before investigating a referral, ensure that all relevant available information, including any written representations and evidence received from the registered person, is provided to it.
- (3) When investigating a referral, an Investigating Committee may, at any stage:
- (a) require further enquiries to be conducted by an officer of the Council;
 - (b) request further evidence/documents from the referral source, and any evidence/documents obtained shall be copied to the registered person.
- (4) An Investigating Committee shall consider the evidence provided to it, including any written representations and evidence submitted by the registered person.
- (5) An Investigating Committee may, at any stage, adjourn investigation of the referral.

- (6) An officer of the Council requested by an Investigating Committee to undertake further enquiries under Rule 7(3) shall provide any further information and/or evidence acquired to the Committee and registered person.
- (7) Meetings of the Investigating Committee shall be held in private.

Part 5 Conduct Committee Stage

Role of a Conduct Committee

- 8 (1) The Conduct Committee shall:
- (a) determine referrals received from an Investigating Committee where the registered person was found to have a case to answer in relation to:
 - (i) misconduct; and/or
 - (ii) conviction of a relevant offence;
 - (b) consider whether to remove the registered person's name from the Register, and if it considers that such an order should be made, may make the order; or
 - (c) in respect of a recommendation made by the authorised officer under Rule 14:
 - (i) approve or decline the recommendation in accordance with Rule 15;
 - (ii) request further evidence/documents before making a decision to allow a voluntary removal; or
- (2) Where the Committee direct that a person's name be removed from the Register, that person's name shall be deemed to be removed from the Register from the date and time of the decision by the Committee.
- (3) When a person's name is removed from the Register the authorised officer shall, within 7 days, notify the person in writing of the fact that their name has been removed from the Register, and provide that person with a copy of the decision of the Committee.
- (4) Where the Committee direct that a registered person's name be removed from the Register, the Committee shall also specify the period beginning with the date on which the order takes effect before the end of which no application may be made by the registered person for a determination that he or she is eligible to reapply for registration.
- (5) The outcome of the hearing shall be announced in public.

Notice of Proceedings

- 9 (1) Where a referral is forwarded to a Conduct Committee, the authorised officer shall send a Notice of Proceedings in accordance with paragraph(2) to the last address known to the Council, of the registered person giving him or her at least eight weeks' notice of the hearing.

- (2) The Notice of Proceedings shall:
 - (a) specify where the Committee hearing is to take place and the identity of the members of the Committee;
 - (b) specify the time and date of the hearing, which shall not be less than eight weeks after the day the Notice was sent to the registered person;
 - (c) specify the allegations and the particulars of the allegations against the registered person;
 - (d) specify the witnesses, if any, the Presenting Officer proposes to call to give evidence at the hearing;
 - (e) have annexed to it the case bundle; and
 - (f) have annexed to it a copy of these Rules.
- (3) The authorised officer shall send a copy of the Notice of Proceedings, as provided in paragraph(2), to the employer or agent of the registered person;
- (4) The registered person shall, within 28 days of the issue of the Notice of Proceedings, notify the authorised officer in writing whether he or she:
 - (a) intends to appear in person and/or to be represented at the hearing and if so, confirm whether or not the registered person intends to give evidence as to the facts, and/or evidence in mitigation; and provide the Council with the name and address of the registered person's representative.
 - (b) admits the alleged facts and, if so, whether the allegation of misconduct, and/or a conviction of a relevant offence, as the case may be, is admitted;
 - (c) intends to call witnesses, and if so, to provide their names and contact details;
 - (d) knows of any reason why a conflict of interest may arise in relation to any member of the Committee, and if so, what the reason is; and
 - (e) has, or knows of any reason why the hearing, or part of it, shall not be held in public.
- (5) The registered person shall, at least four weeks prior to the hearing, provide the Council with any written submission or such documents as he or she considers relevant, including any witness statements.

Conduct Committee procedures

- 10
- (1) Subject to the provisions of this Rule and Voting and decision making (Annex), the procedure at the Conduct Committee hearing shall be determined at the discretion of the Chair.
 - (2) The Conduct Committee, in making its decision in accordance with Voting and decision making (Annex) shall:
 - (a) determine whether the facts of the case, all or in part, are proved; and
 - (b) if the facts are admitted or proved, determine whether those facts amount to misconduct, or a conviction of a relevant offence, as the case may be.
 - (3) A Conduct Committee shall not decline jurisdiction to hear or determine a referral by reason only of any defect or deficiency in any procedure which may, or otherwise, be required to be observed:
 - (a) prior to the making of an allegation to the Council, under any requirement otherwise than under the Conduct Rules or the provisions of the Regulations; or
 - (b) by an employer or agent or any other person under the registered person's terms of employment or contract.
 - (4) The Chair shall ensure the members of the Committee present introduce themselves, confirm the identity of the registered person against whom the allegations are made, and of any representative, and ask for confirmation that there are no conflicts of interest.
 - (5) The Chair shall enquire if there are any preliminary applications from the registered person and the Presenting Officer.
 - (6) The authorised officer, as directed by the Chair, shall read the allegations against the registered person. The Chair shall enquire of the registered person:
 - (a) whether the facts of the allegations are admitted; and, if so,
 - (b) whether he or she admits misconduct, or that they have been convicted of a relevant offence, as the case may be.
 - (7) The Presenting Officer shall be permitted to make an opening statement about the allegations and the registered person or his or her representative shall have the opportunity to reply.
 - (8) The Presenting Officer and the registered person, or his or her representative, may present relevant evidence, including calling witnesses, relating to the facts of the allegations and whether those facts amount to misconduct, and/or a conviction of a relevant offence, as the case may be.

- (9) The Presenting Officer, the registered person or his or her representative and members of the Committee may question any witness called, including the registered person if he or she gives evidence.
- (10) All witnesses giving oral evidence shall be requested to take an oath or give an affirmation.
- (11) The Committee may review its findings of fact if it is satisfied it is necessary to do so in order to correct an obvious mistake, or to avoid a miscarriage of justice, and before a decision is made as to whether to direct that a registered person's name be removed from the Register.
- (12) If the Committee determines that the facts amount to misconduct, and/or a conviction of a relevant offence, it shall consider the previous history and character of the registered person and any mitigating circumstances.
- (13) Upon making a finding that there has been no misconduct, the Committee shall take no further action.
- (14) Upon making a finding that there has been misconduct, the Committee shall direct that the registered person's name be removed from the Register.
- (15) The Council shall record against a registered person's name on the Register details of any order made.
- (16) The Committee will allow the Presenting Officer and the registered person, or his or her representative, an opportunity to sum up and make final summations.
- (17) The Committee shall determine whether the facts of the allegations which are not admitted have been proved.
- (18) The Committee shall determine whether or not it is satisfied that any facts proved amount to misconduct, or a conviction of a relevant offence, as the case may be, regardless of whether admissions are made by the registered person in that respect.
- (19) The Committee may adjourn the proceedings at any stage.
- (20) The Committee may determine to refer a case back to an Investigating Committee at any stage.
- (21) When making a determination under paragraph (2), the Committee shall deliberate in private, and may deliberate in private in relation to any other matter.
- (22) Should the Committee find that misconduct, or a conviction of a relevant offence, as the case may be, has been established, it:
 - (a) will invite the Presenting Officer to provide the Committee with relevant information concerning the registered person's previous history, including details of any disciplinary order made by the Council or an equivalent body;

- (b) will invite the Presenting Officer to provide the Committee with details of the registered person's previous record with the Council or other relevant information concerning the registered person's previous history;
 - (c) will provide the registered person or his or her representative, if present, with a further final opportunity to submit evidence in relation to their previous history, character or mitigating circumstances. Where the registered person or any other person is called as a witness, the Presenting Officer and the Committee may question the witness;
 - (d) will provide the Presenting Officer with the opportunity to make submissions as to the appropriate period of disqualification (if any); and
 - (e) will provide the registered person or his or her representative with the opportunity to make submissions in mitigation and as to the appropriate period of disqualification (if any).
- (23) Subject to the requirements of a fair hearing, in the interests of justice, the Committee may amend an allegation or the particulars of an allegation at any time prior to making its findings of fact.
- (24) Before amending an allegation or the particulars of an allegation in accordance with paragraph (23), the Committee shall first consider any representations by the Presenting Officer and by, or on behalf of, the registered person, and take advice from the Legal Adviser.
- (25) Any advice given to the Conduct Committee by the Legal Adviser shall be given in front of the parties. If such advice is given during the Conduct Committee's private deliberations, the Legal Adviser shall repeat such advice when the Committee returns from their deliberations. The parties shall be given an opportunity to make representations in relation to any advice given by the Legal Adviser.
- (26) The outcome of the hearing shall be announced in public.

Representations to the Conduct Committee

- 11
- (1) The authorised officer shall appoint a Presenting Officer following a decision to forward a referral to a Conduct Committee.
 - (2) The Presenting Officer shall present the Council's case before a Conduct Committee, and such a person may be an officer of the Council or other representative.
 - (3) The registered person against whom an allegation is made may attend, give evidence and make submissions or be represented at a hearing of the Conduct Committee by a trade union representative or by a legal representative.

The registered person may be represented by a person other than those listed at 11(3) in exceptional circumstances and with the permission of the Chair.

Absence of the registered person at the hearing

- 12 (1) Where the registered person does not attend and is not represented at a hearing, the Chair shall:
- (a) request evidence from the Presenting Officer that the Notice of Proceedings has been sent to the registered person in compliance with Rule 9; and
 - (b) enquire with the Presenting Officer whether any reasons for the registered person's absence have been communicated to the authorised officer.
- (2) Where the Committee is not satisfied that Rule 9 has been complied with, the Committee may adjourn the hearing.
- (3) Where the Committee is satisfied that Rule 9 has been complied with, then after taking into consideration any representations by the Presenting Officer and any written representations made by or on behalf of the registered person, and taking advice from the Legal Adviser, the Committee may:
- (a) proceed with the hearing in the absence of the registered person; or
 - (b) adjourn the hearing.

Adjournment and resumption of hearing

- 13 (1) Prior to the first day of a hearing before the Conduct Committee, the authorised officer may postpone the hearing of his or her own motion, or upon application by a party to the proceedings, provided both parties have been given an opportunity to make representations before the decision is made. The decision to postpone a hearing shall be confirmed in writing to the registered person, copied to his or her representative, and shall include reasons for the decision.
- (2) The authorised officer shall, as soon as is practicable, notify the parties of the date of the rescheduled hearing.
- (3) Where a Committee adjourns a hearing under Rule 10(19) and determines to resume the hearing, the authorised officer shall notify the registered person, and his or her representative in writing, specifying the date and place of the rescheduled hearing.
- (4) Where, prior to the first day of a hearing before a Conduct Committee, or before such a Committee makes its final decision, the authorised officer may refer the matter:

- (a) back to an Investigating Committee where the registered person or his or her representative, or the Presenting Officer, submits to the Council further evidence or information which, in the view of the authorised officer, may have caused the Investigating Committee to consider such further evidence or information as relevant to the determination to forward the referral for hearing; or
 - (b) to a differently constituted Conduct Committee, where it appears that there has been a breach in relation to Committee membership or of natural justice (Annex).
- (5) Where a case is referred to another Committee under Rule 16(1) or paragraph (4), the authorised officer shall inform the parties accordingly.

Part 6 Voluntary Removal from the Register

Removal with consent

- 14 (1) Where an Investigating Committee forwards a referral to a Conduct Committee on the grounds that a registered person has a case to answer, subject to paragraphs (2) and (3) below, an authorised officer may make a recommendation to a Conduct Committee that the case be disposed of without a hearing by way of a voluntary removal from the Register.
- (2) A recommendation for a voluntary removal shall only be made to a Conduct Committee where the referral meets the following minimum criteria, that:
- (a) the authorised officer is satisfied that relevant and appropriate facts relating to the referral have been gathered;
 - (b) the registered person fully admits all of the alleged facts against him or her, as set out by the Council;
 - (c) the registered person has been provided with and signs an agreed statement of facts;
 - (d) the registered person accepts that the admitted facts of the allegation(s) against him or her amount to misconduct or a conviction of a relevant offence;
 - (e) in the view of the authorised officer, the interests of justice and fairness can be met without a hearing; and
 - (f) the Council's responsibilities to safeguard the interests of learners and the public, and to maintain public trust and confidence in the teaching profession can be duly discharged with a voluntary removal, given the facts of the particular referral.
- (3) Should the authorised officer consider an invitation to a voluntary removal appropriate, he or she will:
- (a) send the invitation to the registered person's latest known address specifying the proposed voluntary removal;
 - (b) inform the registered person that he or she is not required to agree to voluntary removal, but that such a recommendation might be made if the criteria specified in paragraph (2) apply;
 - (c) invite the registered person to respond in writing to the proposal for voluntary removal;

- (d) inform the registered person that the effect of a voluntary removal will be the same as if it had been imposed by a Conduct Committee in accordance with Rule 8;
 - (e) inform the registered person that, in the case of a voluntary removal:
 - (i) his or her name will be removed from the Register; and
 - (ii) he or she may not make an application for restoration to the Register for a period as may be specified by a Conduct Committee; and
 - (f) require the registered person to respond to the invitation in writing within 21 working days of it being made.
- (4) Should the registered person not provide his or her consent, or not respond to the invitation within 21 working days, the referral shall be forwarded to a Conduct Committee for hearing in accordance with Rule 8.
- (5) Should the registered person provide his or her consent, and the authorised officer is satisfied as to the registered person's response, the recommendation of the authorised officer for a voluntary removal, as the case may be, shall be considered by a Conduct Committee in accordance with Rule 8.
- (6) Where paragraph (4) applies, the authorised officer shall send a Notice of Meeting in accordance with paragraph (2) to the registered person's last known address giving 4 weeks' notice of the meeting.
- (7) The Notice of Meeting shall:
- (a) specify the date of the meeting and the identity of the members of the Committee;
 - (b) specify the allegations and the particulars of the allegations against the registered person;
 - (c) have annexed to it a bundle including:
 - (i) a copy of the agreed statement of facts;
 - (ii) the registered person's admission that the agreed facts amount to misconduct, and/or conviction of a relevant offence; and
 - (iii) the registered person's written consent to a voluntary removal; and
 - (d) have annexed to it a copy of these Rules.

- (8) The authorised officer shall send a copy of the Notice of Meeting, as provided in paragraph (7), to the employer or agent at the time that the alleged conduct or matter giving rise to the referral occurred, and to any current employer or agent.

Conduct Committee determination of a recommendation for voluntary removal

- 15 (1) Subject to the provisions of this Rule and Voting and decision making (Annex), the procedure at the meeting shall be determined at the discretion of the Chair.
- (2) The meeting of the Conduct Committee will take place in private and the Committee will make a determination based on the written material alone without the attendance of the registered person.
- (3) The Committee shall be advised by a Legal Adviser.
- (4) At any stage of the meeting, the Committee may decide that, in the public interest and/or in the interests of justice, the allegation should be considered at a hearing. If so, the referral shall be forwarded to a Conduct Committee for hearing in accordance with Rule 8.
- (5) The Committee will determine whether to:
 - (a) approve the recommendation;
 - (b) decline the recommendation; or
 - (c) adjourn to request further evidence/documents before making a determination.
- (6) Where the Committee determines to approve a Voluntary Removal, the Committee shall also specify the period beginning with the date on which the order takes effect before the end of which no application may be made by the registered person for a determination that he or she is eligible to reapply for registration.
- (7) Should a Conduct Committee approve the authorised officer's recommendation under Rule 14, the decision of the Committee shall be announced in public either on the date of the meeting of the Committee, or on a later date. The registered person shall also be notified of the date and time and location of the announcement of the decision if it is to be announced at a later date.
- (8) Should the Committee approve the recommendation; the referral shall be considered concluded.
- (9) Should the Committee decline to approve the authorised officer's recommendation the case will be remitted for hearing to a newly constituted Conduct Committee in accordance with Rule 8.

- (10) Rules 10, 25 and 26 shall apply to a voluntary removal as those rules apply to an order made by a Conduct Committee under Rule 8.

Part 7 Review and Appeal

Review of Conduct Committee decision

- 16 (1) A Conduct Committee may of its own motion at any time revoke an order made by another Committee, that a registered person's name be removed from the Register where:
- (a) the only or main reason for making the order was that the person in relation to whom the order was made had been convicted of a relevant offence, and after the date the order was made, the conviction in question was quashed; or
 - (b) after the order was made, the Committee obtained evidence not considered by it before it made the order, and it is satisfied that if it had been aware of the evidence before it made the order, it would not have made it.
- (2) A Conduct Committee hearing a case under paragraph (1) shall not include as a member any person who was a member of the Committee which made the order.

Appeal of Conduct Committee decision

- 17 Any person aggrieved by the decision of a Conduct Committee to impose a disciplinary order shall have the right of appeal against the order to the High Court within 28 days from the date on which Notice of the order is served on him or her.

Part 8 Restoration to the Register

Restoration to the Register following removal

- 18 (1) A person in relation to whom an order has been made to remove the registered person's name from the Register may apply to the Council for a determination that he or she is eligible for registration under regulation 3 of the Regulations.
- (2) An application under paragraph (1) shall be made in writing and shall specify the grounds on which the person seeks the determination, and shall be accompanied by every document relied upon in support of the application.
- (3) Where a person makes an application to the Council for a determination that they are eligible for registration, a Committee shall conduct a hearing in accordance with these Rules.
- (4) The authorised officer shall send to the person a Notice of Proceedings to his or her last known registered address, as recorded on the Register, or such other latest address known to the Council which shall:
- (a) specify where the Committee hearing is to take place and the identity of the members of the Committee;
 - (b) specify the time and date of the hearing; and
 - (c) have annexed to it a copy of the evidence given, and the Committee's decision at the hearing when the order to remove the registered person's name from the register was made.
- (5) In considering the application, these Rules shall apply as appropriate given the Committee's role.
- (6) The Committee shall determine whether or not it is satisfied the person is suitable to be readmitted to the Register.
- (7) The Committee, in making its decision, shall consider:
- (a) the reasons for the order to remove the registered person's name from the register being imposed;
 - (b) the particulars in support of the application;
 - (c) whether or not the applicant has been of good character since the prohibition order was made; and
 - (d) whether or not the applicant has demonstrated his or her willingness and ability in the future to adhere to the standards of conduct expected of a registered person.

- (8) An application under paragraph (1) shall be determined by a Conduct Committee which shall not include as a member any person who was a member of the Committee which made the order to which the application relates.
- (9) If the Committee is satisfied in relation to the matters set out in paragraph (6) above, it may determine that the person is eligible for registration. If this is the decision of the Committee, the person concerned must reapply for registration.
- (10) The outcome of the hearing shall be announced in public.
- (11) If an application for a determination that the person is eligible for registration is refused, no further application for a determination that he or she is eligible for registration may be made by the person within twelve calendar months of the date on which the original application was determined, or within such longer time period as the Committee may decide.

Part 9 Other Procedural matters

Standard and burden of proof

- 19 (1) The standard of proof applied in these proceedings is the civil standard, ‘on the balance of probabilities’.
- (2) The burden of proof shall rest with the Presenting Officer.

Admissibility of evidence

- 20 (1) Subject to paragraph (2), where the Presenting Officer or the registered person or his or her representative wish to rely upon any document, including a witness statement, they shall submit to the Council a copy of the document concerned at least 4 weeks prior to the hearing in accordance with Rule 9(5).
- (2) Where either the Presenting Officer or the registered person or his or her representative wish to rely at the hearing upon documents or other physical evidence and it is not appropriate or practicable for that evidence to be copied or sent by post, the party in possession of the document(s) or other physical evidence concerned shall, at least four weeks prior to the hearing, provide the Council with:
- (a) a description of the evidence;
- (b) an explanation of the reason why it is not practicable or appropriate for the evidence or a copy to be sent in accordance with Rule 20(1); and
- (c) details of the arrangements that may be made for inspection of that evidence by the other party.
- (3) If the Presenting Officer or the registered person or his or her representative wish to rely at the hearing upon any document not served in accordance with this Rule, then that document may only be admitted at the discretion of the Committee. In exercising this discretion, the Committee may waive or amend the periods of time set out in the Rules for disclosure of documents, but only if it is satisfied that to admit the document is appropriate, and in the interests of a fair hearing.
- (4) Production of a record of a caution shall be prima facie evidence of the commission of the offence giving rise to the caution.
- (5) Production of an appropriate certificate from a court in the United Kingdom or overseas of a conviction for a criminal offence shall be conclusive proof of the commission of the offence to which the certificate relates.
- (6) Subject to the requirements of relevance and a fair hearing the Conduct Committee may admit evidence notwithstanding that such evidence may not be admissible in legal proceedings before a Civil or Criminal Court in Northern Ireland.

Witnesses

- 21
- (1) The Council may request any person to attend and give evidence, or to produce documents or other material evidence at any hearing.
 - (2) Witnesses must take an oath or affirmation before giving evidence. In doing so, the witness makes a solemn promise as to the truth of their evidence.
 - (3) Except as may be determined by the Committee, witnesses may not be present as observers at the hearing until they have completed giving evidence and been formally released by the Chair.
 - (4) Witnesses may be recalled at the discretion of the Committee.
 - (5) The Council may make payment of:
 - (a) reasonable expenses; and
 - (b) reasonable costs of employing a replacement where a witness is called by a registered person or the Presenting Officer.

Children and vulnerable witnesses

- 22
- (1) A child or a vulnerable witness shall only give evidence where, after considering representations by or on behalf of the registered person and the Presenting Officer, it is determined by the Committee, or as provided for in paragraph (2) and (3), that the welfare of the child or vulnerable witness will not be prejudiced by so doing.
 - (2) In advance of the hearing, written representations may be referred for consideration to the Chair of a relevant Committee sitting at the time or to one or more prospective members of the Committee.
 - (3) If the Chair of Committee, or prospective member or members, considers that the welfare of the child or vulnerable witness would be prejudiced by giving evidence, the Committee Chair, member or members, as the case may be, shall refuse permission for the child or vulnerable witness to be approached or called to give evidence.
 - (4) If the Committee Chair, or member or members, as the case may be, determine that the child or vulnerable witness should be permitted to give evidence, then the Committee that hears the case shall adopt such measures as they consider necessary to safeguard the interests of the child or vulnerable witness which may include, but shall not be limited to:
 - (a) the use of a video link;

- (b) the use of pre-recorded evidence as the evidence in chief of the witness, provided always that such witness is available at the hearing for questioning;
 - (c) the use of interpreters (including signers and translators); and
 - (d) the hearing of evidence by the Committee in private.
- (5) The Chair of the Committee may direct that the child or vulnerable witness is not referred to by name during a hearing regardless of whether he or she is called to give evidence at the hearing.

Service

- 23 (1) Any documents or notices required to be sent to a registered person under these Rules shall be sent by first class post to the registered person's registered or last known address.
- (2) Documents and notices served in accordance with this rule shall be deemed to have arrived on the day after posting.
- (3) Investigation Committees and Conduct Committees have the power in any case to deem service by alternative means good.

Public or private hearing

- 24 (1) The Committee may exclude the public from a hearing or any part of a hearing:
- (a) where it appears to the Committee necessary in the interests of justice to exclude the public;
 - (b) where the registered person against whom disciplinary proceedings are being taken makes a written request that the hearing should be in private, and, given the reasons for the request, the Committee does not consider it to be contrary to the public interest to hold the hearing in private; or
 - (c) where it is necessary to protect the interests of children or vulnerable witnesses.
- (2) Where an application is made for the hearing to be in private under Rule 10(5), the Committee shall hear the application in private, but shall announce the decision in public.

Notification of Conduct Committee decisions

- 25 (1) If an order to remove the registered person's name from the Register is considered appropriate, the authorised officer shall, at the direction of the Committee:
- (a) serve a Notice of the order on the person in relation to whom it is made; and
 - (b) serve Notice of the order on the employer or agent of the registered person at the time the referral was made, and to any current and/or previous employer or agent as may be the case, within a period of two weeks from the day the decision was given in public.
- (2) The written decision shall be accompanied by a statement of:
- (a) the allegations;
 - (b) the findings of fact; and
 - (c) the reasons of the Committee.

Publication of Conduct Committee decisions

- 26 (1) Where a finding of misconduct is made against a registered person, the authorised officer shall arrange for publication of the decision of the Conduct Committee, whether or not the registered person's name has been removed from the register. The decision shall be published in a manner deemed appropriate by the authorised officer, but shall be no less than a notification on the website of the Council.
- (2) Where a Conduct Committee consider a case against a registered person and find that the registered person has not committed misconduct, the authorised officer shall, serve Notice of the order on the employer or agent of the registered person at the time the referral was made, and to any current and/or previous employer or agent as may be the case, within a period of two weeks from the day the decision was given in public, and at the request of the registered person, publish the decision of the Conduct Committee in a manner deemed appropriate by the authorised officer. Such publication shall be no less than a notification on the website of the Council.
- (3) The duty to publish the decision does not apply where, in the opinion of the Registrar, the decision should not be published in the interests of justice; or to protect the interests of children.

Notification to other relevant European states

- 27 (1) In accordance with EU Directive 2005/36/EC and the European Union (Recognition of Professional Qualifications) Regulations 2015 the Council, as the competent authority in Northern Ireland, shall inform the competent authorities of other relevant European states where the disciplinary order imposed restricts or prohibits the pursuit of work in the same profession in another Member State.
- (2) The information to be provided by way of an alert mechanism through the Internal Market Information System (IMI) within 3 days of the decision being made is:
- (a) the identity of the professional;
 - (b) the profession concerned;
 - (c) information about the Council;
 - (d) the scope of the restriction or prohibition; and
 - (e) the period during which the prohibition or restriction applies.
- (3) At the same time that information is provided in accordance with paragraph (2), the Council shall send notice to the registered person, of the:
- (a) decision to submit an alert;
 - (b) right to appeal against the decision or to apply for rectification; and
 - (c) access to remedies for damages caused by false alerts sent to relevant European states.
- (4) A person may appeal the Council's decision to submit the alert if they consider that the information has not been provided in accordance with the European Union (Recognition of Professional Qualifications) Regulations 2015.
- (5) Where a person takes action under paragraph (3)(b), the Council will qualify the alert to show that it is subject to proceedings by the person concerned.
- (6) When a restriction or prohibition is no longer relevant to a person, the alert shall be removed from the IMI within 3 days of the date that the prohibition or restriction ends.

Disciplinary orders made by other bodies

- 28 The Council shall have regard to an order made by an equivalent body or prohibition imposed by the Secretary of State, or a Barring Order made by the DBS.

Annex Constitution and Meetings of Committees

A Committee membership

- (1) The following points relate to an Investigating Committee and Conduct Committee.
- (2) A Committee shall consist of a minimum of three persons and a maximum of five persons. The quorum for a meeting of the Committee shall be three, which must include:
 - (a) one or more lay members; and
 - (b) one or more registered members.
- (3) Where a Committee is considering a referral and a member:
 - (a) is unwilling; or
 - (b) is unable to remain a member, and there is no longer a quorum, the referral shall be adjourned and a new Committee appointed to investigate or hear the referral.
- (4) A person who is a member of the Investigating Committee investigating a referral shall not be appointed as a member of any subsequent Conduct Committee which hears that referral.
- (5) Where, in considering a referral, any member of a Committee considers that a fair-minded and informed observer could perceive he or she has a conflict of interest, that member shall make a declaration accordingly. This may, following legal advice, result in the member being disqualified from sitting in relation to that referral.
- (6) In pursuance of paragraph (5), where a member of the Committee belongs to the same union or professional association as the registered person, this shall not in itself constitute a conflict of interest for the purposes of this Rule.

B Chairs

- (1) Each Committee shall have a Chair.
- (2) In the absence of the appointed Chair under paragraph (1), the Committee shall appoint another of its members to act as the Chair.

C Meetings

- (1) A Committee shall be convened at such time and place as an authorised officer considers appropriate.
- (2) Officers of the Council:
 - (a) may be in attendance at all Committee meetings; and

(b) shall not participate in the making of the decision of a Committee.

D Voting and decision making

- (1) Any decision of a Committee shall be made by a vote of the members of that Committee.
- (2) Any question put to the vote of a Committee shall be put in the form of a motion by the Committee Chair.
- (3) No member in attendance at a meeting of a Committee may abstain from voting when any question is put to a vote.
- (4) Where a question is put to a vote, the Chair shall:
 - (a) call on the members to vote for or against the motion; and
 - (b) declare that the motion has been carried or not carried, as the case may be.
- (5) Where the votes are equal on any motion, the motion shall be deemed to have been resolved in favour of the registered person.

E Legal adviser or other professional adviser

- (1) The Council shall make available to any Committee constituted under these Rules any such Legal Adviser and/or other professional adviser as may be required by it to act as an adviser in the course of a meeting or a hearing.
- (2) Where a Committee requires legal advice and/or other professional advice which is given to it by the Legal Adviser and/or other professional adviser made available by the Council, the appointed Legal Adviser and/or other professional adviser shall:
 - (a) in the case of an Investigating Committee, make a written declaration in relation to the nature of the advice the Committee sought and received; and
 - (b) in the case of a Conduct Committee, make a written declaration in relation to the nature of the advice the Committee sought and received, and declare in public the nature of the advice the Committee sought and received.
- (3) The Legal Adviser and/or other professional adviser shall not be a person who has previously addressed the Committee in a referral in relation to which the Committee seeks advice in any capacity other than as a Legal Adviser or other professional adviser.