**Minutes of the 77th meeting of the General Teaching Council for Northern Ireland.**

**Friday, 26th March 2021 at 10.30am – meeting conducted via Zoom**

**Present:** Brendan Morgan, Chair Siobhan McElhinney, Vice-Chair

Aine Andrews Lisa Magennis (LM)

Dr David Baxter (DB) Catherine McBride (CMcB)

Raymond Beggs (RB) Julian Morgan (JM)

Geri Cameron (GC) Maria Mullally (MM)

Martin Cromie (MC) Catriona Mullan (CM)

Ciara Duffy (CD) Paul O’Doherty (PO’D)

Dr Graham Gault (GG) Susan Parlour (SP)

Dr Martin Hagan (MH) Keith Smith (KS)

John Kelly (JK) Gordon White (GW)

Shaunagh Lambe (SL), John Wilkinson (JW)

Mary-Lou Winchborne (MLW)

**In attendance:** Sam Gallaher (CEO) Alison Chambers, DE (AC)

Majella Matthews (MM) Alan Boyd, DE (AB)

Sima Gondia (SG) Elizabeth Lorimer (Notetaker)

Martin Cunningham (MC), BCS Ellen McCartan (EMcC), BCS

Martin Carey (MCa), BCS

Angela Wallace (member of public)

Paul Kennedy (member of public)

**Apologies:** Gerry Devlin (SEO) Shirley McKenna (SMcK)

Geraldine Duffy (GDu) Cliodhna Scott-Mills (CSM)

Fiona Kane (FK) Maria Thomasson (MT)

Emma Loughridge (EL) John Unsworth (JU)

Sonia McGowan (SMcG)

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| **1. Welcome and Apologies**  The Chair welcomed Council Members, BCS staff and members of the public to the meeting. Council agreed that quoracy had been met.  Apologies were noted to be Emma Loughridge, Cliodhna Scott-Mills, Maria Thomasson and John Unsworth.  Participants were asked to mute their microphones when not talking.  The Chair proposed a motion to set aside standing orders for today’s meeting to allow discussion of Items 6 and 7 to be brought to the top of the agenda. These items needed to be discussed as a priority because they had been identified as critical by EA. This motion was proposed and seconded as below:  **Proposed:** Dr Graham Gault  **Seconded:** John Wilkinson |  |
| **2. Declarations of Interest**  The Chair asked Council if there were any Declarations of Interest for today’s meeting. None were declared. |  |
| **3. Minutes from previous Council Meetings:**  Draft Minutes of Council Meeting of 10 December 2020 (GTC-20-75.MIN)  Draft In Committee Meeting of 10 December 2020 (GTC-20-75-MIN)  Draft In Committee Meeting of 10 March 2021 (GTC-21-26-MIN)  Time did not permit the discussion of this item. |  |
| **4. Matters Arising**  Time did not permit the discussion of this item. |  |
| **5. Chair’s Business and Correspondence** (Minister’s Review of GTCNI)  Time did not permit the discussion of this item. |  |
| **6. Business** **Case for New Registration System Project**  (GTC-20-75-P01)  The CEO referred to the paper circulated and summarised that support for this piece had been secured from the Dept of Finance’s Business Consultancy Services (BCS), who had worked from July to December to help prepare a submission. F&GP Committee meetings in January and February had reviewed and approved the submission and a Business Case was prepared seeking approval for this investment, although the approval to spend was not being sought now, that would follow later within Annual Budgets. The Business Case had been informally submitted to DE, but it needed to be submitted formally to take it through the Business Case process. Work could not go out to tender until the Business Case was approved by CPD and Council had a timeframe of one year to have this work approved, out to tender, contracts prepared and implemented to allow disengagement from current supplier, unless current supplier won the tender. The CEO said he would be happy to take further questions outside the meeting, rather than go into further detail now, and handed over to MCa who introduced himself and his two colleagues, MC and EMcC.  MCa displayed a presentation on screen and outlined its context to Members, which included details of the case for change, overview, system scope, cost overview (preferred option £753K ‘envelope’) and benefits.  The Chair thanked MCa for the presentation and opened the discussion up for questions.  DB asked, with 7 years being a long time in technology, how protected and ‘future proofed’ would the system be from the need to change in 3- or 4-years’ time to reflect advances in technology. MCa advised that the platform would always continue but would be updated constantly and that GTCNI could decide what additions were needed. The system would provide more ‘future proofing’ than the Millar system, with a 7-year term being a good timeframe to plan for.  CMcB asked if the preferred cost option of £750K was the total cost or would there be other costs over and above this amount. MCa explained that £750K was designed to be the total cost (including staff costs, design, build, testing, etc). The ‘envelope’ was comparable to other organisations, so was a good benchmark which could be managed via CPD. MCa was therefore confident that this amount would be the total cost. Though it was not the cheapest option, a large optimisation bias had been considered, which was built into £750K being a realistic cost.  JW asked if there were suppliers available to provide quotes to ensure there was an open/honest procurement process which did not rely on one supplier to make a bid. MCa advised that there were different options and frameworks to ensure that the correct suppliers could be chosen, there being a list of c200 Government approved suppliers who dealt with sensitive and confidential information in an appropriate way.  SL asked if the cost of a whole new system would be required after 7 years or could this system be updated at less cost. MCa replied that it depended on the option chosen, and if the preferred option was chosen, it would allow a continuation of that system, with the platform allowing refinement for additional spend if required.  The CEO added that, over a period of 7 years, there could be a number of changes made, for the needs of the organisation, the working environment and technology. There were a number of factors, so assumptions were being made around a suitable period to choose. 7 years allowed for the organisation’s needs and evolvement and, at that time, a new system may or may not be needed, so this period for an IT project was probably a reasonable timeframe.  PO’D asked if funding for this project began in 2021, which would mean there would be a review in 2028 to consider if a new system was needed, or was it 5 years plus 1 year, plus 1 year from the start date indicated.  The CEO replied that the start date would begin when a contract was placed, so at the point of purchase. Costs were an estimate, and all proposed costs may not be needed. At this stage, approval was being sought for the investment for the ‘envelope’ only.  CMcB commented that a 7-year contract may not last that long and asked if £750K was to be paid up front or in stages throughout that time, in case opt out was needed. The CEO advised that the investment ‘envelope’ represented running costs and the capital element that needed to be paid. There may be an annual licence fee for each year also so the total amount would not be paid up front but would be paid in tender and that depended on how the tender worked out. MC explained that it was like having an i-phone where the IOS platform was used, and the apps downloaded onto it were like the modules chosen along the way. There would be constant updates to the platform and so it was a very stable and secure platform being updated constantly.  CMcB commented that although the Business Case was fine, the costs to Council were of concern. The F&GP Committee had been told that DE helped with funding when this organisation had been set up, and this was the first time Council had been asked to approve a spend of this amount. As such, money to pay for this system needed to be made up and costs would continue. The F&GP Committee had discussed that this would be a heavy burden for teachers alone to meet and it was felt that DE should take some responsibility for registrations/regulations. Therefore, should it be part-funded by DE, the DE rep having said they would listen to the proposal, so could it be run in parallel. The Committee were told they needed to agree with the proposal before a discussion with DE could take place, so Council could be left with the total cost which would put an enormous strain on funds (from teachers). Had this discussion had moved on since January.  The Chair advised that he and the Vice-Chair had raised the concerns of the F&GP Committee at MOM but were advised that DE could not help to pay for this system because Council had funds in their Reserve Account. Because this was a strategic issue, if it failed, it would reflect badly on Council Members and teachers. This was a critical system and patches to fix the existing system were incurring significant costs, more than the system was worth.  The Vice-Chair agreed with the concerns raised, but pointed out that if the current system was not fit for purpose, it could not be retained. Council needed to protect the c20,000 teachers who were registered, being stewards of finances but also of the information of teachers.  CMcB agreed but pointed out that once funds in the Reserve Account were spent, could they then assume that DE would then support them.  The Chair advised there was no guarantee that DE would do so. This was a legacy issue which Council knew needed to be replaced since 2015. At present, Council had very little choice but to approve this proposal.  KS agreed that Council needed to approve this proposal and advised he had put forward a motion to try to tease out where the funds would come from. There was currently a shortfall of £50K and registration Reserves would be run down to zero and would need to be built up again. KS said he had not seen this fact built into the figures and asked if his Motion could be discussed now, where four questions for DE had been raised, namely:   1. Costs associated with GTCNI being a Non-Departmental Public Body (NDPC) – can funds be redirected? 2. Cabinet Office Handbook stated that a NDPB is, in part, funded publicly, therefore DE should be providing support, and had the responsibility to support GTCNI. 3. Why should it be solely teachers’ funding to replace the database? 4. What other NDPBs had similar funding arrangements as GTCNI?   The Chair acknowledged these were fair questions for DE and asked AC if a reply in writing could be arranged from DE for these questions.  AC confirmed the questions would be replied to in writing.  The Chair asked KS to formally propose the Motion, as set out on Page 21 of paper GTC-21-77-P01. The motion was proposed and seconded as follows:  **Proposed:** Keith Smith  **Seconded:** Gordon White  The Chair asked for a vote from Members on the motion, advising them to vote within the ‘chat’ facility of Zoom. MM counted the votes on ‘chat’.  While the vote was being counted, discussions continued, and RB noted that this element of work was a crucial part of Council business which needed to be progressed having been identified as a critical risk at ARAC Committee. Costs worked out at £3.75 per teacher per year for 7 years. RB urged Council proceed rapidly with this proposal due to the risk identified. Also, Council should build into their accounting system running costs for the registration system in the amount of £100K so that it became a standard running cost (equating to c.8% of total income). This would allow Reserves to build up year on year and, if this was agreed, RB would be content to allow the paper to be passed.  The Chair asked if, presuming the paper went forward, RB could detail this suggestion in a paper to be discussed more fully at a later point.  RB agreed that this would be appropriate to put in writing, to show a planned way forward to ‘future proof’ the system, which could be discussed at next Council meeting.  The CEO advised this linked to the Reserves Policy, being one of the principles regarding depreciation of assets relating to Reserves, which detailed the requirement to make provision for an asset for the life of that asset and subsequent replacement of.  Referring to the cost to teachers that RB had explained, CMcB pointed out that so far work had been done to register teachers, but not to regulate, and presumed this proposal would also allow regulation, the costs of which could be extremely costly for Council. At some point in the future, Council being an ‘arm’s length’ body, wouldn’t have funds to meet all costs and DE should then be contributing to costs.  The CEO clarified that what CMcB said was correct, and there was inherent financial pressure in the organisation. Income came from fees that were set in 2004 and had not been increased since. Therefore, a strategic review of finances needed to be undertaken to look forward and deal with registration, regulation and assets. Options were to take support from DE, take support from elsewhere and increase registration fees and it was important there was a linkage to undertake a strategic review of finances.  The Chair asked MM is she had now counted the votes for the proposed Motion and advised his own vote for in favour.  MM advised she had 23 votes from a total of 24 Members and the result was 17 in favour with 6 abstentions.  The Chair noted the result of the vote and asked for a further vote on the substantive Motion.  KS asked the CEO how Reserves have been built up over the years and how funds had been added to. The CEO said funds were accumulated prior to the organisation becoming a NDPB. Although Reserves had been built up, costs had increased and Reserves had only been added to in small amounts with there being no significant change in Reserve amounts over the last two to three years, with the organisation operating in a breakeven position.  KS asked if anything had been added to the database Reserve.  The CEO advised that Reserves had been c.£1.8 to £2m during the last two years and since 2015, £575K had been earmarked for investment into the system.  The Chair asked for a proposer and seconder to support the Motion to accept the paper, which was provided as below:  RB proposed the Motion and commented that the last fix to the existing system cost £140K, so it was imperative that Council agreed to move to the new system. KS seconded the Motion while registering his concern about the costs.  **Proposed:** Raymond Beggs  **Seconded:** Keith Smith  The Chair asked Members to vote for this Motion in the ‘chat’ facility.  KS asked AC/AB to arrange for answers for the four questions to DE to be available ahead of the next F&GP Committee meeting.  AC confirmed this would be the case.  The Chair asked for the result of the second vote.  MM advised there were 20 in favour, none against.  The Chair confirmed that the Motion was carried, and the paper passed. The Chair thanked Members as this was a very important piece of business to progress.  The Chair thanked the BSC representatives for their presentation and the work they had carried out on this piece and excused them from the meeting at this point. | GTC-21-77-A01  GTC-21-77-A02 |
| **7. Paper on Professional Regulation** (GTC-21-77-P02)  The CEO referred to the paper circulated which detailed Conduct Rules, guidance documents and screening. Members needed to agree to amend the Conduct Rules and consider a pool of Members to be used for the screening exercise.  Under primary legislation, Council could only delegate powers, and details about the power to set up Regulation Committees did not exist or was ambiguous. In 2019, under McKee ruling legislation, regarding Officers’ power to decide on having a charitable organisation, guidance rules were set out for the screening process. When regulation referrals were made, the first part of the process was to screen referrals to decide if they fell into Council remit/sanction and to decide if Council conducted an investigation or not. So, a decision was needed on whether a case should be screened in for investigation or screened out for no further action. Council did not have the authority to close cases and Members could not make that decision, only the CEO. There were currently 38 cases to be reviewed and the CEO proposed an amendment to the Conduct Rules to allow the appointment of a pool of Members to work with the CEO on the screening exercise. The CEO suggested two Members to work with him from a pool of, say six, and it was proposed to amend the Conduct Rules to allow for a screening panel or people authorised by Council to carry out this exercise. The panel would also have the option to take legal advice if required. This should be a straightforward exercise to look at these cases. This would be a holding exercise because Council could not move into investigating cases under the current legislation. The CEO suggested panel members should not be drawn from PRRC Committee so as to maintain a separation and independence from that Committee. The CEO advised he had taken Counsel advice on this piece which was content this was a reasonable way forward for Council at this point in time.  RB referred to paper GTC-21-77-P02, and asked for clarity on Page 2, second last paragraph, where ODF is referred to. RB asked if this should refer to PRRC Committee. The CEO confirmed that it did.  RB asked if the CEO could amend the wording accordingly. RB was otherwise content with the proposal. The CEO confirmed that he would.  The Chair referred to Page 3 of the document, before the Annex, and quoted [“… vetting of personnel… no vetting… but may be required that Council would want in place…”]. The Chair commented that while there was no requirement, it would be wise to include vetting and asked if Council could proceed in parallel.  The CEO said that, to date, there was no need for vetting, and what he meant was that Council needed to make a decision regarding the area of vetting, as a precautionary measure. He explained that he would like to begin to move on the current case load and if Council asked for a vetting exercise, it could cause further delay. If, however Council was content, people associated with regulations should be vetted (both staff and Council Members) which could be done, but not as a pre-cursor to the screening exercise.  The Chair agreed it was a common-sense approach to proceed and then conduct a vetting exercise in due course.  LM asked why a member of PRRC Committee could not be included in a pool.  The Chair replied that no one who was involved in the development of the policy could be included in the implementation of the policy. This was an item in law to say that no one should be involved in both processes.  The CEO agreed it was prudent to maintain separation here.  RB asked if it would be equally prudent to exclude ARAC Committee members as overseers.  The CEO said the danger in that was it would reduce the pool of members who could be available. He explained that the exercise was quite high level and panel members were not deciding on detailed information.  PO’D referred to the Annex and pointed out that Council had never limited the criteria for volunteers to panels before so that logistics could be managed more easily. He suggested that volunteers should not be limited but should be based on the ability to convene a panel rather than reduce the numbers. Also, he did not think this panel should make a decision whether a case goes forward to investigation, and that cases not going to investigation should be disclosed. If it was decided to investigate, the individual would need to be spoken to, and a time limit would begin. If a person was not being investigated, Council could write to them, but this would trigger a time limit. PO’D raised two questions: firstly, PO’D asked that the number of Members on a panel not be confined, and secondly, this would exclude individuals from Regulations who could be excluded at a later date when Council had proper regulatory powers.  The Chair asked for views on PO’D’s second suggestion.  The CEO said he could see the sense of this proposal but pointed out that at some point Council were going to have to notify the person who the referral was about. They could say nothing and be dependent on when legislation decided, but a referral could be two years old. It could be advised that a referral was being held for investigation so that at least the individual would be aware that it would be processed at some point. So, the question was, should they be informed or not. The issue was regarding the length of time it would take for legislation to be put in place as well as the unfair length of time this was taking and about current legislation and legal implications. The CEO felt however that the individual should be informed.  The Chair asked PO’D to provide the background of Conduct Rules to give Members a clearer understanding of this issue.  PO’D advised that, with Conduct Rules that were developed in 2019, timelines were indicated for the three different stages. The first stage was to remove unwarranted allegations. Secondly, if there was any doubt about the first category, the case would go to the investigation stage to find out if it was substantive enough to progress. The third stage was whether the disciplinary panel had the power to remove a teacher from the Register. A timeframe was put in place for the whole process so there would be pressure on Officers to gather information within that timeframe and this might not be possible. DSO training would help to guide this. PO’D advised he would be anxious to move this issue forward and discount cases where there was no case to answer because of concern about the timeframe that would be applied, and so he took the CEO’s point on board.  The Chair stated there were three stages involved, screening; investigation and hearing, and asked if, under the current paper, only two stages were detailed.  PO’D stated that the worry was that this exercise may trigger the second stage. The first thing that needed to be done was to exclude some cases from the process, and the second thing was to decide if some cases merited investigation, at which point the teacher would be alerted and the timeline would begin. His worry was about this timeline, if an investigation could not be completed.  The CEO explained that under the Conduct Rules of an investigation, when notice of an investigation was served, the investigation stage began and a letter was issued to the individual. The clock began to tick from the point of when notice was given, and the individual then had two weeks to submit information for the investigation, so that time began when notice was served. This meant that formal notification could be withheld, but an individual could be advised that their case had been referred. Therefore a form of words was needed for letters to allude to the fact that the investigation could not currently proceed.  The Chair clarified that the screening exercise was only to screen out cases not deemed serious enough to investigation, while the status of the rest of the cases would not change. The Chair asked therefore why there would be a time trigger.  The CEO explained that the idea was to write to every individual to advise them of the screening exercise and if some were excluded after that process, they should be told there was no further action to be taken. The CEO felt it was better to be open about this and said that although a formal notice of investigation would not be issued, individuals would be told the case was being held for investigation.  PO’D advised he would be happy with that approach to allow those with no case to answer to be discounted.  The Chair asked the CEO if he would craft the wording of letters to reflect this approach. The CEO confirmed he would.  DB noted this was a public meeting, not being held ‘In Committee’, before saying that he hoped Council were not holding files on people who didn’t know this was the case.  The CEO replied that it was not a case of holding files, but the fact that referrals had been received, and it was fair to say that not all individuals knew there was a referral. If they were notified about this, the CEO asked what Council should tell these individuals. Clarity was being sought today on how to proceed and then all individuals would be formally notified.  RB concurred with DB’s comments. He said that he had understood that, as a Council, there had been concern that files were being held on teachers who weren’t aware of this fact, and Council had decided these teachers should be told. RB said he was astonished that Council were still holding files on individuals who weren’t aware of this. He advised that as soon as the screening exercise began, the process started and a time limit came into play. Those individuals involved had rights under European law to be made aware of referrals, and the fact that there was no end date to the process. RB asked if it was a breach of GDPR to hold files on individuals in this way.  The CEO reiterated that these were not files as such, rather referrals, and it had reached a point where a decision was needed on them. The first decision was whether Council should take further action on those referrals.  The CEO took RB’s point, that the time period depended on the development of legislation, and if it took two years, was it likely to have an impact on the veracity of taking the case and would that be open to challenge. There were two parts: the cases that would not be progressed, and, for the cases that should progress, would it have a significant impact on those cases whether they could be investigated properly. To answer such questions, legal advice would be taken on a case-by-case basis.  The Vice-Chair advised that in June 2018, Council had been alerted that evidence gathered had not always been from the employer and asked for confirmation that evidence in these cases was from the employer.  The CEO advised that evidence was not being gathered, but complaints were kept on file. The screening process would address everything that is pending.  The Vice-Chair responded that Council had been told that newspaper cuttings had been held on file, and Council had been concerned about this and asked strongly that such material be destroyed. The Vice-Chair asked if, from the 91 referrals received, had evidence been disposed of.  The CEO replied that under Conduct Rules, if not action was taken, a file should not be destroyed because if further evidence came up, the case could be re-opened. Sometimes a letter of complaint about a teacher would be received, which would be referred to the employer or PSNI (who would also refer it to the employer). The screening exercise would review all the cases currently being held. Some cases should go forward for investigation, and these cases needed to be reviewed on a case-by-case basis. The timeframe also needed to be considered and legal advice taken.  The Chair asked if this related to information held from before 2015.  PO’D replied that it did, for files held historically before Council was granted regulatory power in 2015.  The Chair clarified that this information would have been received prior to 2015 and Council had felt it should not be holding this information. The consensus was that Council should dispose of this information under GDPR guidelines and had decided to destroy this information. The CEO had sought legal advice on the matter and there were some newspaper clippings included.  The Vice-Chair asked for clarification that this evidence had been destroyed. Having 91 cases in the past five years was not good, so the timescales involved needed to be shown.  The CEO advised that the 91 cases had been referrals since 2015 when Council was granted regulatory powers. There were 59 referrals and 38 with the employer. The screening exercise was to address all matters related to this and bring the matter completely up to date.  The Chair asked if this would include information on ‘red’ files also.  The CEO confirmed it would, and that Council would revert to the employer with referrals.  The Chair asked if the information from before 2015 would be dealt with also. The CEO confirmed that everything would be dealt with.  The Vice-Chair voiced concern that information from six or seven years ago was still being held and these cases needed to be put into a timeframe, to be dealt with within 6 or 12 months. It did not look good for the Council to have these cases sitting open-ended. The Vice-Chair asked what was deemed to be good practice in regard to this work.  MMu agreed that what PO’D had said was very important. People had the right to be told and there were a range of issues and guidelines of when they should be told. This was a difficult legal area with regards to how long cases can be kept in process and for what reasons.  The CEO advised that referrals received are within the employer process and normally Council would be notified at the time of the allegation that a disciplinary process would be instigated. Also, word would come from PSNI about cases and Council would then notify the employer. Screening should be undertaken as soon as the employer’s process finishes, but Council should be wary about imposing tight timescales. The legal advice would be that Council should take the process as far as possible now, because the current situation was not tenable.  The Chair reverted to PO’D’s first question, regarding not limiting pools to six people.  RB pointed out that the Vice-Chair had asked three times for clarification on documentation being held, namely, had documentation been destroyed, as RB understood was the wish of Council.  The CEO advised that the documentation remained in the keeping of the Council under secure lock and key. This matter had been discussed with the DSO and this exercise would pick up all documentation.  RB advised he was concerned, because it was understood that individuals would be advised, and documentation would be destroyed. Council needed to urgently tell teachers this information was being held and advise them what Council planned to do with it.  The CEO stated that legal advice had been taken on the matter, those cases were being worked through, and the screening exercise would pick up all of this to be dealt with in a correct manner. This would be due process within the Council’s jurisdiction and the screening exercise was required to review everything. If there was information that did not need to be retained, it would be destroyed.  CMcB pointed out that the power to regulate was granted in 2015, but the legal aspect had not caught up with the powers to regulate. It was not Council’s decision to take, and this needed to be referred to Government, to allow legal powers to be used. It was not in Council’s remit to decide and a resolution was needed from the law makers.  The CEO advised that when Council got the powers to regulate, it did not mention a period of time, so no historical date was set. This meant that an issue that occurred over 20 years ago could still come back as a referral and Council would have to deal with it. This was the dilemma Council was in.  CMcB replied that she was not saying that an historical issue could not be dealt with, but Council did not have the legal power to regulate.  The CEO replied that Council did have the power to regulate. The difficulty was that if Council operated in the way legislation allowed it to, i.e., within Council, it would be seen as not being independent and would be open to legal challenge. The dilemma was that it was a costly process and there was no point in doing it if it failed. Council should make the rules and others should apply them, but that was not doable at present.  The Chair commented that some referrals were trivial and should not have been referred, and these cases should be taken off the list which would free that individual from worry. This process at least allowed those people to be taken off the list.  CMcB pointed out that if these people were not aware they had been referred and then received a letter, would that not be a problem.  The CEO agreed that it would, and there were issues that needed to be dealt with regarding communication and letter templates. The CEO advised he was discussing the matter with DE and legal, but these cases still needed to be dealt with and Council needed to actively deal with this situation. Information would always be retained because issues could arise in the future, but at present, action could not be taken on them. Cases needed to be reviewed with legal and if this didn’t happen, would there be a significant impact.  CMcB suggested that individuals could be advised that Council were not taking further action for some cases. For others, individuals would ask what the timeframe was, and Council would not be able to tell them because legislation was awaited.  The CEO said this meant a form of words was needed to address the issue.  CMcB suggested that legal advice was needed.  The CEO assured Members that legal advice was being sought.  CMcB asked if it was known when legislation would be in place.  The CEO said he had been advised that, at best, it would take 24 months, and was at the early stages.  CMcB asked if there was a reason for this timeframe (now that the Assembly was up and running again).  MMu accepted that the legislation was weak but pointed out that there were so many wider issues involved, one being that there was only one sanction, when it should be a sliding scale. The legal process was moving forward and would lead to a robust legal position.  The Vice-Chair advised that she had been advised at MOM that legislation would be acted upon sooner rather than later.  AC advised that DE intended to expedite the matter when a window became available, but this had been delayed by Covid, Brexit and the fact that the Assembly had been suspended for three years. A 2014 Bill had been produced and significant work had been done in preparation, so when a window became available DE would take it. Meanwhile, work was going on in the background. The Executive agrees which Bills they brought forward and this depended on the Office of Legislative Council.  CMcB asked if there was any idea of a timeframe.  AC advised there would be a new mandate in May 2022, and DE would want to move quickly then.  JW commented that the context seemed very murky and lacked definition and this concerned him. His concern was also regarding teachers and young people who should not be lost sight of. If Council were planning to move on this, they needed to be open and transparent with staff. They also needed to get rid of cases that should not be taken forward and these cases should be taken off the books. It was basic manners, never mind law, to let these individuals know. At the same time, there could be behaviours that needed to be addressed and that presented a risk. JW asked if Council was big enough to take on that risk.  The Vice-Chair asked that her concern be noted about evidence gathered inappropriately when teachers had not been informed.  PO’D added that a number of historic files should not have been compiled in the first place and agreed that those files should be removed. If this was the only mechanism to deal with them, PO’D said he would be happy to be involved.  The Chair referred back to PO’D’s first question regarding the recommendation of a pool of six, three in each panel (including the CEO) which would result in having three panels. He suggested that between 12 – 17 tranches could be dealt with in each panel meeting, and more volunteers would be welcome. The CEO asked if PO’D wanted to propose a Motion to enlarge the pool further.  PO’D advised that it would ease logistics if as many people as possible were available and suggested there should be no cap on the number in a panel.  The Chair suggested a mechanism to have one teacher and one appointed member on each panel to provide balance.  PO’D said that if there were nine people, there could be a panel of three (the CEO, an elected Member and a teacher), and that would achieve balance for an individual panel, but numbers in a pool could be extended to ease logistics.  The CEO said that what had been proposed in the paper was only a suggestion. Under legislation, Council could delegate this exercise to the CEO solely, but he was not comfortable undertaking this exercise on his own. It was a decision for Council in how a panel was selected, except that members of PRRC Committee should be excluded.  The Vice-Chair suggested that the paper be adopted with amendments put in place.  The CEO said he was not asking for Council to adopt the cover paper, but the Conduct Rules referred to ‘authorised people’ and the cover paper merely made a suggestion. The mechanism only needed to be agreed and anyone could volunteer to allow the exercise to move forward. It would be recorded in the minutes how Council decided to draw this up. It could be an elected Member and a nominated teacher.  The Chair asked the CEO if he would be happy to change the pool size to having no limit.  PO’D pointed out the need to be careful about gender and religious balance on each panel which was more important.  The Chair advised that gender balance had been dealt with in the paper along with religious balance which stated it should be “reflective of the teaching workforce”. The Chair asked if Council would be happy for him to change this wording and send it back to the CEO.  PO’D said he was happy that it was changed to having no limit.  The Chair quoted paper P02a where “Council or those authorised can be added by Council”.  The CEO said he had no issue with this and suggested he would make the amendments as discussed.  SL asked if three people on a panel meant that three people had voting rights and if so, she was concerned that three would not reflect gender or religious balance.  The Chair explained it could be himself or the CEO only, but it had been recommended by PRRC that it would be prudent to have a balance representing Council. For logistical reasons, the CEO plus two others was as fair as was possible.  SL replied that she raised this because the individual could say it was not a balanced panel who heard them and an odd number of 3 could not be balanced regarding gender or religion. This was a loophole that could be avoided.  The CEO said it was wrong for Members to think there would be a vote. If there was any doubt about a case, it would stay in. Legal council had advised that this could never be one hundred percent right and Council would never be free from challenge, so this exercise had to be undertaken asking the question, ‘is this reasonable?’. If someone wanted to challenge a case, they would look at every aspect. The CEO added that he would not be happy for a screening panel to vote and if there was any doubt the case would be screened in.  SL said she understood, but that in setting this up, Council should try to alleviate as many potential issues as possible and this was a concern for her.  The Chair replied that every Committee in Council was supposed to be as equal as possible, but in fact they were not, and Council could only try to do its best, but it would never be perfectly equal.  The CEO asked if balance of equality or balance of representation was needed.  The Chair replied it was balance of representation and Council should aspire to do its best to have balanced forums.  PO’D said that the intent was that a pool would have representation, and individually at least, one person on a panel would reflect a religious or gender balance. However, PO’D proposed that the paper be adopted to allow the screening exercise to begin as soon as possible.  The Chair asked for Members to vote to approve the paper and asked MM to count votes in the ‘chat’ facility.  MM advised there were 21 for, none against and no abstentions. Therefore the paper was unanimously approved.  MLW commented that this had been a very encouraging debate with co-operation and collegiality. Two significant items had been agreed upon and dealt with. MLW suggested that meetings could be held more frequently or business could be reconvened from Committees, asking how Council could operate more efficiently. MLW recommended Council should review the way business was conducted to increase the benefit of having everyone together to work through the backlog of business that needed to be dealt with.  The Chair took MLW’s point but pointed out that due to Covid, productivity had been cut in half. Perhaps holding more frequent meetings would address the backlog. The two pieces of business dealt with today were substantive and had long-reaching effects for teachers, so items like this would always take a significant amount of time.  MLW agreed. She noted that Committees seemed to work more efficiently and when Committees brought forward a proposal, they carried more weight. Was there a mechanism that items could be presented earlier for discussion than at Council?  The CEO agreed and suggested that a short cover paper could come forward to highlight the pertinent issues.  CMcB agreed that due to the volume of papers, this was not the best way to conduct business and suggested that the salient points should be presented rather than an overload of papers.  The Chair asked MLW if she would like to put her suggestion forward as a Motion that papers should have a cover page.  Members agreed that there was a large volume of papers to digest.  MLW said she was reluctant to propose that a cover page be used because she liked having the details available. Key elements should be presented, but would that preclude having lots of questions and how did Council manage questions while using Council time more productively.  The CEO advised that cover papers were used if possible. A lot of the documentation provided was for information and a cover paper was used to outline what decision was needed. Some items should be for ratification only. The CEO took these points on board and advised he would try to present papers better.  The Chair asked for a proposer and seconder for this suggestion, as below:  **Proposed:** David Baxter  **Seconded:** Gordon White  The Chair advised that the vote on the ‘chat’ facility recorded that all Members were in favour, so the motion was carried unanimously.  The Chair thanked Members for their participation and noted that two significant pieces of work had been agreed which would allow Council to move forward.  RB asked as a point of order if the meeting was being ended or adjourned to finish at another time.  The Chair advised that any business not concluded here would carry forward to the next meeting.  The Chair closed the meeting at 1.31pm. | GTC-20-77-A03  GTC-21-22-A04 |
| **8. Staff Handbook Phase 1 – HR Policies** (GTC-21-77-P03)  Time did not permit the discussion of this item. |  |
| **9. SEN Consultation – GTCNI response** (GTC-21-77-P04)  Time did not permit the discussion of this item. |  |
| **10. Information Governance** (GTC-21-77-P05)  Time did not permit the discussion of this item. |  |
| **11. Reserves Policy** (GTC-21-77-P06)  **Corporate Risk Register** (GTC-21-77-P07)  Time did not permit the discussion of this item. |  |
| **12. Business Planning, 20/21 update and draft Business Plan for 21/22**  (GTC-21-77P08)  Time did not permit the discussion of this item. |  |
| **13. Council Effectiveness Review** (GTC-21-77-P09  Time did not permit the discussion of this item. |  |
| **14. Minutes of Sub-Committees**  - ARAC Committee GTC-21-77-P10 a-b  - F&GP Committee GTC-21-77-P11 a-b  - HR Committee GTC-21-77-P12 a-b  - PRRC Committee GTC-21-77-P13 a-b  Time did not permit the discussion of this item. |  |
| **15. AOB**  Time did not permit the discussion of this item. |  |
| **16. Date of next meeting – TBC**  Time did not permit the discussion of this item. |  |
| **Signed………………………………………. Dated…………………………** |  |

**ACTIONS REGISTER**

**New Actions**

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| Action No. | Item | Details | Owner | Timescale | Status |
| GTC-21-77-A01 | B/Case for new Registration system project | AC/AB to arrange for answers for the four questions to DE in KS’s Motion to be available ahead of the next F&GP Committee meeting. | AC/AB | immediate | Open |
| GTC-21-77-A02 | B/Case for new Registration system project | RB to prepare paper for discussion at next Council meeting outlining details to meet standard running costs of new system. | RB | 3 months | Open |
| GTC-21-77-A03 | Professional Regulation Paper | CEO to amend paper GTC-21-77-P02 to refer to PRRC Committee. | CEO | immediate | Open |
| GTC-21-77-A04 | Professional Regulation Paper | CEO to consider improving way of presenting papers at Council to help business to progress in a more efficient manner. | CEO | 3 months | Open |

**Actions carried forward**

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| Action No. | Item | Details | Owner | Timescale | Status |
| GTC-74-A03 | Training | All Members to consider and advise on areas of training required. Then a proposed programme to be arranged to deliver training in November, December and January on identified key areas. | All  CEO | November | Open |
| GTC-75-A01 | Declarations of Interest | Council to submit Declaration of Interest yearly return to Secretariat’s office. | All | December | Open |

**Closed Actions**

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| Action No. | Item | Details | Owner | Timescale | Status |
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