

**Minutes of the 69th meeting of the General Teaching Council for Northern Ireland.
Wednesday 2 October 2019 – Chimney Corner Hotel, Newtownabbey**

Present: David Canning (Chair), Raymond Beggs, Clive Bowles, Joanne Burns, Gillian Dunlop, Paul Fitzpatrick, Grainne McAleer, Carmel McCartan, Siobhan McElhinney, Brendan Morgan, Maria Mullally, Catriona Mullan, Paul O’Doherty, Susan Parlour, Rosemary Rainey, Clíodhna Scott-Wills, Gordon White, Mary-Lou Winchborne

In attendance: Sam Gallaher (CEO), Gerry Devlin (SEO), Lesley Dickson, Sima Gondhia

Apologies: Áine Andrews, Delma Boggs, Paul Boyle, David Cargo, Sheila Fleming, Martin Hagan, Paddy McAllister, Eamonn McDowell, Chris Murdock

| 1. Welcome, introductions and apologies | <u>Action</u> |
|---|---------------|
| <p>The Chair welcomed members to the last meeting of the current Council and thanked members, officers and staff for their contributions.</p> <p>The Chair proposed some changes to the running order. Asking that Item 5, Chair’s Correspondence be moved to Item 3 and that items 8 be taken before item 7 as the item on Commercial Insurance would impinge on regulation.</p> <p>He advised that the SEO had sent him a paper regarding Union industrial action and its effect on staff which is to be included under AOB.</p> <p>The apologies were noted.</p> | |
| <p>2. Declarations of Interest</p> | |
| <p>There were no declarations of interest and the Chair reminded members that they may put forward any declarations as the meeting proceeded.</p> | |
| <p>3. Chair’s correspondence</p> | |
| <p>The Chair advised that the ongoing whistleblowing investigation report was due at the end of June and he had been speaking to the Permanent Secretary regarding this. The PS had informed him that they had also received a number of complaints. The Permanent Secretary will take all matters forward and contact us when the investigation is completed. Tracy McCavigan is dealing with these and the Department will set the timeframes.</p> | |
| <p>The Chair informed members of the correspondence he had received in relation to HR matters from staff, HR and Solicitors had added up to 676 emails and he had attended 33 meetings. He said that DE and the Permanent Secretary had been alerted to the fact that a Council Member had been writing to them and copying this correspondence to</p> | |

| | |
|--|----------------------|
| <p>others. The Chair indicated to members that all correspondence for the Permanent Secretary should come through the Chair.</p> <p>With regard to the BBC story a number of Council Members had contacted the Chair re a breach in confidentiality and the Chair added that this was putting Council at risk after being in Special Measures.</p> <p>3. Minutes of Council Meetings 11/12/2018 and 25/6/2019</p> <p>The Chair said he had received a communication from RB regarding the accuracy of the minutes and he had proposed that Council receives a copy of the written notes and draft minutes and copies of tracked minutes received by the CEO and tracked minutes by the Chair.</p> <p>Proposed RB Seconded BM</p> <p>The Chair said that advice had been sought from Tracy McCavigan who suggested we proceed as normal but if RB is concerned this should be raised as a governance issue and dealt with as such.</p> <p>BM discussed the minutes of 2018 and said the record was taken and altered and materials removed. The initial conversation involved SPs questions which had been distilled to 7 words. BM had written to the CEO and was still not satisfied. SP had asked if a business case was required. BM asked if the Chair had approved but no reply had been received. BM and SP got together to discuss. SP was not at the meeting on 25 March and BM stated that the amendments were not accurate.</p> <p>RB asked if the original notes are to be included if there are minutes in dispute. Those documents are all accessible by any member of the public by FOI. He had requested if they could come up to the office and were refused. To resolve this all documents could be included together. Going forward Council could then have a record of disputed minutes.</p> <p>POD said he was unclear on the exact proposal. BM had given background. He asked for clarification of proposal.</p> <p>BM said that for this meeting and the ARAC meeting that the minutes did not reflect meeting.</p> <p>POD asked if it was the minutes of Dec 18.</p> <p>BM said also the minutes of June 19.</p> <p>RB said it was rare for an organisation to do this but if the minutes are being disputed.</p> <p>The Chair said he had sent BM an answer.</p> | <p><u>Action</u></p> |
|--|----------------------|

| | |
|---|----------------------|
| <p>BM said that the essence boils down to conflict of interest.</p> <p>It became for the Registrar a conflict of interest when SP asked the question. It is a conflict of interest if the Registrar removes information in the minutes.</p> <p>MLW said that was implying intent. A proposal should be put to Council.</p> <p>The CEO said that the minutes have always been prepared for the Council in the same way. In his previous position the Secretary of the Board prepared the minutes and these were agreed. The CEO was asked to prepare a paper or LD could take a note and prepare a draft minute option to go to Chairs or to get an independent minute taker to deal with these before they go to the Chairs. That paper will go to the next meeting.</p> <p>RB asked if Council had received concerns re the last ARAC minutes from the Unions and the Director of Finance at DE re these concerns. RB was copied into an email regarding this.</p> <p>The Chair said these are draft minutes and have not been approved yet.</p> <p>RB said he had received the email.</p> <p>The CEO said he had not received anything. But that he had read an email from Gary Fair regarding the risk register. This had not been dealt with as yet.</p> <p>The Chair said that regardless if the minutes go to the Chair and there is something in there, it could be said there is a conflict of interest. Those minutes ultimately come to the Committee or Council and it is their job to correct these.</p> <p>BM said that the papers had been received on Friday evening. He advised that SP was not at the meeting on 25 March and that most people forget things after a few months.</p> <p>The Chair said that on 25 June we agreed to review how minutes are done. We need to look at our expectations of what minutes are and the Council needs to agree. He advised that NIAO have advice and an agreement could be sorted to when minutes go out. Amendments can be emailed or written in. New Council should agree at an early stage. It can be resolved in that way. If you look at the documents we have the advice we have on minutes is vague. SP wanted to go back to the minutes of 11 December and said there was an email sent by BM yesterday. She said she would go with the amended version as we did go over this in June.</p> <p>SP asked for the ARAC minutes.</p> | <p><u>Action</u></p> |
|---|----------------------|

| | |
|---|-----------------------------------|
| <p>8 against 1 abstention</p> <p>The Chair advised that the notes will be supplied.</p> <p>The Chair said that RB said he had sought advice and he would recommend the advise is included in the review.</p> <p>MLW enquired about the breach of confidentiality and said she understood we are bound by this and asked what is the result of a breach of confidentiality. Is there a penalty?</p> <p>The Chair indicated that details were in the Code of Conduct.</p> <p>MLW enquired what the penalty would be.</p> <p>The CEO advised that the governance framework is being looked at for the new Council for acceptance or adoption.</p> <p>The Council moved into <i>"In Committee"</i> to discuss confidential minutes.</p> <p>Officers left the meeting at 11.15 Officers returned to the meeting at 12.15</p> <p><u>Minutes of 11 December 2018</u></p> <p>The Chair said there were 2 areas which still had issues and asked if members were content to move to these 2 areas.</p> <p>There was a suggestion form SP and BM to replace the 2 paragraphs and the Chair asked members if they could focus on these.</p> <p>On Page 2 there was a proposal to replace the paragraph in question. The CEO said he had no difficulty but would asterisk at the point where it said that "no business case was needed" to read "no business case external to the organisation was needed" as it was in that context. He said he was happy to accept the amendment but would add in that no approval outside GTCNI was needed.</p> <p>SP said she did not ask about external</p> <p>The CEO advised that it did not need external approval.</p> <p>RB said it should include what was said and not what was intended to be said.</p> <p>BM asked if this could be added in.</p> <p>The Chair said that members were talking about a particular matter and as long as people understand that it relates to that matter.</p> <p>SP said she had an issue in mind.</p> | <p><u>Action</u></p> <p>Chair</p> |
|---|-----------------------------------|

| | <u>Action</u> |
|--|---------------|
| <p>MLW said that we have had people in the room coming away from the conversation with different perceptions.</p> | |
| <p>The Chair asked if anyone had anything to add.</p> | |
| <p>The CEO said that no business case was necessary and to add that no external business case was required, as he had meant there was no need for DE to approve.</p> | |
| <p>BM asked if no external business case was necessary.</p> | |
| <p>CEO said that no external business case was necessary and that was what was meant. We did not need to go to DE to say can we do this. He advised that the minutes will be circulated with other documents for approval within the next two weeks.</p> | |
| <p>The Chair asked if members were content with these changes to the minutes of 11 December.</p> | |
| <p>Proposed BM Seconded CM</p> | |
| <p>All agreed.</p> | |
| <p>Chair approved.</p> | |
| <p>Members moved to the change to a paragraph on Page 6 - Corporate Planning.</p> | |
| <p>The Chair asked members if they were content to replace the paragraph.</p> | |
| <p>Proposed BM Seconded CM</p> | |
| <p>The Minutes of 25 June are to be circulated as agreed earlier in the meeting. The Chair asked if we could do anything with these.</p> | |
| <p>BM said there were matters arising.</p> | |
| <p>The CEO asked for it to be recorded these will be approved before 14 October. The documents will be circulated along with the minutes from today and members can respond by email with the changes.</p> | <p>CEO</p> |
| <p>SMcE asked if this would be within 5 working days.</p> | |
| <p>POD said he was unsure we will reach an agreement.</p> | |
| <p>SMcE suggested to make a proposal.</p> | |
| <p>MLW asked how amendments would be agreed.</p> | |

| | <u>Action</u> |
|---|---------------|
| <p>CEO proposed that the Chair takes a look and these get redrafted and circulated then the Chair can discuss with members.</p> <p>CSW suggested that we continue until the new Council comes in and then do a review.</p> <p>The CEO said that Council needs to close off minutes of meetings and we need a mechanism to close these off. The minutes of today will need closed off. The only way is to agree the minutes of the 25th today or circulate them with replies by email.</p> <p>CB asked if it was possible to have a short meeting in Albany House before the 14th to close off these minutes.</p> <p>The Chair asked Council what they wanted to do.</p> <p>MLW asked if members had agreed that they could not accept the minutes.</p> <p>BM said there were very few things to be tidied up.</p> <p>GW added that we are coming to the end of Council and asked if we would close these up.</p> <p>RB proposed a meeting with a one item agenda.</p> <p>The Chair suggested Thursday 10 October.</p> <p>GD suggested a breakfast meeting or after school.</p> <p>Some members said that a breakfast meeting would not be suitable as they would have to set off very early from long distances.</p> <p>GW asked if there was the possibility that some items on the Agenda for today could be put on the Agenda for then.</p> | |
| <p>The CEO said 10.00am in Albany House on 10 October.</p> | CEO |
| <p>6. CEO Update</p> | |
| <p>The CEO said these matters would be covered in the agenda.</p> | |
| <p>8. Commercial Insurance (GTC/10/69/02)</p> | |
| <p>(Moved to before item 7)</p> | |
| <p>The CEO took members through this paper advising that members would be aware that to Members will be aware that to date the Council has arranged insurance cover for its activities on a commercial basis via a broker – currently Marsh. Our insurances expire at the end of September.</p> | |

| | |
|--|----------------------|
| <p>The CEO said he would not advocate to Council to rush in and would advocate that we would continue to work as we would with any insurer.</p> <p>7. Regulation – Update Report (GTC/19/69/01)</p> <p>The CEO gave details of the 2 legal opinions received and had got our solicitors to write to the DE solicitor to see if they were content.</p> <p>He said that essentially, the opinion provided aligns with that Counsel provided to GTCNI back in April and highlights the weakness in the current legislative framework. It appears that the matter of the Council’s authority to establish Committees for the purposes of Regulation is questionable and would need strengthening irrespective of any model of approach adopted. The advice would suggest that this deficiency could be addressed via secondary legislation –of which our understanding is could be enacted – but the advice is not explicit in this regard.</p> <p>In terms advice on the models/approaches suggested it would appear that establishing committees of Council comprising both members and non-members is advocated. This is different to the direction of travel Council had been taking and would need to be thought through carefully in terms of how exactly this could work effectively.</p> <p>Internally we are considering this advice carefully and will no doubt consult with our legal advisors in respect of clarification. A further meeting with DE to discuss the matter and consider the outcome will be arranged as soon as possible.</p> <p>Members should note that if secondary legislation is required to strengthen the legal framework for professional regulation, then it is likely to be several months (possibly Apr 2020) before this is in place.</p> <p>He said that Council needs to act lawfully and that this advice was received within the last 10 days and we need to arrange a follow up meeting. He said that secondary legislation is within the gift of DE and can be done.</p> <p>He said that he would like Laura McMahon to come along to the meeting so that she could expand on the context.</p> <p>MM advised that she had met with Laura McMahon and said that the primary legislation states that Council shall set up committees but there is no nuts and bolts and regulation is very weak on it. Our regulations are very vague and a judge could state we don’t have authority. The Legislation authority is poor. LMcM said we should go back to the drawing board. She raised the matter that there will be challenges and indicated that Mr Justice Tracey is concerned with fairness. She was very clear on the matter and MM thought it would be good for her to go along to the DE meeting. The Council could suffer reputational damage</p> | <p><u>Action</u></p> |
|--|----------------------|

| | |
|---|----------------------|
| <p>and it is teachers funding GTC. MM said this needs to go forward and get watertight.</p> <p>The CEO said we are not regulating. We will be regulating on cases likely not to be challenged. The ball is in DE's court and we need this meeting to move forward. We need action in the interim period regarding the risks and how could they be mitigated. He said that sanctions could change.</p> <p>BM asked MM if LMCM say anything about the people concerned.</p> <p>MM said do not move on with the current legislation as it is shakey.</p> <p>The SEO added that we know our legislation is flawed and quoted the Ilex case. He provided members with details of how GTCW worked. He said he had related Ilex to DE but they said that it didn't apply.</p> <p>The Chair said that what LMCM told us certainly goes further.</p> <p>The SEO said he had spoken to DE regarding this primary legislation.</p> <p>MLW indicated that the PRRC are vexed over this and said that officers had acted in good faith and that Council can't and shouldn't proceed until this was watertight.</p> <p>The SEO indicated that he had been told by DE to proceed.</p> <p>MM said that LMCM said that it could go well and then it could come back on us.</p> <p>RB highlighted safeguarding and asked since 2006 had GTC assessed the risk to children and advised the Permanent Secretary.</p> <p>The Chair answered that we had and indicated the data sharing agreement and the need to recognise the importance of sharing with EA to cover the NISTR register. That was an area of risk that had been identified.</p> <p>RB said that it had not come up in the Committee.</p> <p>The Chair said it had been identified by DE and that is why it was not on our risk register.</p> <p>POD said he did not think that Council should go forward without the correct legislation and asked about the problems of the 19 "red" files and when where these referred.</p> <p>The SEO said these files go back before 2015. These were files that officers started to keep when they saw reports in the papers re misdemeanours. These were held pending clarity if we had the powers to deal with these. He said that probably one or two of these were referrals we did not act upon as we had no powers.</p> | <p><u>Action</u></p> |
|---|----------------------|

| | |
|---|----------------------|
| <p>The powers lay with DE to remove eligibility to teach through their own processes.</p> <p>POD enquired if the red files could now be destroyed. They had been kept with the best of intentions but we should not be holding onto these files on individuals.</p> <p>The SEO said he would like to take legal advice but would not like officers to proceed with this without taking legal advice.</p> <p>BM said he would agree.</p> <p>The SEO said he thought we were carrying out due diligence.</p> <p>BM proposed that the Council get legal advice.</p> <p>MM added that there was a clear human rights issue.</p> <p>BMs proposal was seconded by POD.</p> <p>SMcE was concerned that persons information was being held without their knowledge.</p> <p>GW said that he agreed with POD and asked if the people in these files know that we had them.</p> <p>SEO said that no they did not and added that because the files were “red” was of no significance.</p> <p>9. Annual Report and Accounts 2018/19 (GTC/19/69/03)</p> <p>The CEO directed members to the copy provided and said that this had been through ARAC and F&GP. He said it was for consideration. He advised that the NIAO audit starts next week. SG had submitted the report in December. He highlighted the main points including the performance, governance and remuneration reports and the notes to the accounts, expenditure and cash flows.</p> <p>10. Consultation Response (GTC/19/69/04)</p> <p>The SEO took members through the response saying that it had been discussed in PRRC and he had received responses and had included these. He asked members for the authority to submit to the Department as an official response.</p> <p>CMcC indicated a couple of typos on the report and the SEO noted.</p> <p>Members were content.</p> <p>Proposed GW Seconded CSW</p> | <p><u>Action</u></p> |
|---|----------------------|

| <p>11. Election Update (GTC/19/69/05)</p> | <p><u>Action</u></p> |
|--|----------------------|
| <p>The SEO said that the election process was ongoing and was a complicated process. He highlighted the incredible work of Claire McClean in communicating with the Electoral Reform Services and the compliance with GDPR. He said that the ballots had been issued and that the process was up to stage 13 in the electoral timeline. Nominations to Council are coming in at the moment and the new Council should be in situ by 15 October.</p> <p>POD asked for an extension to see the scrutineers report and asked for the names of the candidates and the votes cast for them.</p> <p>The SEO said he would bring this to the next PRRC.</p> | |
| <p>12. Transition to new Council (GTC/19/69/06)</p> <p>The CEO provided members with a paper of subject matters to be covered with the new Council and said that there would be 2 induction meetings to be held in Oct/Nov and said that programmes and presentations were being agreed. He gave the process for the way the meetings would take place.</p> <p>He said it would be an idea to identify those who had not been on a board before and do some work with them.</p> <p>The meetings will be a mix of business items and induction.</p> <p>CMcC said she would like the opportunity to speak to members on the new Council as previous members had a wealth of experience they could pass on.</p> <p>The CEO said that provision could be made in the programme for Chairs and Vice-Chairs to meet. It could be helpful for members to come along to sub-committee meetings to meet new Council members.</p> <p>BM enquired about sub cover for any teachers no longer on Council who would be attending these meetings.</p> <p>The CEO said the Council could decide on this.</p> <p>BM said there was also the issue of not being allowed out of school.</p> <p>The CEO said there could be an open invitation for them to attend.</p> <p>The SEO added it could be done informally.</p> <p>POD said he was disappointed as it would have been better to draw on the expertise of current members. Officers should have engaged with Council members. He added that there is a high priority of HR policies and he thought that new council should be brought up to speed with</p> | |

| | |
|---|----------------------|
| <p>the policies. He requested that HR policies are given high priority for all new Council members.</p> <p>The CEO added that if there is anything we had missed Council members could let us know.</p> <p>CSW indicated that these meetings give people a chance to get to know each other and it will be a heavy programme.</p> <p>The CEO said it may not be feasible.</p> <p>BM enquired if staff would meet with the new Council.</p> <p>The CEO said this had already been discussed and will be incorporated.</p> <p>13. Reports of Committees</p> <p>The HR report was taken first “<i>In Committee</i>” and officers left the room</p> <p>Officers returned after the HR Report.</p> <p>The meeting broke for lunch.</p> <p>POD proposed that Council move to the SEO additional paper.</p> <p>The CEO advised that there is one item on which direction was needed.</p> <p>RB said that the meeting was not quorate as some members had left over the lunch period.</p> <p>POD enquired regarding the 2 vacancies on Council which were not filled and also if Malachy Crudden had left Council.</p> <p>The SEO advised that we had received no formal notification from CCMS that MC had left.</p> <p>POD asked if we could see the meeting as quorate including MCs post.</p> <p>RB asked if the meeting could still go ahead but that no decisions could be made.</p> <p>The Chair advised that members could still go through reports.</p> <p><u>Report of the Policy, Registration and Regulation Committee</u> (GTC/19/69/09)</p> <p>GW took members through the work of the PRRC and said that most had already been discussed today. He discussed the matters arising which were insurances, ROW fees ongoing, TCI arrangement regarding fee reimbursement, the newcomer consultation, elections</p> | <p><u>Action</u></p> |
|---|----------------------|

| | |
|--|----------------------|
| <p>and appointments update and the accreditation update (noting all HEIs had been granted accreditation). He thanked members of the PRRC who had sat on panels and noted the SEO presentation and discussion. He added that there had been a verbal update on Learning Leaders. The CEO informed members about the LL Workshop which had been held the previous week in Lisburn. GW highlighted the SEO updates on regulation and registration and thanked LD for her work.</p> <p><u>Report of the F&GP Committee</u> (GTC/19/69/08)</p> <p>CB took members through the F&GP paper indicating that most items had been dealt with throughout the day. He highlighted that discussions had taken place on the progress of the website and noted the registration system delays in the project with no project manager. He noted the project was to be complete in April 2021 and provided members with costs. He outlined the plan for the proposed replacement system and said that the upgrade will provide cover in the meantime and that the business case had been submitted to DE. He thanked SG for stepping in to assist in MMs absence. The CEO added that it was an unfortunate investment to stand still for the registration system and that the cost was circa £120,000. He added that we had apportioned funds and we need to look at the impact and the need to minimise how we go into funds.</p> <p>RB quoted the Education Order 1998 and asked if there was any way we could get DE to provide this. The CEO said that we are an NDPB and they would not give us any extra.</p> <p>RB said he was aware DE had its own system and asked if it had been looked into for the Council to use.</p> <p>The SEO indicated that 8 options had been looked at and only 1 was legal and that was to go to procurement. This is the professions database and we would be compromised if we joined with anyone else.</p> <p>The CEO said we should be protected regarding our independence and RB's options will have to be revisited.</p> <p>GD said there had been discussion and all schools use Orade and it is crashing. If we had a stand alone it is our own data. We will have to go through procurement and look at timeframes.</p> <p>The CEO advised of the need for the upgrade to be done as soon as possible. He highlighted the process and the need to get a Project Manager in place and resources from the Registration Team need to be freed up. He said that little has happened since the Business Case in 2015.</p> <p>CB said that money has to be managed but it needs to be done.</p> <p>The SEO indicated that our technology had become dated and there is no support so we need to invest.</p> | <p><u>Action</u></p> |
|--|----------------------|

| | |
|--|----------------------|
| <p>RB said he would support any action taken by NAHT. But we have to do our duties regardless of what others do. It would not be advisable not to do that.</p> <p>The CEO added that there is a potential impact and how do we mitigate against that risk. The key is maintaining records of teachers and the matter needs consideration.</p> <p>SMcE said that some principals may not participate in the exercise.</p> <p>The SEO said it may be sensible to go about the process and if it falls foul we will have to repeat.</p> <p>GD added that the UTU have been on industrial action but would just have gripes with employing authorities and the majority of replies might still come in.</p> <p>The CEO said that there is a perception that we are part of DE.</p> <p>The Chair thanked the remaining Members.</p> <p>The meeting ended at 3.15pm</p> <p>Signed..... Dated</p> | <p><u>Action</u></p> |
| | |