**(PRRC/Min/19/11)**

**Minutes of the 11th Policy, Registration and Regulation Committee**

**Tuesday 26 February 2019, Albany House, Great Victoria Street, Belfast**

**Present:** Gordon White (GW) (Chair), Mary-Lou Winchborne (MLW), Malachy Crudden (MC), Catriona Mullan (CM), David Canning (DC), Brendan Morgan (BM), Áine Andrews (AA), Joanne Burns (JB), Martin Hagan (MH),

**Apologies**: Carmel McCartan (CMcC), Maria Mullally (MM), Cliodhna Scott-Wills (CSW), Paul O’Doherty (POD),

**In Attendance:** Sam Gallaher (CEO), Gerry Devlin (SEO), Ned Cohen (EO), Sarah Kruger

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| 1. **Welcome, Introduction and Apologies**   GW chaired and welcomed members to the meeting.  Apologies were noted.     1. **Declarations of Interest**   There were no declarations of interest.   1. **Minutes (PRRC/Min/18/10)**   The minutes of Wednesday the 14th of November were reviewed. These were adopted as a true and correct record.  **Proposed by MLW and seconded by AA**  The minutes of the special PRRC (10th) meeting on 30 January 2019 were reviewed second. These were adopted as a true and correct record.  DC noted that he was present at the meeting on 30th January 2019  **Proposed by DC and seconded by MC**.   1. **Matters Arising**   Matters arising from the Special meeting on 30th January was risk sharing. The CEO reminded members that DE had stated that it would share risk associated with any legal challenge in respect regulation decisions, where the legal framework within which GTCNI operates is questioned. He reported that he had met with DE (T O’Reilly) on 5th February and the two important risks that are likely to arise were acknowledged. These are financial and reputational. DE reiterated their willingness to share risk and that matters of proportionality should be decided on a case by case basis. The CEO that it proved difficult to get exact clarity on who will be liable for what at this stage and he had written to DE confirming the points discussed and agreed.  AA asked if there was anything in writing from the Department in relation to the risk sharing. The CEO advised that it was acknowledged in DE’s letter of Nov 18 concerning the proposed way forward. The purpose of his meeting with DE was to discuss the finer details of this.  MLW commented that this is very unsatisfactory and it is likely that there will be a challenge at some point. It was acknowledged however that a legal challenge to any decision is likely to be made on several points. MLW asked that the CEO’s letter be circulated for information. This was agreed.  MLW asked the chair (DC) to outline his view in relation to the matter. DC advised that he feels that the permanent secretary needs to provide further assurances in relation to the level of risk sharing.  The CEO advised that the matter will be revisited at the next GAR meeting.  BM asked what it is exactly that we’re asking for. The CEO advised that if a legal challenge is successful because the legal framework within which GTCNI operates regulation is found to be at fault, then it is reasonable for the Council to expect the Department to cover any financial burden and to actively support GTCNI in addressing any reputational issues. At this point DE has indicated a willingness to risk share and acknowledges that the risk can be both financial and reputational and will support GTCNI appropriately on a case by case basis.  CM asked if we could put what we want in a letter to the Department and have it on record. The CEO advised that at this time we agreed that we should move forward with regulation but we will push for greater clarity on risk sharing on situations that might arise. It was important for the Committee at this stage to take into account DE’s perspective. The CEO gave assurance that the matter will not be ignored.  NC advised that in terms of risk exposure we are now only moving into the investigation stage of files which is internal and doesn’t carry the same risk as the conduct stage which won’t start until the first hearing which we are expecting in the autumn.  The CEO added that we have also insured ourselves for any legal risk and challenge through our professional indemnity insurance.  AA asked that if the expectation is that when we reach the point greater exposure that we will have greater clarity from the Department. The CEO stated this was the intention but the important thing at this point is that they have agreed to share risk and acknowledged the risks are reputational and financial.   1. **Education Policy (PRRC/19/10/01)**   The SEO took the Committee through the diagram advising that he wished to bring to everyone’s attention the complexities of schools and the context that needs to be considered in developing leadership competences. He noted that the diagram demonstrates various aspects teachers may face in their day to day work.  MLW advised that she would also note that the age and maintenance of school estates adds burdens to school leaders and teachers.  The SEO took the Committee through the paper on leadership competence stating that he was seeking members agreement to proceed to the consultation stage. He advised that the work was developed and taken forward in relation to the agreed guiding principles and that competences are underpinned by the Council’s Code of Values and Professional Practice. They also sit within the aims of the Learning Leaders policy. The current draft reflects the views of the Advisory Group.  AA mentioned that she understood that the work is complex and important but in the document presented she determined little differentiation between statements pertaining to middle and senior leaders. It appears that there are several statements where there is very minor change in wording and this does not seem to reflect the progression required. AA was concerned that the lead sentence does not really differentiate between the levels of leadership and that the document as is may prove problematic when issued to schools.  The SEO advised that the key point is the scale of responsibilities that school leaders hold. This will influence the level of competence required for senior leaders versus the middle leaders. The SEO advised that the senior leaders apply the skills at a much higher level and to a greater and wider extent. The work also needs to differentiate between the size of schools which adds a further complexity.  MH advised that the statements were developed with a view to covering all different types of schools with a focus on distributed leadership and not necessarily hierarchical leadership and that therefore this will produce a degree of overlap.  MLW advised that she agreed that some overlap would be expected but there needs to be a clear definition which informs how the competences are shown.  MH advised that to accompany this model there will be a preamble which will explain and contextualise the thinking behind the model and to explain the application. He advised that this is not a standalone document.  BM asked if distributed leadership means delegation and if teachers would recognise this term and its meaning.  The SEO advised that he hoped that the idea of distributive leadership would be covered in whatever course or professional learning undertaken by teachers who use the competences. He advised that these are the high level statements and that further work required.  The Chair asked for a clarification and he asked about the PQH which he did years ago. He said that there were areas that required evidence to show how you managed people and asked if this is the same as the PQH standards. The SEO advised that in his view competences are different than standards.  The CEO expressed the view that the statements in their present form are more “statements of capability” similar to what would be in a job description. The actual competences - which are in effect skills – that underpin these statements need to be clearly identified. It is in doing this that our work can have real value in providing a currency for the profession to inform cpd, personal and organisational development, career progression and recruitment. This is what we should be aiming for with this work.  MLW agreed and felt that the statements as presented reflected capability but didn’t stress the competences that underpin and deliver the stated capability.  MH said that he felt that competences are a high level statements of experience and that standards illustrate how this is accomplished. Differing views were expressed by members over the use and interpretation of terminology. MLW stated that looking at differing forms of competence statements from other sectors should be considered.  The consensus was that consultation should not be pursued at this stage as more work was required. The Advisory Group are be made aware of the views of PRRC. It was agreed the documentation should be further reviewed/discussed with the Advisory Group before seeking approval of PRRC to move to the consultation stage.   1. **Regulation**   **Draft Terms of References for Council Regulatory Sub-Committee (PRRC/19/10/02)**  EO advised that the Terms of Reference for the Regulation Sub-Committee must be signed off by PRRC before they can become the official TOR.  BM asked about a conflict of interest arising from involvement with the person through being in the same union. The SEO advised that any knowledge of any matter dealing with the teacher should be declared as a potential conflict of interest. However, it would be for others to determine if the interest was such that would influence or undermine the decision taken. Knowledge of someone does not in itself constitute a conflict of interest rather the degree of involvement with the person.  BM asked if the conflict of interest form be brought to the next meeting for review.  BM suggested that there be a rota so that if a Council member is not available, they would then be at the top of the list for the next sub-committee. This is to be considered.  DC advised that the Chair of Council or possibly the Vice Chair might need to be excluded  The Chair asked if the people on PRRC Committee currently are re-elected on to Council but are not PRRC next council; could they sit on the sub-committee. EO advised that yes; if the person is not currently on the oversight (PRRC) Committee then they will be asked to sit on the Sub-Committee.  BM asked if the reporting mentioned in bullet point 1 meant that the order would be circulated prior to the Council. EO advised that yes this is the case.  BM asked if there was any case where a teacher who was removed from the register could seek their registration fee back. The SEO advised that no, the fee would not be refundable.  **Indicative Sanctions Guidance (PRRC/19/10/03)**  NC advised that the Draft Indicative Sanctions Guidance has been provided and is a document with no legal status and will be reviewed. The document is meant to provide the framework for decision making.  MLW asked about how a teacher with criminal convictions could still be a teacher. EO advised that we are looking at someone’s suitability to be a member of the profession. It doesn’t necessarily follow that a criminal conviction will impair their suitability or capability to be a member of the teaching profession. That is for our regulation process to determine. He gave the example of a driving offence resulting in a conviction.  SEO stated that Wales and Scotland use their documents to help inform the decision maker as to what sanction should be applied. This is to give a sense of the scale of misconduct that needs to be reached before the ultimate sanction could be applied. NC advised that panel members will use this document to discuss the situation and that there will be a legal adviser present who will set out the reasoning behind the decision and is to help support the decision making process.  **Regulation Up-date (PRRC/19/10/04)**  EO took the committee through the detail of the up-date paper stating that work was progressing with the move to full regulation and that it was anticipated that a full cycle should be completed by the autumn.  BM asked about the number of cases and statistics. EO stated that we presently receive about two new referrals per month. Whilst it is difficult to predict exactly what the workload will be, experience from other areas and our own experience over the past year suggests circa 30 referrals per year of which 4 -5 will proceed to full conduct hearing stage.   1. **Registration**   **Registration up-date (PRRC/19/10/05)**  The SEO advised that the school list exercise is being carried out and there have been a number of problems due to a more complicated process that we put in place as a result of GDPR. The matter is being addressed and the process will be reviewed to determine if a more simplified approach can be implemented next year.  **Election up-date (PRRC/19/10/06)**  The SEO advised that work is progressing and Electoral Reform Services have been appointed. The first stage will be advising teachers of the election and their right to vote and allow people to stand for election.   1. **Corporate Business Planning**   **Progress on Business Plan 18/19 (PRRC/19/10/07)**  The SEO presented the quarterly monitoring report and asked if there were any questions in relation to the current work-streams.  **Proposed Business Plan 19/20 (PRRC/19/10/08)**  The SEO presented the draft Business Plan for 19/20 and discussed the areas where the Committee has oversight. The target dates for Learning Leaders, the leadership competences, ITE Accreditation of the PGCE and B.Ed programmes, review of the 27 competences and the Code of Conduct/Values, Review of Qualifications, registration and regulation were all noted and discussed. Members were in broad agreement with what has been proposed.  The CEO stated that the business plan had been submitted to DE for discussion and would be subject to resourcing and approval so may change.  **Fees for Assessment of Qualifications RoW (Oral Up-date)**  The CEO advised that a further paper has been prepared ascertaining the full cost (including overheads) associated with processing non- UK applications for registration. This will be considered by SMT and a recommendation brought to the relevant committees at the next meeting.   1. **Annual Council & Committee Effectiveness Review (PRRC/19/10/09)**   The CEO advised that an annual effectiveness review includes the Council considering its governance framework, the appraisal of Departmental nominees and Council and Committees reflecting on their effectiveness.  Members undertook a reflective review of the operation of the Committee and Council over the past year. Members felt that the Committee had the requisite skills and noted attendance rates. Some members queried the accuracy of the record and the CEO agreed to check this. No significant issues or concerns were raised. The CEO advised that he would provide feedback at the next Council meeting.   1. **Any other Business**   MLW asked about corporate goals. The CEO advised that the intention is to discuss a draft Corporate Plan at the next Council meeting which will set out the corporate goals for the next three years.   1. **Date of Next Meeting**   23rd May 2019    Signed………………………….. Dated ……………………………. | Action  Action        CEO    CEO  Action  SEO  SEO  SEO  Action  Action  CEO  CEO |