

WRITTEN MINISTERIAL STATEMENT

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Education

REGULATION OF THE TEACHING PROFESSION

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Mr John O'Dowd (The Minister of Education): I wish to make a statement to Members about an issue that has arisen in respect of the regulation of the teaching profession in the North.

I have been advised that the Department has repealed its power to remove a teacher's eligibility to teach. The power, which was contained in the Education & Libraries (Northern Ireland) Order 1986 (the 1986 Order), was repealed in 2009 without replacement provisions having been put in place. I want to apologise to the House and the wider public for this issue which has recently come to light.

When the General Teaching Council was established in 2002, it was intended that it would assume responsibility for the regulation of teachers. It was also intended that the Department's existing teacher eligibility powers would be repealed and provision was made for this in the Education (Northern Ireland) Order 1998 (the 1998 Order). The transfer of this function to the Council did not take place within the timeframe originally envisaged. However, the Department is now taking this work forward in the proposed General Teaching Council Bill.

In 2009 the Department made a Commencement Order which enacted the repeal of the Department's powers under the 1986 Order. However, a breakdown in communication within the Department resulted in a lack of wider awareness of the implications in respect of teacher regulation. This has resulted in a gap in the powers to regulate teachers since 2009 which was not identified nor addressed.

The current legislative position is that teachers cannot have their eligibility to teach removed or restricted by the Department on the grounds of misconduct. In addition the Department cannot obtain or share information with employers relating to individual cases. However, since 2009 the Department continued to exercise its powers under the 1986 Order in a very small number of cases.

I want to reassure Members that the gap in provision does not affect an employer's ability to dismiss a teacher for gross misconduct. More importantly, separate legislation already exists for the barring from teaching of persons deemed unsuitable to work with children and young people.

When informed, I immediately asked officials to provide me with options to resolve the issue quickly and effectively. Therefore to provide assurance to this House, parents and the wider public, I propose introducing regulations using the limited powers available under the 1998 Order. This will enable me to put in place procedures for the General Teaching Council to investigate and adjudicate on cases of teacher professional misconduct. The regulations would provide the Council with the power to remove teachers from the register following an investigation. This will complement the powers already available to other statutory authorities and employers. I will also address the longer term regulation of the teaching workforce more comprehensively in primary legislation.

I hope that all Members will agree that, while the issue is a serious one and extremely regrettable, it is right to ensure that the Department has the necessary legislation in place to provide additional safeguards for the young people in our schools.