



**General Teaching Council
for Northern Ireland**

Promoting Teacher Professionalism

Corporate Governance Framework

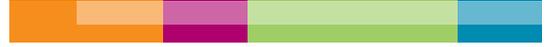
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PART 1



STATUTORY AND GOVERNANCE FRAMEWORK

PART 1: STATUTORY AND GOVERNANCE FRAMEWORK

Introduction

1. The General Teaching Council for Northern Ireland (*the GTCNI/Council*) is established under the Education (*Northern Ireland*) Order 1998. The constitution of the GTCNI is set out in the General Teaching Council for Northern Ireland (*Constitution*) Regulations (*Northern Ireland*) 2001.
2. The Council is an Executive Non Departmental Public Body (*NDPB*). Its sponsor Department is the Department of Education. A Management Statement and Financial Memorandum (*MSFM*), drawn up by the Department in consultation with GTCNI, sets out the broad framework within which the Council will operate.

Functions, Powers and Duties

3. The Education (*Northern Ireland*) Order 1998 allocates the following functions, duties and powers to the Council.

Functions

4. The functions of the GTCNI shall be exercisable by the Council in relation to teachers in grant aided schools and peripatetic teachers. The functions shall include:
 - i. the establishment and maintenance of a register of teachers;
 - ii. the approval of qualifications for the purposes of registration;
 - iii. regulatory functions relating to unprofessional conduct and serious professional misconduct; and
 - iv. the provision of advice to the Department and employing authorities on:
 - registration;
 - the training, career development and performance management of teachers;
 - standards of teaching;
 - standards of conduct for teachers; and
 - such additional and ancillary functions as the Department considers the Council may appropriately discharge in conjunction with any of its other functions.

Duties

5. The Council shall supply the Department with such information as it may reasonably require for the purposes of its functions under the Education Orders.

Powers

6. The Council may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of its functions. As a corporate body, the Council may invest sums not immediately required for the purpose of carrying out its functions, accept gifts of money, land or property; and charge for services provided by it (*Education Order (NI) 1998, Schedule 1, paragraph 3*)

Aims, Objectives and Targets

7. The Minister has approved the overall aims for the GTCNI as follows:
 - i. represent the professional interests of teachers;
 - ii. provide a voice for the teaching profession by speaking with authority on education matters reflecting the experience of practising teachers; and
 - iii. work with other bodies on matters affecting the well being of teachers to improve teachers' working lives.
8. The Department of Education approves the GTCNI's performance framework in consultation with the Council, which has responsibility for:
 - i. establishing the overall strategic direction of the GTCNI within the policy and resources framework determined by the Department; and
 - ii. ensuring that the GTCNI's strategic aims and objectives support the Department's wider strategic aims and contribution to the Executive's Programme for Government bearing in mind the Council's remit to provide independent advice.
9. The Department's Director of Planning and Performance Management agrees the objectives, key targets and performance measures as determined by the Council. The key objectives relate to how GTCNI contributes to the strategic priorities for the education sector.

Roles and Responsibilities

10. Within the overall framework for control, governance and accountability for the delivery of functions within the Council's remit, clarity on the respective roles and responsibilities is important. Annex 1 sets these out.

Annex 1

GTCNI GOVERNANCE – ROLES AND RESPONSIBILITIES

Introduction

1. The Management Statement and Financial Memorandum (*MSFM*) is drawn up by the Department of Education (*DE*) in consultation with the Council and clarifies respective roles within the overall control, governance and accountability framework.

The Minister

2. The Minister is accountable to the Northern Ireland Assembly for the activities and performance of the GTCNI. His/her responsibilities include:
 - approving the GTCNI's strategic objectives and the policy and performance framework within which the Council will operate;
 - keeping the Assembly informed about the GTCNI's performance;
 - approving the amount of grant-in-aid/grant/other funds to be paid to the GTCNI, and securing Assembly approval; and
 - carrying out responsibilities specified in the Education (*Northern Ireland*) Order 1998, including appointments to the Council, approving the terms and conditions of Council members, approval of the appointment of the Registrar (*Chief Executive*), approval of terms and conditions of staff, and laying of the annual report and accounts before the Northern Ireland Assembly.

The Departmental Accounting Officer

3. The Permanent Secretary, as DE's principal Accounting Officer (*the 'Departmental Accounting Officer'*), is responsible for the overall organisation, management and staffing of DE and for ensuring that there is a high standard of financial management in the Department as a whole. The Departmental Accounting Officer is accountable to the Northern Ireland Assembly for the issue of any grant-in-aid/grant/other funds to be paid to the GTCNI. The Departmental Accounting Officer designates the Registrar of the GTCNI as the GTCNI's Accounting Officer, and may withdraw the accounting officer designation if he/she believes that the incumbent is no longer suitable for the role.

In particular, the Departmental Accounting Officer shall ensure that:

- the GTCNI's strategic aims and objectives support DE's wider strategic aim(s) and contribution to the Northern Ireland Executive's Programme for Government, while recognising the Council's remit to provide independent advice;
- the financial and other management controls applied to the GTCNI are appropriate and sufficient to safeguard public funds and for ensuring that the GTCNI's compliance with those controls is effectively monitored (*"public funds" include not only any funds granted to the GTCNI by the Assembly but also any other funds falling within the stewardship of the GTCNI*);

- the internal controls applied by the GTCNI conform to the requirements of regularity, propriety and good financial management; and
- any grant-in-aid/grant-other funds to be paid to the GTCNI is within the ambit and the amount of the Request for Resources and that Assembly authority has been sought and given.

The responsibilities of a Departmental Accounting Officer are set out in more detail in Chapter 3 of Managing Public Money Northern Ireland (*MPMNI*).

The Departmental Sponsor Team

4. Within DE, Teacher Education Team (*TET*) is the main sponsoring team for the GTCNI and is the lead team for monitoring the use of resources. The *TET*, in consultation as necessary with the Departmental Accounting Officer, is the primary source of advice to the Minister on the discharge of his/her responsibilities in respect of the GTCNI, and the primary point of contact for the GTCNI in dealing with DE.

The Chair of the Council

5. The Chair is elected from within the Council's membership by the Council's members in accordance with The General Teaching Council for Northern Ireland (*Constitution*) Regulations (*Northern Ireland*) 2001 and the Council's Standing Orders.

The Chair is responsible to the Minister for Education. The Chair shall ensure that the GTCNI's policies and actions support the wider strategic policies of the Minister; and that the GTCNI's affairs are conducted with probity. The Chair shares with other Council members the corporate responsibilities set out in paragraph 12, and, in particular, for ensuring that the GTCNI fulfils the aims and objectives set by DE and approved by the Minister.

6. The Chair has a particular leadership responsibility on the following matters:
 - formulating the Council's strategy;
 - ensuring that the Council, in reaching decisions, takes proper account of guidance provided by the Minister or DE;
 - promoting the efficient, economic and effective use of staff and other resources;
 - encouraging high standards of propriety;
 - representing the views of the Council to the general public;
 - ensuring that the Council meets at regular intervals (*and at least three times*) throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Council members: and
 - reporting formally, in conjunction with the Registrar, to the Department at Governance and Accountability Review and other meetings as required by DE.
7. The Chair shall also:
 - ensure that all members of the Council, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities, and receive appropriate induction training, including on the financial management and reporting requirements of public sector bodies and on any differences which may exist between private and public sector practice;

- advise the Department of the needs of the GTCNI when Council vacancies arise, with a view to ensuring a proper balance of professional and financial expertise.
8. The Chair shall also ensure that a Code of Practice (*the Code*) for Council Members is in place, based on the Cabinet Office's Code of Practice for Board Members of Public Bodies, (*FD (DFP) 03/06* refers). The Code shall commit the Chairman and other Council Members to the Nolan 'seven principles of public life', and shall include a requirement for a comprehensive and publicly available register of Council Members' Interests.
 9. Communications between the Council and the Minister shall normally be through the Chair. The Chair shall ensure that the other Council members are kept informed of such communications.
 10. The Chair of the Council will be appraised on an annual basis through arrangements determined by DE.

The Council

11. The Council Members are elected and appointed in accordance with The General Teaching Council for Northern Ireland (*Constitution*) Regulations (*Northern Ireland*) 2001, and Ministerial appointments are made in line with the Code of Practice issued by the Commissioner for Public Appointments.
12. The Council has corporate responsibility for ensuring that the GTCNI fulfils the aims and objectives set by DE and approved by the Minister, and for promoting the efficient, economic and effective use of staff and other resources by the GTCNI. To this end, and in pursuit of its wider corporate responsibilities, the Council shall:
 - establish the overall strategic direction of the GTCNI within the policy and resources framework determined by DE;
 - constructively challenge the GTCNI's executive team in their planning, target setting and delivery of performance;
 - ensure that DE is kept informed of any changes which are likely to impact on the strategic direction of the GTCNI or on the attainability of its targets, and determine the steps needed to deal with such changes;
 - ensure that any statutory or administrative requirements for the use of public funds are complied with; that the Council operates within the limits of its statutory authority and any delegated authority agreed with DE, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the Council takes into account all relevant guidance issued by DoF and DE;
 - ensure that the Council receives and reviews regular financial information concerning the management of the GTCNI; is informed in a timely manner about any concerns about the activities of the GTCNI; and provides positive assurance to DE that appropriate action has been taken on such concerns;
 - demonstrate high standards of corporate governance at all times, including using the independent Audit and Risk Assurance Committee to help the Council to address the key financial and other risks facing the GTCNI; and
 - appoint, with DE's approval, the Registrar to the GTCNI and, in consultation with DE, set performance objectives and remuneration terms linked to these objectives for the Registrar, which give due weight to the proper management and use of public monies.

13. Individual Council members shall act in accordance with their wider responsibilities as Members of the Council – namely to:
- comply at all times with the Code of Conduct (*see Part 3*) that is adopted by the GTCNI and with the rules relating to the use of public funds and to conflicts of interest;
 - not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations; and to declare publicly and to the Council any private interests that may be perceived to conflict with their public duties;
 - comply with the Council’s rules on the acceptance of gifts and hospitality, and of business appointments; and
 - act in good faith and in the best interests of the GTCNI.

The Registrar’s Role as GTCNI Accounting officer

14. The Registrar of the GTCNI is designated as the GTCNI’s Accounting Officer by the Departmental Accounting Officer.
15. The Accounting Officer of the GTCNI is personally responsible for safeguarding the public funds for which he/she has charge; for ensuring propriety and regularity in the handling of those public funds; and for the day-to-day operations and management of the GTCNI.
16. As Accounting Officer, the Registrar shall exercise the following responsibilities in particular:

on planning and monitoring -

- following approval by the Council establish, in agreement with DE, the GTCNI’s corporate and business plans in support of the Department’s wider strategic aims and contribution to the Programme for Government;
- inform DE of the GTCNI’s progress in helping to achieve the Department’s policy objectives and in demonstrating how resources are being used to achieve those objectives; and
- ensure that timely forecasts and monitoring information on performance and finance are provided to DE; that DE is notified promptly if overspends or underspends are likely and that corrective action is taken, acknowledging that the Council has the powers (*paragraph 6 of Part 1 refers*) to retain any underspend to facilitate the carrying out of any of its functions and may invest sums not immediately required for these purposes subject to approval by DE; and that any significant problems, whether financial or otherwise, and whether detected by internal audit or by other means, are notified to DE in a timely fashion.

on advising the Council -

- advise the Council on the discharge of its responsibilities as set out in Management Statement and Financial Memorandum, in the founding legislation and in any other relevant instructions and guidance that may be issued from time to time by DoF, The Executive Office or DE;

- advise the Council on the GTCNI's performance against its aims and objectives;
- ensure that financial considerations are taken fully into account by the Council at all stages in reaching and executing its decisions, and that standard financial appraisal techniques are followed appropriately; and
- take action in line with Section 3.8 of MPMNI if the Council, or its Chairman, is contemplating a course of action involving a transaction which the Registrar considers would infringe the requirements of propriety or regularity, or does not represent prudent or economical administration, efficiency or effectiveness.

on managing risk and resources -

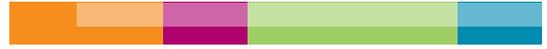
- ensure that a system of risk management is maintained to inform decisions on financial and operational planning and to assist in achieving objectives and targets;
- ensure that an effective system of programme and project management and contract management is maintained;
- ensure compliance with the Northern Ireland Public Procurement Policy;
- ensure that all public funds made available to the GTCNI including any income or other receipts are used for the purpose intended by the Northern Ireland Assembly, and that such monies, together with the GTCNI's assets, equipment and staff, are used economically, efficiently and effectively;
- ensure that adequate internal management and financial controls are maintained by the GTCNI, including effective measures against fraud and theft;
- maintain a comprehensive system of internal delegated authorities that are notified to all staff, together with a system for regularly reviewing compliance with these delegations; and
- ensure that effective human resource management policies are maintained.

on accounting for the GTCNI's activities -

- sign the accounts and be responsible for ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Minister, DE or DoF;
- sign a Statement of Accounting Officer's responsibilities, for inclusion in the annual report and accounts;
- sign a Statement on Internal Control regarding the GTCNI's system of internal control, for inclusion in the annual report and accounts;
- ensure that effective procedures for handling complaints about the GTCNI are established and made widely known within the GTCNI;
- act in accordance with the terms of this document and with the instructions and relevant guidance in MPMNI and other instructions and guidance issued from time to time by DE and DoF - in particular, Chapter 3 of MPMNI and the Treasury document Regularity and Propriety (*a copy of which the Registrar shall receive on appointment*);
- give evidence, normally with the Departmental Accounting Officer, if summoned before the Public Accounts Committee on the use and stewardship of public funds by the GTCNI;

- ensure that an Equality Scheme is in place, reviewed and equality impact assessed as required by the Equality Commission and OFMDFM; and
- ensure that the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000 are complied with.

PART 2



STANDING ORDERS

PART 2 : STANDING ORDERS

Introduction

1. In accordance with Schedule 1 to the Education (Northern Ireland) Order 1998 and the General Teaching Council for Northern Ireland (Constitution) Regulations (Northern Ireland) 2001 (Statutory Rules 2001), these Standing Orders govern the conduct of the Council and its committees.

Election of Chair and Vice Chair

2. The Council shall elect a Chair and Vice-Chair
3. The term of office of the Chair and Vice-Chair shall be as determined by the Council.
4. In the absence of both Chair and Vice-Chair the Council shall elect, by direct vote, a member to serve in that capacity for that meeting only.

Place of Meetings

5. Meetings of the Council will be held in a place determined by the Chair in consultation with the Registrar.

Frequency of Meetings

6. The Council shall meet at such times as the business may require provided that there shall be at least 3 ordinary meetings of the Council in one calendar year.
7. The Registrar shall call a special meeting of the Council if so requested in writing by the Chair of the Council or by the Vice-Chair in the Chair's absence or on receipt of a requisition signed by at least one-third of the Members of the Council. The written request or requisition must state the business to be transacted at the special meeting and no business shall be transacted at that meeting other than that specified in the notice convening the meeting.

Convening of Meetings

8. A notice to attend a meeting specifying the business to be transacted shall be sent to every member at least seven days prior to the meeting.

Confidentiality of Meetings

9. The proceedings at Council meetings shall be conducted in public. However, the Council will meet in "Committee" (*private*) for those items seen as confidential in nature.

Quorum

10. At all meetings the quorum shall be not less than one-third of the total number of members.
11. If during any meeting the body should on the departure of members fall short of the quorum then the meeting shall stand adjourned. In these circumstances issues may be discussed but no decisions may be made.

Adjournment

12. Any meeting may be adjourned to such time as the Council may decide. If a meeting is adjourned to a specific date the adjourned meeting shall be deemed a continuation of the original meeting. If the meeting is adjourned indefinitely, any business left unfinished shall be postponed until the next ordinary meeting.

Order of Business

13. Unless otherwise decided the business of the meeting shall follow the order set out in the agenda.
14. The minutes of the proceedings of a meeting of the Council shall be drawn up and entered in a permanent record kept for that purpose and shall be submitted as a correct record, at an early point on the agenda, at the next meeting of the Council.
15. When the minutes have been approved as a correct record or any questioning concerning their accuracy has been disposed of, they shall be signed by the Chair and shall stand as a correct record without further proof.
16. Any member wishing to raise an issue not specified on the agenda as 'any other business' should notify the Registrar before the meeting (*preferably 48 hours*) stating the issue. The Council will consider any such requests at the beginning of the meeting and, if approved, they will normally be dealt with at the end of the formal agenda.

Deputations

17. Individuals or deputations may address the Council, at the discretion of the Chair in consultation with the Registrar, provided that the Registrar has received previous notice of fourteen working days of the intended deputation and the composition and object thereof. Verbal presentations to the Council shall consist of not more than two short addresses by members of the deputation.

Motions

18. No member of the Council shall normally be entitled to propose a motion or amendment other than one directly arising out of discussion unless notice is given to the Registrar seven days in advance. No motion can be taken forward unless it is "seconded" by another member.
19. Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which directly affects the provision of services for which the Council is responsible.
20. A motion or amendment may be withdrawn by the mover with the consent of a seconder.
21. No motion to rescind any resolution passed within the preceding six months shall normally be proposed.
22. An amendment to a motion must be "seconded" by another member before consideration.

Rules of Debate

23. A member shall direct his/her speech to the question and discussion or to an explanation or to a question or order. All issues and discussion will be conducted 'through the Chair' and the ruling of the Chair on the relevance of any motion or amendment of any point or procedure shall be final.
24. A member may question a point of order and shall be entitled to be heard forthwith. A point of order shall relate only to a breach of a Standing Order or statutory provision and the members shall specify same and the way in which he/she considers it has been broken.

Voting

25. All matters brought or arising from a Council meeting shall be decided by a majority vote of the members present and voting on the issue. In the case of an equal division of votes the Chairperson of the meeting shall have a casting vote in addition to his/her deliberative vote.
26. Any questions put to a vote may, at the discretion of the Chairperson, be determined by oral expression, by a show of hands or by ballot.

Disorderly Conduct

27. In the event of any member of Council or members of the public disrupting the meetings by, in the opinion of the Chairperson, behaving irregularly or offensively or improperly the Chairperson may adjourn the meeting.
28. As an alternative to adjournment a member may move:
 - a) "That the member (*name*) may be no further heard".
 - Or
 - b) "That the member (*name*) leaves the meeting".

The motion, if seconded, shall be put and determined without discussion.

Suspension or Variation of Standing Orders

29. A motion to vary or revoke these Standing Orders shall when proposed and seconded stand adjourned to the next ordinary meeting of the Council.
30. Standing Orders may be suspended at any meeting so far as regards any business at such meeting provided that not less than two-thirds of members present are in favour of suspension.

Reserved Matters

31. The following items are always dealt with by Council:
 - oversight of strategic and business planning processes and budgetary control and management;
 - approval of policies and changes within the Council's remit which impact on practising teachers;

- finance, human resources, risk and other strategies which impact on the long term capability of the organisation;
 - corporate governance arrangements within the framework established by the Management Statement and Financial Memorandum; and
 - establishing and monitoring the strategic direction and practice of the Council's approach to teacher registration and regulation.
32. As indicated above effective strategic and business planning is a core function of Council. Annex 2 summarises the Council's oversight role in the production of a Corporate Plan and monitoring of the delivery of commitments in this.

Committees and Sub Committees

33. The Council shall establish an Audit and Risk Assurance Committee (*ARAC*). The ARAC will be chaired by a member, other than the Chair, who has experience of financial matters. The responsibilities of ARAC will overlap with those of the Accounting Officer who will normally attend all meetings of the Committee unless, exceptionally, his or her own performance is being discussed. If required the Committee may have co-opted members who are not members of Council.
34. The ARAC is an advisory committee with no executive powers or decision making role.
35. For other matters the Council may arrange for the discharge of its functions in relation to any particular matter by a Committee appointed for that purpose.
36. The Chair in consultation with the Registrar will determine the membership of the Council Committees. The Chair and Vice-Chair of the Council will be *ex officio* members of all Committees with the exception of the Audit and Risk Assurance Committee.
37. Membership of Committees will seek, as far as possible, to reflect the balance of the Council in respect of elected and appointed members.
38. The appointment to the offices of Chair and Vice Chair for Committees will be decided by members of said Committees by a majority vote.
39. The term of office of Chair and Vice Chair of Council Committees shall be as determined by the Committee.
40. The duties and responsibilities of Committees shall be determined by the Council. The Council may authorise any such Committee to perform specific functions on its behalf.
41. Each meeting of a Committee shall be reported to the Council and the minutes of such meetings will be circulated to Council members beforehand.
42. Each Committee may appoint Sub-Committees for specific purposes and in doing so must define clearly in writing the terms of reference of same. The reports of a Sub-Committee shall be submitted to the Committee for confirmation prior to being placed before the Council. A Sub-Committee may co-opt such persons as it thinks fit to assist it with the purpose for which the Sub-Committee was established.
43. Any member may be in attendance at any Committee of which he/she is not a member but may not take part in the proceedings unless he or she has obtained the previous consent of the presiding Chair.

44. In matters of notification of meetings, special meetings, quorums, minutes, order of business, adjournment, voting and arrangements in regard to the absence of Chair and Vice Chair, each Committee shall act in similar fashion to the Council.
45. The Council shall maintain a register of active committees and their terms of reference. It shall review its committee structure for continuing relevance to the business of the Council at least annually.

Attendance of Registrar/Chief Officer and other officers.

46. The Registrar is responsible to the Council for the carrying out of its functions and the management of its officers.
47. The Registrar carries personal responsibility for ensuring that appropriate advice is given to the Council on all matters within its remit including those relating to financial propriety and regularity, for the keeping of accounts and for the efficient use of resources. In this capacity, the Registrar is in attendance at Council meetings. The Registrar will support the Chair in the effective and efficient conduct of meetings and will provide detailed information, advice and recommendations on matters under discussion as appropriate.
48. In circumstances where the Registrar, in pursuance of his or her duty as Accounting Officer, has indicated to the Council or the Chair that a decision taken by it is contrary to the advice it has been given and would involve a transaction which the Registrar considers would infringe the requirements of propriety or regularity, or does not represent prudent or economical administration, the Registrar will refer the matter to the Permanent Secretary of the Department of Education. In such circumstances the Chair may direct that the Registrar's dissent from the decision of the Council should be recorded in the minutes.
49. The Registrar will ensure that such other Council Officers are in attendance at meetings of the Council as required, to provide information, advice and recommendations on specific matters under discussion.
50. An appropriate Officer will be designated to provide secretariat services to the Council.
51. Officers in attendance at Council meetings do not participate in the decision making process and do not have a vote.

Financial Control

52. The Council will account for all expenditure in keeping with the conditions stipulated by Article 12 of Schedule 1 to The Education (*Northern Ireland*) Order 1998.
53. Cheques may be signed on behalf of the Council by any two officers of the Council's Senior Management Team, one of which will be the Registrar – or in his absence, by an officer authorised by the Registrar.

Media

54. The Chair is the main media spokesperson for the Council. In the absence of the Chair, the Vice Chair is authorised to act as spokesperson for the Council.
55. The Registrar will normally be the main contact for managing media enquiries.

Miscellaneous

56. The Chief Executives of the General Teaching Council of Scotland, the Teaching Council Ireland and the Education Workforce Council (*Wales*) or their nominees will be granted observer status for the public business of Council on a reciprocal basis.

Code of Conduct for Council Members

57. Members will behave at all times in accordance with the requirements of the Code of Conduct at Part 3.

Review of Effectiveness

58. The Council will complete an annual review of its effectiveness with independent input to this at least every three years.

Annex 1

STRATEGIC AND BUSINESS PLANNING

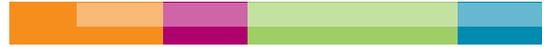
A key task of the Council is the oversight of the production of a Corporate Plan and the oversight of the delivery of the commitments in this.

The process of preparing such a document provides an opportunity for agreeing with the Minister, or Departmental Officials on the Minister's behalf, the policy and resources framework within which the Council will discharge its duties and for determining its key strategic objectives and targets.

To this end the Council shall:

- i. Establish the overall strategic direction of the Council within the policy and resources framework determined by the Minister;
- ii. Oversee the production of a Corporate Plan including determination of key strategic objectives and targets as agreed by the Minister;
- iii. Ensure that the organisation fulfils the aims and objectives set out in the Corporate and Business Plans and promote the economic, efficient and effective use of staff and other resources.
- iv. Ensure that the Department of Education, as sponsoring Department, is kept informed of any changes likely to impact on the strategic direction of the Council or the attainability of its targets and determine the steps needed to deal with such changes;
- v. Ensure that it receives and reviews up-to-date financial and management information and is informed in a timely manner any concerns about the activities and performance of the organisation;
- vi. Oversee performance including financial performance, the efficiency and effectiveness of operations and the quality of services;
- vii. Take due account of risk management; and
- viii. Constructively support and challenge the Executive Team in relation to performance planning and delivery.

PART 3



CODE OF CONDUCT FOR COUNCIL MEMBERS

PART 3: CODE OF CONDUCT FOR COUNCIL MEMBERS

Introduction

1. The aim of this Code of Conduct is to ensure that Council Members are fully aware of the standards of conduct and behaviours expected of them as Board Members of a Non-Departmental Public Body (*NDPB*) and the principles associated with managing public money.

General Requirements

2. The Council and its members must at all times:
 - observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the Council's management;
 - maximise value for money through ensuring that it operates in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable. Value for money is not the lowest price: it is the optimum combination of whole life costs and quality to meet the user's requirement; and
 - be accountable to the Northern Ireland Assembly (*through the Department and the Minister for Education*), teachers, individual citizens and staff for the activities of the Council, its stewardship of the funds made available to it and the extent to which key performance targets and objectives have been met.
3. When a member is uncertain about the application of the Code of Conduct to a particular situation he or she must consult the Chair. In such a situation, the Chair will provide the member with advice on interpretation of the Code of Conduct and may, at his or her discretion, instruct the member on how to comply with the requirements of the Code of Conduct.

The Seven Principles of Public Life

4. Members must at all times observe and comply with the Seven Principles of Public Life drawn up by the Committee on Standards of Public Life (*the Nolan Committee*). Those Principles are:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts and recommending individuals for rewards or benefits, Council Members should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Additional Principles Established by the Northern Ireland Assembly

5. In addition to the Seven Principles of Public Life, the Northern Ireland Assembly has identified 5 further principles with which Members must also comply with. The additional principles are:

Equality

Members of the Council should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

Promoting Good Relations

Members of the Council must act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow by acting in a way that seeks to promote a culture of respect, equality and race and which embraces diversity in all its forms.

Respect

While it is acknowledged that the exchange of ideas and opinions on policies may be robust, this should be kept in context and not extend to individuals being subjected to unreasonable and excessive personal attack. Members of the Council must show respect and consideration for others at all times and keep in mind that rude and offensive behaviour may lower the public's regard and confidence in the GTCNI and the members of the Council.

Good Working Relationships between Members

Members of the Council must work responsibly with other Members for the benefit of the whole community. Members must treat each other with courtesy and respect and promote an effective working environment.

Good Working Relationships with Employees of the GTCNI

The relationship between Members and employees of the GTCNI must at all times be professional, courteous and based on mutual respect. Members must show respect and consideration for employees of the GTCNI at all times and ensure that their actions do not compromise the impartiality of employees.

Personal Liability of Members

6. Although any legal proceedings initiated by a third party are likely to be brought against the Council, in exceptional cases proceedings (*civil or, in certain cases, criminal*) may be brought against the Chair or other individual Members. For example, a Member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to a third party. Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.
7. However, the Government has indicated that individual Members who have acted honestly and in good faith will not have to meet out of their own personal resources any personal civil liability which is incurred in the execution of their functions as a Member of the Council, save where the Member has acted recklessly.
8. Members who need further advice should consult, through the Chair, the Council's legal advisors, who must also be informed at the earliest possible moment if a Member believes that there is a possibility of a legal action being taken against him or her or against the Council.

Openness and Responsiveness

9. Members should conduct all their dealings with the public in an open and responsible way to ensure full compliance with the principles of the Freedom of Information Act 2000, the Data Protection Act 1988, and Environmental Information Regulations 2004.
10. They should take account, as far as possible, of the 'Standard of Best Practice for Openness in Executive NDPBs and NHS Bodies' in the First Report of the Committee on Standards in Public Life (*Cm 2850-1*).
11. Members should assure themselves that the Council can demonstrate that it is using resources to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or party political purposes. The Council will need to act consistently with the nature of its functions and the possible need for confidentiality on commercial or other grounds, always subject to the right of the Northern Ireland Assembly and auditors to obtain information.

Conflicts of Interest

12. The Council is committed to preventing situations in which suspicion of bias might arise. In order to achieve the maximum degree of impartiality, the Council has established a standing order relating to disclosure of pecuniary interest in, or family relationship relevant to, any matter to be discussed at a meeting.
13. Members must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests – financial or otherwise. Members should note that the appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict - both should be avoided.
14. Members must comply with the rules of the Council on handling conflicts of interests. As a minimum, these will require you to declare publicly any private interests which may, or may be perceived to, conflict with your public duties.

Interests which may need to be declared can include:

- remuneration from employment, self employment, directorships, other public appointments etc;
 - related undertakings i.e. Members must register any directorships held which are themselves not remunerated but where the company (*or other undertaking*) in question is a subsidiary or parent of a company (*or other undertaking*) in which you hold a remunerated directorship;
 - contracts with the Council;
 - shares and securities – holdings in a company or organisation which are of significance to or relevance to, or bear upon the work and operation of the public body;
 - relevant non financial interests including membership or holding office in other public bodies, clubs, societies and organisations such as Trade Unions and voluntary organisations; and
 - cases in which a close family members or persons living in the same household as the Council Member may have an interest.
15. If a Member is in any doubt as to what they should or should not be registering / declaring they should discuss this with the Chair.
 16. The rules will also require the Member to remove themselves from the discussion or determination of matters in which they have an interest, they should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.
 17. In certain situations, handling a conflict of interest properly may require much more than simply leaving a meeting while the matter is being discussed or voted upon. For example, Members who have a conflict of interest should:
 - not get involved in the setting of criteria for the assessment of the grant, tender etc;
 - not get involved in the actual preparation of the grant, tender, licence application (*or subsequent presentations, interviews etc*) if at all possible;
 - not receive any relevant papers in advance of the meeting;
 - not be present for the discussion or voting or receive any minutes relating to that part of the meeting; and

- not use their position as a Council Member to try and improperly influence a decision by lobbying any other Council Member(s) or by contacting another Council Member to represent their interests at the meeting.

Gifts and Hospitality

18. Members of Council must not accept any gift, hospitality or benefit of any kind which might, or might reasonably appear to, compromise their personal judgement or integrity or place themselves under an improper obligation or to influence them in their dealings with any person or organisation. Nor should members leave themselves open to the accusation that they might have been so influenced.
19. Members of Council must never canvas or seek gifts or hospitality.
20. Where a gift or hospitality has been offered to a Member he/she must comply with the Council's Gifts and Hospitality Policy and inform the Chair and Registrar of any offer and ensure that where a gift or hospitality is accepted, the Member will record the details in the Register maintained by the Council for that purpose.

Use of Official Information

21. Council Members must not misuse information gained in the course of their service to the GTCNI for personal gain or for political purpose.¹
22. Council Members must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after the Member has left the Council.

Political Activity

23. A Council Member should be, and be seen to be, politically impartial.
24. On matters directly related to the work of the Council, Members should not make political statements or engage in any other political activity.
25. In a Members official capacity, they should be even-handed in all dealings with political parties.
26. Subject to the above, Members may engage in political activity but should, at all time, remain conscious of their responsibilities as a Council Member and exercise proper discretion. Members should inform the Chair before undertaking any significant political activity.

Employment and Appointments

27. If a Member wishes to take up new employment or appointments during their term of office, they must inform the Chair (*and the Department of Education if a Departmental appointee*). Formal consideration will be given to whether such additional appointments are appropriate given their current appointment to the Council.

¹ Council Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation

Use of Public Funds

28. Council Members have a duty to ensure the safeguarding of Council funds it collects from teachers and other funds – which for this purpose should be taken to include all forms of receipts from fees, charges and other sources – and the proper custody of its assets. They will take appropriate measures to ensure that the Council, at all times, conducts its operations and uses its resources economically, efficiently and effectively, avoiding waste and extravagance. It will always be an improper use of GTCNI funds for the Council to employ consultants or other companies to lobby the Northern Ireland Assembly, Ministers or political parties.
29. Members will be responsible for ensuring that all expenditure incurred is in pursuit of the Council's statutory responsibilities and in keeping with its Corporate and Business Plans.

Allowances

30. Members must comply with the rules set by the Council regarding allowances and expenses. Payment and taxation of these should be in line with relevant HM Revenue and Customs and DoF guidance. Ultimately, however it is a Council Members responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

Use of Official Resources

31. Council Members must not misuse official resources (*including facilities, equipment, stationery, telephony and other services*) for personal gain or for political purposes. Use of such resources must be in line with the Council's rules on their usage.

The Council as an Employer

32. The Council will ensure that it complies with all relevant employment legislation and that it employs suitably qualified staff – for example in key areas such as finance – who will discharge their responsibilities in accordance with the highest standards of propriety. All staff should be familiar with the Council's Corporate Strategy, including its main aims and objectives, and the internal management and control systems which relate to their work. In filling senior staff appointments, the Council will satisfy itself that an adequate field of qualified candidates is considered, and should always consider the merits of full open competition, which should normally be used for recruitment of external candidates.
33. The Council will ensure that its Members and staff have access to expert advice and suitable training opportunities which they may require in order to exercise their responsibilities effectively.
34. The Council will ensure that all eligible employees will have equal opportunity for employment and advancement in the Council, irrespective of perceived religious belief, political opinion, gender, marital status, family status, disability, race, age or sexual orientation. Selection for employment and advancement will be on the basis of ability, qualifications and aptitude to carry out the duties of the post.
35. The Council will adopt rules of conduct for its employees which reflect the values set out in this document and management practices which will use resources in the most efficient and economical manner.
36. The Council will have a responsibility to monitor the performance of the Registrar.

