



General Teaching Council
for Northern Ireland

Promoting Teacher Professionalism

General Teaching Council for Northern Ireland

Regulation Guidance

Making a complaint about a registered teacher

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1 Introduction

The General Teaching Council for Northern Ireland (GTCNI) is the professional body for teachers in Northern Ireland. It is dedicated to enhancing the status of teaching and promoting the highest standards of professional conduct and practice.

GTCNI was established by the Education (Northern Ireland) Order 1998 to provide a range of functions, including:

- the establishment and maintenance of a register of teachers;
- the approval of qualifications for the purposes of registration;
- regulation of the teaching profession; and
- the provision of advice to the Department of Education and Employing Authorities on a range of issues including registration, standards of teaching and standards of conduct.

Anyone wishing to teach in a grant-aided school in Northern Ireland must be registered with GTCNI.

This guidance is intended to help you understand the best way to raise concerns you may have about your child or their school and the role of GTCNI in professional regulation for the teaching profession in Northern Ireland.

2 Regulation and GTCNI

Powers to regulate the teaching profession in relation to conduct were transferred from the Department of Education to GTCNI on 1st April 2015 following the introduction of the General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015. The regulations allow:

- GTCNI to remove a teacher from the register if found guilty of misconduct;
- individuals to make representations to GTCNI;
- GTCNI to issue a notice of its decisions; and
- the right of appeal to the High Court if a teacher is removed from the register.

GTCNI believe that professional self-regulation is hard won, and should be valued by the profession, by their representatives, and by those who employ teachers. We also believe that regulation is welcomed by the public who have come to expect that all professionals are registered and value the reassurance that regulation brings.

We recognise that the vast majority of teachers are committed to maintaining the highest standards of professional ethics and conduct. However, in circumstances where a registered teacher's conduct falls short of these standards and is dismissed by their employer, GTCNI will investigate and, if necessary, remove them from the register. In this way, the teaching profession continues to enjoy public confidence, which underpins the profession's status in society.

The GTCNI Conduct Rules 2019 set out how we will deliver regulation. The Rules state that:

“Any allegation that relates to misconduct and/or conviction of a relevant offence, received by the Council will be considered, investigated and heard in the public interest and in the interests of the teaching profession.”

The General Teaching Council for Northern Ireland (GTCNI) is fully committed to compliance with the requirements of the General Data Protection Regulation. Please see our Data Protection Policy Statement and Guidelines for further information or contact GTCNI’s Data Protection Officer, Mr Gerry Devlin on 028 9033 3390.

2.1 GTCNI’s role as a professional body

GTCNI is the professional body for teachers in Northern Ireland. We deliver a number of functions including teacher registration and regulation.

We are not a complaints body but we will act in the public interest and the interest of the teaching profession and consider, investigate and hear any allegation that relates to misconduct and/or conviction of a relevant offence.

However, our role is very different from that of an employer and we can only consider an allegation against a registered teacher that is about misconduct or conviction of a relevant offence– and will only do this once all employer processes have been completed and a teacher has been dismissed, or may have been had they not resigned.

The ONLY exception may be where GTCNI hold a record of registration for a teacher and it is clearly in the professional and public interest to consider the allegation.

2.2 How does regulation work?

The GTCNI regulation process includes a number of stages, including:

- **Referral** where a complaint or referral is received by GTCNI.
- **Screening** to establish if the referral falls within *our statutory remit and is capable of amounting to an allegation*.
- **Investigation** where an Investigating Panel, drawn from the membership of our Regulatory Panel, will look at the available evidence and a written response from the teacher concerned and decide if there is *a case to answer*.
- **Conduct** where a Conduct Panel, drawn from the membership of our Regulatory Panel, will hear evidence relating to the case and make a finding about the *facts of an allegation* and may *recommend whether a teacher should be removed* from the Register. The teacher concerned has a right to make representations.
- **Council** where a sub-committee, drawn from the membership of the Council, will make a decision based on the recommendations of a Conduct Panel and *may make an Order to remove a teacher* from the Register.

If an allegation of misconduct is proven or a teacher is convicted of a relevant offence, and a Conduct Panel finds that the behaviour is fundamentally incompatible with being a teacher, the only sanction available to recommend to the Council that a teacher is removed from the Register.

A Conduct Panel can recommend a specific length of time that a teacher is 'removed' from the Register or decide the time limit is indefinite. Any application for reinstatement will be dealt with by Conduct Panel only after the time period of removal from the Register has expired.

Any decision made by Council can be published and this may include notification on GTCNI's website.

Any teacher removed from a teaching register in the UK, the Republic of Ireland or the EU will not be able to register in Northern Ireland.

2.3 What can GTCNI do?

Our role as a regulator is defined by legislation and the GTCNI Conduct Rules 2019.

In circumstances where a registered teacher's conduct falls short of the standards of professional ethics and conduct expected, and is dismissed by their employer, GTCNI will investigate and, if necessary, remove them from the register.

Our overriding responsibility is to act in the public interest and the interests of the teaching profession. In general we will consider a complaint if:

- the allegation of misconduct is of a serious nature, falling significantly short of the standard of behaviour expected of a teacher;
- the allegation of misconduct is such that it may bring the profession into disrepute;
- the allegation concerns the conviction of an offence relevant to a being a registered teacher; and
- all local employer processes are complete.

However, the first thing we will always do is offer advice about how to resolve any concerns you may have about your child by providing information about how to raise any concern with the school.

We can also provide information about how our regulation process works and in what circumstances you might make a complaint about a teacher to us.

2.4 What can't GTCNI do

Our responsibility is to ensure that a registered teacher is suitable to be a member of the teaching profession in Northern Ireland. However, there are a number of things GTCNI cannot do, such as:

- intervene in matters between an employer and teacher or overturn any decision made by a school or an employer;

- investigate complaints against a school or employer in terms of how they have dealt with a particular situation; (Please see Ombudsman section 3.3)
- facilitate mediation between any teacher or member of the public;
- ask a teacher to apologise for any action; or
- investigate any allegation from a member of the public that relates to teacher competence (Please see school complaints policy section 3).

2.5 The employer's responsibility

The first point of contact if you have any concern about your child at school should always be the school.

The employer (or employing authority), e.g. the school, is required to deal with any allegation of misconduct using the agreed disciplinary process as set out in the 'Disciplinary Procedure for Teachers including Principals and Vice-Principals in Grant-Aided Schools with fully delegated Budgets' (TNC 2016/2) – this includes allegations relating to substitute teachers or teachers on short-term contracts

The employer also has a duty to notify GTCNI about any teacher who is dismissed, or may have been had they not resigned on the grounds of misconduct and to provide us with the information we need to carry out an investigation or any subsequent conduct hearing.

3 If you are concerned about your child

If you are concerned about a problem your child has at school you will probably be able to resolve the issue informally by meeting your child's teacher or the school Principal. If you can't resolve the problem informally, the school should have a formal complaints procedure that you can follow.

If you're worried about your child's learning or welfare at school, the best person to approach first is their teacher or their head of year. Most teachers are usually in the classroom during the day, but you should be able to leave a message with the school office asking the teacher or head of year to contact you. Some schools will have a Vice Principal who is responsible for pastoral issues and you may also want to meet with them.

If the teacher can't help, or you are not satisfied with their response, you can talk to the Principal. You should be able to arrange a meeting or a telephone conversation with the Principal through the school office. You can also make a written complaint.

3.1 Complaining to the board of governors

If your complaint is not resolved or you are not happy with the response from the Principal, the next stage is to approach the school board of governors.

All schools are required to have a complaints policy so that they can deal with any complaint about a teacher, the school, or any facilities or services that the school provides for the local community.

If you want to complain to the board of governors, ask the school for a copy of its complaints policy. All complaints to the governing body must be in writing to the chairperson of the board.

3.2 Complaining to the employing authority

The Education Authority (EA), Council for Catholic Maintained Schools (CCMS) or another external agency may provide an independent appeal or review process.

The EA and CCMS are also required to set up a procedure for dealing with complaints and they should be able to provide you with information about making a complaint to them.

3.3 The Northern Ireland Public Service Ombudsman

From 1 April 2017, the Northern Ireland Public Service Ombudsman has the power to investigate and report on complaints about maladministration in all publicly funded schools in Northern Ireland. This means that any pupil or parent who believes that they have been treated unfairly as a result of the actions or decisions of a school's board of governors can bring their complaint to the Ombudsman.

4 If you have a child protection concern

If you believe that a child is being harmed in a school by a teacher or there is a risk of harm to a child or vulnerable adult.

We advise that:

- you talk to the class/form teacher;
- if still concerned, talk to the Designated/Deputy Designated Teacher for child protection or the Principal;
- if still concerned, talk/write to the Chair of Board of Governors;
- if still concerned contact the Education Authority or CCMS (if applicable);
- if still concerned contact the NI Public Services Ombudsman Tel: 0800 343 424; and
- at any time you can talk to the local Children's Services Gateway Team or contact the PSNI Central Referral Unit at 028 9025 9299.

5 If you want to make a complaint to GTCNI about a registered teacher

5.1 How to make a complaint

If you decide to make a complaint to GTCNI you need to understand that the threshold for removing a teacher from the GTCNI Register of Teachers is high and that we can only consider a complaint if the same issue has been dealt with by the employer and a teacher has been dismissed on the grounds of misconduct and/or conviction of a relevant offence, or may have been had they not resigned.

We will need some information about your complaint so that we can verify the information, including the name of the teacher and their school and specific details about the complaint. We will also need the name of the person making the complaint and contact details.

You need to understand that we will provide the teacher concerned with information about the complaint and the name of the person making the complaint, unless there is a specific concern about the protection of a child or vulnerable adult.

Before we can consider any complaint you must be able to demonstrate that the same complaint has been raised with the registered teacher's employer and that all employer processes have been completed and the teacher has been dismissed on the grounds of misconduct or may have been had they not resigned.

We cannot consider a complaint that is subject to a police investigation or legal proceedings until those processes are complete.

The Complaint form (REF-03, Annex I) must be completed in full and all supporting information provided when you submit your complaint.

You will need to provide information to support the complaint, including:

- the full name of the teacher;
- the name of the teacher's employer; and
- your name and contact details.

You will also need to outline the complaint, this should:

- be precise, specific and clear; and
- include important names, dates and times.

You must also provide evidence that:

- you have made exactly the same complaint to the employer; and
- the employer has investigated the complaint and provided you with a response.

You may also want to include other evidence to support your complaint, including:

- any written statements from people who may have witnessed the events you highlight; and
- relevant minutes of meetings, reports, memos, correspondence, etc.

Please note that where evidence is provided to support your complaint it is your responsibility to ensure that you have permission to give us this information.

5.2 How will GTCNI deal with my complaint?

When GTCNI receives any complaint we will first assess whether it falls within our statutory remit. If the referral is within our remit then we will gather and verify information to determine if the matter is 'capable of amounting to an allegation.' This is part of the screening process (see section 2.2 'How does regulation work?').

We will also verify that the same complaint has already been made to the relevant employer, if all local processes have been completed and the outcome of any investigation and/or disciplinary process.

The outcome of the screening process may be that the complaint requires no further action or that it should be escalated to a GTCNI Investigating Panel.

GTCNI will ensure that all decisions are made in a fair, consistent and transparent manner based on clear guidance and the GTCNI Conduct Rules, which provide a clear framework to exercise GTCNI powers in relation to regulation.

It is important to recognise that at any stage GTCNI may decide that it will take no further action in relation to a complaint. The decision of GTCNI at the screening stage or the investigation stage is final. There is no appeal process and we are unable to investigate the same complaint twice unless further/new evidence is presented.

It is therefore important that you ensure that you supply all relevant information when making a complaint.

Where the Council takes no further action in relation to a complaint the Council will notify the registered person of the complaint and the fact that the case has been closed, and may notify the referrer of the reasons why the case has been closed.

GTCNI are compliant with all relevant legislation in relation to data protection, equality and human rights and best practice including confidentiality and good regulation.

If an Investigating Panel decide that there is a 'case to answer' in relation to the complaint then it will be considered at a Conduct Panel hearing, which will be in public, unless there is a specific reason why it should be held in private. As the person making the complaint you will probably be asked to give evidence at the hearing (see Guidance for Witnesses for more information).

If a Conduct Panel makes a finding that misconduct or conviction of a relevant offence has been established, the Conduct Panel will then make a recommendation about the sanction, and the only available sanction is removal from the Register. It may be that a Conduct Panel establishes that misconduct or conviction of a relevant offence has been proven but decide not to recommend the removal of a teacher from the Register.

In making its recommendation the Conduct Panel must set out its reasoning in full. This will include setting out a recommendation for how long it is before a teacher who has been removed from the Register must wait before they can apply for re-admittance.

The Council or a sub-committee of Council making a decision about a recommendation for removal must include at least 3 to 5 Council members.

In accordance with Rule 16(4) the sub-committee can make a decision to:

- make an Order for the removal of a teacher from the Register, including the period before the end of which no application may be made by the registered person for a determination that he or she is eligible to reapply for registration i.e. agree with the recommendation of the Conduct Panel; or
- request a review of the recommendation by the original Conduct Panel.

Annex I: Complaint form (REF-03)



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For official use only

Case Number: (xx/xxx/xx)

Case Officer:

PLEASE READ THE GUIDANCE ON 'MAKING A COMPLAINT' BEFORE COMPLETING THIS FORM

**PLEASE ENSURE ALL SECTIONS ARE COMPLETED BEFORE SUBMITTING THIS
FORM AND THAT ALL ADDITIONAL EVIDENCE IS PROPERLY REFERENCED AND
PAGES NUMBERED AND THAT THE DECLARATION IS SIGNED AND DATED**

Completed complaint forms should be returned to: The Regulation Team
GTCNI
Albany House
73-75 Great Victoria Street
Belfast, BT2 7AF

For further information contact the regulation team by phone on 028 9033 3390

SECTION 1: REGISTERED TEACHERS DETAILS – the person you are making a complaint about

Name and position	
GTCNI Number/TR Number (if known)	
Name of Employer	
Address of Employer	
Post Code	

SECTION 2: YOUR DETAILS

Name	
Address	
Post Code	
Telephone Number	

SECTION 3: YOUR COMPLAINT

Please outline the complaint, this should:

- Be precise, specific and clear; and
- Include important names, dates and times.

SECTION 4: SUPPORTING EVIDENCE

Please list the supporting evidence below, and ensure that all additional evidence is properly referenced and pages numbered.

You **must** provide evidence that:

- You have made exactly the same complaint to the employer; and
- The employer has investigated the complaint and provided you with a response.

If you have not reported this complaint to the employer of the registered teacher you are making a complaint about, you must do this FIRST before approaching GTCNI.

GTCNI will only consider a complaint if exactly the same complaint that has been made to the teacher's employer first and all local employer processes are completed.

SECTION 5: DECLARATION

You **must** indicate that you have understood each declaration below before signing and submitting a completed complaint form. Please note that any incomplete declarations may lead to the matter being screened out by a GTCNI Case Officer.

- I have read and understood the contents of the guidance on 'Making a Complaint' from the General Teaching Council for Northern Ireland which accompanies this form.
- I am asking the General Teaching Council for Northern Ireland to consider the complaint of misconduct, the details of which are set out above.
- I understand that a copy of this form and any correspondence or documentation I enclose may be disclosed to the registered teacher against whom I am making the complaint, and the current or previous employer, and I consent to this disclosure.
- I confirm that I have obtained any necessary permission from third parties for such correspondence and documentation to be disclosed.
- I understand I may be required to attend a Conduct Panel hearing of the General Teaching Council for Northern Ireland to give evidence.
- I confirm that, to the best of my knowledge and belief, the contents of this form are true.

Please Note: GTCNI collects, maintains, and processes data in accordance with the Council's legislative role, GDPR and associated legislation, full details of which can be found within our Privacy Notice on www.gtcni.org.uk.

Signed:

Date:

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