STATUTORY RULES OF NORTHERN IRELAND

2006 No. 51

EDUCATION

Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2006

Made - - - -	*16th February 2006*
Coming into operation	*3rd April 2006*

The Department of Education makes the following Regulations in exercise of the powers conferred by Articles 70(1) and (2), 88A(1) and (2) and 134 of the Education and Libraries (Northern Ireland) Order 1986(**1**), as read with Article 15(4) to (7) of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(**2**).

Citation and Commencement

1. These Regulations may be cited as the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2006 and shall come into operation on 3rd April 2006.

Interpretation

2. In these Regulations—

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986;

"the 2003 Order" means the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;

"Care Tribunal" means the Care Tribunal established under Article 44 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;(**3**)

"child" has the same meaning as in the 2003 Order;

"disqualification order" means an order under Article 23 or 24 of the 2003 Order;

"employment" has the same meaning as in the 2003 Order.

(**1**) S.I.1986/594(N.I.3) Article 70 was substituted by and Article 88A inserted by S.I.1987/167 (N.I.2); Article 70 was amended by S.I.1989/2406 (N.I.20), S.I.1993/2810 (N.I. 12), S.I. 1998/1759 (N.I.13) and S.I. 2003/417 (N.I.4). Article 88A was amended by S.I.1197/1772 (N.I.15), S.I. 1989/2406 (N.I. 20) and S.I. 2003/417 (N.I.4)
(**2**) 2003/417 (N.I.4)
(**3**) 2003/431 (N.I.9)

Prohibition of Employment

3. These Regulations prohibit the employment or further employment of a teacher or a person to whom Article 88A of the 1986 Order applies on the grounds that he is included in the list mentioned in regulation 4 or he is automatically prohibited on any of the grounds mentioned in regulation 8.

Duty to Keep a List

4.—(1) The Department shall keep a list of persons who are considered unsuitable to teach or to work with children.

(2) A person shall not be included in the list except in accordance with these Regulations.

(3) The Department may at any time remove a person from the list if it is satisfied that he should not have been included in it.

Decision to Include on List

5.—(1) Where it appears to the Department that a person has been dismissed from employment on the grounds of misconduct, or has resigned, retired or been made redundant in circumstances such that his employer would have dismissed him, or would have considered dismissing him, on such grounds if he had not resigned retired or been made redundant, the Department shall decide if he should be prohibited from teaching or working with children.

(2) Where the Department decides under paragraph (1) to prohibit a person from teaching or working with children, it shall include him on the list mentioned in regulation 4.

(3) The Department shall notify the person concerned of the outcome of the decision made under paragraph (1).

Representations, Evidence and Information

6.—(1) Where the Department is considering making a decision under regulation 5, it shall—

(a) afford the person concerned the opportunity to make representations or submit evidence to it within 21 days of the date on which notice of that opportunity is served on the person concerned; or

(b) where it is satisfied that the person had good reason not to make such representations or submit evidence within that period, allow such further period, as it considers reasonable.

(2) The Department may invite observations from the person's employer on the representations or evidence received under paragraph (1)(a).

7. Where the Department—

(a) has considered—

(i) the representations made or evidence submitted by the person concerned;

(ii) any observations from his employer; and

(iii) any other information that it considers relevant; and

(b) is of the opinion that the employer reasonably considered the person to be unsuitable to teach or work with children,

the Department shall include him in the list kept under regulation 4.

Automatic Prohibition

8.—(1) This regulation applies in the case a person who—