

Clear guidelines for dealing with charges

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Federation's Professional Support Officers and Industrial/Research Officers are frequently called upon to assist teachers whose careers are called into question.

There is one area in particular where teachers inadvertently run foul of Employee Performance and Conduct (EPAC) provisions: criminal charges and convictions. The expectations on teachers are relatively straightforward and members are encouraged to seek advice from the union's Professional Support section in the first instance.

Even in matters that are completely unrelated to teaching, there is an obligation under the Teaching Service Act to

inform the Department when charged with a serious offence. A serious offence is one that carries a sentence of 12 months or more imprisonment. Most teachers would be surprised to know just what offences carry such a penalty. For instance, some drink-driving offences, common assault (where no actual bodily harm occurs) and receiving stolen goods are all viewed as serious offences.

Even if ultimately found not guilty in relation to the charge, EPAC will deal with failing to report as misconduct for the teacher in question.

While teachers get an opportunity to respond to the matter and

Federation's Professional Support Officers provide advice about the best way to do so in the circumstances, it is highly likely the Department will still take action against the teacher.

Another area that comes to the attention of Federation Officers is when teachers are found guilty of a serious offence and EPAC deals with this as a matter of misconduct. There are examples where teachers who have been shocked to find EPAC are looking into criminal matters they thought were resolved in their favour.

This occurs when there is a guilty verdict, but the conviction is dismissed or discharged under section 10 of the Crimes (Sentencing Procedure) Act.

Unfortunately, a dismissed or discharged conviction is treated in the same way as if a sentence had been imposed by the court.

Some criminal solicitors are unaware of the obligations teachers have under the Teaching Service Act. This is why it is important that teachers are aware that these obligations exist so they can protect themselves.

Advice is always available from Professional Support section if teachers have any queries about these matters.

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