



**AN BILLE OIDEACHAIS (LEASÚ), 2012
EDUCATION (AMENDMENT) BILL 2012**

EXPLANATORY AND FINANCIAL MEMORANDUM

Introduction

This Bill provides for the amendment of the Education Act 1998 and the amendment of the Teaching Council Act 2001 in relation to a number of education matters: clarification on the delivery of speech therapy services to students; the abolition of the Educational Disadvantage Committee; provision that procedures for the appointment, suspension, dismissal and remuneration of teachers and other staff will be put in place following consultation rather than requiring agreement; arrangements for the employment, in certain exceptional and limited circumstances, of persons who are not registered teachers under the Teaching Council Act 2001, and provision for the Teaching Council to make regulations to apply certain conditions to the renewal of registration of teachers. The Bill provides for the repeal of the Scientific and Technological Education (Investment) Fund Act 1997 and the Scientific and Technological Education (Investment) Fund (Amendment) Act 1998, and also provides for other related matters.

Main Provisions

Section 1 provides for the short title, and collective citations of the Bill.

Section 2 contains the definitions of certain terms as they apply in the Bill.

Section 3 provides that the expenses incurred by the Minister for Education and Skills in the administration of the legislation shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Section 4 provides for three amendments to the definitions contained in section 2(1) of the Education Act 1998.

Section 5 provides for a technical amendment of section 7 of the Education Act 1998 consequent to the provision in section 4 of the Bill for the amendment of the definition of ‘support services’ in section 2 of the Education Act 1998.

Section 6 provides for a revised text of sections 23 and 24 of the Education Act 1998 to provide for the suspension and dismissal of teachers, including principal teachers and other staff in accordance with procedures put in place by the Minister following consultation with the education partners and also to remove appointment procedures from the requirement for agreement. This section also makes provision for the employment, in certain exceptional and limited circumstances, of persons who are not registered teachers under the Teaching Council Act 2001.

Section 7 provides for the repeal of section 32 of the Education Act 1998 and will have the effect of abolishing the Educational Disadvantage Committee.

Section 8 provides for a technical amendment of section 30 of the Teaching Council Act 2001, which is consequential to the amendment of section 24 of the 1998 Act provided for in section 6 of the Bill.

Section 9 provides for the amendment of section 33 of the Teaching Council Act 2001. It provides that the Teaching Council may make regulations for the purposes of renewal of registration which may provide for the form and manner in which an application for renewal is made; the documentary and other evidence required to be submitted with the application; and the conditions for renewal of registration, including completion of programmes of continuing education and training, evidence of character and teaching experience

Section 10 provides for the amendment of section 38 of the Teaching Council Act 2001 to clarify the fact that the Teaching Council may accredit programmes of teacher education and training provided by institutions of higher education and training, where it is appropriate to do so.

Section 11 provides for the repeal of the Scientific and Technological Education (Investment) Fund Act 1997 and the Scientific and Technological Education (Investment) Fund (Amendment) Act 1998 as the fund has now been fully spent.

Financial implications of the Bill

There will be no direct costs to the Exchequer arising from this Bill.

The amendment of section 2 of the Education Act 1998 will not give rise to Exchequer expenditure over and above that normally associated with the provision of speech therapy services.

There will be no direct costs arising from the substitution of sections 23 and 24 of the Education Act 1998. The new provisions in section 24 in relation to redeployment are for the purpose of ensuring there is statutory certainty in relation to any arrangements that are put in place to ensure that teachers surplus in schools can be redeployed to other schools. Effective redeployment is essential in meeting budgetary targets on pay expenditure and the undertakings given under the EU/IMF arrangements. The provisions in relation to the employment in certain exceptional circumstances, of unregistered teachers, will not give rise to Exchequer expenditure over and above that normally associated with the payroll costs of schools.

There will be no cost in relation to the abolition of the Educational Disadvantage Committee.

No immediate costs arise from the amendment of section 33 of the Teaching Council Act 2001. This is an enabling provision to allow that Council to apply conditionality on teachers at point of renewal of registration. The imposition of any conditions, by means of regulations made by the Council, would require the consent of the Minister.

There will be no cost in relation to the amendment of Section 38 of the Teaching Council Act 2001, which serves to clarify the Council's function in accrediting teacher education programmes, where it is appropriate to do so.

There will be no direct costs to the Exchequer arising from the repeal of the Scientific and Technological Education (Investment) Fund Act 1997 and the Scientific and Technological Education (Investment) Fund (Amendment) Act 1998 as they are being repealed in order to end the requirement for the production of annual reports and accounts for a fund which is fully expended.

*Department of Education and Skills,
January, 2012.*