



# **Draft Public Services Reform (General Teaching Council for Scotland) Order 2011**

**ATL's response to the  
Scottish Government's  
consultation document**

**22 November 2010**

The Association of Teachers and Lecturers (ATL), as a leading education union, recognise the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members. We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members – teachers, lecturers, headteachers, support staff and students – are empowered to get active locally and nationally.

ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU), European Trade Union Committee for Education (ETUCE) and Education International (EI). The union is a member of the Social Partnership – working with the UK Government, employers and other unions on education issues. ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

## **Introduction**

ATL welcomes the opportunity to comment on the Draft Public Services Reform (General Teaching Council for Scotland) Order 2011. We are pleased to see that several of the recommendations made in our submission to the consultation on *Towards an independent general teaching council: a consultation on the future status of the GTCS* have been adopted by the Scottish Government.

## **Comments on provisions of the Draft Order**

### Draft Article 6 – General Functions of GTCS

ATL is content with the general functions of the GTCS as set out in the draft Order.

### Draft Article 20 – Registration Fees

We hope that the potential changes to the collection of registration fees will not result in any administrative costs incurred by employers being passed onto members.

### Draft Article 26 – Register of Other Education Professionals

We understand the rationale at this stage of the process towards its independence for giving the GTCS the powers to keep a register of other individuals working in educational settings. We do not see however an appetite for such registers to come into operation at this moment in time.

### Drafts Article 29 and 30 – Teaching Qualifications

We note that the current arrangements remain unchanged within the draft Order.

### Draft Article 31 – Re-accreditation

We acknowledged in our consultation response to *Towards an independent general teaching council: a consultation on the future status of the GTCS* that it could be argued that the logical conclusion to teacher professionalism is a professional re-accreditation scheme. We did not believe then, nor do we believe now, that neither the timing nor the environment is right for such a scheme to be introduced.

ATL does not believe that this flawed initiative, driven by political dogma and a desire to be seen to be tough on 'bad' teachers, will improve Scottish schools. Instead it will serve to distract attention from genuine questions surrounding attainment and achievement. After all, a transparent system already exists to deal with sustained failure by individual teachers to meet the *Standards for Full Registration*.

ATL sincerely hopes that out of the Donaldson Review we will see an enhanced Professional Review and Development system which commands the confidence of the whole teaching profession. Only from such a starting point can the professional accreditation of teachers begin to be discussed.

#### Draft Schedule 2 – GTCS Membership

ATL welcomes the reduced size of the new Council, whilst retaining a majority of democratically elected members, something we previously argues for. Good governance suggested that an independent Council should be smaller in size than currently, however we recognised the difficulties this may cause in the fulfilment of duties in our submission response to *Towards an independent general teaching council: a consultation on the future status of the GTCS*.

We further welcome the adoption of another one of our submission recommendations that some members of the Council only serve for an initial term of office of two years.

We would request clarity however regarding the provision for the Council to remove members, if amongst other criteria, the member "is incapacitated by physical or mental illness". What does the Scottish Government mean by 'incapacitated by physical or mental illness'. To what extent and how long should someone be 'incapacitated' before they are removed? Who would make that judgement? It is not our intention to prevent the Council from fulfilling its duties however we believe this provision warrants serious examination in order to avoid doubt, provide clarity and transparency and most of all ensure it will not be in breach of relevant legislation.

#### Draft Schedule 3 – Further provision relating to the GTCS

ATL is pleased to see that its recommendation for a Committee appointments system has been adopted by the Scottish Government. We support the provision contained within the Draft Order for the GTCS to continue to be accountable to the Scottish Parliament. We also welcome the provisions for the GTCS to publish its Annual Report, Strategic Plan and Diversity Action Plan.

#### Draft Schedule 4 – Fitness to teach

ATL recognises that the previous arrangements where an individual could only be removed from the register or no action was to be taken did not necessarily lead to greater public confidence in the profession. As such we note the new provisions within the draft Order that gives the GTCS increased flexibility to deal with the way it handles competency cases by 'imposing conditions of registration on an individual'.

We also note the new duty on employers, contained within draft article 25, to report misconduct or incompetence of an individual to the GTCS where that individual resigns or otherwise stops working for that employer in circumstances which would or might have resulted in their dismissal. We understand the Scottish Government's intention within this draft article to close a current loop-hole but would stress our concern however that the proper processes are followed and that such a duty should not lead to a pre-judgement of the individual's circumstances.

**This submission was prepared on behalf of  
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