

**Draft Public Services Reform (General Teaching Council for Scotland)
Order 2011
ATL Scotland's response to the
Scottish Government consultation document
10 January 2011**

ATL, the education union

ATL, as a leading education union, recognises 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). ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

Introduction

ATL Scotland welcomes the opportunity to comment on the revised draft Order. We will concentrate on the Key changes to the Order as outlined in Annex B of the letter of 15 December from Michael Kellet, Deputy Director, Schools: People and Places Division. We believe that on the whole the amendments are to be welcomed in respect of clarifying the intentions contained within the Order.

Substantive issues

Article 31, GTCS duty to make re-accreditation scheme

We would refer the Scottish Government to our original submission of 22 November 2010 in respect of the consultation on the first draft Order with reference to Article 31. We have not viewed any subsequent information on the proposed re-accreditation scheme which at this juncture would lead us to change our policy position on such a scheme.

Schedule 4, Fitness to teach: further provision

We note that a third sub-clause has been added to 1(2a) giving the Council powers to "cancel an individual's provisional registration following an investigation of the individual's fitness to teach". Whilst this may be a simple tidying up exercise we believe it a significant enough amendment for it to have been raised within the Key Changes document circulated to stakeholders. We would otherwise refer the Scottish Government to our original submission of 22 November 2010 in respect of the consultation on the first draft Order with reference to Schedule 4.

Key Changes to the Order

Article 3, Definition of "teacher"

We are content with this amendment.

Article 13/25, Insertion of "to work in an educational establishment"

We are content with this amendment.

Article 19, Insertion of "on being notified"

We are content with this amendment.

Articles 21 (and also 15(3), 23(b) and 24(5), Renaming of "Temporary Suspension" to "Temporary Restriction"

We remain to be convinced that "Temporary Restriction" better describes the power than the current definition of "Temporary Suspension". Further examples of what the various options open to the Council in relation to this power and how restriction is a more appropriate definition would be welcomed.

Article 23, Inclusion of PVG barred lists within the provision

We are content with this amendment.

Article 23, Deletion of the requirement on the GTCS to provide the notice to an employer

We are content with this amendment.

Article 23, no requirement to issue a notice of removal from the register under article 22

We are content with this amendment.

Article 24, No appeal to Court of Session

We are content with this amendment.

Article 31, Deletion of GTCS power increase requirements on teacher's employers

We are content with this amendment.

Schedule 2, Paragraph 3(b), Inclusion of requirement to consult with institutions providing teaching qualifications

We are content with this amendment.

Schedule 2, Paragraph 7(d), Deletion of "incapacitated by physical or mental illness"

We welcome this amendment, having raised this issue during the original consultation period.

Schedule 3, Paragraph 11, restriction of ability to delegate GTCS functions

We are content with this amendment.

Schedule 4, Paragraph 2(2), clarification that hearings relating to cancelling provisional entries on the register may be generally held in private

We are content with this amendment.

Schedules 6 and 7, Insertion of additional minor and consequential amendments (s.6) and additional repeals and revocations (s.7)

We are content with these amendments.