

EAST AYRSHIRE COUNCIL

JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF – 12 FEBRUARY 2009

JNCT CIRCULAR 16: GUIDELINES ON THE IMPLEMENTATION OF GTC CODE OF CONDUCT ON TEACHER COMPETENCE

Report by Executive Director of Educational and Social Services

1. PURPOSE

- 1.1** The purpose of the report is to ask the Joint Negotiating Committee to approve the Guidelines on the Implementation of the GTC Code of Conduct on Teacher Competence.

2. BACKGROUND

- 2.1** The General Teaching Council for Scotland (GTCs) has, in consultation with education authorities, teachers, professional associations and other interested bodies designed a code of competence for classroom teachers titled the 'Standard for Full Registration' (SFR). In addition, a 'Standard for Headship' (SFH) has also been drawn up which recognises the additional responsibilities of leadership and management for senior staff. As a Council we have devised guidelines to implement this policy.

3. PROPOSAL

- 3.1** The proposed Guidelines on the Implementation of the GTC Code of Conduct on Teacher Competence is attached as Appendix 1.

4 POLICY / FINANCIAL/COMMUNITY PLANNING/RISK IMPLICATIONS

- 4.1** None

5 RECOMMENDATIONS

- 5.1** It is recommended that Members:-

- (i)** agree the attached Guidelines on the Implementation of the GTC Code of Conduct on Teacher Competence.
- (ii)** otherwise note the contents of the report.

Graham Short
Executive Director of Educational and Social Services

AS/KG
2 February 2009

Members requiring further information should contact Andrew Sutherland, Head of Service: Schools (01563) 576126

LIST OF BACKGROUND PAPERS

Nil

Implementation Officer: Andrew Sutherland, Head of Service: Schools

EAST AYRSHIRE COUNCIL

DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES

**GUIDELINES ON THE IMPLEMENTATION OF
GTCs CODE OF CONDUCT ON TEACHER COMPETENCE**

1. BACKGROUND AND RELEVANCE

- 1.1 The 1980 Education Act (Scotland) gives education authorities the responsibility to ensure that they provide adequate and efficient provision of school education for learners (1980 Act, Part 1A). The Standards in Scotland (Schools) Act 2000 reinforces the responsibility of the education authority 'to secure improvement in the quality of school education which is provided in the schools managed by them' (Section 3 Part 1). 'A Teaching profession for the 21st Century' recognised 'the central role that teachers play in the quality and effectiveness of learning in school and the importance of the critical relationship between teacher and pupil'. The General Teaching Council for Scotland (GTCs) has, in consultation with education authorities, teachers, professional associations and other interested bodies designed a code of competence for classroom teachers titled the 'Standard for Full Registration' (SFR). In addition, a 'Standard for Headship' (SFH) has also been drawn up which recognises the additional responsibilities of leadership and management for senior staff.

It is therefore incumbent upon East Ayrshire Council to ensure that teachers and school managers are competent to deliver a high quality of education in its schools. This policy describes the steps to be taken to support the standards required in teaching competence and also, the administrative/ managerial and leadership competence required for those in promoted posts. It applies to fully registered teachers and other staff whose conditions of employment are linked to SNCT guidelines. It does not apply to teachers on their probationary year of training. Please note that the term 'teacher' will be used generically throughout this policy to cover staff bound by SNCT terms and conditions.

2. GENERAL

- 2.1 Under-performance will be identified through the appropriate School/Authority Quality Assurance procedures and addressed immediately. The benchmark for under-performance is the SFR. Initially any issues of under-performance should be dealt with using the Informal procedure below. Where completing the Informal procedure does not result in improvement to a satisfactory level of performance, the Support stage may be implemented. Neither the Informal nor the Support stage constitutes part of East Ayrshire Council's Disciplinary Policy for teachers, although these issues may form part of further management of the matters under the disciplinary procedures (Circular 8- SNCT 18). Where completion of the Support stage does not result in the required improvement, the Formal stage, which consists of Disciplinary proceedings as per the above circular, will be applied.

- 2.2 East Ayrshire Council has a Professional Review and Development Scheme (PRD) for all of its teachers and school managers. The purpose of the PRD scheme is to support and develop teachers professionally, using the SFR and SFH as benchmarks, by discussing and agreeing professional development priorities; it is not a formal appraisal system and its function is therefore separate from this policy. In addition, it is inappropriate to wait for an annual review meeting to discuss underperformance where evidence from 2.1 already exists. There may be a rare occasion however where, through the PRD process, underperformance becomes evident. On such rare occasions improvement strategies would be identified and monitored as described in this policy.
- 2.3 At all stages, those providing advice, guidance and support should consider whether it is improvement by the teacher or adjustment to the post that is required. If it is adjustment to the post then additional support, for example, term teaching, should be established to give the teacher time and support to adjust as necessary.
- 2.4 A teacher who feels that the procedure is being or has been applied to him/ her unfairly may initiate East Ayrshire Council's Grievance Procedure.

3. RIGHT TO BE REPRESENTED

- 3.1 Employees may be represented by a colleague or trade union representative at any stage of the procedure. This includes the informal stage.

Representative

A colleague/union representative representing an employee may:

- a) Put the employee's case to the hearing
- b) Respond on behalf of the employee to any views expressed at the hearing
- c) Ask questions
- d) Confer privately with the employee during the hearing
- e) Answer questions on the employee's behalf if the employee so wishes.

When Representing

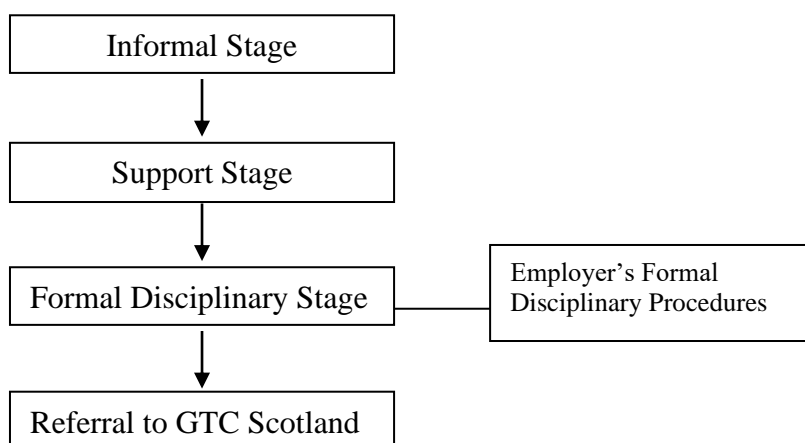
- a) An employee representing a colleague will be released from normal duties to attend the meeting, to conduct discussions with the colleague immediately before and after the meeting, and, if required, to familiarise him/herself with the issues. Travel costs may be claimed by those accompanying or representing a colleague.
- 3.2 There is no obligation on any employee to represent a colleague when asked to do so.
- 3.3 No employee will be disadvantaged because he/she has represented a colleague, or because he/she has declined to do so.
- 3.4 A decision on whether to agree to represent or not should be given as promptly as possible.

4. IDENTIFICATION OF UNDER-PERFORMANCE OF AN UNPROMOTED MEMBER OF STAFF

- 4.1 Under-performance will be identified through the appropriate School's QA procedures, by the Principal Teacher or School Management Team link person, or by the Head Teacher. An individual must meet the Standard for Full Registration in order to become a fully GTC-registered teacher. Under-performance is therefore defined as a failure to maintain the level defined in the Standard, which is reproduced at the foot of this procedure. For those in promoted posts, under-performance in administrative/ managerial responsibilities will also be addressed under this procedure. In the case of Head Teachers, the Standard for Headship will be used as a benchmark for performance. For the purposes of this policy the expression 'teacher' will be used as a generic term which may include promoted members of staff or any other member of staff covered by SNCT guidelines, e.g. educational psychologists or advisors.

5. PROCEDURES FOR DEALING WITH UNDER-PERFORMANCE

- 5.1 The procedures assume that a teacher has been performing at a competent level up to the point at which underperformance is identified (unless the contrary has been identified previously).
- 5.2 it is recognised that under-performance may be caused by many different factors such as illness, personal circumstances, lack of understanding of current methodology, loss of confidence or external factors beyond the control of the teacher. Consequently, in stages 1 and 2 of the procedure under-performance is addressed informally.
- 5.3 Where undertaking stages 1 and 2 is unsuccessful, stage 3 (disciplinary) is implemented. By this stage, although support and guidance and professional development opportunities have been offered to the teacher, this has not resulted in the teacher regaining the level defined in the Standard for Full Registration, or additional administrative, managerial, or leadership standards as defined for promoted posts. Stage 4 (referral to GTC Scotland) may follow.



- 5.4 Generally, Stages 1A and 1B below are conducted by senior colleagues (the immediate line manager or link person) and the Head Teacher conducts Stages 1C, 2A, 2B and 2C and prepares and presents the case at Stage 3. Where, however, the underperformer is a Depute Head Teacher or the Head Teacher is the only promoted member of staff, the Head Teacher will conduct Stages 1A and 1B and the appropriate Quality Improvement Officer will conduct Stages 1C, 2A, 2B, and 2C, and present the case in Stage 3. Where the under-performer is a Head Teacher, the link Quality Improvement Officer will lead the process at stages 1A and 1B and the Head of Service: Schools will lead at 1C, 2A, 2B and 2C and present the case in Stage 3. In the case of Educational Psychologists, the Principal Psychologist will lead steps 1A and 1B and the Head of Service: Community Support will lead the process at stages 1C, 2A, 2B and 2C and present the case in Stage 3.

6. STAGE 1 - INFORMAL

Stage 1A – Initial Meeting

- 6.1 In the first instance the immediate line manager (PT) or link person (as appropriate) will arrange to meet the teacher to informally discuss the identified area(s) of under-performance. Seven days notice should be given.
- 6.2 The teacher if s/he requests has the right to bring a colleague or Union representative to represent her/him at the meeting. If required, the date and time of the meeting should to be changed to accommodate attendance by the teacher's companion.
- 6.3 The meeting location should be selected to ensure confidentiality and freedom from interruptions.
- 6.4 The purpose of the meeting is:
- To clarify the level of performance required by the Standard for Full Registration (or other standards as agreed for promoted staff)
 - To identify the performance gap
 - To discuss identified area(s) of under-performance, and cause(s)
 - To identify possible improvement strategies
 - To allow the senior colleague(s) to offer advice and guidance to support improvement
 - To determine a course of action designed to enable the teacher to reach the required standard. The performance gap and the action(s) designed to rectify it should be put in writing and a copy retained by the teacher and by the senior colleague(s)
 - To agree the length of time within which it is reasonable to expect the required improvement(s) to be made, and set a date for a review meeting at the end of this period. Interim meetings should also be scheduled as appropriate.
- 6.5 The meeting should be as open as possible and the atmosphere should be one of support and encouragement not of censure.

- 6.6 The teacher should be encouraged to participate fully in identifying the causes of the under-performance and suggesting possible remedies. Depending on the perceived causes, the suggested improvement strategies may require action on the part of others besides the teacher.
- 6.7 Additionally the teacher may refer to the senior colleague(s) at any time to arrange an interim meeting should a difficulty arise. An interim meeting may result in an adjustment of the action plan and/ or the time period set for reaching the required standard.
- 6.8 If the performance problems are related to matters outside of work then the teacher should be encouraged to seek the appropriate help or services to enable the causes to be dealt with. The Employee Counselling Service (Circular PER 13/06) (Tel 0800 389 7851) made available by the Council should be considered.

7. STAGE 1B – REVIEW MEETING

- 7.1 The review meeting will be held as agreed in stage 1A. The teacher and the senior colleague(s) involved in stage 1A will attend.
- 7.2 The purpose of the review meeting is:
- To review progress since the initial meeting and discuss current performance
 - To discuss any difficulties encountered in implementing the course of action determined at stage 1A
 - To determine whether the required improvements have been made
- 7.3 The teacher has the right to bring a colleague or Union representative to represent him/her at the meeting.
- 7.4. At the conclusion of the discussions a decision will be communicated to the teacher whether the required standard has been reached within 7 working days. This will advise the teacher of one of the following outcomes. (Please note the general variations of the case may influence the time taken to report back):

Outcome 1

Where improvements have been made to the required standard, no further action will be taken.

The decision will be confirmed to the teacher in writing, in no more than 7 calendar days.

Outcome 2

Where improvements have not been made to the required standard, the teacher should be informed of the reasons for this decision and that the matter will be referred to the head teacher, or appropriate line manager, who will consider what further support should be given and also whether the second stage of the procedure should be implemented.

8. STAGE 1C – HEAD TEACHER’S (OR DIRECTORATE¹, WHERE APPROPRIATE) DECISION

8.1. The Head Teacher’s decision will be based on the documented evidence from previous Stages, together with meetings with all parties involved. The Head teacher will be responsible for convening these meetings.

8.2. The Head Teacher will decide on one of the following outcomes:

Outcome 1

Performance is of the required standard, and no further action will be taken.

Outcome 2

Performance is not of the required standard, however further support, guidance and professional development opportunities are thought sufficient to remedy the situation.

Outcome 3

Performance is not of the required standard, and the second stage of the procedure will be implemented.

8.3. The teacher will be informed of the head teacher’s decision and the underpinning reasons in writing, no more than 7 calendar days from the meeting.

9. STAGE 2 – SUPPORT

9.1 Stage 2A – Support Meeting

The Head Teacher will hold a meeting with the teacher to discuss the underperformance issue. Seven days notice should be given in writing, along with a brief note of the issues to be discussed.

9.2 The teacher has the right to bring a colleague or Union representative to represent him/her at the meeting.

9.3 The meeting location should be selected to ensure confidentiality and freedom from interruptions.

9.4. The purpose of the meeting is:

- To review the issues which have been raised at stage 1
- To confirm to the teacher the specific aspects of the Standard for Full Registration which are to be addressed
- To clarify the areas of underperformance, and identify the performance gap
- For the Head Teacher to advise of the support mechanisms and professional development opportunities available
- For the teacher to suggest forms of support or professional development which s/he would find helpful

¹ Please note the Quality Improvement Officers have been subsumed under the title of Directorate for the purpose of this paper.

- To agree the way ahead, and the appropriate support/ professional development opportunities to be provided
- To agree the length of time within which it is reasonable to expect the required improvement(s) to be made, and set dates for an Interim Review meeting and a Final Review.

9.5. Sympathetic consideration should be given to all reasonable requests made by the teacher, who should be encouraged to address the issues openly.

9.6. The Head Teacher will confirm the following details to the teacher in writing, issuing an action plan template no more than 7 calendar days after the meeting:

- The improvements to be made
- The support mechanisms and professional development package to be provided
- Confirmation of the review dates

The teacher during the period of the process may refer to the Head Teacher at any time should a difficulty arise.

9.7 Various types of support should be made available to the teacher at this stage. These may include, *inter alia*, peer support; regular one to one meetings with a mentor; classroom observation support; training courses; opportunity to witness good practice within the establishment; open door access to a line manager or colleague; regular updates on progress being made on agreed short term targets.

10. STAGE 2B – THE INTERIM REVIEW

10.1. The purpose of the Interim Review is to discuss progress on the action plan determined in stage 2A. The teacher and head teacher should raise any concerns. The interim review may result in an adjustment of the action plan and/ or the time period set for reaching the required standard.

10.2. The teacher has the right to bring a colleague or Union representative to represent him/her at the meeting.

11. STAGE 2C – THE FINAL REVIEW

11.1. The Final Review meeting will be held as agreed in stage 2A.

The purpose of the review meeting is:

- To review progress since the initial meeting and discuss current performance
- To discuss any difficulties encountered in implementing the action plan
- To determine whether the required improvements have been made

11.2. The teacher has the right to bring a colleague or Union representative to represent him/her at the meeting.

- 11.3. At the conclusion of the discussions a decision will be communicated within 7 days whether the required standard has been reached. This will advise the teacher of the decision, which will be one of the following 'outcomes':

Outcome 1

Where improvements have been achieved to the required standard, no further action will be taken. The proceedings will be deemed to be complete. The decision will be confirmed to the teacher in writing, in no more than 7 calendar days.

Outcome 2

Where improvements have not been achieved to the required standard, the teacher will be informed that formal disciplinary procedures will be implemented (unless Outcome 3 applies). This decision and the underlying reasons will be confirmed to the teacher in writing, in no more than 7 calendar days. The teacher will also be advised of her/his right to be represented at stages 3 and 4.

Outcome 3

Where improvements have not been achieved to the required standard because of difficulties encountered in implementing the agreed action plan, any outstanding difficulties should be resolved and an amended date for a Final Review meeting should be agreed.

12. STAGE 3 – DISCIPLINARY

- 12.1 An underperformance issue that has reached Stage 3 is considered to be one of long-running underperformance, and will be addressed under East Ayrshire Council's Disciplinary Policy for teachers (Circular 8 – Annex to SNCT 18).

13. STAGE 4 – REFERRAL TO THE GENERAL TEACHING COUNCIL FOR SCOTLAND

- 13.1. Referral to the GTCs will take place *only* in connection with teaching competence, *not* administrative/ managerial competence or other reasons eg absence.
- 13.2. Cases will be referred to the GTCs as appropriate under the terms of Section 9b of the Teaching Council (Scotland) Act 1965 (as amended), i.e. where a case culminates in:
- The dismissal of the teacher
 - The resignation of the teacher in the context of a possible dismissal
- 13.3. In such cases relevant information from the Disciplinary stage will be sent to the GTC.
- 13.4. Information relating to the GTC's procedures for dealing with such cases can be found in the GTC's Code of Practice on the Exercise of its Disciplinary Functions and in the Conduct, Competence and Disciplinary Rules.

AS/E'ON
2 February 2009

EXTRACT FROM THE GENERAL TEACHING COUNCIL FOR SCOTLAND'S CODE OF PRACTICE ON TEACHER COMPETENCE

Definition of Teacher Competence

Teacher competence is described in terms of the SFR (*Standard for Full Registration*) and applies to teachers who have gained full registration with the General Teaching Council for Scotland.

The Standard describes the:

- professional knowledge and understanding
- professional skills and abilities
- professional values and personal commitment

which all fully registered teachers should be able to demonstrate in their professional activities.

Professional Knowledge and Understanding

Registered teachers:

- (a) have detailed knowledge and understanding of the relevant areas of the pre-school, primary or secondary school curriculum;
- (b) have sufficient knowledge and understanding to fulfill their responsibilities for literacy and numeracy; personal, social and health education; and ICT. (As appropriate to the sector and stage of development.);
- (c) understand the nature of the curriculum and its development;
- (d) have sufficient knowledge and understanding to meet their responsibilities to teach cross curricular aspects;
- (e) have a broad, critical understanding of the principal features of the education system, educational policy and practice, and of their part in it;
- (f) have detailed working knowledge of their sector, of the school(s) in which they teach, and of their professional responsibilities within them;
- (g) can articulate their professional values and practices and relate them to theoretical principles and perspectives;
- (h) have research-based knowledge relating to learning and teaching and a critical appreciation of the contribution of research to education in general.

Professional Skills and Abilities:

Registered teachers:

- (a) are able to plan coherent and progressive teaching programmes which match their pupils' needs and abilities, and they can justify what they teach;
- (b) communicate clearly, making skilful use of a variety of media, and interact productively with pupils, individually and collectively;
- (c) use a range of teaching strategies and resources which they can evaluate and justify in terms of curriculum requirements and of the needs and abilities of their pupils;
- (d) set and maintain expectations and pace of work for all pupils;
- (e) work co-operatively with other professionals and adults;
- (f) organise and manage classes and resources to achieve safe, orderly and purposeful activity;
- (g) manage pupil behaviour and classroom incidents fairly, sensitively and consistently, making sensible use of rewards and sanctions, and seeking and using the advice of colleagues when necessary;
- (h) understand and apply the principles of assessment, recording and reporting;
- (i) use the results of assessment to evaluate and improve their teaching, and the learning and attainment of the children they teach.

Professional Values and Personal Commitment

Registered teachers:

- (a) learn from their experience of practice and from critical evaluation of relevant literature in their professional development;
- (b) convey an understanding of practice and general educational matters in their professional dialogue and communication;
- (c) reflect on and act to improve their own professional practice, contribute to their own professional development, and engage in the process of curriculum development;
- (d) should show in their day-to-day practice a commitment to social justice and inclusion;
- (e) take responsibility for their professional learning and development;
- (f) value, respect and are active partners in the communities in which they work.

