

THE EDUCATIONAL INSTITUTE OF SCOTLAND

Consultation on the Draft Public Services Reform (General Teaching Council for Scotland) Order 2011

EIS Response

The EIS would wish to respond to the Consultation on The Draft Public Services Reform (General Teaching Council for Scotland) Order 2011 as follows:

Draft Article 6 – General Functions of GTCS

The EIS agrees with the terms of the Draft Article including proposed GTCS responsibility for all present and any future teaching standards. Note draft error in 6.(b)(iii) - "(b) to establish ... (iii) to investigate ..." does not make sense.

Draft Article 20 – Registration Fees

The EIS supports the change in administrative arrangements to deduct registration fees from teacher / lecturer salaries. Article 20.(3)(a) is helpful in that it obliges employers to remit to the GTCS fees from salaries (this avoids some issues which arose from the recent closure of a private school in Edinburgh). For further clarification (relating to the same issue), the EIS suggests that Article 22.(2)(a) should be clarified by inserting after "failure" the phrase "by the individual".

Draft Article 26 – Register of Other Education Professionals

The EIS supports the option of opening new parts of the register to allow for the registration of other education professionals. For example, it is EIS policy that Music Instructors working in local authority schools should be eligible for registration with GTCS in a separate category. There are also currently discussions about the possibility of registration of Educational Psychologists. The EIS would wish to discuss this issue with an independent GTCS. The EIS agrees that a criterion for future registration of any category should be to "contribute to improving the quality of teaching and learning". The EIS would wish to be consulted on any proposals on any other categories seeking registration with the GTCS.

In addition, it is long standing policy of the EIS that the GTCS should register suitably qualified lecturers in Further Education. We believe that Government, GTCS and the F.E. sector should work together to move towards compulsory registration of lecturers working within F.E.

Draft Article 29 – Teaching Qualifications: Primary and Secondary Education

The EIS agrees with the proposal that the GTCS should play a lead role in setting entry requirements and approving courses of initial teacher education for the primary and secondary school sectors.

Draft Article 30 – Teaching Qualifications: Further Education

The EIS is concerned that the GTCS role in relation to TQFE is very weak. Scottish Ministers are only required to consult GTCS (F.E. Colleges and others) before setting

arrangements. It is unclear why this section should have such a detailed description of Scottish Ministers' powers in this area given that the Draft Order relates to future functions of GTCS. Note draft error in 30.(5)(iii) - "it" should read "them".

Draft Article 31 – Re-accreditation

The 2010 Annual General Meeting of the EIS approved the following resolution:

"This AGM totally opposes the concept of 'reaccreditation' for teachers and instructs Council to campaign against any move by the GTCS to introduce a 5 year Re-Registration model."

The EIS notes that schemes currently being brought forward by the GTCS differ substantially from "re-licensing" arrangements proposed by the previous Labour Government in England. The EIS notes also that GTCS is looking to bring forward an alternative term to "re-accreditation". The EIS seeks to be involved in future discussions on this developing agenda.

The EIS suggests that in Article 31.(1) "must make" should be deleted and replaced by "may make".

Draft Schedule 2 - GTCS Membership

The EIS has previously been consulted on issues of GTCS membership, including the requirement to make and publish a teacher election scheme and an appointments scheme for members representing the public interest, together with the setting of the term of office for members. The EIS accepts most of the arrangements set out within this Draft Schedule. However, the EIS retains reservations about the holding of elections every 2 years. This is costly and time consuming for GTCS and runs some risk of diminishing levels of participation.

Draft Schedule 3 – Further Provision relating to the GTCS

The EIS has previously been consulted on issues relating to the committee structure of the GTCS and accepts the arrangements set out within this Draft Schedule. The EIS supports powers given in Paragraph 3 to co-opt non-Council members onto committees in order to share the substantial burdens of committee work for elected members of Council. The EIS opposes the remuneration to members of Council as set out in Paragraph 8.(1)(a) as undermining the voluntary nature of participation in GTCS work. However, we note that this is not a requirement but would be a matter for a future GTCS to determine.

Draft Schedule 4 – Fitness to Teach

While the EIS notes the view in the consultative document that the title "fitness to teach" better encompasses the role of GTCS in relation to conduct and competence cases the title may lead to some confusion in relation to local authority policies on capability (i.e. physical fitness). The EIS would prefer another phrase which would avoid ambiguity in application. We suggest "continued suitability to teach".

The EIS broadly welcomes the proposals in Paragraph 1.(2) of Schedule 4. A reprimand or recommendations tied to a specific target which should be drawn from the Standard for Full Registration offers the opportunity for improvement to be made.

However, the EIS has a strong reservation regarding Article 25. The phrase "might have been dismissed" is too loose to be helpful and may lead to referrals when any teacher, under investigation on grounds of conduct or competence leaves an employer for whatever reason. There does require to be some precision on this point. While the intention is to close a perceived loophole there may be a danger of cases being referred to the GTCS too early. While, from the outset, an employer will be able to form a view on whether a conduct issue may constitute gross misconduct the potential outcome is less clear when dealing with issues of competence. There is a likelihood that Councils may refer any teacher who leaves employment if that teacher is at any stage whatsoever in the Procedures for Dealing with Under Performance set out in the GTCS Code of Practice on Teacher Competence. Paragraph 14 of the Commentary on the Draft Order stresses the flexibility that can benefit teachers who can reach the Standard by meeting a number of steps. Too early referral would be both bureaucratic and cut across the early stages of the Code of Competence procedures which are built upon support and development. An employer's referral should be limited to circumstances where a teacher resigns or otherwise abandons a post in the late stages of Stage 2 before a Final Review meeting or before Stage 3 of the Code of Competence if disciplinary action cannot be taken and where there is a reasonable likelihood that the teacher would have been dismissed. The EIS accepts that the Code of Competence may be subject to revision over time and the point we raise is better contained in guidance notes.

The EIS regrets the final sentence of this section of the Commentary on the Draft Order. It implies there is a significant cohort of teachers deliberately evading competence procedures. The EIS questions whether there is evidence to support this assertion. It is the responsibility of employers to seek references from previous employers where performance concerns will be properly recorded. This would prevent any serial escape from the consequence of competence procedures.
