

General Teaching Council for Scotland (GTC Scotland) submission of 13 March 2023

PE1979/P: Establish an independent inquiry and an independent national whistleblowing officer to investigate concerns about the alleged mishandling of child safeguarding enquiries by public bodies

GTC Scotland welcomes the opportunity to respond to Petition 1979.

We are the teaching profession's independent registration and regulation body.

We care deeply about the safety of children - our communities place their trust in teachers, and we work to maintain that trust.

What we do

GTC Scotland was established in 1965 following calls from teachers for a body to ensure teacher standards.

We keep a public register of teachers and set and uphold the high standards teachers in Scotland must meet to enter and remain in the teaching profession.

There are over 81,000 teachers on our Register.

We are independent from government. Our work is funded by the fee that teachers pay. What we do and how we are governed is set in legislation.

Role in child protection

Roles in child protection and safeguarding in education must be rigorous, transparent and understood.

As the Committee has discussed, it's a busy landscape involving Police Scotland, Disclosure Scotland, councils and others. GTC Scotland works collaboratively with all involved, however we have been advocating for some time that improvements can be made.

Our regulatory role

Our communities place a high degree of trust in teachers. They rely on teachers to interpret what is right and wrong, keep children safe and be positive role models. Scotland's teaching profession sets high standards for itself for this reason.

Our Fitness to Teach (FTT) process exists to maintain trust in teaching. It is about determining who belongs and does not belong within the teaching profession.

GTC Scotland's regulatory role means that we respond to concerns raised with us about teachers.

GTC Scotland undertakes thorough investigations, involving evidence gathering and hearings. There is an opportunity to appeal against a decision to the Court of Session.

We remove teachers from our Register who present a real risk of harm. Removal means an individual cannot be legally employed as a teacher in a Scottish school.

We inform local authorities and Police Scotland of teacher child protection concerns because they are the key agencies with the legal powers and responsibilities to handle child protection concerns in education. They can ensure teachers are removed from the classroom and manage immediate identified risk.

Local authorities are required by law to make FTT referrals about the teachers they employ in set circumstances. We received 61 referrals from local authorities in 2022.

Disclosure Scotland (DS) can bar people from the children's workforce under the PVG Scheme. We must remove from our Register any teacher who is barred (5 in 2022). We make referrals to DS when risk/harm referral grounds are met.

We also receive referrals from members of the public (53 in 2022).

Our process

FTT is a legal process. It must follow rules and comply with the law.

By law our FTT process must be proportionate, transparent, consistent and targeted only where action is needed. Our process engages human rights.

To justify investigating there must be a real, ongoing risk of harm and no other way to address that risk effectively. This is why concerns about teachers must be raised with the school, local authority and police (where relevant) first. This meets identified best regulatory practice.

We investigate thoroughly. We must gather enough evidence to prove allegations on the balance of probabilities. Our investigation process is independent – we cannot legally rely on the findings of others with limited exceptions (e.g. criminal convictions).

GTC Scotland inform the local authority about a referral - whether we investigate it or not - and inform the Director of Education. We also report referrals to the police as required but given the stage referrals are made to us, they are usually already aware.

Our FTT hearings and final case outcomes are public.

Where we remove a teacher from our Register, they can appeal to the Court of Session.

We are still recovering our process from the impact of Covid-19. We have experienced other challenging factors over recent years too, information sharing particularly. The impact is cases have been taking longer.

Improvement opportunities

We are actively involved in the Scottish Government's work on roles and responsibilities in child protection. The outcome of this work must be an agreed, system-wide data sharing framework and clarity for all on roles and responsibilities. We have proposed that GTC Scotland is included in the National Guidance for Child Protection and believe other bodies should be included too.

We have also raised that national education reform must address the role an inspectorate agency will play in ensuring that education providers do what is required of them.

We are hopeful that the SCAI leads to positive system-wide improvement.

We are a listening and learning organisation. We always look for ways to make our processes as good as they can be.

We are ready to do anything more that we can to help keep children safe.