

DRIVING FORWARD PROFESSIONAL STANDARDS FOR TEACHERS

THE GENERAL
TEACHING COUNCIL
FOR SCOTLAND

Code of Professionalism and Conduct



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About this publication

The information contained in this brochure was correct at the time of publication. GTC Scotland cannot be held responsible for any issues arising from any errors or subsequent changes in requirements.

About GTCS

The General Teaching Council for Scotland is the independent regulatory body which aims to maintain and enhance teaching standards and promote the teaching profession in Scotland.

GTC Scotland aims to promote equality and diversity in all its activities.

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Context

The General Teaching Council for Scotland was established under the Teaching Council (Scotland) Act 1965 as the regulatory body for teachers in Scotland.

The Council has a legal duty to regulate teachers in the public interest and in so doing is accountable to the public and the profession for maintaining standards.

GTC Scotland is not an employer of teachers. However, it is a legal requirement that Scottish local authorities employ only currently registered teachers¹ in their schools.

The vast majority of Scottish independent schools require GTC Scotland

registration as part of a teacher's contract, and many registered teachers also work in Scotland's colleges of further education.

In order to be either provisionally or fully registered with the Council, an individual must reach and maintain certain academic and professional standards of conduct and competence.

This is essential for the safety of children, young people and learners and to ensure high standards and public confidence and trust in teachers and teaching as a profession.

¹See Glossary

The Code – its purpose, scope and status

Purpose

This Code of Professionalism and Conduct (which replaces the Professional Code for Registered Teachers of October 2003) sets out the key principles and values for registered teachers in Scotland.

Within the Council's wider framework of standards, this Code and commentary states not only to the profession but also to members of the public the standard of conduct and competence expected of registered teachers.

The Code of Professionalism and Conduct and commentary does not set out to address every possible circumstance in which teachers might find themselves.

It is, however, intended that teachers are mindful of the Code in relation to the judgements which they will be called upon to make in situations which may occur both within and outwith the classroom.

Although the behaviours described in this Code will be unthinkable to the vast majority of registered teachers and members of the public, GTC Scotland has a duty to identify them so that the boundaries of professional behaviour and conduct are clear.

Scope

This Code applies to registered teachers under the terms of Section 6 of the Teaching Council (Scotland) Act 1965 (as amended) in whatever educational context they may work. Its terms do not apply to any individual who is not a registered teacher or groups or bodies such as parents, pupils or employers.

Status

This is guidance and not a statutory code, so teachers must use their own judgement to apply the principles to the various situations in which they may find themselves. However, teachers must be aware that a serious breach or series of

minor breaches of these principles may result in disciplinary action and may result in any of the sanctions noted.

Teachers should embrace the notion of personal regulation based on common sense and good professional judgement.

Therefore, the Code and its Commentary is not intended to be an exhaustive list of unacceptable or unwise behaviour, but rather it is designed to provide guidance and raise awareness of issues and situations which can potentially arise.



GTC Scotland's regulatory role

The Council has a duty in law to adjudicate complaints concerning any individual registered teacher in connection with:

- (i) Serious professional incompetence²
- (ii) Relevant misconduct³
- (iii) Relevant criminal offence.⁴

² Serious failure to meet or maintain the standard of competence required of a registered teacher as prescribed by the Standard for Full Registration

³ Conduct which falls short of the standard expected of a registered teacher

⁴ An offence other than one having no material relevance to the fitness of the perpetrator to be a registered teacher

Sources of complaint

The Council is required to investigate complaints originating from:

- an employer or former employer
- members of the public⁵
- the Scottish Police Services Authority (SPSA)

- Disclosure Scotland and/or any comparable organisation established by statute.

⁵Members of the public cannot bring complaints in regard to teacher competence

Legislative responsibilities and powers

The Teaching Council (Scotland) Act 1965 states that the principal aims of the Council are:

- (i) to contribute to improving the quality of teaching and learning
- (ii) to maintain and improve teachers' standards of professional competence.

To deliver these aims, the Act allocates the Council a range of responsibilities and powers with regard to teacher professionalism and conduct.



Responsibilities

The Act, as amended to take account of later legislation, requires the Council in the exercise of its functions:

- (i) to have regard to the requirements of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995 (as amended)
- (ii) to have regard to the interests of the public.

Through its committees, the Council is responsible for ensuring that only fit and proper people are employed as teachers in publicly funded schools in Scotland or, where applicable, in Scottish independent schools and colleges of further and/or higher education. It therefore has the responsibility to investigate all cases of alleged misconduct, criminal convictions or incompetence and to act appropriately on the findings of these investigations.

The Act makes it compulsory for the employer of a registered teacher to

notify the Council immediately when the teacher:

- (i) is dismissed on grounds of misconduct or incompetence
- (ii) resigns or abandons her/his position in circumstances where otherwise
 - (s)he would have been dismissed on grounds of misconduct or incompetence or
 - her/his dismissal would have been considered on grounds of misconduct or incompetence or
- (iii) resigns or abandons her/his position, after being informed by the employer that a disciplinary hearing is to be held by the employer in respect of the teacher's alleged misconduct or incompetence.

In such cases, the employer must also provide the Council with an account of the circumstances which led to the dismissal or which were present when the resignation or abandonment took place.

Powers

The Council fulfils its obligations through the Professional Conduct Committee and its two Sub-Committees, the Investigating Sub-Committee and the Disciplinary Sub-Committee. The Professional Conduct Committee formulates and keeps under review the policy of the Council in respect of the professional conduct of teachers and oversees the work of the two Sub-Committees.

Investigation stage

When the Council receives notification of a case where it appears:

- that a registered person may be liable to have her/his name removed from the register; or
- that a person who has applied to be registered may have been convicted of a relevant offence or who may have been guilty of relevant misconduct, either in Scotland or elsewhere.

The Investigating Sub-Committee carries out a preliminary investigation. If the Sub-Committee considers it just to do so, it refers the case to the Disciplinary Sub-Committee.

Disciplinary stage

The Disciplinary Sub-Committee considers cases referred by the Investigating Sub-Committee, and in addition:

- any application for restoration from a teacher who has been removed from the register; and
- any second or subsequent application for registration by a person who has previously been refused registration.

Sanctions

Where, after due process and public hearing, a teacher is found guilty of relevant misconduct, a relevant offence or serious professional incompetence, the Disciplinary Sub-Committee can impose the following sanctions:

- removal from the Register⁶
- Conditional Registration Order
- reprimand.

⁶ In the case of serious professional incompetence, the only sanction available is removal from the Register.

Code of Professionalism and Conduct

1. Professionalism and maintaining trust in the profession

As a registered teacher:

- 1.1 you should have knowledge of and maintain the key principles contained in the Professional Standards, codes and guidance issued by the Council and as they may be reviewed and reissued from time to time
- 1.2 you must maintain appropriate professional boundaries, avoid improper contact or relationships with pupils and respect your unique position of trust as a teacher
- 1.3 you should avoid situations both within and outwith the classroom which could be in breach of the criminal law or may call into question your suitability to be a teacher
- 1.4 you must uphold standards of personal and professional conduct, honesty and integrity so that the public have confidence in you as a teacher and teaching as a profession
- 1.5 you should always be honest and accurate when providing professional information about colleagues or yourself, particularly when applying for posts or in your dealings with the Council and employers
- 1.6 you should maintain an awareness that as a teacher you are a role model to pupils.

Commentary

Parents in particular and the public in general place a very high degree of trust in teachers. Pupils rely upon teachers to interpret what is right and what is wrong.

Teachers are often called upon to make difficult decisions regarding pupils and therefore, in exercising judgement, you

should think very carefully of the implication and potential consequences of the options open to you.

As a teacher, you should also bear in mind how your decision and subsequent action may appear or be interpreted by others not fully aware of all of the circumstances.

Children and young people

Teachers should recognise teacher/pupil boundaries and the negative impact that breaches of these boundaries have upon pupils and the confidence of the public.

With regard to relationships with pupils, you should:

- appreciate fully that the onus is upon you as the teacher and not the pupil to distance yourself from any potentially inappropriate situation
- avoid sexual contact with or remarks towards a pupil regardless of the age of the pupil or apparent consent of the pupil
- be mindful that professional trust can be perceived to extend beyond a pupil's school leaving date; therefore, in situations of this nature, you should exercise great care and professional judgement taking into account all the factors involved
- not attempt to establish an inappropriate relationship with a pupil by means which might include (but are not limited to):
 - communication of a personal nature
 - engaging in inappropriate dialogue through the internet with pupils
 - sending e-mails or text messages to pupils of an inappropriate or personal nature.

As a teacher you must:

- not discuss your own private and personal relationships with pupils and be mindful to maintain an appropriate balance between formality and informality when you are dealing with pupils
- take care to avoid becoming personally involved in pupils' personal affairs
- be aware of the potential dangers of being alone with a pupil in a private or isolated situation, using common sense and professional judgement to avoid circumstances which are, or could be, perceived to be of an inappropriate nature. This is also the case in connection with social networking websites, outwith the school/college setting and in subject areas such as music, physical education and drama
- not by any means or in any circumstances, make, view or access illegal or inappropriate images of children
- exercise extreme caution in connection with contact/web cam internet sites (for example chat rooms, message boards, social networking sites and newsgroups) and avoid inappropriate communication with individuals under 18 or with whom you may be in a position of trust.

School trips and outings

These have an important part to play in school life and can greatly enrich the educational experience of pupils and students taking part.

Physical safety is of prime importance. However, particularly in the residential setting, relationships tend to be less formal and the environment is very different from that at school.

You should not allow yourself to overstep the professional boundaries and remember that the professional standard of behaviour expected of you on an educational outing outwith the structure of the normal school day is no different from that of the professional norm.

Accordingly you should ensure, for example, that you:

- have a full knowledge of and comply with the procedures and guidelines laid down for these activities by your employer and the requirements of health and safety
- are always mindful of the need to maintain a healthy and appropriate balance between formality and informality and avoid situations which are or could be reasonably perceived to be of an inappropriate nature.

Honesty and integrity

As a teacher, you must:

- not engage in criminal behaviour of any kind, especially those related to sex, firearms, misuse of drugs and violence against a person or property or serious public order offences
- be honest and trustworthy, especially avoiding offences such as theft, dishonesty, extortion, fraud or misuse of drugs
- act with integrity when writing references, making declarations or conducting tasks in connection with pupils' examinations and/or assessments
- be conscious that you are a role model and that young people may be strongly influenced by things you may do or say both within or outwith the classroom.

2. Professional responsibilities towards pupils

As a registered teacher:

- 2.1 you must treat pupils equally, fairly and with respect, in line with the law and without discrimination
- 2.2 you must treat sensitive, personal information about pupils with respect and confidentiality and not disclose it unless required to do so by your employer or by law
- 2.3 you must be truthful, honest and fair in relation to information you provide about pupils

- 2.4 you should aim to be a positive role model to pupils and motivate and inspire every pupil to realise his or her full potential
- 2.5 you must maintain an up-to-date knowledge and understanding of, and implement and comply with, child protection procedures as they may currently apply in your workplace
- 2.6 you must raise any concerns which you may have about the behaviour of any colleague in connection with child protection, using the appropriate procedures.

Commentary

- As a teacher, your dealings with learners must not be prejudiced by views about their lifestyle, culture, disability, beliefs, colour, gender, language, sexuality or age.
- You should display a sensitive and positive attitude towards differences among pupils and identify and respond appropriately to pupils with difficulties in, or barriers to, learning. When necessary, you should seek advice in relation to their additional support needs.
- You should identify and respond appropriately to indicators of pupils' wellbeing and welfare including bullying and discrimination, ensuring that pupils' initiative and independent learning are encouraged and nurtured.
- As a teacher, you should have high expectations of and provide realistic challenges for pupils, ensuring that learning tasks are varied in form,

differentiated and devised to build confidence in and promote self-worth for all your pupils.

- Learners spend a large proportion of their lives within the educational setting and therefore a teacher plays a pivotal role in child protection as they are well placed to see the symptoms and signs.
- In keeping with "It's everyone's job to make sure I'm all right", and the collaborative approach of "Getting it Right for Every Child" (GIRFEC)⁷, teachers should keep up to date with their employer's current child protection procedures and operate within them.
- The protection of children is of the utmost importance. A teacher cannot ignore the behaviour of any colleague which he or she may genuinely feel falls short of child protection norms and standards. Such concerns should be raised through the procedures available.

⁷ [Scottish Executive audit and review of child protection November 2002](#)

⁸ [See Glossary](#)

3. Professional competence

As a fully registered teacher⁹:

3.1 you should maintain and develop your professional practice to ensure you continue to meet the requirements of the Standard for Full Registration¹⁰:

- professional knowledge and understanding
- professional skills and abilities

- professional values and personal commitment.

3.2 you should refresh and develop your knowledge and skills through Continuing Professional Development and maintenance of reflective good practice.

Commentary

The Standard for Full Registration serves three main purposes in that it provides:

- a clear and concise description of the professional qualities and capabilities teachers are expected to develop in the course of induction
- a professional standard against which reliable and consistent decisions can be made on the fitness of new teachers for full registration with GTC Scotland

- a baseline professional standard which will and does apply to fully registered teachers throughout their careers.

⁹ See Glossary

¹⁰ See glossary



The Standard for Full Registration defines the professional standard and the illustrations of professional practice which are organised into three inter-related aspects of professional development:

Professional knowledge and understanding

The Standard for Full Registration applies to all fully registered teachers and as such you should have:

- a detailed knowledge and understanding of the relevant areas of the pre-school, primary or secondary school curriculum and also an understanding of curriculum development. This should include a broad, critical understanding of the principal features of the education system, policy and practice and a detailed knowledge of sector and professional responsibilities within these.

Professional values and personal commitment

As a registered teacher you should:

- be able to show in your day-to-day

practice a commitment to social justice and inclusion, take responsibility for your own professional learning and development and be an active partner in the communities in which you work.

Professional skills and abilities

As a registered teacher you should be able to:

- plan and implement teaching programmes that match varying pupil needs, communicate effectively through different media in varying contexts and use varied teaching strategies and resources
- organise and manage resources and pupil behaviour to achieve safe, orderly and purposeful activity
- understand the principles of assessment, recording and reporting, and reflect on and act to improve your own professional practice.

4. Professionalism towards colleagues and parents¹¹

As a registered teacher:

- 4.1 you should work in a collegiate and co-operative manner with colleagues and members of other relevant professions
- 4.2 you must treat all colleagues fairly and with respect, without discrimination
- 4.3 you should not make malicious or

unfounded criticisms of or accusations about colleagues that may undermine them professionally or in the professional judgements they make

- 4.4 you should promote good relationships between home and school, respecting the role of parents in the education of their children.

Commentary

Colleagues

Everyone in the workplace should be able to work in an environment which is free from discrimination and harassment. A teacher should work in a collegiate way, treating all colleagues professionally.

As a teacher you should:

- not allow professional relationships with colleagues to be prejudiced by views about their lifestyle, culture, disability, beliefs, colour, gender, language, sexuality or age
- avoid undermining a colleague by remarks which are or could be perceived as being malicious, unfounded or unprofessional. This is of particular importance when in contact with parents or pupils
- guard against inappropriate workplace banter or practical jokes

which are or could be perceived as being behaviour of an unprofessional, discriminatory or harassing nature.

- be aware of and comply with your employer's dignity at work policies and guidelines.

¹¹ See glossary

Parents

Success in the education of a child or young person relies to some extent upon the involvement of their parents or key adults in their lives.

Parents should be seen as vital partners in a child's learning and therefore as a teacher you should:

- engage and work positively with parents in an open and respectful way, not prejudiced by views about their lifestyle, culture, disability, beliefs, colour, gender, language, sexuality or age



- be professional in dealings with parents and avoid making comments, being drawn into inappropriate discussions or divulging confidential information about other pupils, colleagues or the school
- appreciate that a parental meeting is a two-way process and as such you should listen to and take into account the views expressed
- encourage the involvement of parents in their child's education and learning, welcoming them as active participants in the life of the school, working in partnership with it.



Glossary of terms

Code – the Code of Professionalism and Conduct of GTC Scotland

Council – the General Teaching Council for Scotland

Fully Registered Teacher – a person who is fully registered with GTC Scotland within the terms of Section 6 of the 1965 Act and has successfully completed the required probationary period

GIRFEC (Getting It Right For Every Child) – refers to Scottish Government national approach to help all professionals supporting children and young people

GTC Scotland – the General Teaching Council for Scotland

Parent – parent, guardian, carer or relevant person (as is defined at Section 93(2) of the Children (Scotland) Act 1995)

Pupil – child, young person, learner or student

Registered teacher – a person who is

either provisionally or fully registered with GTC Scotland within the terms of Section 6 of the 1965 Act

Schools – nursery, primary, secondary, special and independent sector schools

Standard for Full Registration – specifies what is expected of a teacher who has full registration with GTC Scotland. For provisionally registered teachers, the qualities and capabilities described in this professional standard are used to make reliable and consistent decisions as to whether full registration can be granted. For fully registered teachers, the qualities and capabilities provide a baseline professional standard at which they must practise throughout their career

1965 Act – the Teaching Council (Scotland) Act 1965 as amended

2003 Act – the Protection of Children (Scotland) Act 2003

2007 Act – the Protection of Vulnerable Groups (Scotland) Act 2007

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www.gtcs.org.uk/practiceinfo

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