



MINUTE of the meeting of the Twelfth General Teaching Council for Scotland held in Clerwood House, 96 Clermiston Road, Edinburgh, on Thursday 19 November 2009 at 10.30 am.

Present:

Mr Drever (Convener)

Mrs Barrie, Mr Borowski, Professor Bourne, Professor Craik, Mrs Duncan, Mrs Fallow, Mrs Farrell, Ms Fisher-Dougan, Mr Fitzgerald, Mr Forbes, Mrs Ford, Mr Ford, Mrs Fraser, Mrs Fyfe, Mrs Gray, Ms Houston, Mr Hyslop, Mr Jackson, Mr Kirk, Ms Macaslan, Mr Mackay, Mr Manson, Mr McCrossan, Mr McGrath, Mr McNeil, Mr McTaggart, Dr Munro, Ms Nicol, Mrs Palmer, Mr Paterson, Mr Paton, Ms Pearson, Ms Prior, Mrs Proudfoot, Professor Simco, Mrs Smith, Mrs Swinley, Mr Telford, Dr White, Ms Wilson, Mr Wynne

Assessors:

Mr Michael Kellet, Scottish Government
Mr John Gunstone, Scottish Government

Observers:

Mr Kenneth Muir HMCI
Mr David Roy, Scottish Government

In Attendance:

Mr Finn, Mrs Barker, Mr Hamilton, Ms Hunter, Mr Scott, Mr Adams, Mr Anderson, Ms Borthwick, Ms Macdonald, Mr Matheson, Mrs McAra, Mrs Murray, Miss Dobie, Mr Paxton, Ms Barclay (Team Leader, Administration, Teacher Registration Department – Staff Observer), Ms Forbes (Communications Officer – Staff Observer), Ms Hands (Personal Secretary to the Chief Executive – Staff Observer), Ms Williamson (Senior Assessor, Teacher Registration Department – staff observer), Dr James Gilmour (Independent Scrutineer, Electoral Reform Services)

1 Opening of Meeting

In accordance with Standing Order of Council II, 3, the Chief Executive formally declared the meeting open.

2 Intimation of Any Other Competent Business

There was no other competent business.

3 Declaration of Interest

There were no declarations of interest.

4 Welcome to the Twelfth Council from the Chief Executive

The Chief Executive welcomed those present to the first meeting of the Twelfth Council. He extended the welcome to Dr James Gilmour, from Electoral Reform Services, who would be acting as Independent Scrutineer during the election of conveners.

The/...

The Chief Executive indicated that he had written to all members of the Eleventh Council to thank them for their service to GTC Scotland. However he had yet to write to Ms May Ferries, Convener of the Eleventh Council, who had made a late decision not to return to the Twelfth Council in view of her now forthcoming retirement. The Chief Executive invited members to consider the possibility of inviting Ms Ferries back to Clerwood House in order to publicly recognise her service not just to GTC Scotland but to the teaching profession in Scotland.

5 Announcements

- (a) The Chief Executive informed members that a brief information session had been arranged to take place following the Council meeting to enable the newly elected conveners to meet their servicing officers and to discuss arrangements for the induction and training of the conveners and matters relating to their committees.
- (b) The Chief Executive also drew members' attention to the following tabled papers:
 - (i) Roll of Members – Update **(12Co(09)9)** to be considered under Minute Item 6;
 - (ii) Legacy Paper **(12Co(09)7)** to be considered under Minute Item 17.

6 Roll of Members (12Co(09)1)

- (a) The Roll of Members, which had been circulated, was formally presented and approved as a correct record with one addition as listed in the tabled paper **(12Co(09)9)**.
- (b) Members noted the following in respect of a vacancy on the Twelfth Council:
 - (i) for a member appointed by the Convention of Scottish Local Authorities (COSLA) which had arisen following the appointment of Councillor Eric Gotts as Provost of Dundee –
 - Councillor Elizabeth Fordyce, Convener of Education, Dundee City Council, had now been appointed by COSLA to fill this vacancy. Unfortunately Councillor Fordyce could not be present at the meeting due to family illness;
 - (ii) for a Scottish Ministerial nominee–
 - the Scottish Government was taking forward arrangements to fill the vacancy;
 - (iii) in the elected member category for Teachers of Pre-School children other than in Primary/Nursery Schools –
 - as there had been no nominees in this category in the recent Council election, in accordance with the Teaching Council (Scotland) Act 1965, the vacancy could not be filled for the term of office of the Twelfth Council.

(A copy of the approved Roll of Members is attached to this Minute as Appendix I.)

7 Sederunt and Apologies for Absence

The sederunt list was checked. Apologies for absence had been received from Mr Clark, Professor Edwards, Mrs Kydd and Mr Loughran.

8 Chief Executive's Report

The Chief Executive gave an oral report to Council. In so doing he highlighted a number of issues relating to:

(a)/...

- (a) GTC Scotland itself. This was a mature body with integrity. Established by legislation in 1965, GTC Scotland had a much longer history than the other UK General Teaching Councils (for example, the General Teaching Council for England which was established by legislation in 1998 and commenced working in 2000).
- (b) the formation of the Twelfth Council of GTC Scotland at an important time in Scottish education when a number of key initiatives were being taken forward and significant issues arose to be addressed such as –
- A Curriculum for Excellence – one of the main areas for consideration by the Twelfth Council would be how implementation could be best achieved;
 - the Teacher Induction Scheme, with its high quality, newly qualified teachers who were having difficulty in gaining jobs at present. The Council would continue in its discussions with key stakeholders in seeking to find a solution to the problem;
 - the recent government report on recruitment and retention of headteachers. When taken in conjunction with GTC Scotland data that 80% of headteachers were over 51 and nearly half over 56, this signalled a need to plan for tomorrow's leaders and to allow opportunities for leadership, within a collegiate setting, at every school level now. In this regard discussions with the Scottish Government were ongoing;
 - with the support of GTC Scotland, some positive developments in professionalism – eg the revised Standard for Chartered Teacher; and
 - current ill-informed reports on the quality of Scotland's schools and on teacher quality. The Council would need to continue to emphasise the strengths in these areas and to ensure that Scottish Education retained its high status.
- (c) against this backdrop, two key issues to be addressed by the Twelfth Council –
- the possibility of GTC Scotland being asked by Government to consider reaccreditation of teachers as opposed to the less positive concept of *license to practise* proposed in England. GTC Scotland would, in this event, recognise the need to adopt a sensitive and positive approach in Scotland which recognised the quality of its teachers and built on their entitlement to support;
 - the new vetting and barring scheme to replace the current Disclosure Scotland system, to be introduced in 2010 under the Protection of Vulnerable Groups Act, with its own lists of those approved and not approved to work with children (and vulnerable adults). This would bring with it some difficult technical issues for GTC Scotland, and also for schools and, indeed, universities who placed students in schools. This would also raise budgetary issues.
- (d) the role of GTC Scotland's Councils building on the base of previous work as they moved forward on grounds of policy and practice, whilst at the same time reviewing, adjusting and refining the legacy passed to them by their predecessors. Yet in their short term of office members of the Twelfth Council would have a rare opportunity to shape the very future body on which they served, as well as carrying out all the normal functions of GTC Scotland in respect of case work, educational planning, and contributing to the development of teacher professionalism in Scotland.
- (e) budgetary matters which were of concern at present, as with many other organisations in the current financial climate. In this regard the Finance and General Purposes Committee was responsible for monitoring the Council's finances and investment portfolio and would report at each Council meeting on the current financial position.
- (f)/...

- (f) the path to independence. This was still under discussion with the Scottish Government, although discussion was nearing its end. The Scottish Government had done a good job, but GTC Scotland felt that there were still some issues which needed to be addressed better. The Twelfth Council would require to consider legal issues, the drafting and adjusting of constitutional issues, changes in structure and practices as a result of changing functions, and planning for an election, perhaps by early 2011.

9 GTC Scotland Corporate DVD

The Chief Executive reported that clips from the new corporate DVD would be shown to members whilst ballots were being undertaken in respect of the election of conveners.

10 Election of Convener of Council and Vice Convener of Council [Standing Order of Council II, 3] (12Co(09)2)

In terms of the process relating to the election of a Convener and Vice Convener of Council, and conveners of the committees and sub-committees:

- (a) the Chief Executive drew members' attention to the circulated paper outlining the nominations submitted in advance of the Council meeting, together with statements by the nominees;
- (b) members accepted that the form of election should accord with the procedure stated in the Standing Orders of Council, to include the following:
- all nominees would require to be proposed and seconded;
 - if there was only one nominee who was unopposed, Council would be invited to affirm the election of that nominee;
 - where there was more than one nominee
 - nominees should also be invited to make a brief statement in addition to their circulated statement;
 - the election process would be conducted by secret ballot via the system appropriate to the circumstances. The Director for Corporate and Legal Governance would assist the Independent Scrutineer in counting and verifying the votes cast.

The responsibilities of the Convener and Vice-Convener of Council were set out within the Standing Orders of Council (Section XI, 3 and Appendix C).

It was noted that in accordance with the Standing Orders the Convener of Council and Vice Convener of Council were members of all committees by virtue of their position of office, except where this would result in a conflict of interests relating to their membership or convenership of committees.

(a) Election of Convener of Council

Members noted that the Convener of Council would chair the Policy and Strategy Committee.

The Chief Executive intimated that two nominations had been received as follows:

- (i) Mr David Drever – proposed by Ms Linda Fisher-Dougan and seconded by Mr Graeme Hyslop; and
- (ii) Mrs Frieda Fraser – proposed by Mr John Telford and seconded by Mr George Wynne.

At/...

At the invitation of the Chief Executive, both candidates made a brief statement in support of their nomination. A secret ballot was then held, as a result of which Mr Drever received 25 votes, Mrs Fraser received 16 votes and there was one spoiled paper.

Mr Drever was therefore declared elected as Convener of Council. At the invitation of the Chief Executive, Mr Drever then assumed the chair.

(b) Election of Vice Convener of Council

The Chief Executive intimated that the following two nominations had been received for the position of Vice Convener of Council:

- (i) Mrs Frieda Fraser – proposed by Mrs Liliias Proudfoot and seconded by Ms Myra Pearson; and
- (ii) Mrs Linda Gray – proposed by Mrs Frieda Fraser and seconded by Mr Ephraim Borowski.

Mrs Gray then sought members' approval to withdraw her nomination for the position of Vice Convener of Council. This was agreed by the Council. As the sole nominee, Council affirmed that Mrs Fraser be duly elected as Vice Convener of Council.

Members congratulated both Mr Drever and Mrs Fraser on their election.

**11 Election of Committees
[Standing Order of Council IX, 1 and 2] (12Co(09)3)**

Members approved the terms of a circulated paper recommending the membership of the Statutory and Standing Committees and Sub-Committees.

(The paper indicating the agreed composition of the committees, sub-committees and the Appeals Board, and revised to reflect the subsequent appointment of the conveners of the committees and sub-committees, and members of the Policy and Strategy Committee is attached to this Minute as Appendix II.)

**12 Appointment of Conveners of Committees
[Standing Order of Council IX, 4]**

Members noted the circulated paper outlining the nominations submitted in advance of the Council meeting, together with statements by the nominees.

- (a) Only one nomination had been received for the convenership of each of the following committees. Prior to considering the nominations, it was agreed that in respect of each nomination a vote of members would be conducted by a show of hands:

(i) Committee on Exceptional Admission to the Register

Mr Andrew McNeil had been proposed by Ms Linda Fisher-Dougan and seconded by Mrs Patricia Fallow. Council affirmed unanimously that Mr McNeil be duly elected as Convener of the Committee on Exceptional Admission to the Register.

(ii)/...

(ii) Appeals Board

Members were reminded that due to existing routes of appeal, the Convener of the Appeals Board could not serve on the Professional Standards Committee (or its Panels), the Exceptional Admission to the Register Committee, the Professional Conduct Committee, the Disciplinary Sub-Committee or the Investigating Sub-Committee.

Mr Graeme Hyslop had been proposed by Mr David Drever and seconded by Mrs Aileen Barrie. Members affirmed unanimously that Mr Hyslop be duly elected as Convener of the Appeals Board.

(iii) Investigating Sub-Committee

Mr Ephraim Borowski had been proposed by Mrs Linda Gray and seconded by Ms Linda Fisher-Dougan. Having received unanimous affirmation by the Council, Mr Borowski was duly elected as Convener of the Investigating Sub-Committee.

(iv) Professional Conduct Committee

Ms Linda Fisher-Dougan had been proposed by Mr Andrew McNeil and seconded by Mr Ephraim Borowski. Members affirmed unanimously that Mrs Fisher-Dougan be duly elected as Convener of the Professional Conduct Committee.

(v) Education Committee

Ms Myra Pearson had been proposed by Professor Jill Bourne and seconded by Mr David Drever. Council affirmed unanimously that Ms Pearson be duly elected to serve as Convener of the Education Committee.

(vi) Finance and General Purposes Committee

Mr Donald Mackay had been proposed by Mr Leslie Manson and seconded by Mr Gordon Ford. Having received unanimous affirmation by the Council, Mr Mackay was duly elected as Convener of the Finance and General Purposes Committee.

(b) Two nominations had been received for the convenership of each of the following committees. It was noted that a secret ballot would be held on the first past the post basis in respect of each convenership:

(i) Professional Standards Committee

- Mrs Aileen Barrie had been proposed by Mrs Alison Palmer and seconded by Mr Brian Paterson; and
- Mrs Liliias Proudfoot had been proposed by Mr John Telford and seconded by Mrs Frieda Fraser.

At the invitation of the Convener of Council, both nominees made a brief statement in support of their nomination prior to the votes being cast.

A secret ballot was then held, as a result of which Mrs Barrie received 32 votes, Mrs Proudfoot received 8 votes, and two blank ballot papers were submitted.

Mrs Barrie was therefore declared duly elected as Convener of the Professional Standards Committee.

(ii)/...

(ii) Disciplinary Sub-Committee

- Mrs Carole Ford had been proposed by Dr Dorothy White and seconded by Mr George Wynne; and
- Mrs Frieda Fraser had been proposed by Mrs Linda Gray and seconded by Ms Anne T Wilson.

At the invitation of the Convener, both nominees made a brief statement in support of their nomination prior to the votes being cast.

A secret ballot was then held, as a result of which Mrs Ford received 23 votes and Mrs Fraser received 17 votes.

Mrs Ford was therefore declared duly elected as Convener of the Disciplinary Sub-Committee.

13 Election of Committees – Membership of Policy and Strategy Committee [Standing Order of Council VIII, 10(c)]

Members noted that in addition to the Convener and Vice Convener of Council, and Conveners of Committees and Sub-Committees, four additional members were required to be elected to serve on the Policy and Strategy Committee. Following the previous election results, the Convener confirmed that three elected registered teachers and one appointed or nominated member fell to be elected to the Policy and Strategy Committee in order to achieve appropriate balance of membership.

Consequently:

- (a) in respect of the three elected registered teacher places, the following nominations were received –
- (i) Mrs Patricia Duncan was proposed by Mrs Edith Swinley and seconded by Ms Carol Ann Houston;
 - (ii) Mrs Linda Gray was proposed by Mr Brian Paterson and seconded by Mr Ephraim Borowski; and
 - (iii) Mr Stephen McCrossan was proposed by Mrs Patricia Fallow and seconded by Mrs Karen Farrell.

As no further nominations were received, Mrs Duncan, Mrs Gray and Mr McCrossan were duly elected to serve as members of the Policy and Strategy Committee.

- (b) in respect of the appointed/nominated place, the following nomination was received –
- Ms Catherine Macaslan was proposed by Ms Myra Pearson and seconded by Mr Leslie Manson.

As the sole nominee, Council affirmed unanimously the election of Ms Macaslan to serve as a member of the Policy and Strategy Committee.

14 Appointment of Representatives to Outside Bodies (12Co(09)5)

There had been circulated copies of a paper listing external bodies on which the Council was represented and indicating where re-appointment was possible.

Members approved a number of re-appointments. The re-appointments approved by the Council are attached to this Minute as Appendix III.

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15 Appointment of Advisers and Consultants to the Council (12 Co(09)6)

The Chief Executive intimated that historically the Council had been requested to authorise the appointment of advisers and consultants. Members noted that some periods of appointment would be due to conclude in the coming year.

Members agreed unanimously to make the following re-appointments (unless stated otherwise, for the term of office of the Twelfth Council):

- (a) Auditors – Scott Moncrieff
[re-appointment to 31 March 2010]
- (b) Principal Bankers – The Bank of Scotland plc
- (c) Insurance Brokers – Willis Limited
- (d) Medical Consultant/Referee – Dr Tim Brown
- (e) Presenting Solicitors to the Council – Mr R G Burnett SSC, BCKM Solicitors
[for such limited period as is required to conclude those cases for which Mr Burnett currently has responsibility – unlikely to be more than a year]
– Brodies LLP
[re-appointment to October 2012 (subject to ongoing review) – to take responsibility for all new casework to be considered from the commencement of the Twelfth Council]

The Chief Executive indicated that Mr Burnett had acted as Council Solicitor for approximately twenty-five years but had decided to retire from this position. As a result Brodies LLP had been appointed to provide legal advice to the Council's Investigating Sub-Committee, to act as Presenting Solicitors in the Council's disciplinary hearings and any other hearings as required, and to fulfil the role of legal representative to assist the Council's Servicing Officer in any hearings as may be required, in accordance with the rules and standing orders. Transitional handover arrangements were currently in place. Mr Burnett had already begun preparatory work on several cases awaiting presentation to the Disciplinary Sub-Committee and it had been agreed that he should conclude those cases. Brodies LLP would take responsibility for all new casework to be considered.

- (f) Legal Assessors – Mr Frank McConnell SSC
– Mr Geoffrey Mitchell QC
– Ms Susan O'Brien QC
– Mr Andrew Smith QC
[re-appointment to 31 January 2010]

Members noted that, as approved by the Eleventh Council, an open and transparent process (via advertisement and interview) was currently under way to appoint a panel of not less than four external Legal Assessors with effect from 1 February 2010. In response to a couple of queries, the Chief Executive explained the detail of the process. Recommendations for appointment would be submitted to the January 2010 meeting of the Council.

- (g) Press and Media – Osler Media
- (h) Building Services – Summers Inman LLP
- (i) Publications – Connect Communications.

16 Minute of the Final Meeting of the Eleventh Council held on 30 September 2009 (11Co(09)Min16)

Members noted the Minute of the final meeting of the Eleventh Council which had been circulated for members' information.

17 Legacy Paper (12Co(09)7)

At the invitation of the Convener, the Chief Executive indicated that the paper before them set out a number of outstanding issues and key issues which had been identified by the Eleventh Council for referral for consideration by the Twelfth Council. These would now be considered by the Council and its committees, as appropriate.

18 Arrangements for Council and Committee Meetings

(a) Standing Orders of Council

Members were reminded that the Standing Orders of Council were available to view on-line via the MYGTCS Council extranet.

(b) Schedule of Council and Committee Meetings: November 2009 to December 2010 (12Co(09)8)

Copies of the 2009-2010 Council and Committee Meeting Schedule had been circulated for members' information.

19 Correspondence

There were no items of correspondence to report.

20 Any Other Competent Business

The Chief Executive indicated that the Eleventh Council had established a Policy and Strategy Sub-Group on Independence to consider the key issues facing the Council in terms of the move to independent status. In this regard, with a view to ensuring continuity of planning, the Eleventh Council had proposed that members of the former Sub-Group be co-opted, if necessary, to work with members of any Sub-Group to be established by the Twelfth Council to consider such matters. Members agreed that this be referred to the next meeting of the Policy and Strategy Committee for further consideration.

21 Date of Next Meeting

Members noted that the next meeting of the Twelfth Council had been scheduled to take place on Wednesday 20 January 2010 at 10.30 am.