



Fitness to Teach Publication Policy

1 Introduction

This policy sets out how the General Teaching Council for Scotland (GTCS) communicates information about our fitness to teach (FtT) cases to the public. The policy sets out:

- the information we publish about FtT hearings and decisions on our website (www.gtcs.org.uk); and
- the information available from the GTCS search the register facility which is on our website.

The policy also explains why we have decided to publish this information.

2 Key Principles

We are committed to being transparent and open about our processes and FtT cases. The publication of FtT information helps us to meet our statutory responsibilities and protect the public because it:

- helps educate the public and the profession about the standards expected of our registrants, helping maintain and uphold those standards;
- helps to maintain public confidence in the teachers that we regulate and GTCS as a professional regulator;
- allows employers and the public to know whether a Registrant's registration is restricted in any way due to FtT concerns; and
- allows people with an interest to attend hearings.

However, a balance must be struck. We know that there is a risk that harm may arise from the publication of information. In addition, we are required to comply with data protection legislation which means:

- we must process data fairly and lawfully; and
- the data must be adequate, relevant and not excessive in relation to the purpose for which it is being processed.

For these reasons, we are committed to acting proportionately in terms of what we publish and protecting the confidentiality of our registrants and others involved in the FtT process where this is the right thing to do.

3 Information we Publish

You'll find the information below at www.gtcs.org.uk.

- Information on the FtT hearings that are coming up
- Decisions made by our FtT Panels
- Information about our FtT investigation and hearing processes (including the applicable procedural Rules, practice statements and policies plus contact details)
- Information for those who would like to attend FtT hearings
- Information on FtT outcomes (orders) that are current
- Annual statistics on our FtT case work (since 2006/07)

4 Online Search the Register Facility

We have a public register of all teachers currently registered and this is on our website. You can search to find out if someone is registered with us, if they are subject to a temporary restriction order¹ or are subject to

¹ A temporary restriction order is an interim order put in place where it is considered necessary for public protection reasons to restrict the registrant's registration until the fitness to teach process has concluded.

a current FtT disposal order (i.e. reprimand, condition or combination of both). Where a teacher has been removed from the Register as a result of a FtT decision, this will appear on the GTCS Register for a period of two years.

The FtT information described above will display alongside the teacher's name, gender, registration sector and last known employer.

Teacher employers are provided with secure, enhanced level access to the online search the Register facility in view of their role. In addition to the information described above, employers are provided with a teacher's professional qualification and probationary service details as well as registration dates.

5 Information Available Before a Hearing

In line with the legislation that governs GTCS and the Fitness to Teach Rules, the fitness to teach hearings described below are generally in public. Hearings are normally held at our office in Edinburgh however they can be held in other locations. This information will be on the website.

Notices of scheduled hearings are published on the GTCS website one week before the hearing is due to take place to allow members of the public to attend². The notice will contain the information listed below.

Full Hearings:

The Full Hearing is the substantive hearing in a fitness to teach case at which a Panel determines: (1) whether it finds the allegation(s) or professional competence concerns proved; (2) whether, on the basis of anything found proved, the Teacher's fitness to teach is impaired or he/she is unfit to teach; and (3) if it finds that fitness to teach is impaired, the disposal.

- (a) GTCS registration category
- (b) The allegation(s) (see paragraph 9 for information that will be removed from the allegations)
- (c) Location of hearing
- (d) Date of hearing

Procedural Hearings:

Procedural hearings are held where procedural or preliminary issues (e.g. a private hearing application or challenge to the admissibility of evidence) are raised in a case and it is not possible for the issues to be determined in writing.

- (a) The type(s) of procedural/preliminary issues that are to be considered
- (b) Location of hearing
- (c) Date of hearing

We do not (and are not obliged to) publish further detail about the hearing before the hearing starts. We consider that putting more information into the public domain at this stage is disproportionate and can cause harm to the Registrant (and potentially others), given that the allegation(s) about the Registrant may not be found proved or could change.

6 Information Published After a Hearing

The FtT Panel's decision (including as to any procedural/preliminary issues raised) will be published on our website after the full hearing has concluded in the case. This decision will include the information listed below.

- Registrant's name
- Registration number
- GTCS registration category
- Hearing date(s)

² The parties, witnesses and others connected directly with a hearing will be given earlier notice of it for practical and legal reasons.

- Panel findings and hearing outcome. [See paragraph 9 to find out about information that will or may be removed from decisions.]

The decision will be removed from our website after 3 months as we consider that the purpose of informing those with an interest in the case and providing more general information has been satisfied³. We will consider any requests for decisions that have been removed from the website in accordance with data protection and freedom of information legislation and will keep the period of publication under continual review.

Documents or exhibits that are considered by FtT Panels at hearings are not public documents and will not be published or provided to members of the public, even if they were in attendance at the hearing.

We do not produce transcripts of hearings. A Registrant can ask for a copy of the electronic recording of the hearing in line with the Rules. Any other request for a copy of the electronic recording will be considered in line with data protection and freedom of information legislation.

We have no control over what the media publish about FtT cases and hearings.

7 Information Published on Consent Orders

FtT cases can be concluded by consent order. Where this happens, the information listed below will be published on the website when the order comes into effect.

- Registrant's name
- Registration number
- GTCS registration category
- Decision date
- Allegation(s) admitted
- Disposal order and reasons

For the reasons explained at paragraph 6 above, this information will be removed from our website after 3 months (but see paragraph 4 for the information that will remain available from our Online Search the Register facility).

8 Private Hearings

FtT hearings are sometimes held in private. Hearings take place in private where certain criteria (set out in the Rules) are met. The public and the media cannot attend a hearing held in private.

Where all of a hearing is held in private, a website notice will not be published as we do not consider that this serves any purpose given that the public and media cannot attend. Where part of a hearing is to be held in private, we will say so in the website notice.

The decision will be published after a hearing in the same way as described at paragraph 6 to the extent that the FTT Panel considers it possible to do so without frustrating the purpose of having held all or part of the hearing in private.

9 Information that we will Not Publish and Why

As explained earlier, we are committed to protecting the confidentiality of our registrants and others involved in the FTT process where this is the right thing to do. We believe it is right to routinely remove (or redact) the information listed below from what we publish.

- The Registrant's date of birth and personal address details (or similar)

³ This time period has been informed by monitoring when (and how often) fitness to teach decisions are accessed on our website: this has shown that decisions are rarely accessed after 2 months of publication.

- Information that may identify pupils or students (which may also mean we redact the school or college name where this would likely lead to identification)
- Information that may identify other people (including witnesses) connected with the hearing or who are named as part of the process (including within allegation(s))
- Information about a Registrant's health or other personal/family circumstances that create a risk of breaching the Article 8 ECHR right to privacy and family life

FtT Panels may decide that it is right to remove (or redact) from the published decision information in addition to what is listed above in line with the Rules.

What we have explained above relates to what we publish on our website. It is for FtT Panels to determine what is kept private or anonymous in the course of public hearing proceedings based on any applications made to them for this.

10 Barring Scheme

Information about decisions by Disclosure Scotland to bar a registrant from working with children (meaning legally he/she must be removed from our Register) is not publicly disclosed by us because this is unlawful.

11 Internet Search Engines

Information will be removed from our website in line with this policy. However, many internet search engines, such as Google, manage information by "caching" which involves storing an image of a webpage in a database and then refreshing that image periodically. We have taken steps to try to manage this issue as far as we can through the way that FtT information is displayed on our website: any availability of information after we have removed it from our website is unfortunately otherwise beyond our control.

