



**Memorandum of Understanding**

**between**

**The General Teaching Council for Scotland**

**and**

**The Scottish Social Services Council**

**February 2011**

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## **1 Introduction**

1.1 The objective of this Memorandum is to set out an agreed framework for co-operation and collaboration between the General Teaching Council for Scotland (GTC Scotland) and the Scottish Social Services Council (SSSC).

In seeking to fulfil their statutory duties as efficiently and effectively as possible, this Memorandum of Understanding sets out that GTC Scotland and the SSSC aim to co-operate as follows:

- By sharing information in accordance with paragraph 3 below;
  - Where appropriate, forming a communications partnership to include:
    - working together on and sharing publications;
    - collaborating on seminars/conferences; and
    - jointly communicating with the media on areas of mutual interest; and
  - By generally discussing issues of mutual concern, including changes in legislation and regulation that impact the policies and process of both GTC Scotland and the SSSC.
- 1.2 This Memorandum is not a contract, is not legally enforceable and does not seek to transfer or change the functions or responsibilities of either party in any way.

## **2 Functions and Responsibilities**

### **2.1 GTC Scotland**

GTC Scotland is the statutory, independent professional body that maintains and enhances teaching standards, and promotes and regulates the teaching profession in Scotland. GTC Scotland was established under the Teaching Council (Scotland) Act 1965.

The principal aims of GTC Scotland are to:

- contribute to the development of a world-class educational system in Scotland;
- maintain and to enhance professional standards in schools and colleges in collaboration with partners;
- be recognised as an advocate for the teaching profession.

The functions of GTC Scotland are:

- to maintain a register of persons entitled to teach in public sector schools and colleges in Scotland;
- to maintain and enhance the Professional Standards - in terms of The Standard for Initial Teacher Education (ITE), The Standard for Full Registration and The Standard for Chartered Teacher, and to administer The Standard for Headship;

- to keep under review the standards of education, training and fitness to teach of persons entering the teaching profession in Scotland and to make recommendations to Scottish Ministers on this matter;
- to keep informed of the education and professional preparation of teachers in teacher education institutions, and to review the content and arrangement of, and accredit, teacher education programmes;
- to determine whether, in any particular case under its registration and disciplinary powers, registration is to be refused or withdrawn on grounds of professional conduct or withdrawn on grounds of professional competence;
- to make recommendations to Scottish Ministers on the supply of teachers;
- to oversee the management of the probationary period for teachers;
- in the area of Continuing Professional Development –
  - to accredit all modules and programmes leading to the award of The Standard for Chartered Teacher and all programmes leading to the award of The Standard for Headship;
  - to manage the support and assessment of claims for the accreditation of prior learning by experienced teachers who can demonstrate that they have achieved The Standard for Chartered Teacher;
  - to convene a professional interview in respect of a teacher recommended for the professional award of The Standard for Headship as part of the national Flexible Routes to Headship pilot project;
  - to make recommendations to Scottish Ministers on the career development, ie CPD and staff development and review, of teachers, and such other recommendations as may be necessary from time to time.

## 2.2 The SSSC

The SSSC was established under the Regulation of Care (Scotland) Act 2001 (the 2001 Act) and has a duty to promote high standards in the conduct and practice of social service workers and in their education and training. The SSSC's principal functions are to regulate the social service workforce through registration and Codes of Practice and also to promote the education and training of social service workers. In exercising these functions the SSSC is required to operate under the general principle that it shall, among other things, protect and enhance the safety and welfare of all persons who use care services. The SSSC's vision is of a competent, confident and valued workforce, capable of delivering high quality services and that has the confidence of the public, those who use the services and their carers.

2.3 The 2001 Act, its associated secondary legislation and the SSSC's Registration Rules, Conduct Rules, Rules for Social Work Training and Rules and Requirements for Specialist Training for Social Service Workers in Scotland as published from time to time, make provision for the manner in which the SSSC will carry out its regulatory, education and training functions.

2.4 The 2001 Act also specifies a set of principles which must inform the manner in which the SSSC carries out its duties and functions:

- The safety and welfare of all persons who use, or are eligible to use, care services are to be protected and enhanced;
- The independence of those persons is to be promoted;
- Diversity in the provision of care services is to be promoted with a view to those persons being afforded choice.

2.5 The 2001 Act introduced a Register of social workers and other social service workers which is to be maintained by the SSSC. The aim of registering the social service workforce is to ensure that those who use services and their carers can rely on a workforce that is properly trained, appropriately qualified and effectively regulated.

2.6 The SSSC has the statutory responsibility for ensuring that social service workers registered with it are (i) of good character and (ii) satisfy such requirements as to competence or conduct as it may by rules impose. The SSSC may:

- grant an application for registration unconditionally;
- impose, remove or vary conditions on registration;
- remove an entry from the register;
- grant or refuse requests for variations of conditions;
- approve courses;

The SSSC publishes Codes of Practice from time to time laying down the standards of conduct and practice expected (i) of social service workers and (ii) of employers of social service workers. The SSSC has a duty to investigate allegations of misconduct against a registered social worker or registered social service worker or concerns about their fitness to practise, and if necessary remove them from the register.

### **3 Information Exchange**

3.1 The types of information to be shared between the GTC Scotland and SSSC may vary from time to time but is likely to include:

- Internal policies, processes and any related guidance or advice;
- Information that will facilitate cost and performance benchmarking; and
- Information on GTC Scotland and SSSC registered persons or applicants for registration where this is necessary and legally permissible.

Either party may, acting reasonably, require that requests for information be submitted in a specific form.

3.2 The GTC Scotland and SSSC agree to share information only in accordance with the law and, in particular, the terms of the Data Protection Act 1998 (and associated legislation). In addition, the GTC Scotland and SSSC agree

to pay due regard to any relevant guidance issued by the Information Commissioner relating to information sharing.

- 3.3 Where it is possible to share information, each party agrees to provide information to the other party without undue delay.
- 3.4 The SSSC and GTC Scotland will respect and, as appropriate, take steps to protect the confidential nature of documents and information that the other may provide. In particular, each party will ensure that confidential information is stored appropriately and only disclosed to those employees or members of its organisation as is necessary.
- 3.5 Except as otherwise provided in this Memorandum of Understanding, no information provided to GTC Scotland or SSSC will be released to any third party without the permission of the party that provided it.
- 3.6 Where a request for information under the Freedom of Information (Scotland) Act (FOISA) is received by the GTC Scotland or SSSC in respect of information originally received from the other the disclosure of which without prior consent would constitute an actionable breach of confidence, the GTC Scotland or SSSC where appropriate shall within five working days of receipt of such a request notify the other in writing of receipt and use all reasonable endeavours to consult with them in determining the following: whether the information requested is still to be regarded as confidential; whether an exemption in FOISA applies to the information requested; and where the public interest lies in relation to disclosure. Such consultation shall be concluded no later than five working days after the GTC Scotland or SSSC first contacts the other about the request.

Following consultation, any decision to disclose or withhold information in response to such a request shall, if so required in order to comply with FOISA, be in the sole discretion of the body who receives the request. The body receiving the request shall take into account the views of the other as regards questions of disclosure of its information, including any views expressed on any lists or schedules provided with the information but shall not be obliged to comply with such views.

Any refusal by the other to consent to disclosure shall not, in itself, oblige GTC Scotland or the SSSC to withhold from the person making the request the whole or any part of the information requested as the information may be disclosed by GTC Scotland or the SSSC where this is reasonably viewed to be necessary in order to comply with FOISA.

## **4 General**

- 4.1 GTC Scotland and the SSSC will co-operate where appropriate over how any media interest is to be handled.
- 4.2 Contact between GTC Scotland and the SSSC will be at an appropriate level within each organisation depending on the matter under discussion. The

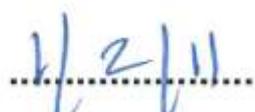
principal named officer for general contact for GTC Scotland will be the Chief Executive and for the SSSC will be the Registrar.

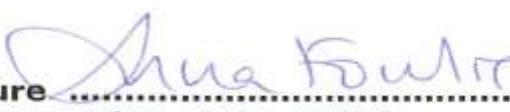
- 4.3 This Memorandum of Understanding will be kept under review and be amended in writing as and when necessary.
- 4.4 In this Memorandum of Understanding, references to statutes are to be construed as references to the said statute as amended or substituted by any subsequent enactment.

## 5 Resolution of Disagreements

Should there be any dispute regarding the application of this Memorandum and/or its terms that cannot be resolved at working or management level, this will be referred to the Registrar, SSSC and the GTC Scotland Chief Executive to seek to ensure a mutually satisfactory resolution.

Signature   
(Chief Executive of GTC Scotland)

Date 

Signature   
(Chief Executive of the SSSC)

Date 