

# **Fitness to Teach Process**

Information Booklet for Referred Teachers



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# Introduction

## What does the GTCS Regulation Team do?

GTCS regulates the teaching profession in Scotland through its fitness to teach process. The fitness to teach process is in place to ensure public protection and maintain proper teaching standards.

The process is not about disciplining or punishing teachers, it is about ensuring that we have a teaching profession in Scotland that is and remains fit to teach so that public trust and confidence in teachers is maintained and the learning of our children and young people is protected.

We investigate and make decisions about a registered teacher's fitness to teach in line with our Fitness to Teach Rules (which set out the process followed). Our Fitness to Teach Threshold Policy explains what we investigate – we only investigate when an allegation is of a level of seriousness that we think that a teacher presents a risk of harm.

Action is taken if a teacher's fitness to teach is found to be impaired because of shortfalls in conduct or professional competence. Fitness to Teach Hearings are held and Consent Orders issued in this context.

With its focus on ensuring maintenance of our teaching standards, our fitness to teach process is distinct from any employer or criminal process that may also be followed.

The Regulation team is responsible for administering the fitness to teach process and will handle your case. The team will remain neutral throughout and are there to ensure that all the relevant information is gathered so that the right outcomes are reached in the public interest.

The aim of this booklet is to provide you with:

- an overview of the fitness to teach process
- details of each stage of the process
- guidance on what to do next
- information regarding where you might find assistance and support.

## Other key documents

You may wish to familiarise yourself with some of the key documents on our website that relate to the process:

[Visual overview of the fitness to teach process](#)

[Fitness to Teach Rules](#)

[Practice statements](#)

[Code of Professionalism and Conduct](#)

[Standards for Registration](#)

[Fitness to Teach Threshold Policy](#)

## Corresponding with the Regulation Team

Please note that where possible we will send all correspondence to your registered email address unless you do not have one or if we do not receive a response from you, in which case we will use your registered postal address. It is your responsibility to ensure that we have your current contact details.

We hope that this booklet will answer any queries that you may have. However, if you require any further assistance please contact the Regulation Team at [regulation@gtcs.org.uk](mailto:regulation@gtcs.org.uk) or telephone 0131 314 6000 and ask to speak to a member of our team.

# Why are we investigating?

**Our Threshold Policy explains what we investigate under our fitness to teach process. When GTCS receives a fitness to teach referral, the policy is applied to decide whether investigation is required.**

In short, we investigate when, on the face of the allegation/information received, we think there is a real prospect that a teacher's fitness to teach would be found to be impaired.

It is important that you understand that just because we are investigating the allegations, no decision has been made at this point about the accuracy of the allegation(s) or your fitness to teach. We have often received very limited information on which to make our decision at this stage – the purpose of the investigation process is for us to look into things in more detail.

It is also important that you bear in mind that we approach assessing whether fitness to teach is impaired holistically in the here and now. We look at the shortfalls in conduct or professional competence identified alongside where you are now. A big part

of this includes considering what steps have been taken by you to openly and honestly reflect on the issues, learn from them and make changes to ensure they will not happen again. While there are times when the shortfalls identified are so fundamental that there is no scope for remediation in this way, our approach recognises that we all make mistakes and is about providing assurance that those same mistakes will not be repeated so that the public (especially pupils) is not harmed and trust and confidence in the teaching profession is maintained.

Please also note that we approach the investigation process in an entirely neutral and objective way – we are investigating to find out what has happened and establish what action, if any, should be taken in the public interest, not to build a case for or against you.

Throughout our investigation process, we aim to ensure that the process is fair and transparent and that any action taken is proportionate given all the circumstances and options available.

# Engagement with the process

**We understand that this can be a stressful time; however, we would strongly advise that you participate in the process throughout – your participation is critical for the right outcome to be reached.**

The purpose of the investigation is to find out what has happened and establish what action, if any, should be taken in the public interest. An Investigating Officer will be looking to gather together all of the information that is relevant to the allegations with a view to establishing whether your fitness to teach is impaired. This means that, alongside looking into whether what is alleged actually happened, we will be looking into your fitness to teach now. If you recognise that you have made a mistake or have done something wrong, we will investigate what you have done to openly and honestly reflect on events, learn and make changes to ensure there will be no repetition. We would encourage you to engage early with the investigation and provide as much relevant information and insight as possible.

## **What if I don't want to participate?**

We would strongly encourage you to participate in the process because, as we have said, your participation is a critical part of the right outcome being reached. The Regulation Team is there to help facilitate your participation in the process and will answer your questions and concerns. However, we respect your right to decide whether to engage in the process and if you decide that you do not want to participate, please contact us in writing and we will only contact you when we are legally required to do so (for example, when an outcome is reached).

# Applicants

## How does this affect my application?

An application for registration cannot proceed until any fitness to teach investigation process that is required has concluded. It is against the law for a person to be employed as a teacher unless they are registered with GTCS.

This means that you will be ineligible to be employed as a teacher (and will not be permitted legally to start working, including on the Teacher Induction Scheme or other probationary service route) until

the fitness to teach process has concluded. An investigation is likely to take between 4 and 6 months from the point that it has been identified that a fitness to teach investigation is required (which is after certain basic application processes and checks are completed).

We will keep you up to date on the progress of your case and will give you as much information as we can about the likely timescale. If you have a prospective employer and would like us to keep them informed of progress, please just let us know.

# Representation and other support

## Who can help me?

You have the right to represent yourself throughout the process but we would strongly recommend that you get help from a representative (who does not require to be legally qualified). A representative will often be familiar with professional regulatory processes and can help make things a lot less stressful than managing on your own.

There are a number of options available to you in obtaining representation:

- If you are a member of a Union/Professional Association, they will often be able to represent you throughout the process ([see page 10 for contact details](#)).
- A solicitor who has experience of Fitness to Teach (or professional regulatory) hearings: the Law Society of Scotland may be able to assist you in identifying a solicitor ([see page 10](#)). If you are

worried about how you would be able to pay a solicitor's fees, check whether you have legal expenses cover through any of your insurance policies.

- The Citizen's Advice Bureau ([see page 10](#)) or a family member or friend confident in carrying out this kind of role may be able to help.

You may wish to discuss the situation with your employer if they are not already aware. They may be able to offer advice and support during the process.

You might also find the below organisations of assistance in offering practical and emotional support.



*"Teacher Support Network and Recourse believe that nobody working in education should have to cope with emotional strain alone, which is why we're always here to listen. Our dedicated helpline, the only one of its kind in the UK, is open 24 hours a day, seven days a week, and is free to use. Our trained counsellors provide a range of emotional and practical support and our debt advisors can help you with financial worries and issue emergency grants for teachers, lecturers and administration staff. Call us on 08000 562 561, email us at [support@teachersupport.info](mailto:support@teachersupport.info) or download our practical guides at [www.teachersupport.info](http://www.teachersupport.info)"*

Turn2us ([www.turn2us.org.uk](http://www.turn2us.org.uk)) (0808 802 2000) is a free service that helps people in financial need to access welfare benefits, charitable grants and other financial help. Turn2us works in partnership with Teacher Support Scotland regarding financial concerns of teachers.

# The investigation process

## What does an investigation involve?

We plan what investigations should be carried out and an Investigating Officer takes these forward.

The purpose of the investigation is to find out what has happened and establish what action should be taken, if any, in the public interest. An Investigating Officer will be looking to gather together all of the information that is relevant to the allegations with a view to establishing whether your fitness to teach is impaired.

As noted earlier, we approach the investigation process in an entirely neutral and objective way – we are investigating to find out what has happened and establish what action should be taken in the public interest, not to build a case for or against you.

The Investigating Officer decides what investigations are needed based on the particular allegations and the information that has been provided with the referral. We sometimes need to make a lot of enquiries and speak to a lot of people, and sometimes we do not need to do much.

Our investigations can involve asking the person who has made the referral to provide more information as well as contacting your current/former employer or criminal justice agencies (e.g. the police or courts) for information. We often need to go out and speak to people who have been identified

as individuals who might have seen what happened or been involved in some way (witnesses) – we document the information provided in a witness statement. We also consider any information that you provide to us so if, for example, you have said that you admit what happened then our investigation will focus on where your fitness to teach is now.

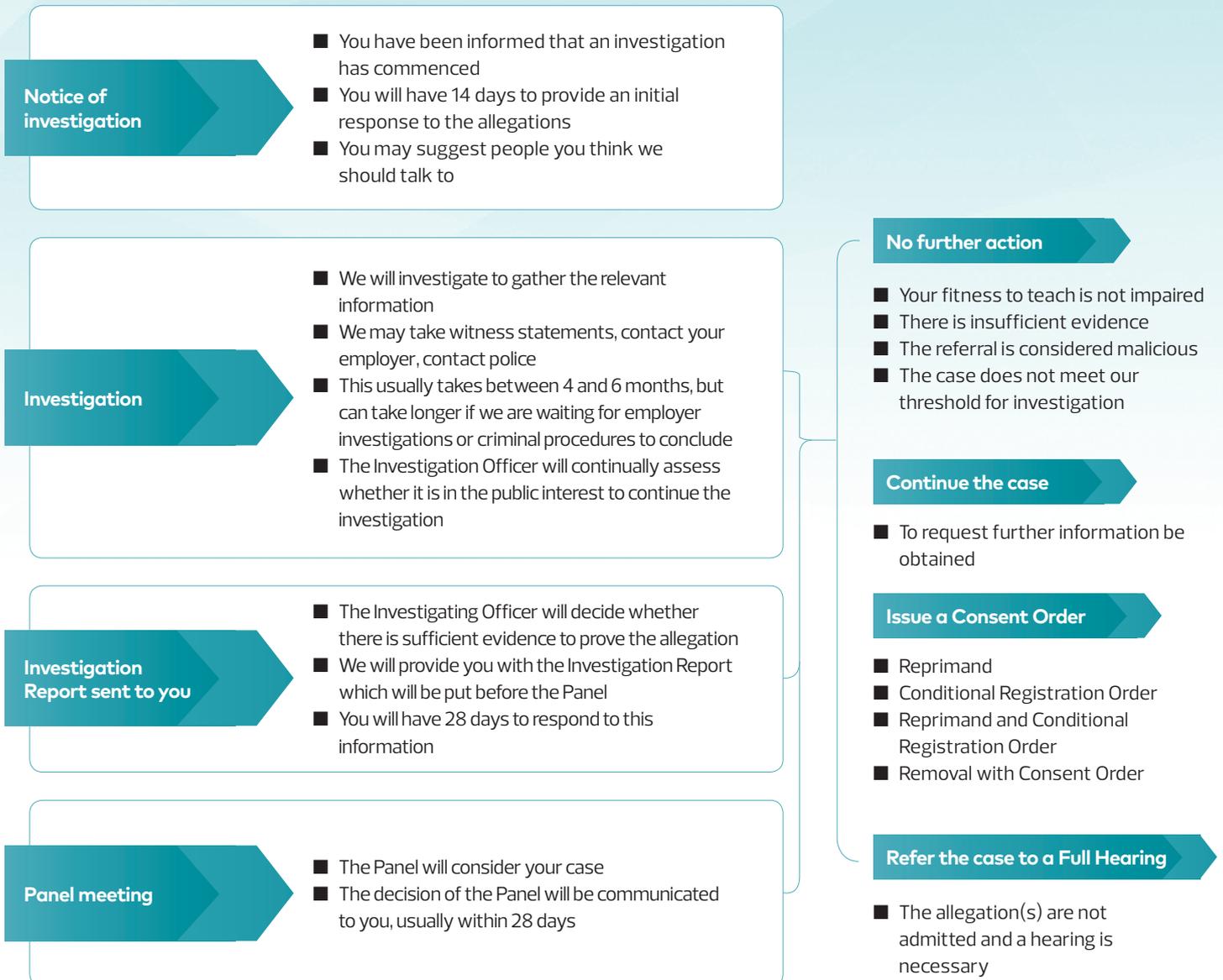
How long the investigation process takes depends on the complexity of the allegations and associated information but investigations are usually concluded within six months.

Once the Investigating Officer has completed the investigation, they will produce an investigation report and consider whether there is sufficient evidence to prove the allegation(s).

The Investigating Officer will continually assess the case as information is gathered to ensure a fitness to teach investigation is still justified. If it is determined that the case no longer meets the required investigation threshold (or it is established that there is insufficient evidence available to prove the allegation(s)) then the case will be closed at that time and will not progress to the next stage.

If the Investigating Officer decides that there is sufficient evidence to prove the allegation, the case progresses to the "Panel Consideration" stage.

# Flowchart of the investigation process



# Panel consideration

## What is a Panel?

A Panel is made up of at least three members from a pool of independent panel members. Each panel includes a mixture of teacher and lay (non-teacher) members, and will have a majority of teacher members.

## What does the Panel do?

The purpose of the Panel consideration meeting is to consider, on paper, all of the information that has been gathered through the investigation process and to decide what action is necessary and proportionate to take next in the case. The outcomes available to the Panel are listed below.

Panel consideration meetings are held in private. Neither you nor any representative, employer or witness is entitled to attend. The Panel will make its decision purely on the basis of the written material placed before it – this includes the Investigation Report as well as any response that you have asked to be considered.

The Panel Consideration Practice Statement explains in more detail what the Panel does and the factors it will consider in reaching a decision at this stage, so this is a helpful document to read to help you understand more about the process – we will remind you about this document in our correspondence with you at later stages.

# Possible outcomes

## No further action – case closed

- Panel decides the case shouldn't have been investigated as it does not meet the threshold (e.g. it is not relevant to fitness to teach or is vexatious)
- Panel decides there is insufficient evidence to prove the facts alleged or the referral is malicious
- Panel decides the teacher's fitness to teach is not impaired

## Request further information

- Panel decides it needs some more information to make a decision. The case is considered again once this information has been received (and shared with the teacher)

## Issue a Consent Order

- Panel decides to issue a Consent Order in line with our [Indicative Outcomes Guidance](#). Consent Orders cover all of the disposal options following a full hearing.

## Refer case on for a full hearing

- Panel decides a full hearing is needed in the case – usually this is because the teacher does not admit the allegations or has not engaged in our process to enable other options to be considered

# What do you need to do?

## Guidance on completing the Information Form

If you are reading this alongside our initial letter to you informing you that an investigation is commencing, you will see that a form for you to provide information is attached to that. This is an opportunity for you to provide your initial thoughts about the information that has been referred to us.

As noted above when we described what the investigation process involves, what you tell us may be used to help inform our routes of enquiry and ensure all relevant information is gathered through our investigation process. For example, you might admit all or part of what happened and want to tell us that now to help bring the investigation process to a conclusion quicker. Alternatively, you might know of someone that saw what happened, or was involved, and want to highlight this to us to ensure that we speak to them as part of our investigation process.

It is entirely up to you whether you want to engage with us early in this way – you might feel that you are not in a position to respond, have nothing to say or do not want to say anything; it is absolutely fine for you to take this position – you will have the opportunity to respond again at a later stage once we have carried out investigations.

If you are finding it difficult to complete the Information Form and would prefer an Investigating Officer to take a statement from you over the telephone, please contact us (email [regulation@gcfs.org.uk](mailto:regulation@gcfs.org.uk) or telephone 0131 314 6000 and ask to speak to the team) and we will look at making arrangements for that to take place. Please note that the Investigating Officer cannot give advice on what to include in your statement.

# Privacy

## Social media

Please note that the investigation is confidential and it is important that you do not make reference to it on social media or similar public forums.

## What will be made public?

No details of the investigation process are made available to the public – information is only published if a case progresses to a full hearing or a consent order is accepted. Further information about this is set out in our Fitness to Teach Publication Policy which is available on our website.

## Who do we inform?

If you are employed as a teacher, we will inform your employer in order that they are aware of what is happening and also to ensure that you have appropriate support available to you within your employment context. If the referral has come from a former employer, third party organisation or member of the public then we will also tell them that an investigation has commenced and notify them of the key decision points in the progression of the case.

# What happens next?

**We will carry out the investigation process in the way described earlier. If you are reading this having just received our notice of investigation letter then we will look out for your Information Form.**

Once the investigation is complete we will send you a report containing all the information that the Panel will see. You will then

have a period of 28 days to submit a final response for the Panel to consider if you choose to do so. We will remind you about the Panel Consideration Practice Statement again then to ensure you are aware of the factors that the Panel will be considering and the outcomes available to them.

# Useful contacts

## Association of Headteachers & Deputies in Scotland (AHDS)

[www.ahds.org.uk](http://www.ahds.org.uk)

Telephone: 0845 260 9959

PO Box 18532, Inverurie,  
AB51 0WS

## Association of Teachers and Lecturers (ATL)

[www.atl.org.uk](http://www.atl.org.uk)

## The Educational Institute of Scotland (EIS)

[www.eis.org.uk](http://www.eis.org.uk)

Telephone: 0131 225 6244(0)1

46 Moray Place, Edinburgh,  
EH3 6BH

## National Association of Schoolmasters Union of Women Teachers (NASUWT)

[www.nasuwat.org.uk](http://www.nasuwat.org.uk)

Telephone: 0131 226 8480

NASUWT, 35 Young Street  
North Lane, Edinburgh, EH2 4JD

## Scottish Secondary Teachers' Association (SSTA)

[www.ssta.org.uk](http://www.ssta.org.uk)

Telephone: 0131 313 7300

West End House, 14 West End  
Place, Edinburgh, EH11 2ED

## Law Society of Scotland

[www.lawscot.org.uk](http://www.lawscot.org.uk)

Telephone: 0131 226 7411

26 Drumsheugh Gardens,  
Edinburgh, EH3 7YR

## Citizen's Advice Scotland

[www.cas.org.uk](http://www.cas.org.uk) (where you will find information regarding your nearest CAS office)

## Voice

[www.voicetheunion.org.uk](http://www.voicetheunion.org.uk)

Telephone: 0131 220 8241

1-3 St. Colme Street, Edinburgh,  
EH3 6AA

## School Leaders Scotland

[www.sls-scotland.org.uk](http://www.sls-scotland.org.uk)

Telephone: 0141 404 2792/3

New College Lanarkshire,  
Kirkintilloch Campus, 50  
Southbank Road, Kirkintilloch,  
G66 1NH



## GTC Scotland

Comhairle Choitcheann Teagaisg nah-Alba

Clerwood House, 96 Clermiston Road,

Edinburgh EH12 6UT

Tel: 0131 314 6000

Fax: 0131 314 6001

E-mail: [gtcs@gtcs.org.uk](mailto:gtcs@gtcs.org.uk)

[www.gtcs.org.uk](http://www.gtcs.org.uk)

[www.in2teaching.org.uk](http://www.in2teaching.org.uk)



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