

**DRIVING FORWARD PROFESSIONAL
STANDARDS FOR TEACHERS**



The General Teaching Council for Scotland

**Code of Conduct and Membership Scheme 2014
for Council, Panel and Committee Members**

1 Purpose and Reference

This Scheme is made by the General Teaching Council for Scotland (GTC Scotland) to apply to its members and in accordance with its statutory duty to make a scheme relating to the removal, disqualification and replacement of those members. This Scheme is also made to apply to any individuals appointed to GTC Scotland committees, panels and sub-committees.

This Scheme seeks to ensure that public and stakeholder confidence is maintained in the effectiveness, impartiality and integrity of those who serve on GTC Scotland's Council, committees and panels.

This Scheme may be referenced as The General Teaching Council for Scotland Code of Conduct and Membership Scheme 2014 and will come into force on the day that it is approved by GTC Scotland.

The General Teaching Council for Scotland Code of Conduct and Membership Scheme 2011 is revoked and replaced by this Scheme.

2 Interpretation

In this Scheme unless the context otherwise requires:

- (a) "Appointments Committee" means the appointments committee established by GTC Scotland to appoint appointed members and appointees.
- (b) "appointed member" means a duly appointed member of the Council;
- (c) "appointee" means a duly appointed member of a GTC Scotland committee, panel or sub-committee;
- (d) "Chief Executive" means the Chief Executive of GTC Scotland, or any person fulfilling his/her role;
- (e) "Convener" means the Convener of the Council, or any person fulfilling his/her role;
- (f) "Council" means the Council of GTC Scotland;
- (g) "elected member" means a duly elected member of the Council;
- (h) "election" means the procedure by which the elected members are elected in accordance with the Election Scheme. For the avoidance of doubt, this includes any by-election that becomes necessary to fill an interim vacancy;
- (i) "Election Scheme" means GTC Scotland's election scheme relating to the election of the elected members of Council;
- (j) "member" means any member of the Council (whether appointed, elected or nominated);
- (k) "nominated member" means a nominated member of the Council;
- (l) "Panel" means the Appointments Committee (or in the case of an Appointments Committee member, the panel responsible for appointing the Appointments Committee) adjudicating the disqualification, removal or suspension determination process laid down in Schedule 2 to this Scheme;
- (m) "register" means the register established and maintained by GTC Scotland in accordance with its statutory function, and "registered" and "registrant" shall be construed accordingly; and

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- (n) “Respondent” means the member, appointee, applicant or candidate responding in the disqualification, removal or suspension determination process laid down in Schedule 2 to this Scheme.

Unless the context otherwise requires, any reference in this Scheme to legislation, rules, processes, publications, schemes, panels, or committees will be construed as a reference to such legislation, rule, process, publication, scheme, panel, or committee as may be supplemented, amended, substituted, re-named or replaced from time to time.

This Scheme will be interpreted and applied in accordance with the terms of the Equality Act 2010.

3 Terms of Office

- 3.1 Subject to section 3.2 below, the term of office of each member is 4 years.
- 3.2 Where a member has filled an interim vacancy:
- (a) For an elected member seat following a process other than one of election, his/her term of office will equal the period of time that remains until the date on which the successive term of office starts following the next scheduled election; or
- (b) In any circumstance other than that set out at (a) above, his/her term of office will be 4 years less the period of office served by the member (or members) that he/she has replaced.
- 3.3 The term of office of each appointee will be set out in his/her terms of appointment and will ordinarily be 4 years.
- 3.4 No member or appointee may hold office for more than an aggregate of 8 years during any period of 20 years. For the avoidance of doubt, in applying this paragraph, a position of office as a member is to be considered as distinct and separate from a position of office as an appointee.

4 Code of Conduct

Members and appointees must act in accordance with the Code of Conduct set out in Schedule 1.

5 Performance Review

All members and appointees must participate in the performance review process prescribed by the Council.

6 Disqualification, Removal and Suspension

6.1 Disqualification

A person is disqualified from becoming a member of Council, or being appointed as an appointee, if the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) is satisfied that it is just to do so because the person:

- (a) has been convicted of an offence involving violence, lewd or libidinous conduct, abuse of a position of trust, dishonesty or deception within the last 5 years or has been so convicted and such conviction is not yet spent;
- (b) has been convicted of an offence within the last 5 years, or has been so convicted and such conviction is not yet spent, and the final outcome of the proceedings was a sentence of imprisonment or detention;

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- (c) has at any time been removed from the office of charity trustee or trustee for a charity by an order made by Charity Commissioners, a Charity Commission, the Office of the Scottish Charity Regulator, any court of law or any similar or equivalent body on the grounds of any misconduct or mismanagement in the administration of the charity –
 - (i) for which the person was responsible or that the person had knowledge of, or
 - (ii) which the person by their conduct contributed to or facilitated;
 - (d) has at any time been removed from office as a member, convener or director, of a body carrying on a public function (including GTC Scotland) on the grounds that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office or has resigned from such an office in circumstances in which, but for that fact, he/she would or might have been removed from office on such grounds;
 - (e) has been adjudged bankrupt or sequestration of the person's estate has been awarded within the last 5 years or the person has not been discharged or remains subject to court ordered bankruptcy restrictions;
 - (f) has at any time, as an alternative to bankruptcy or similar, made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;
 - (g) is disqualified from being a director of a company or is disqualified from holding a position that is similar or equivalent to a director of a company in any jurisdiction outside the United Kingdom;
 - (h) is barred or disqualified from regulated work with children or vulnerable adults by virtue of the Protection of Vulnerable Groups (Scotland) Act 2007 (or any similar or equivalent legislation); or
 - (i) has at any time been subject to any investigation or proceedings concerning the person's fitness to practise or his/her fraudulent conduct by any licensing body (or a body responsible for carrying out such functions and including GTC Scotland), the final outcome of which was:
 - (i) the person's suspension from a register held by the body, and that suspension has not been withdrawn,
 - (ii) the removal of a person's entry in a register held by the body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by that body,
 - (iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions or restrictions, and any such conditions have not yet been discharged,
 - (iv) the person was reprimanded and that reprimand is still in force.

The Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) may decide that an applicant or candidate should not be considered disqualified where it determines that there is just cause to do so. In no event will this be a waiver of that (or any other) provision set out in this Scheme.

6.2 Removal

A member or appointee will be removed from Council and any of its panels, sub-committees or committees if:

- (a) his/her term of office has expired and has not been extended or renewed;
- (b) he/she resigns, which he/she may do at any time by written notice;
- (c) he/she dies; or

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- (d) in the case of –
- (i) an elected member, he/she ceases to be employed in the category for which he/she was elected and any permission that the Council may have granted to allow such a member to remain in office until the date on which the successive term of office starts following the next scheduled election has expired or has been withdrawn,
 - (ii) a registrant member or appointee, his/her registration lapses, or
 - (iii) a lay member or appointee, he/she becomes registered, becomes eligible to be registered or obtains a recognised teaching qualification; or
 - (iv) a nominated member, his/her nominating body or authority withdraws its nomination of him/her which it may do at any time.

A member or appointee will, in addition, be removed from Council and any of its panels, sub-committees or committees if the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) is satisfied that it is just to do so because the member or appointee:

- (e) is disqualified in terms of section 6.1 above;
- (f) has failed, without reasonable cause, to attend:
 - (i) 3 or more consecutive meetings that he/she was scheduled to attend; or
 - (ii) half, or more than half, of the meetings that he/she was scheduled to attend within a period of 12 months.
- (g) has failed, without reasonable cause, to maintain and develop his/her skills and knowledge to ensure that the requirements associated with his/her office are met and maintained meaning that public confidence in GTC Scotland would be undermined if he/she were not so removed;
- (h) he/she is no longer able to perform his/her duties because of adverse physical or mental health; or
- (i) has not met or maintained the standards of conduct, behaviour and integrity expected of a person holding his/her office and public confidence in GTC Scotland would be undermined if he/she were not so removed.

For the avoidance of doubt, the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) may decide that a person should not be considered disqualified or removed in terms of the provisions set out in sections 6.1 and 6.2(f) to 6.2(i) above where it determines that there is just cause to do so. In no event will this be a waiver of that (or any other) provision set out in this Scheme.

6.3 Suspension

A member or appointee may be suspended from office by notice in writing where it is proportionate and necessary to do so if there are circumstances which may ultimately cause that member or appointee to be removed in terms of sections 6.2(f) to 6.2(i) above. The suspension shall be of such duration as the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) sees fit pending resolution of the matter in question in accordance with this Scheme.

6.4 Process

Any determination that requires to be made in terms of sections 6.1, 6.2 and 6.3 above will be referred to the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee). In making any such determination, the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) shall be appropriately constituted so that it is independent of the member or appointee concerned. The process to be

followed by the Appointments Committee (or in the case of any Appointments Committee member, the panel responsible for appointing the Appointments Committee) is set out in Schedule 2.

7 Replacement

In the event that a member or appointee is removed in accordance with section 6 above, he/she will be replaced:

- (a) in the case of elected members, in accordance with the interim vacancy provisions set out in the Election Scheme;
- (b) in the case of appointed members or appointees, in accordance with the interim vacancy provisions set out in the Appointments Scheme; and
- (c) in the case of nominated members, by a replacement nominee being sought from the relevant nominating body or authority.

8 Complaints

Complaints against members and appointees will be managed in accordance with the procedure set out in Schedule 3.



Schedule 1

Code of Conduct

In order for both the teaching profession and the public to have confidence in GTC Scotland, members and appointees are expected to comply with the highest standards of conduct, behaviour and integrity at all times. This Code of Conduct provides guidance on the standards expected. It is your responsibility to ensure that these standards are met and maintained.

1 General Principles

You must:

- (a) Act selflessly. You have a duty to take decisions solely in the terms of public interest. You must not act in order to gain financial or other material benefit for yourself, your family or your friends.
- (b) Act with integrity. You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties (whether directly or indirectly).
- (c) Act honestly. You must declare any private interests relating to your duties and take steps to resolve any conflicts arising in a way which protects the public interest.
- (d) Promote equality and diversity and avoid discrimination or bias.
- (e) Make decisions objectively, solely on merit and in a way that is consistent with GTC Scotland's functions, taking account of the views of others and ensuring that GTC Scotland uses its resources prudently.
- (f) Submit yourself to whatever scrutiny is appropriate to your office given that you are accountable for your decisions and actions to the public.
- (g) Be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.
- (h) Treat others with respect and courtesy.
- (i) Preserve the confidentiality of any privileged information received as part of your duties.
- (j) Act in accordance with GTC Scotland's core functions and duties.
- (k) Uphold and preserve the reputation of GTC Scotland.
- (l) Uphold standards of personal and professional conduct so that your suitability to be a member or appointee is not called into question and you do not place yourself in breach of the criminal law.
- (m) Take all reasonable steps to attend the meetings, hearings and training events that relate to your duties and prepare appropriately.
- (n) Maintain and develop your skills and knowledge to ensure that you continue to meet the requirements associated with performing your duties.
- (o) Uphold the law and act in accordance with the law and the public trust placed in you.
- (p) Promote and support the above principles by leadership and example, and maintain and strengthen the public and the profession's trust and confidence in GTC Scotland

2 Confidentiality

As a member or appointee, you will obtain information that is of a confidential and sensitive nature. You must:

- (a) not divulge such information to any third party without the appropriate consent or unless you are compelled to do so by law;
- (b) keep such information secure at all times;
- (c) not make or retain copies of such information other than as required to carry out your duties as a member or appointee; and
- (d) immediately notify the Convener or Chief Executive (who will each inform the other) if you become aware of any breach in confidentiality.

3 Gifts and Hospitality

You must not seek gifts or hospitality as a consequence of being a member or appointee.

You must not accept any offer by way of gift or hospitality (either to yourself or to any person connected with you) as a consequence of being a member or appointee which could give rise to a reasonable suspicion of influence on your part to show favour, or disadvantage, to any individual or organisation. As a general guide, it is usually appropriate for you, to refuse all offers except:

- (a) isolated gifts of a trivial or inexpensive character;
- (b) hospitality that is reasonably associated with your duties; or
- (c) gifts received on behalf of GTC Scotland itself.

You must record details of any gifts and hospitality received as a consequence of being a member or appointee using the form provided by GTC Scotland. This record will be made available for public inspection.

4 Registration of Interests

You must register an interest appropriately where it could reasonably be considered by a member of the public to actually or potentially compromise your integrity as a member or appointee.

You must, in particular, register an interest where:

- (a) You receive remuneration or any allowance (whether it be financial or in kind and excluding any pension entitlement) by virtue of being:
 - ❖ employed;
 - ❖ self-employed;
 - ❖ the holder of an office;
 - ❖ a director of an undertaking;
 - ❖ a partner in an undertaking; or
 - ❖ a member of an organisation.
- (b) You hold a directorship which itself is not remunerated but where the undertaking in question is a subsidiary of, or a parent of, an undertaking in which you hold a remunerated directorship.
- (c) You (or a firm in which you are a partner, or an undertaking in which you are a director (or in which you have shares of a nominal value in excess of either £25,000 or 1% of the issued share capital)) have made a contract with GTC Scotland under which goods or services are to be provided which has not yet been discharged.

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- (d) You own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of GTC Scotland.
 - (e) You have an interest in shares which constitute a holding in a company or organisation which may be significant to, of relevance to, or bear upon, the work and operation of the Council.
 - (f) You have non-financial interests which may be significant to, of relevance to, or bear upon, the work and operation of the Council. For example, membership or holding office in other public bodies, clubs, societies and organisations such as trades unions and voluntary organisations.

Please note that you should also consider whether you should register an interest in respect of any spouse, co-habitee, close family member or business partner where that interest could reasonably be considered by a member of the public to actually or potentially compromise your integrity as a member or appointee.

Any interest must be registered in the form provided by GTC Scotland and must make the nature of the interest clear to the public. The Register of Interests will be made available for public inspection.

5 Declarations of Interests

You must declare an interest in any meeting or hearing that you attend as a member or appointee where that interest might reasonably be considered to actually or potentially influence a decision that you are required to make. In deciding whether you have an interest to declare, you must comply with the “objective test”. This means that you have to determine whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest that you have as so significant that it is likely to prejudice your role in discussion and decision-making. You should also refer to the principles set out at paragraph 4 above in considering whether an interest requires to be declared. An interest must be declared even if it has been registered with GTC Scotland in terms of paragraph 4 above.

It is your responsibility to judge whether an interest requires declaration with reference to the test described above and you are advised to err on the side of caution, seeking advice as required.

Any interest should be declared, in clear terms, as soon as reasonably practicable following its identification.

Where the declared interest is non-financial and is only of potential influence, you may continue to participate in discussion and make a decision provided that you are satisfied that your involvement is neither capable of being viewed as more significant than that of an ordinary member of the public, nor likely to be perceived by the public as wrong.

6 Expression of Views

You are expected to distinguish clearly, when speaking or writing, between personal views and those of GTC Scotland. Any communication with the media that is or is not related to GTC Scotland’s work or policy should be discussed with the Convener/Vice-Convener of Council and the Chief Executive or should make it clear that it represents a personal view and not that of GTC Scotland.

7 Lobbyists

You may be approached by individuals or organisations that wish to lobby you on GTC Scotland’s work, including policy matters. You may take account of the views of others and undertake to make them known to GTC Scotland if appropriate, but should avoid taking any action or making any commitment which might indicate your acceptance of the lobbyist's position. Any queries or correspondence about this matter should be referred to the Chief Executive or Convener.

8 Corporate Responsibility

You contribute to GTC Scotland decisions and take joint responsibility for these according to your role. This does not preclude you from disagreeing during the process of decision-making but once a decision is final, you must support it.

9 Compensation Payments and Expenses

You must comply with GTC Scotland's rules and policies regarding compensation payments and expenses.

10 Change in Circumstances

Where your circumstances change in any way which could lead to you being disqualified or removed from the Council or any of its committees or panels in accordance with the Membership Scheme, you must inform the Chief Executive or Convener (who will each inform the other) of that change at the earliest opportunity.



Schedule 2

Disqualification, Removal or Suspension Determination Process

1 Notice

- 1.1 Notice will be provided to the Respondent no fewer than 21 days before the date on which his/her disqualification or removal or review request is to be heard by the Panel. Notice will be provided to the Respondent no fewer than 7 days before the date on which his/her suspension is to be heard by the Panel. The notice period may be reduced if the Respondent and GTC Scotland consent.
- 1.2 The Notice will set out the alleged facts and circumstances which have caused the hearing to be held for any disqualification, removal or suspension hearing. The Notice will be accompanied by a copy of this Scheme and a response form to provide an indication of whether or not the Respondent:
 - (a) will attend the hearing;
 - (b) will be represented at the hearing and, if so, by whom; and
 - (c) intends calling any witnesses, has any matters which he/she wishes the Panel to take into account or any documents, statements or records that he/she wishes to refer to.
- 1.3 Notice will be served either by:
 - (a) post in which delivery or receipt is recorded;
 - (b) hand delivery by or on behalf of GTC Scotland; or
 - (c) electronic mail to the address held by GTC Scotland for the Respondent.
- 1.4 Notice will be taken to have been served on the day after posting, on the day of hand delivery and on the day of electronic mailing.
- 1.5 The service of the Notice may be proved by:
 - (a) confirmation of posting issued by or on behalf of the Post Office (or other postal operator or delivery service);
 - (b) a signed statement from any person serving the notice by hand or by electronic mail; or
 - (c) confirmation of receipt by (or on behalf of) the Respondent.
- 1.6 Where, before a hearing begins or at any stage of the hearing, it appears that the Notice is defective, the Panel will, on cause shown, allow the Notice to be amended. If the Panel considers that the nature of the amendment is such as to require that the amended Notice should be re-served, it will so direct and the hearing will be postponed or adjourned accordingly.
- 1.7 A Respondent who appears at any hearing will not be entitled to state any objection to the regularity of the execution of service or intimation of the Notice on him or her, and his or her appearance will remedy any defect in such service, intimation or Notice.

2 Evidence

- 2.1 The Respondent will submit any information that he/she wishes the Panel to consider no fewer than 14 days before the hearing date in the case of a disqualification or removal hearing.
- 2.2 Copies of all of the information submitted to the Panel that are to be considered by them as part of making their determination will be provided to the Respondent no fewer than 7 days before the hearing date in the case of a disqualification or removal hearing.
- 2.3 The Panel may admit and consider any information (oral, documentary or other) from any party that it considers relevant to its determination. The Panel may itself (acting through the Servicing Officer

as is seen fit) request that any person provide information that it considers relevant and may then admit and consider that information.

- 2.4 In the case of a disqualification or removal hearing, the Panel may admit and consider information where such information has not been disclosed in advance where either (i) the Respondent consents to this; or (ii) the Panel is satisfied that the admission of the information is necessary to ensure the fairness of the proceedings and, where there is possible prejudice to the Respondent, that this is outweighed.
- 2.5 The Panel Convener may, on the application of a party or on his or her own motion, require any party to the hearing to produce any document within such time as he or she prescribes.

3 Hearing Proceedings

- 3.1 Unless the Respondent concerned requests that the hearing be held in public and the Panel agrees to so proceed taking account of the particular circumstances, the hearing will be conducted in private and no one may be present save those concerned with the hearing. Hearing proceedings will be electronically recorded.
- 3.2 The Panel may exclude from the whole or any part of a hearing, any person whose conduct, in the opinion of the Panel, has disrupted (or is likely to disrupt) the hearing.
- 3.3 The Servicing Officer of the Panel will take no part in the decision-making process.
- 3.4 Where the Respondent is neither present nor represented at the hearing without any known good cause, and the Panel is satisfied that all reasonable efforts have been made to serve notice of the hearing upon him/her and to clarify the non-attendance, the Panel may proceed to determine the matter in his/her absence.
- 3.5 Subject to the terms of this Scheme and the interests of fairness and justice, the Panel may conduct hearing proceedings as it sees fit.
- 3.6 The Panel may itself, or upon the application of any party, postpone a hearing provided that there is good cause for so doing. The Respondent will be informed as soon as reasonably practicable when a hearing will be resumed or will be notified of a re-scheduled date.

4 Decision

- 4.1 The Panel may decide to do one or more of the following:
- make no order;
 - direct that the Respondent be suspended from office for such period as it sees fit, pending final resolution of the matter in question;
 - issue a reprimand;
 - request an undertaking from the Respondent in respect of his/her future conduct;
 - refer the matter to GTC Scotland's fitness to teach processes, the police, law enforcement agency or other appropriate regulatory authority; or
 - direct that the member or appointee be removed or disqualified from office.
- 4.2 In making a decision, the Panel will consider only the information placed before it at the hearing.
- 4.3 Notice of the decision of the Panel (including reasons for that decision) will be sent in writing to the Respondent within 14 days of the hearing.

5 Reviews

5.1 Suspensions

- 5.1.1 The Panel may at any time review a suspension of a Respondent and shall do so after 3 months from the start of the period of suspension if requested to do so by the Respondent .
- 5.1.2 Following a review, the Panel may terminate the suspension, adjust its terms in any way or determine that it should remain in place.
- 5.1.3 The Panel may review the suspension following such process as it sees fit and it views as just and fair in the circumstances.

5.2 Disqualification and Removal Decisions

- 5.2.1 Where a Respondent has been removed or disqualified from office, the Respondent may, within 28 days from the date of service of notice of any such decision, send a written request (in such form as may reasonably be prescribed) for that decision to be reviewed by a Panel composed of individuals who have had no involvement in the making of that decision.
- 5.2.2 Any request for review may only be made, and will only be considered, where there are grounds for the decision to be reviewed in terms of either:
 - (a) a failure to act in accordance with this Scheme; or
 - (b) an error,that has had a significant impact on the decision made.

If no such request is made, the decision will stand and be considered final.
- 5.2.3 If a review request is not lodged within the specified time period, the Servicing Officer of the Panel may dismiss the request.
- 5.2.4 Unless a review request is dismissed in accordance with the above, a review hearing will be arranged and notice of the hearing will be served on the Respondent in accordance with the provisions set out at paragraph 1 of this Schedule.
- 5.2.5 Proceedings at a review hearing will be conducted in accordance with the provisions set out at paragraph 3 of this Scheme with the Panel first requiring to determine whether there are grounds for the decision to be reviewed in accordance with the provision above. If the Panel considers that there are no such grounds, the Panel must dismiss the request meaning that the original decision stands and is considered final. If the Panel determines that there are grounds, it must then proceed to consider whether the original decision should be quashed and replaced by another of the possible outcomes set out in paragraph 4 of this Schedule 4, taking account of all of the information placed before it at the hearing.
- 5.2.6 Notice of the decision of the Panel (including reasons for that decision) will be sent in writing to the Respondent within 14 days of the review hearing.



Schedule 3

Complaints

Complaints against members or appointees made by GTC Scotland staff should be made to the Chief Executive. All other complaints against members or appointees (or any information received giving rise to a concern about a member or appointee) should be provided in writing to the Chief Executive and the Convener in such form as the Council may prescribe.

As seen fit, and in the event that a complaint or concern relates to the Convener, another member of Council or other person designated by the Council shall assume the responsibilities which are assigned to the Convener under this procedure.

If in the opinion of the Convener, further information is required in order for the complaint to be considered, the Convener will refer back to the complainant accordingly.

Stage 1

- 1.1 The Convener may decide that the complaint should, from the outset, be referred for consideration in terms of Schedule 2 or, in the case of a registrant member or appointee, to GTC Scotland's professional fitness to teach processes.
- 1.2 The Convener may also decide that the complaint is not within the scope of this procedure, is trivial or vexatious or that it is not fair or in the interests of justice for it to be pursued.
- 1.3 If the Convener makes any such decision, he/she will inform the complainant of that decision in writing, providing reasons for it. If such a decision is not made, the complaint will continue to Stage 2.
- 1.4 The Convener's decision on these matters may be subject to review by the Council where there is good cause for so doing.

Stage 2

- 2.1 The Convener may suggest that the complainant and the member or appointee seek to resolve the matter by conciliation and, if they agree, the Convener, with the consent of the parties, may appoint a conciliator to facilitate this. The Convener may, alternatively, with the consent of the parties, seek to resolve matters in such manner as he/she sees fit.
- 2.2 If the complaint is resolved in this way, no further action will be taken and the complainant will be informed appropriately. If, however, it is not possible, or the Convener determines that it is inappropriate, to resolve the complaint in this way, the complaint will continue to Stage 3.

Stage 3

- 3.1 The Convener will nominate an appropriate Independent Reviewer to determine, and report to Council, whether:
 - On the balance of probabilities, the allegations contained in the complaint are proved; and
 - On the basis of the allegations proved, the member or appointee has not met or maintained the standards of conduct, behaviour and integrity expected of a person holding his/her office (with reference to the Code of Conduct set out in Schedule 1).
- 3.2 The Independent Reviewer may conduct the investigation in such way as he/she thinks fit but shall ensure that:

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- (a) a copy of the complaint is sent to the member or appointee concerned and that he/she is afforded a reasonable time to respond to it (not to be less than 14 days); and
- (b) a copy of any response received from the member or appointee under (a) above is provided to the complainant and that he/she is afforded a reasonable time to respond to it (not to be less than 14 days).
- 3.3 The Independent Reviewer may be provided with administrative and legal support by GTC Scotland but if the Independent Reviewer, acting reasonably, wishes to obtain such support independently, GTC Scotland will meet the reasonable costs incurred in so doing.
- 3.4 In concluding his/her investigation of the complaint, the Independent Reviewer will prepare a report setting out his/her findings and may decide that:
- (a) no further action should be taken;
- (b) a particular proportionate, practicable and relevant action should be taken to remedy the complaint;
- (c) the member or appointee should be invited to apologise;
- (d) an undertaking should be sought from the member or appointee in respect of his/her future conduct;
- (e) the matter should be referred by the Council for determination under Schedule 2 of this Scheme; or
- (f) the matter should be referred to GTC Scotland's fitness to teach processes, the police, law enforcement agency or other appropriate regulatory authority.
- 3.5 The report shall be submitted to the Convener, the member or appointee concerned and the complainant.
- 3.6 The report will be considered at a meeting of Council in public to the extent that this is possible without disclosing confidential or sensitive information relating to the parties concerned. Any such confidential or sensitive matters will be considered at a private meeting of Council. The report will be acted upon appropriately.



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Kenneth Muir
Chief Executive/Registrar

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

GTC Scotland

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INVESTORS IN PEOPLE
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Direct weblinks

Main site:
www.gtcs.org.uk

Probation department:
www.gtcs.org.uk/probation

Probation site for teachers:
www.in2teaching.org.uk

Registration department:
www.gtcs.org.uk/registration

Professional Update:
www.gtcs.org.uk/professional-update

Professional recognition:
www.gtcs.org.uk/professional-recognition

Fitness to Teach:
www.gtcs.org.uk/fitness-to-teach

Research:
www.gtcs.org.uk/research