

Response ID ANON-M8YH-T55P-M

Submitted to **UK internal market: policy option proposals**

Submitted on **2020-08-13 16:56:50**

About you

What is your name?

Name:

What is your email address?

What is your organisation?

Organisation:

General Teaching Council for Scotland

Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

Consultation questions

1 Do you agree that the government should seek to mitigate against both 'direct' and 'indirect' discrimination in areas which affect the provision of goods and services?

Not Answered

Please expand on your response:

Please respond here:

2 What areas do you think should be covered by non-discrimination but not mutual recognition?

Please comment here:

GTC Scotland responds to this consultation only to reflect the position of the Scottish teaching profession and does not provide comment beyond that context.

Non-discrimination

GTC Scotland notes that the non-discrimination principle is set out in the White Paper at paragraph 51 stating, "The focus of the non-discrimination principle will be on ensuring that any discriminatory barriers are addressed (e.g. regulating against goods from a specified nation within the UK), while mutual recognition will aim to reduce the overall regulatory burden a business might face as a result of diversity in regulation affecting goods and services."

In relation to teaching, GTC Scotland considers that non-discrimination is essential, and that no barriers or discrimination should exist between people based solely on residence or origin within the UK. GTC Scotland does not, and would not, discriminate against an individual purely on their origin within the UK. However, GTC Scotland believes that this is a duty inherent in the general equality duty under the Equality Act 2010 and that any such discrimination would be wrong, in any event. GTC Scotland believes that non-discrimination, or the avoidance of unlawful discrimination, should be implicit in everything that any organisation, company, employer or regulator does.

Instead, of greatest importance to GTC Scotland in this context is maintaining the highest standard of teaching with Scotland's devolved education system and to do so careful consideration and assessment of individuals' qualifications must be carried out ahead of being accepted onto the Scottish Register of Teachers. As a result, and as explained further below, GTC Scotland does not consider that a system of mutual recognition can or should be applied to the teaching profession within the UK.

Mutual recognition

In the White Paper mutual recognition is stated as meaning "that compliance with regulation required to access a profession in one territory can be used to demonstrate compliance towards access of that profession in another territory".

It is also noted that at paragraph 133 (b) of the White Paper it states "Where access requirements in the other territory differ, a process will be implemented to

enable professionals to demonstrate compliance.” It is unclear from the White Paper what this system would be and whether it would simply mirror the processes already in place within the UK or whether it would create a new centralised process and, if the latter, who would be in control of such a system. Without any such clarity, GTC Scotland is assuming that this would become a centralised process and has commented on the White Paper as such.

The White Paper lacks sufficient clarity around those professions which should be included and those which should be exempt from mutual recognition however GTC Scotland strongly believes that the teaching profession should be exempt from a system of mutual recognition in the UK Internal Market. Education is, and has long been, a devolved function for the four UK nations and as a result different parts of the UK have different approaches to the employment, registration (if any) and regulation of its teachers. Access to the teaching profession within the UK, and within each of the four UK nations, differs greatly and each nation has long-established and well-tested standards for entry into the profession. To introduce a system of mutual recognition within the UK would undermine the devolved nature of education and would remove control from the individual nations, which GTC Scotland does not believe to be appropriate or acceptable in the context of education.

In Scotland, GTC Scotland has ownership of the standards for registration for teachers seeking registration and employment as a teacher in Scotland. GTC Scotland has had this function since its inception in 1965 and prides itself on the high standard of teachers within the Scottish education system. While there are similar bodies in some, but not all, of the other four nations they do not have the same standards for registration nor the same framework for ensuring teacher competence and qualification. For instance, with the abolition of GTC England and the introduction of the Teaching Regulation Agency in England, there is no longer a register of teachers in England and access to the teaching profession differs greatly between England and Scotland. Therefore, a system of mutual recognition would be complex and likely unworkable for the teaching profession in the UK.

While GTC Scotland currently holds a very successful ‘auto recognition’ process for UK teachers who possess adequate qualifications for registration in Scotland, this does not mean automatic registration for any teachers who would be otherwise qualified to teach in any of the other three nations. The system currently in place requires an individual to hold a qualification which is the equivalent of the Scottish qualifications required to enter the teaching profession in Scotland and to teach the Scottish curriculum. This ensures GTC Scotland remains in control of the level and standard of qualified individuals who will become eligible to teach in Scottish schools.

GTC Scotland is also aware that there are a number of other routes, including non-academic routes, that lead to registration in some of the UK nations. In addition, it may be that one nation deems it suitable to recognise international qualifications that another nation does not, or cannot, recognise for registration purposes. Therefore, despite an individual’s ability to access the teaching profession in another nation, this does not, and should not, mean that that individual will gain access to the teaching profession in another UK Nation. For instance, such non-academic routes would not be deemed suitable for entry onto the Scottish Register of Teachers. GTC Scotland is not prepared to lose this control over the standard of teachers entering the teaching profession in Scotland in this way and given the devolved education function within the UK, it does not believe that it would appropriate to do so.

GTC Scotland does not agree with the assertion that regulatory restrictions limit free movement of professionals, as is cited at various points in the White Paper. In the last 5 years GTC Scotland has registered 2246 individuals who have applied for registration from the rest of the UK. Therefore, GTC Scotland does not accept that ensuring the standards for teachers and maintaining each nation’s devolved powers to determine education policy and law within the UK will restrict free movement of teaching professionals. GTC Scotland does not agree that this is a matter of restricting access to the teaching profession but instead preserving the devolved power to impose differing professional standards within the UK in order to preserve the standard of teaching within each nation. Further still, the assertion at paragraph 141 of the White Paper that professionals regulated in one part of the UK “will be able to seek recognition of their qualifications in another” if a system of mutual recognition is introduced fails to recognise that this access and recognition of qualifications already exists; if an individual has qualifications which meet the standard for registration as a teacher in Scotland they will be registered as such. If an individual from any other nation has not achieved a qualification which is to a sufficient level to be eligible for registration in Scotland, they will either not be granted registration or will be provided a form of registration (provisional/conditional) to allow them to progress to full registration where such a route is possible.

Applications from the rest of the UK make up the largest proportion of applications than from any other country. GTC Scotland receives approximately 600 applications from the rest of the UK a year. It is anticipated that if a system of mutual recognition was to be introduced, resulting in GTC Scotland (and therefore Scotland) losing ultimate control over the professional standards for teachers, it is likely that number would increase and would in turn have the potential to dilute the standard and quality of teaching professionals within Scotland.

On the limited information available about what such a system of mutual recognition or compliance within the UK would look like, GTC Scotland would not support its implementation for the teaching profession and believes that to do so would undermine the four UK nations’ devolved education functions.

3 What would be the most effective way of implementing the two functions outlined above?

Please respond here:

Please respond here:

4 How should the government best ensure that these functions are carried out independently, ensure the smooth functioning of the Internal Market and are fully representative of the interests of businesses and consumers across the whole of the UK?

Please respond here: