

Revised Registration and Standards Rules

Response to the Consultation

Background

On 17 September 2015, we published a consultation on some proposed changes to our Registration and Standards Rules (the "Rules"). Our consultation was profiled on our website, through our social media channels and sent by email to all of our key stakeholders. We also highlighted the consultation in face-to-face meetings with a number of our stakeholders. The consultation closed on 2 November 2015 (but we have still considered responses that were received after that date).

The Rules:

- ❖ Set out the criteria for registration (and related decision review processes);
- ❖ Set out what information is held in our Register of Teachers;
- ❖ Set out the criteria for the award of any professional standard or professional recognition (and the related review processes);
- ❖ Set out ongoing requirements on the part of Registrants relating to registration (e.g. to engage in the Professional Update process and maintain up to date contact details and pay an annual registration fee); and
- ❖ Set out when a teacher may be removed from the Register (and related review processes).

The Rules do not cover the investigation and determination of the professional fitness to teach of an applicant/Registrant (and the related appeals procedures). These matters are covered by the separate Fitness to Teach and Appeals Rules.

We proposed changes to the Rules in order to:

- ❖ Review our registration policy for applicants qualified outside Scotland to ensure it remains appropriate and proportionate. We particularly wanted to ensure that we allow the level of flexibility necessary to meet the challenge that comes from the diversity of the qualifications we increasingly see whilst still ensuring that appropriate teaching standards are maintained in Scottish schools.
- ❖ Reflect a new route to achieving the Standard for Headship, given the introduction of the new "Into Headship Programme" which creates a new pathway to the achievement of the Standard for Headship.
- ❖ Reflect revised legislation on the disclosure of criminal conviction information as part of our registration application process.

This response document highlights key points we have taken from the consultation and explains the changes made to the draft Rules as a result. The final version of the Rules have now been published:

[http://www.gtcs.org.uk/web/FILES/FormUploads/registration-and-standards-rules-1215-pd_\(2\).pdf](http://www.gtcs.org.uk/web/FILES/FormUploads/registration-and-standards-rules-1215-pd_(2).pdf)

Overview of Respondents

We received a good response to the consultation. Submissions were received from 72 respondents; 27 responding on behalf of an organisation (listed in Appendix 1) and 35 as individuals. The submissions received from organisations reflected a broad range of our key stakeholders: teacher professional associations, parent forums/councils, local authority employers, independent school employers, initial

teacher education universities, other professional regulators and other education bodies. The individual respondents were GTCS registered teachers or former/prospective applicants for registration.

We thank respondents for taking the time to help inform this important piece of work. All of the responses have been considered carefully and taken into account.

Overview of Responses

The general tenor of responses was supportive and positive about the changes we have proposed. The majority of respondents recognised that the registration system must be open to talented teachers who have qualified elsewhere but at the same time maintain Scottish teaching standards.

There were some responses that clustered around one or other of two poles on the spectrum of responses.

At one end of the spectrum, respondents were asking for an even greater level of flexibility and willingness to register those who may not have qualifications comparable to that of a Scottish qualified teacher but who have a proven track record of good teaching. Some of these respondents urged that far greater weight should be given to teaching service post-qualification than the underlying teaching qualifications with a concern that the requirement for broadly comparable teacher education would continue to present a barrier to registration for many.

At the other end of the spectrum, respondents were urging extreme caution in showing greater flexibility, concerned that high teaching standards and an all graduate teaching profession in Scotland must be maintained: some even asked for further requirements for registration to be added (for example: testing for English language proficiency and Scottish culture awareness (including in relation to Gaelic)). One respondent was also concerned that such a route to registration may be used as a “back door” into teaching that would mean Scottish initial teacher education programmes could be bypassed, eroding Scottish teacher education.

Most respondents said that more clarity needs to be provided on what is meant by teacher education that is “broadly comparable” to that required of a teacher qualified in Scotland. A few respondents (particularly from initial teacher education universities) also raised concerns as to how (and whether) an assessment of the “broad comparability” of teacher education should be undertaken. Particular comments noted in this context were:

- The term “broadly comparable” must be interpreted as meaning that the applicant holds a degree-level qualification and a relevant and credible teaching certificate.
- Where and where aren’t compromises going to be made as to the comparability of teacher education? Arguably, initial teacher education programmes across Scotland are no longer comparable, particularly with the range of university responses to delivering such programmes following on from the Donaldson report. It is not therefore easy to identify what the comparator “Scottish pattern” is.
- The phrase requiring teacher education to contain “professional/pedagogic” studies is not clear. Does it mean professional and pedagogic, or professional or pedagogic, or is it suggesting that professional and pedagogic are much the same thing?
- The phrase, “subject studies that reflect the Scottish primary school curriculum” is also unclear. How do we define this, and how important is it that potential teachers have the full range. Are there some “subjects” that we would agree have higher priority than others? Does the emphasis on “subject studies” limit the need for teachers to have a good understanding of different types of curricula, e.g. subject-focused, skills focused, student-centred, etc?
- The particular problems with qualified outside Scotland teachers often stem from a different cultural approach to the role of the school within a community and the role of the teacher within the school. Philosophies of an education system are important and are harder to understand than subject content. This has not been addressed.

All respondents supported the re-introduction of a provisional (conditional) registration category. There were a variety of comments as to the implementation of such a category as follows:

- In order to award any such registration, all the fundamental academic requirements must be met so that those who are registered can competently teach the relevant sector/subject. Any shortfalls identified (and which the condition addresses) must not be so significant that the Standard for Provisional Registration has not been achieved.
- The conditions set must be “SMART”: they must provide clear milestones, be achievable and be realistic. They must also be appropriately monitored and supported at an employer level.
- There should be appropriate processes in place to allow for the deadline for condition compliance to be extended for ill health, maternity or similar reasons.
- The use of such a measure may sit uncomfortably with any promoted post and may have implications in terms of the SNCT Handbook provisions on teacher terms and conditions of service.
- This category should also be available to further education sector registrants to enable them to register in the secondary education sector subject to a condition to top up their qualifications appropriately.
- Broadly comparable qualifications gained outside Scotland will have covered pedagogy, child development, specific curriculum areas etc. There will be aspects specific to the Scottish system which will not have been part of such initial teacher education. This would include for example, Curriculum for Excellence, current approaches to raising attainment and assessment, GIRFEC. Provisional (conditional) registration would enable specific professional learning requirements to be identified and form part of their engagement with the PRD and Professional Update process. It is important that the re-introduction of this category is aligned with PRD and Professional Update and not seen as a separate route / process.

Respondents were also broadly supportive of the introduction of a professional interview mechanism to be used as part of the framework for assessing whether applicants meet the registration criteria. A number of respondents considered this to be a useful extra tool that could be used as part of the registration assessment process, particularly in more complex cases. Some concerns were noted as to the cost and resource implications of such a system. Concerns were also noted about the transparency of any such system and the potential for inconsistency of decisions. Further comments were provided as follows:

- Any such mechanism should only be used in particular cases where it is absolutely necessary.
- Some respondents suggested that an interview should not be necessary if the registration criteria are sufficiently clear and there may be a lack of objective decision-making if an interview model is used.
- Further guidance is required on when such a mechanism would be used as well as details of the process that would be followed. In particular, a number of comments were provided on who would sit on the interview panel with local authorities and initial teacher education institutions both suggesting that they should be represented.
- The interview process followed must be compliant with equality and diversity requirements.

Other comments made by respondents covered a broad and varied range of issues. A summary of these is as follows:

- The Standard for Headship should also have a provisional route to help build more leadership capability and support the system.
- Steps should continue to be taken by GTCS to support the development of teacher education courses locally, in more rural areas.
- Steps should be taken to make the registration application process quicker.
- Consideration should also be given to reviewing the subjects in which registration is offered.
- The routes into the Standard for Headship need to be further updated in view of the revised pathways.
- The Rules can be a complex document to follow; guidance and “case studies” should be provided to help applicants understand the registration requirements in context.

We also identified some misunderstanding from some respondents as to our current system of registration. There was confusion evident as regards:

- How the European Community legislation (on the recognition of professional qualifications between member states) applies.
- The requirements already in place that enable those qualified outside Scotland to gain registration with us.
- Our system of provisional registration (as contrasted with the proposed provisional (conditional) registration) which requires a period of probationary service to be completed.
- Our role in determining suitability for registration as against the role of an employer in determining suitability for specific employment.

Summary and GTCS Conclusions

We think that it's important to state at the outset of our response to this consultation exercise that we will continue to require qualified outside Scotland registration applicants to meet our Standards for Registration. In order for an applicant to be awarded provisional or provisional (conditional) registration, we must be satisfied that he/she meets our Standard for Provisional Registration. In order to be awarded full registration, we must be satisfied that he/she meets our Standard for Full Registration.

This is essential in seeking to ensure that the teacher has the professional values, knowledge and skills that we think are necessary to delivering high quality teaching and learning to Scottish pupils. The registration criteria that we have set out in the Rules must be considered within this overarching context and expectation.

A summary of our response to the comments received (as summarised above) is set out below.

Broad comparability

The Rules require the applicant to satisfy two essential criteria: academic education and teacher education.

The academic education required of applicants is a UK degree (or an equivalent). This may have been completed concurrently with teacher education (e.g. a Bachelor of Education programme) or separately. There are specific academic requirements for teaching subjects at a secondary education level: these are set out in the Memorandum on Entry Requirements for Programmes of Initial Teacher Education in Scotland: <http://www.gtcs.org.uk/web/FILES/about-gtcs/memorandum-on-entry-requirements-to-programmes-of-ite-in-scotland-0413.pdf>

In terms of teacher education, we require a teaching qualification (also sometimes known as a "teaching certificate") that is broadly comparable to what is required of a teacher who qualifies within Scotland. We do not require teachers to have completed exactly what is required of a teacher in Scotland but we do require a level of comparability to ensure that the teacher meets the GTCS Standard for Provisional Registration and can deliver within the context of the Scottish education system. The Rules set out that we will determine the "*broad comparability*" of an applicant's teacher education with reference to the Guidelines for Initial Teacher Education Programmes in Scotland. Reflecting these Guidelines, the Rules reference the following particular requirements with regard to the organisation and content of the teacher education undertaken:

- It must relate to the appropriate pupil age range;
- It must include professional/pedagogic studies;
- It must include appropriate subject studies (for the primary sector, these must reflect the Scottish primary school curriculum); and
- It must include school-based teaching experience.

The Rules also specify requirements as to the length of the teacher education and require that it was undertaken at an institution recognised by UK NARIC (the UK's national agency for the recognition and

comparison of international qualifications and skills) and has borne the equivalent of Scottish Credit and Qualifications Framework (SCQF) credit points at SCQF level 9 (or above).

We think that the Rules, as currently framed, strike an appropriate balance between providing sufficient detail to make the key requirements clear whilst not being so detailed that the framework becomes overly prescriptive and inflexible. When our Registration Services Department assess whether teacher education meets our requirements, there must always be a level of discretion and professional judgement that they apply (subject to the framework described above). We do not therefore think that it's possible to make significant changes to the framework we proposed. We also do not agree that it would be appropriate for GTCS to make a decision that certain subjects in the Scottish primary curriculum should be given higher priority than others meaning that the "subject studies" requirement should be amended. However, we do agree that the reference to "professional/pedagogic studies" should be changed to "professional and pedagogic studies" as suggested.

We also agree that it would be helpful to improve and enhance the guidance and information that we publish on our website to explain how the above requirements apply in practice. We plan on building this kind of material (including case studies) over the course of the next year and will then enhance it on an ongoing basis.

Linked to this, we agree that we could do more to help our qualified outside Scotland registrants make the transition to the Scottish system and the cultural approach that applies here. We are exploring with initial teacher education institutions whether a "Welcome to Teaching in Scotland" course (or similar) could be delivered to help. We will also review whether further steps can be taken by us to help support the transition process.

We would stress that the registration criteria explained above do not apply to applicants who have qualified as a teacher in another European member state. For these teachers, we are legally required to apply the terms of the European Community Directive on the Recognition of Professional Qualifications. This was transposed into UK law by the European Communities (Recognition of Professional Qualifications) Regulations which are due to be amended in early 2016. As our consultation information explained, the Rules reflect these Regulations: we have made a small amendment to them to ensure they will still align with the amended Regulations.

Provisional (Conditional) Registration

It is important to point out that Provisional (Conditional) Registration will be a sub-set of Provisional Registration.

When we register someone provisionally it means that we require the person to successfully complete a period of probationary service and to demonstrate at the end of that period that he/she meets the Standard for Full Registration (SFR). We rely on the professional judgement of a Head Teacher (or other teacher approved by us) to determine (following appropriate teaching observation) whether the person has met the SFR or not. It is quite common for qualified outside Scotland applicants to be granted provisional rather than full registration because the SFR sits within the context of the Scottish education system (requiring knowledge of, for example, the Scottish school curriculum and methods of assessment). As a consequence, there is often insufficient evidence to show that all parts of it have been met based on teaching service that has taken place entirely outside Scotland. The period of probationary service required is set between 20 and 270 days according to the case circumstances: this ensures that a fair and proportionate approach is taken based on the specific teaching service evidenced. The probationary service must be completed within specified time limits. Further information about our policy on provisional registration is here: http://www.gtcs.org.uk/web/FILES/FormUploads/provisional-registration-and-probationary-service50729_1451.pdf

Those applicants who are granted Provisional (Conditional) Registration will be required to complete a period of probationary service in accordance with the above. The “conditional” aspect means that they will also be subject to a specified condition to make up for shortfalls identified in either their academic or teacher education (as against the requirements explained above).

It is important to emphasise that the shortfalls identified must not be so significant that the Standard for Provisional Registration (SPR) has not been met and evidenced: the SPR is the baseline for provisional registration. We will therefore expect applicants to evidence successful completion of a structured programme of teacher training (at a higher education level) and to have completed academic education that enables them to deliver the SPR within the relevant registration category.

The shortfalls must also not be so significant that there is not a condition that can be practically set in order to address those shortfalls within a realistic period of time.

We expect that the conditions will generally require the individual to complete a “top-up” initial teacher education programme (we have already accredited two of these and anticipate that more will become available soon) or to obtain additional SCQF credit points to make up for a level of shortfall identified in particular academic education requirements. We think that these shortfalls must be addressed in order for the applicant to be eligible for full registration (and meet the SFR).

Great care will be taken in setting conditions. They will be specific, measurable and will require to be satisfied within a specified time period (which will be no longer than 3 years). The conditions must also be achievable: we must be in a position to identify a specific course or steps that can be taken in order to set conditions to address the identified shortfalls. The teacher concerned will be required to commit to meeting the conditions as part of the registration process. We will monitor the conditions (as we do probationary service) and will check that the teacher is making progress towards meeting the conditions on a regular basis. We will also take steps to ensure that the conditions are made clear to employers when they use our “Check the Register” service so that they are aware of the requirements that the teacher must meet. Where the conditions are not met, registration will be removed and the individual will not be re-registered until they have been. We will, however, ensure that there are processes in place that allow the deadline for condition compliance to be extended for ill health, maternity or similarly justifiable reasons.

Given that provisional (conditional) registration is a form of provisional registration, we do not foresee issues with how this fits with existing SNCT Handbook provisions on teacher terms and conditions of service.

We agree that provisional (conditional) registration should also be available to registrants who have obtained a teaching qualification within Scotland to enable them to register in other registration sectors. This would be additional to the “Professional Registration” route we already offer. See: <http://www.gtcs.org.uk/registration/registration.aspx>

We would see this having particular application for those registered in the further education sector moving to the secondary education sector (which is not covered by Professional Registration). The condition that would be set in such circumstances would be an appropriate teacher education top-up course at a university and we will be doing work with universities to seek to open up possibilities in this regard. We have revised the final version of the Rules to reflect this.

Professional interview

We agree with respondents who pointed out that professional interviews should take place exceptionally, only in more complex cases. We envisage such interviews only being used in cases where we have been unable to satisfy ourselves that the applicant meets the SPR based on written material alone and we consider that a professional interview would be beneficial in the particular circumstances.

We would also agree with the respondents who were concerned about the cost and resource implications of operating a professional interview system: this is why it is important that professional interviews are used by exception and we continue (in the vast majority of cases) to assess applications

based on the written materials we receive. We will also be exploring what level of registration assessment fee should apply in cases where a professional interview is required.

As stated in the Rules, we will put in place further guidance on when we would use professional interviews and the process that will be followed. It is important, however, to emphasise that such interviews will focus on the applicant's suitability for registration with reference to the SPR and SFR: this is quite different from the suitability for employment focus that an employer would have.

Other comments

We note the other comments that were received and would respond as follows:

- There is no current intention to introduce a provisional route to The Standard for Headship but we will continue to work with all the relevant stakeholders to help build school leadership capability.
- We are committed to continuing to support the development of teacher education courses locally, in more rural areas.
- Whilst we would note that delays in the registration process are often caused by factors that are beyond our control, we are currently working on making improvements to all of our business processes (registration included).
- There is no current intention to introduce any further criteria for registration or to change the subjects in which registration is offered: we will, however, continue to keep all aspects of our criteria and processes under ongoing review to ensure they remain appropriate and align with best practice.
- We note the comments on the routes into the Standard for Headship: we have ensured that the Rules reflect the routes that will apply over a transition period and are aware that further changes will be required (to remove the routes no longer available) in due course.

December 2015

Appendix 1**List of organisational respondents**

1. Dundee University
2. Association of Directors of Education (ADES)
3. Aberdeenshire Council
4. Angus Council
5. City of Edinburgh Council
6. Comhairle nan Eilean Siar
7. Dumfries and Galloway Council
8. East Lothian Council
9. Falkirk Council
10. Fife Council
11. Moray Council
12. Scottish Borders Council
13. South Ayrshire Council
14. West Lothian Council
15. Education Scotland
16. Scottish College for Educational Leadership
17. Scottish Qualifications Authority
18. The Royal Caledonian Education Trust
19. Scottish Council of Independent Schools
20. Scottish Catholic Education Service
21. National Parent Forum of Scotland
22. Hopeman Primary Parent Council
23. Scottish Parent Teacher Council
24. Association of Headteachers and Deputies in Scotland
25. Educational Institute of Scotland
26. NASUWT Scotland
27. Voice Scotland