

DRIVING FORWARD PROFESSIONAL
STANDARDS FOR TEACHERS



Framework on Teacher Competence (FTC)

March 2012

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1 Framework on Teacher Competence (FTC)

1.1 Background

This Framework on Teacher Competence (FTC) replaces the Code of Practice on Teacher Competence issued by the General Teaching Council for Scotland (GTC Scotland) in September 2002 and comes into effect on 2 April 2012.

The FTC takes into account the legislative changes brought about by the Public Services Reform (General Teaching Council for Scotland) Order 2011, with particular reference to GTC Scotland's duty to ensure that those who are registered meet the standard of professional competence expected of a registered teacher and are fit to teach. Having attained the Standard for Full Registration (SFR) a registered teacher must maintain that standard of professional competence throughout his/her career. Accordingly, the FTC should be read and used in conjunction with the current SFR which is the standard of professional competence expected by GTC Scotland of fully registered teachers. Both of these documents should be an integral part of the employer processes in the management of any teacher competence issue arising.

Purpose and Scope

In regard to the process for dealing with short-lived and long-running under-performance, the purpose of the FTC is to:

- ❖ set out and explain the practical steps involved;
- ❖ affirm the central role of the SFR in this process and as the baseline professional standard for teacher competence;
- ❖ encourage good and consistent practice amongst all employers;
- ❖ encourage parties to operate within procedural timescales which are efficient and reasonable, taking into account all the circumstances and complexities of the individual case, as well as the public interest;
- ❖ ensure fairness to the registered teacher and also ensure a quality educational experience for children, pupils and learners in our schools.

The FTC applies only to fully registered teachers as there are different and separate provisions to manage under-performance of provisionally registered teachers. It should be noted that where the alleged under-performance relates to administrative/managerial duties of a promoted teacher, similar procedures may be applied but always in the knowledge that GTC Scotland procedures and Fitness to Teach Panel outcomes can only relate to teaching competence and not to administrative/managerial competence.

1.2 Procedures for Dealing with Under-Performance

The procedures assume that the teacher has been performing at a competent level up to the point at which temporary under-performance enters Stage 1 of the FTC.

Short-lived under-performance is used to describe a problem which, with support and guidance, will be overcome by the teacher within a short period of time. In Stages 1 and 2 of the following procedures, it is envisaged that the teacher's problem is one of short-lived under-performance.

Long-running under-performance is the term used to describe the problem when Stage 3 of the procedures is implemented. By this Stage, although support and guidance and professional development opportunities have been offered to the teacher, this has not resulted in the teacher maintaining the level defined in the SFR.

GTC Scotland Professional Update Arrangements

Professional Update does not measure teacher competence: it will focus on continuous improvement rather than on determining whether or not a teacher is, or has remained, competent. In addition, it is hoped that the small number of cases which lead to a formal review of the competence of an individual teacher may be assisted by the improvements in professional review and development arising from the introduction of Professional Update.

Alleged competence issues will therefore continue to be handled by employers in line with this Framework on Teacher Competence, with cases referred to GTC Scotland, as required, under Stage 4 for consideration under GTC Scotland's Fitness to Teach procedures.

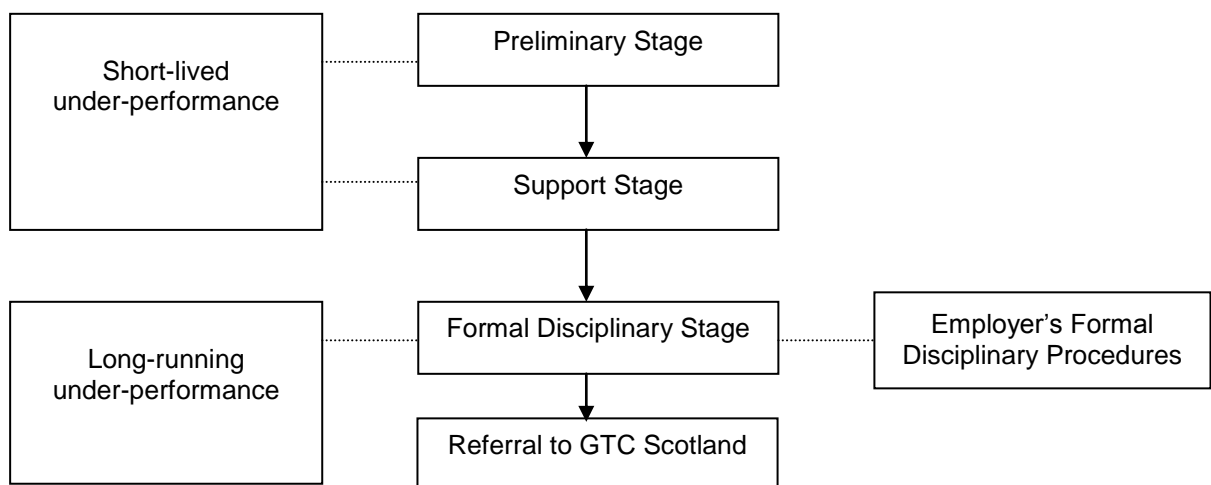
1.3 Overview

Employer procedures, operating in conjunction with the FTC procedures, must be in line with relevant provisions of the current ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on Disciplinary and Grievance Procedures.

Throughout all stages of the process GTC Scotland would expect to see evidence of:

- ❖ consistent and continuing reference to the SFR;
- ❖ a well structured and documented process which –
 - sets out and records the evidence gathered, support and development provided, and reasons for the decisions made at each Stage;
 - is fair and reasonable, with clear objectives linked to either the short-lived or long-running underperformance;
 - is aimed to improve and not punish the individual concerned, with an indication of reasonable support and professional development offered;
 - is tailored to the individual circumstances;
 - complies with the terms of the Equality Act 2010.

There are four stages in the procedures:



Stage 1: Preliminary

- (a) Although the Preliminary Stage does not form part of the employer's formal disciplinary procedures, the teacher should be made aware of the potential for matters to progress to formal procedures and that reliance may be placed upon evidence gathered at Stages 1 and 2.
- (b) It is assumed, at this Stage, that the problem is one of short-lived under-performance.
- (c) Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.
- (d) Informal meetings should be held between the teacher and a senior or appropriate colleague to discuss identified areas of under-performance. During these informal discussions the teacher should be encouraged to participate fully in identifying the causes of the under-performance and suggesting possible remedies. Advice and guidance should be offered by the senior or appropriate colleague to support improvement.
- (e) At the conclusion of the first informal discussion a date should be agreed by the teacher and the senior or appropriate colleague concerned to review performance as soon as reasonably possible. Depending on the context of the situation a reasonable length of time should be given for the teacher to reach the required standard.
- (f) At the conclusion of the meeting to review performance, ie whether or not the required standard has been achieved, in the first instance an oral report should be given to the teacher indicating the outcome. Two outcomes are possible:

- ❖ **Outcome 1**

- Where improvements have been made to the required standard, no further action will be taken. The teacher should be informed of this decision in writing.

- ❖ **Outcome 2**

- Where improvements have not been achieved to the required standard, the teacher should be informed that the matter will be referred to the headteacher who will consider whether Stage 2 of the procedures should be implemented. The teacher will be informed of the headteacher's decision and the underpinning reasons in writing.

Stage 2: Support

- (a) Although the Support Stage does not form part of the employer's formal disciplinary procedures, the teacher should be made aware of the potential for matters to progress to formal procedures and that reliance may be placed upon evidence gathered at both Stages 1 and 2.
- (b) It is assumed, at this Stage, that the problem is still one of short-lived under-performance.
- (c) Teachers are encouraged to invite a colleague or a representative from their Professional Association to accompany them to any meetings.
- (d) The teacher should be informed by the headteacher of:
 - ❖ the specific aspects of the SFR which are to be addressed;
 - ❖ the proposed mechanisms which will be put in place to support the teacher;
 - ❖ appropriate professional development opportunities which can be accessed.
- (e) Discussions should be held between the teacher and headteacher to agree the way ahead as soon as is reasonably possible. During these discussions the teacher should be encouraged to address the issues openly in order to:

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- ❖ clarify the areas of under-performance;
 - ❖ suggest forms of support which he/she would find helpful;
 - ❖ agree appropriate professional development opportunities.

Consideration should be given to all reasonable requests made by the teacher.

At the conclusion of these discussions the headteacher should give a broad indication of the support mechanisms and professional development opportunities which will be made available. Dates for an Interim Review meeting and a Final Review meeting will be confirmed as soon as is reasonably possible.

As soon as possible after the discussion the headteacher should confirm in writing:

- ❖ the improvements to be made;
- ❖ the support mechanisms and professional development package to be provided;
- ❖ confirmation of the review dates.

In order to assist the teacher reach the required standard, a written timeframe should be agreed. This should outline the key milestones, and must be reasonable and have due regard to the circumstances of the individual case.

- (f) At the conclusion of the Final Review meeting the teacher should be informed of the outcome.

Two outcomes are possible:

❖ **Outcome 1**

Where improvements have been achieved to the required standard, no further action will be taken. The proceedings will be deemed to be complete. The teacher should be informed of this discussion in writing.

❖ **Outcome 2**

Where improvements have not been achieved to the required standard, the teacher should be informed that formal disciplinary procedures will be implemented. This decision and the underpinning reasons should be communicated to the teacher in writing.

The teacher should be advised of his/her statutory and contractual rights to be accompanied at Stage 3.

Stage 3 : Disciplinary

- (a) The Disciplinary Stage comprises the employer's formal disciplinary procedures.
- (b) The problem is now considered to be one of long-running under-performance.
- (c) The teacher should be advised of his/her statutory and contractual rights to be accompanied.
- (d) A comprehensive overview report should be produced by the headteacher evidencing:
 - ❖ the particular sections of the SFR in which he/she is alleging that the teacher is under-performing;

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- ❖ how and why it is alleged that the teacher has fallen below the required standard of performance;
 - ❖ the support mechanisms and professional development opportunities offered to the teacher;
 - ❖ the process and documentation associated with Stages 1 and 2;
 - ❖ the performance milestones during the process.
- (e) The above information:
- ❖ may be considered at subsequent stages in the employer's formal disciplinary proceedings;
 - ❖ will be required by GTC Scotland should the case move to Stage 4.

Stage 4 : Referral to the General Teaching Council for Scotland

- (a) A case must be referred by the employer (or former employer) to GTC Scotland under the terms of Article 25 of the Public Services Reform (GTC Scotland) Order 2011 if:
- ❖ the teacher is dismissed; or
 - ❖ the teacher resigns or leaves his/her post in the context of a possible dismissal.
- Such referrals should be made to the Fitness to Teach Department at GTC Scotland.
- (b) The employer must explain to GTC Scotland the circumstances which caused them to dismiss the registered teacher or to conclude that they would have, or might have, dismissed the registered teacher.
- (c) Information relating to GTC Scotland's procedures for dealing with such cases can be found in the Fitness to Teach and Appeals Rules 2012.

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

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Probation department:

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Probation site for teachers:

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