

INSPIRING WORLD-CLASS  
TEACHING PROFESSIONALISM



## **GTC Scotland's Fitness to Teach Process and Parental Referrals**

**June 2021**



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## 1 Introduction

GTC Scotland is required by law to regulate teachers' fitness to teach. Where there is a concern about a particular teacher, we can receive fitness to teach referrals from a number of sources including:

- ❖ the teacher's employer;
- ❖ Police Scotland;
- ❖ Disclosure Scotland;
- ❖ a member of the public, including parents.

This guide details the procedures which parents should follow to ensure concerns are addressed at the appropriate level, by the appropriate individuals and at the appropriate time.

## 2 Role of GTC Scotland

It is important for anyone who may make a referral to understand GTC Scotland's Fitness to Teach Regulation role.

GTC Scotland's role is to regulate the teaching profession and to ensure standards are maintained across the profession in both *conduct* (the way teachers behave) and *competence* (the teacher's ability to teach). It is not to punish teachers or resolve complaints.

All teachers employed in Scottish schools must be registered with GTC Scotland and will therefore also be regulated by GTC Scotland.

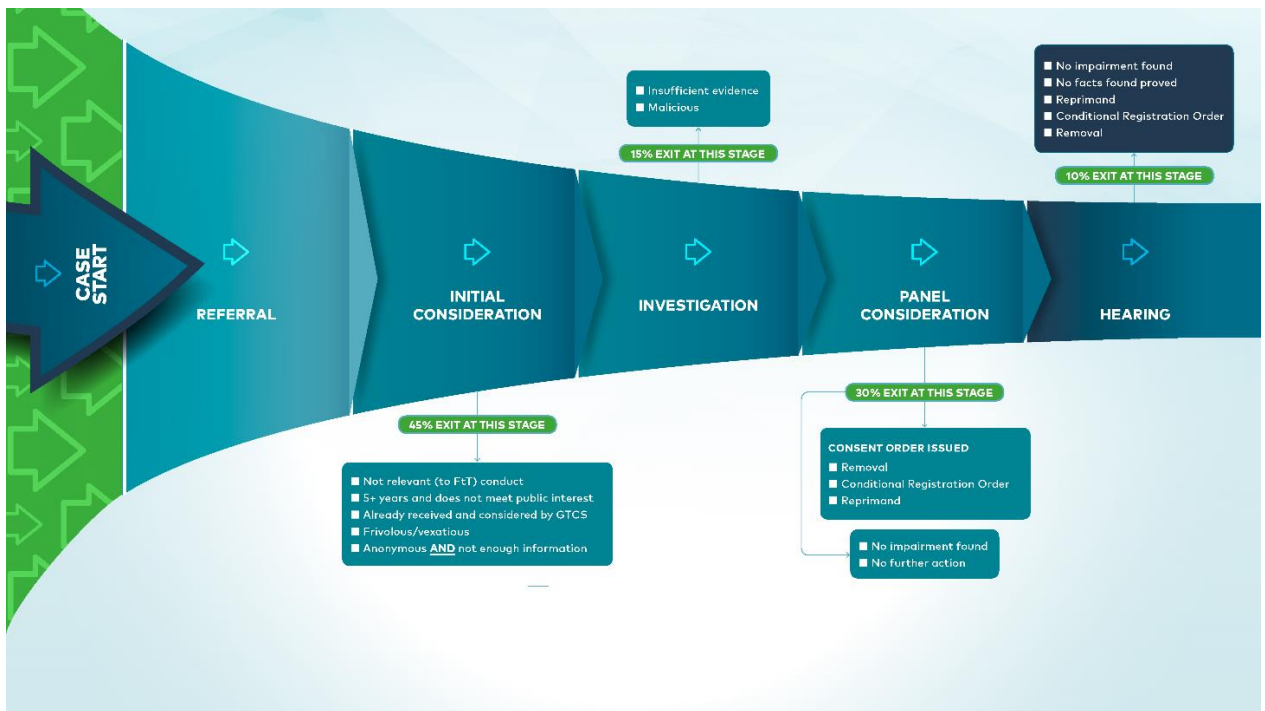
GTC Scotland will only investigate a teacher if the allegation in a referral is "of a level of seriousness that it raises a concern that the teacher presents a risk to children and young people or could undermine public confidence in the teaching profession" (*Threshold Policy, p. 2*).

We recognise that teachers, like everyone else, sometimes make mistakes and the aim is not to take action in every situation where a teacher could or should have acted differently. Regulation by GTC Scotland will always be proportionate and its purpose is to look ahead and to take targeted action if there is a risk of harm to children or young people moving forward.

We are **not a complaints body** and we work with employers and other stakeholders in education to ensure that the public interest is maintained, and that children and young people are protected across the country.

## 3 The Fitness to Teach Process from Start to Finish

The graphic below shows GTC Scotland's fitness to teach process from the moment we receive a referral until conclusion of the process:



After receiving a referral the first stage is Initial Consideration. This is where we decide whether or not a matter will be investigated by GTC Scotland, based solely on the referral form and any supporting evidence submitted with it; we do not carry out any investigations of our own at the Initial Consideration stage. We refer to our [Threshold Policy](#), which is available on the GTC Scotland website, and decide whether or not the allegation within the referral amounts to 'Relevant Conduct' i.e. the type of conduct that we would normally investigate as listed in the *Threshold Policy*.

Another important document is the [Code of Professionalism and Conduct \(COPAC\)](#) as this document outlines the conduct we would expect of a registered teacher and, again, it is available on our website. The *Threshold Policy* reflects the types of conduct described in COPAC but also gives more detail on the various factors that can affect the decision about whether or not to investigate.

## 4 Raising a 'Conduct' Concern

Where there is an issue or concern with the **conduct** of a particular teacher, the first port of call for any parent should be the school and, where appropriate, the employer or local authority. Things can often get sorted at those levels, and it is important that those closest to the issue have the opportunity to deal with it.

Often there is no need for GTC Scotland to become involved and, if the employer thinks the concern is something that we should be aware of, they will refer the matter to us. They will likely have gathered sufficient evidence in the course of their investigation to allow us to determine whether or not we need to investigate.

## 5 Competence Concerns

It should also be noted that concerns regarding a teacher's **competence** can only be referred to us by the teacher's employer. Parents who have a competence concern should raise those concerns directly with the school or employer and not with GTC Scotland. Employers have

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processes in place to support teachers and to address competence issues. Those processes complement the [Framework on Teacher Competence](#) and will ultimately lead to a referral to GTC Scotland by the employer if the teacher is unable to address the issues identified.

## 6 When a Parental Referral Should be Made

We would only expect a parental referral about a teacher's conduct to come to GTC Scotland directly in the following circumstances:

- ❖ If the concern has not been dealt with properly or appropriately by the employer. This is not that the member of the public is unhappy with the decision that the employer has made but that there is something more serious such as the employer not having conducted their investigation properly or in good faith.

GTC Scotland cannot review **how** an employer has dealt with a concern referred to them. However, a referral can be made to GTC Scotland if the referrer believes that there remains a serious concern about the teacher's fitness to teach that has not been properly or appropriately investigated by the employer and a separate and independent GTC Scotland investigation is therefore required.

- ❖ If the concern is of a level of seriousness and has been identified or happened beyond the school context e.g. a child protection issue such as sexual or physical abuse concerning a known teacher or former teacher, that has come to light in the local community.

Where we do receive a referral and decide to investigate, we will take early action to ensure that children and young people are protected if the referral is of a level of seriousness that means children and young people could be at immediate risk of harm. Under such circumstances, GTC Scotland can apply for a Temporary Restriction Order (TRO) to be placed on the teacher's registration. This 'freezes' the teacher in post, if still employed, and prevents the teacher from taking up a new post with another employer while we conduct our investigations into the matter.

If the teacher were still employed, the employer would be informed and may very well choose to suspend the teacher but that would be entirely a decision for the employer.

Any employer process is separate to our processes. The GTC Scotland process is there to determine if the teacher is fit to teach and whether the teacher's name should remain on the Register of teachers for Scotland. If the teacher's name were to be removed from the Register of teachers, however, the employer would no longer be able to employ the teacher.

## 7 Checklist for Parents/Members of the Public

Before considering a referral to GTC Scotland in circumstances where the referral relates to the school or employment context members of the public should ask themselves the following questions:

- ❖ Have I raised the matter with the teacher concerned and the headteacher of the school?
- ❖ Have I raised the matter with the employer?
- ❖ Has the school or employer carried out an investigation? If so, what was the outcome of that investigation?
- ❖ Have I read GTC Scotland's Threshold Policy to see if the matter is "of a level of seriousness that it raises a concern that the teacher presents a risk to children and young people" (*Threshold Policy, p. 2*)?





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**GTC Scotland**  
*Comhairle Choitcheann Teagaisg na h-Alba*

The General Teaching Council for Scotland is the independent professional body which maintains and enhances teaching standards and promotes and regulates the teaching profession in Scotland. We strive to be a world leader in professional education issues.

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