

15 March 2022

GTC Scotland's Role in Child Protection within the Education System

As a professional regulator, GTC Scotland has a specific and important role to play in child and public protection. This role is to regulate the individual teachers who teach children, young people and adult learners. We do this by keeping a register of teachers and setting and regulating the standards of conduct and competence expected of our registrants.

Individuals are assessed at entry to our register of teachers. We may then undertake a regulatory (fitness to teach) process in some circumstances. Fitness to teach work is targeted and proportionate – requirements that are set out in our governing legislation. As a result, not all referrals we receive are investigated by us. In line with effective regulatory practice we take a right-touch regulation approach.

Professional regulation relies on employers and others to inform us of concerns about teachers. It is these partners who are usually best placed and have the powers to manage any child protection concern effectively – this happens locally, as close to an issue as possible. Employers can take action that GTC Scotland cannot. For instance, they can immediately remove an individual from a context. It is these partners who we refer to as on the frontline of child protection. Currently the only group legally required to inform us of concerns about individual teachers are employers and only in certain circumstances.

By describing our partners in this way, we mean to emphasise that our important part in public protection – professional regulation – relies on the actions of our partners. This ensures that we investigate the cases we should as a professional regulator and that investigations undertaken are as effective as possible. For example, to be effective our fitness to teach process requires information from employers, Police Scotland and Disclosure Scotland particularly.

Our Calls for Improvements in the Regulation of the Education System

Information sharing

GTC Scotland believes there is a need for improved information sharing among stakeholders with responsibilities for child and public protection. A court of session judgement issued in October 2021 recognised GTC Scotland's public safety role and confirmed what we have maintained consistently for many years, the legal framework does not prevent data sharing in this context, it permits it to protect individuals and for the wider public good. The case illustrates the difficulties that we commonly encounter with information sharing in the interests of child and public protection and are still encountering with Police Scotland particularly. [You can read more about the case here.](#)

System regulation

Trust is essential to an effective education system. Ensuring teacher professionalism is central to this and in Scotland is embedded through professional standards, a code of conduct and professionalism, standards

governing entry to the profession and each individual teacher's professional commitment to lifelong learning. This is a well-established framework ensuring the high standards the profession sets for itself are met and developed.

This trust works in partnership with effective regulation. The system requires a framework of regulation that ensures management of issues where trust has been breached. This happens effectively for individual teachers through a fitness to teach process. Whilst we will always work to improve what we do in our work, GTC Scotland also believes there is an opportunity to clarify regulation in the system to enhance public protection.

We have taken the opportunity to highlight what we see as change needed in the consultation in relation to the reform of Education Scotland and the replacement of the Scottish Qualifications Authority as well as through our participation in the Scottish Child Abuse Inquiry. [You can read our consultation response here.](#)

We have stressed the need to ensure that regulation of the entire education system, is clearly understood, and functions across agencies are aligned. Effective public protection requires each part of the system to play its part. We believe greater consideration is needed as to how systemic failure is identified and how events are managed where there is a systemic failure. We also asked where responsibilities sit for effective system regulation in ensuring the employers of teachers act as good employers, including assuring that appropriate processes are in place and used for the management of teacher concerns.

GTC Scotland welcomes engagement with our partners to achieve improvements in these areas.

Further information

We welcome all opportunities to discuss our role in the professional regulation of teachers and identification of areas for improvement in the regulation of the education system. If you would like to find out more, please do not hesitate to contact Dr Pauline Stephen, Chief Executive and Registrar (Pauline.Stephen@gts.org.uk or 0131 314 6019).