EXECUTIVE NOTE

THE PUBLIC SERVICES REFORM (GENERAL TEACHING COUNCIL FOR SCOTLAND) ORDER 2011

S.S.I. 2011/XXXX

1. The above instrument ("the Order") is to be made by Scottish Ministers in exercise of the powers conferred by the Public Services Reform (Scotland) Act 2010 ("the 2010 Act"). The instrument is subject to a super-affirmative procedure set out in sections 25 to 27 of the 2010 Act.

Policy Objectives

2. In January 2008 the First Minister announced that the GTCS would be established as a self-regulating, profession-led body. The overarching policy objective behind the introduction of the draft Order is to improve the exercise of public functions by making the GTCS an independent, self-regulating, professional body for teachers working in Scotland. This change in status reflects the Scottish Government's stated policy of reducing the number of public bodies in Scotland while acknowledging the Council's consistent and effective performance as the regulatory body for Scotland's teachers since it started work in 1966. The decision to make the GTCS an independent body has been warmly welcomed by the education community. The proposed draft Order allows for the GTCS, currently classed as an advisory Non-Departmental Public Body, to be re-established as an entity independent of the Scottish Government. The Order also improves the governance arrangements of the Council, slightly expands its responsibilities and removes any unnecessary restrictions on how the GTCS organises its affairs.

3. Both the Teaching Council (Scotland) Act 1965 and the Teaching Council (Scotland) Act 1971 will be repealed and replaced by provision made in the draft Order. The intention of the Order is to ensure that the GTCS becomes an independent, self-regulating professional body while retaining an important role in Scottish education. The Order also aims to ensure the independent Council is provided with appropriate functions and is supported by improved governance arrangements.

4. New functions include full responsibility for the development and maintenance of teacher standards and the ability to set requirements for courses of initial teacher education for primary and secondary education. The Order also places the GTCS under a duty to bring forward a system of re-accreditation for Scotland's teachers. Governance arrangements have been amended and the Order will provide the GTCS will an increased level of flexibility in relation to the way in which it undertakes its business. For example, GTCS will be able to set its own committee structure, populate committees as it sees fit and decide from which sectors elected teacher representatives are drawn from. The overall size of the GTCS is also being reduced and the composition of members amended.

Consultation

5. A Scottish Government consultation "Towards an Independent General Teaching Council for Scotland: Consultation on the Future Status of the GTCS" took place between 2 April 2009 and 26 June 2009. This consultation asked stakeholders for their views as to the

future role and governance arrangements for an independent GTCS. A wide group of stakeholders with an interest in the GTCS were consulted; this included local authorities, Universities, Colleges, COSLA and the Teacher Unions. 223 responses were received. These responses were taken into account in preparing the Analysis of the Consultation and Scottish Government Response, published in February 2010, which set out the proposed way forward for the independent GTCS.

6. The proposed draft Order and its accompanying proposed Explanatory Document, were the subject of a further 60-day consultation between 15 September and 22 November 2010 , in accordance with section 26 of the 2010 Act. There were 24 responses to this consultation. As a result of this consultation and further internal analysis the draft Order was amended and this draft was consulted on between 15 December 2010 and 10 January 2011. There were 9 responses to the consultation on the amended Order.

Financial Effects

7. The GTCS is entirely self-funded by teachers' registration fees so there will be no cost implications for the Scottish Government as a result of the Order. The GTCS have, and will continue to have the power to set the level of registration fee (currently £45 per annum) and it will be a decision for them as to whether this needs to change. The GTCS themselves may take decisions facilitated by the Order, such as changing the way committees are populated or through paying members an allowance, that might slightly increase the fee. In addition the Order places the GTCS under a duty to introduce a system of re-accreditation for teachers in Scotland. Our understanding is that these changes may result in a small increase of a few pounds to the registration fee.

Scottish Government Learning Directorate
February 2011

ANNEX A: LIST OF CONSULTEES

All consultations relating to the Order have been issued to a wide range of groups and individuals with an interest in this area. The organisations and groups of individuals consulted include:

- Association of Directors of Education Scotland
- Association of Directors of Social Work Scotland
- Convention of Scottish Local Authorities
- Equality and Human Rights Commission
- Faith Groups
- General Medical Council
- General Teaching Council for Scotland
- Her Majesty's Inspector of Education
- Learning Teaching Scotland
- Local Authority Chief Executives
- Local Authority Directors of Education
- Office of the Commissioner for Public Appointments Scotland
- Office of the Scottish Public Service Ombudsman
- Office of the Lord President
- Parents Groups
- Political Parties
- Scotland's Commissioner for Children and Young People
- Scottish Council for Independent Schools
- Scottish Further Education Colleges
- Scottish Higher Education Institutes
- Scottish Local Authorities
- Scottish Youth Parliament
- Scottish Qualifications Authority
- Teacher Unions and Professional Bodies
- UK General Teaching Councils