POLICY NOTE

THE REGISTRATION OF INDEPENDENT SCHOOLS (PRESCRIBED PERSON) (CORONAVIRUS) (SCOTLAND) AMENDMENT REGULATIONS 2020

SSI 2020/XXX

1. The above instrument was made in exercise of the powers conferred by section sections 98A(6) and 133(2D)(b) of the Education (Scotland) Act 1980.

2. These Regulations are subject to affirmative procedure.

The purpose of the instrument is to extend the date by which all teachers in independent schools (recruited before 01 October 2017) must register with the General Teaching Council for Scotland ("GTCS"). This extension is required as a result of disruption caused by the ongoing COVID-19 pandemic.

Policy Objectives

3. This instrument amends regulation 3 of the Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017 ("the 2017 Regulations") to provide that the requirement for a person employed by an independent school on or before 1 October 2017 to register with the GTCS will take effect from 1 June 2021 rather than from the current date of 1 October 2020.

Background

4. The 2017 Regulations state that from 1 October 2017 only a teacher who is registered with the GTCS can be appointed as a teacher in an independent school.

5. Discussions with the sector during the development of the 2017 Regulations indicated that while it was anticipated that some teachers would meet the required standards there would be varying degrees of actions required by others to meet the standards. Transitory arrangements were included in the 2017 Regulations to allow for any teacher employed prior to 1 October 2017 who is not GTCS registered, to do so by 1 October 2020. That provision is set out in regulation 3 of the 2017 Regulations.

6. At 1 April 2020 there were around 4,000 teachers in independent schools of which approximately 300 were not GTCS registered.

7. In light of pressures from COVID-19, it was assessed that there is a risk that not all teachers in independent schools who were employed prior to 1 October 2017 would meet the statutory requirement to be registered with the GTCS by 1 October 2020. This instrument therefore amends regulation 3 of the 2017 Regulations to extend the deadline to 1 June 2021 for those remaining teachers to register with the GTCS.

Consultation

8. The policy intention for all teachers in independent schools to be registered with the GTCS was fully considered during the passage of the Education (Scotland) Act 2016, which amended section 133 of the Education (Scotland) Act 1980 to provide for regulations to be made under section 98A(6) with transitory provisions, and no objections were raised at that time.

9. A full public consultation took place from 20 March to 1 May 2017 on the 2017 Regulations. Thirteen responses were received to this with the majority of respondents agreeing with the draft Regulations.

10. Ongoing direct consultation with key stakeholders has been key to reaching a decision to extend the deadline for compliance with the duty to enable those remaining teachers to register with the GTCS by the statutory deadline and to determine the period of extension required to that deadline.

11. A draft of this instrument was shared across all independent schools in Scotland from 14 April 2020 to 30 April 2020. Two responses were received with both being supportive of the extension.

Impact Assessments

12. There are significant impacts to society as a result of the COVID-19 pandemic. This instrument extends existing regulations and stems from what is already in force, and is therefore not new policy. Extending the date by which all teachers in independent schools require to be registered with the GTCS will not affect the impact previously identified when the 2017 Regulations were brought forward - see links to 2017 impact assessments here: https://www.legislation.gov.uk/sdsi/2017/9780111035863/resources

Financial Effects

13. There will be no financial impact to the Scottish Government.

14. Aligned with the financial assessment for the 2017 Regulations there will be financial implications for the sector (for the remaining approx. 300 unregistered teachers).

15. The total cost of registering with GTCS as a teacher qualified in Scotland is currently £124. This reduces to £83 if the teacher is already a member of the PVG scheme as only a short scheme check will be required. There could be some financial impact on independent schools in respect of releasing staff for training and/or supporting their staff to reach the required standard for GTCS registration, however, this would be on a school by school basis.

Scottish Government
Learning Directorate
May 2020