



PRIVACY STATEMENT

The responses received will be used to guide our internal review process and we do not intend to publish a summary of the responses that we receive.

Further information on how we process your personal data in relation to this call for views is set out on our [privacy notice page](#), which can be found on our website.

Please check the box to confirm that you have read and understood the Privacy Notices and consent to personal data being processed as set out in the Notices.

I confirm and consent

CALL FOR VIEWS QUESTIONNAIRE

We would like to invite you to provide your comments on the operational areas below, as regular participants within the fitness to teach process.

Risk assessment process and prioritisation

Standard 17 of the Professional Standards Authority's (PSA) Standards of Good Regulation states that:

The regulator identifies and prioritises all cases which suggest a serious risk to the safety of [learners] and seeks interim orders where appropriate.

As part of the PSA's [published report](#) a number of opportunities were highlighted for GTC Scotland to consider improving the way in which we act on risks and how our risk assessment process can help prioritise cases.

Q1: Do you have any comments or suggestions as to what factors should be considered as part of our risk assessment process and the weight to be attached to those factors?

The GTCS has confirmed the current process as:

A risk assessment is currently carried out as part of the initial consideration process (when the RIO has decided that an investigation is necessary). The officer will complete a form and assess whether the following factors, should be assessed as high, medium or low:

- *Nature of the allegation*
- *Type of harm*
- *Degree/risk of harm*
- *Teacher's current employment status*
- *Whether the alleged behaviour is isolated or there is a pattern (this will include consideration of any previous history)*

- *Teacher's position in relation to the allegations*
- *Intent*

For each of these factors, we set out guidance for what should be considered high, medium or low.

Once the officer has completed this, they will need to consider the risk rating for each factor and, using their judgement, decide on an overall risk rating. The Officer will also need to decide on whether a TRO should be sought or not or whether we have insufficient evidence to make a decision.

On the face of it, the factors the GTCS is currently using appears to be reasonable.

The Union would add that the merit and age of the evidence that the GTCS has received should also be taken in to account as part of the risk assessment.

The foundation for the complaint should also be a consideration: a criminal conviction would be a much clearer indicator of risk than historical allegations based largely on hearsay.

The motivation and position of the referrer should also be considered, particularly where this relates to historical interpersonal matters.

The risk assessment should be reviewed throughout the lifetime of an investigation and upon receipt of material information. In terms of the risk assessment process, any risk assessment should be a dynamic ongoing assessment, but in the context of GTCS proceedings it would seem proportionate to ensure that there is at least a 3 month review of the circumstances: this is particularly important where during that time there has been a potentially detrimental impact on the teacher, for example a change in employment status.

Q2: Do you have any other views on a risk assessment process and what you would want included?

NASUWT would concur with the comments set out in the PSA report that:

On the identification of, and response to risks, we recommend that GTCS:

- *introduces an initial assessment of risk at the point of receipt*
- *ensures that all risk assessment forms are reviewed on a timely basis*
- *ensures that risk assessments are promptly updated with new information*
- *adapts the risk assessment template so that officers document how they have reached the overall risk rating*
- *reviews how its risk assessment process can help to prioritise cases more effectively.*

The GTCS requires to provide greater openness and transparency in relation to the risk assessment process, which would serve to provide confidence in the body both from the public as well as the registrants.

It is more broadly advisable to have a risk assessment process or policy which is kept under review, enabling the GTCS to adapt and implement improvements in any risk assessment process without unnecessary delay.

Finally, it would be helpful to have clarity on the extent to which the risk in relation to Fitness to Teach processes impacts and is impacted by the broader risk register of the GTCS, which we understand currently covers: governance, people, financial management, legal compliance, technology and trust and confidence.

Q3: In terms of prioritisation of cases, what principles and/or factors do you think should be taken into account and why?

The fundamental overriding principle should be that the teacher is innocent until found to be either Unfit to Teach or that their Fitness to Teach is impaired. As such the FTT process should work to minimise harm to the teacher.

The first priority is that the financial well-being of the teacher should not be impacted by the FTT process. Currently there is a huge detrimental imbalance between a teacher who remains in employment during the FTT investigation and one who is not. The case of a teacher who is not in employment and particularly a teacher who is subject to a TRO and not in employment should be prioritised as there is a huge differential in detriment compared to a teacher who is in employment. From this financial detriment other detriments then flow such as the impact on their mental health and well-being. Supply teachers should also be prioritised as their ability to obtain further work is also highly likely to be negatively impacted by an ongoing FTT process.

It would seem proportionate to ensure child protection related issues should be prioritised over allegations of malpractice due to the increased risk of harm and the increased likelihood of potential risk of harm.

The mental health and wellbeing of any teacher impacted also needs to be given greater support and cognisance and indeed this was also picked up in the PSA report:

On support to parties to an FtT case, we recommend that GTCS:

- ensures that correspondence based on templates is tailored to the individual recipient*
- provides signposting to the support available from a wide range of organisations, as set out on the GTCS website*
- considers implementing a KPI for keeping other parties updated (as it already has for teachers and their representatives)*
- clearly sets out the planned frequency of updates it will provide to parties and adheres to those expectations*
- provides guidance and training to staff to identify and act on the need for additional/different support to vulnerable parties – particularly when the teacher’s mental health is being affected by the FtT process.*



Investigation reports

We are currently reviewing our investigation process and areas where our work could be more efficient. One area that has been identified is our use of investigation reports. We are currently considering ways in which we could streamline investigation reports and the review the level of information we provide.

Q1: Do you have any comments to make in relation to our approach and our use of interim and final reports?

The use of an interim report and the opportunity for the Teacher to view, comment and provide additional evidence following the completion of the interim report is a welcome step.

The practice of simply incorporating the response from the Teacher to the interim report and then reissuing the report to the Teacher for further comment is an unnecessary administrative burden on the GTCS which causes unnecessary delay.

Q2: Do you have any suggestions for changes to our approach to investigation report writing which would make the process more efficient?

The Union notes the PSA recommendation that

To improve the quality of decisions at initial consideration we recommend that GTCS considers its approach to requesting and reviewing primary evidence for itself to make its own assessment, where it currently relies on the judgment of others. Further to this, we recommend that GTCS also consider the inclusion of initial inquiries at IC stage, by which it could seek key information without the need to open an investigation. This would constitute a more formal process change.

If implemented, the Union believes such a process change would require to be kept under review to assess impact, including on delays in the process as well as outcomes.



Q3: Do you have any other views on our use of investigation reports that you would like to provide?

Within the PSA report it is noted that:

GTCS' average end to end times are longer than we would see in the health and care sector. While we acknowledge the impact of external factors, we are also aware of the risks of protracted processes of this kind in professional regulation. We also note that we saw in our case file audit instances where there were periods of time where there was no recorded reason for inactivity.

While NASUWT agrees with the summary, the two actions proposed as providing a remedy are not well set out. Indeed the paper comments that "*suggestions would require substantial work to establish a business case and impact assessment*". NASUWT notes that neither a business case nor impact assessment have been attached to the consultation and therefore anticipates that if these suggested amendments are being considered that further and better engagement takes place with stakeholders hereafter.

THANK YOU FOR TAKING THE TIME TO RESPOND.