

Education and Skills Committee
The Scottish Parliament

June 2017

THE REGISTRATION OF INDEPENDENT SCHOOLS (PRESCRIBED PERSON) (SCOTLAND) REGULATIONS 2017

The independent school sector has a number of observations which can be categorised under three headings: flexibility, time-scales/progress and financial implications. Some current scenarios from the sector are attached in annex.

Flexibility

There is a strong view in the independent sector that there is a need for much greater flexibility to accommodate teaching colleagues employed in the following contexts:

Preparatory Schools:

Colleagues in such schools do not fit the existing 2-tiered model of primary and secondary education: the age and stage represented is not catered for at present and there is the real potential of challenging conditions being issued which do not reflect or show understanding of their context.

All-through Schools:

Allied to the above, a number of all-through schools elect to deploy specialist teaching staff into their primary school. This is particularly the case in a number of subject areas including art, drama and - in line with the 1+2 Modern Languages initiative – modern languages. In some instances, colleagues are teaching a full timetable in the primary school but current GTCS rules for registration do not provide for the means for registration to reflect this.

Additional Support Needs Schools:

The current GTCS regulations offer an ASN registration which is an additional registration following the prerequisite of full registration in either primary or secondary education. Colleagues working in ASN schools in the independent sector may have such registration and are thereby not eligible for registration in the ASN category as it currently exists - unless they secure a teaching post in their area (primary or secondary) in mainstream schools. This is not viable, does not reflect the professional experience required in such schools, and reduces the capacity of the sector to cope with growing complex additional support needs.

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Registration of Head Teachers:

Head Teachers are receiving conditions from the GTCS that are seen as both inappropriate to the very specific requirements of the post and context of independent schools. Independent schools heads are employed by, and answerable too, autonomous Governing Boards and they are generally responsible overall for admissions, marketing, HR, estates management, fund-raising and other executive duties, as well as Head Teacher.

During 2016, a commitment was made by the GTCS to establish a working group to look at the registration of Heads and a communication from the GTCS stated the intention was to hold the inaugural meeting prior to Christmas 2016. To date there has been no progress, as the deadline of the Regulations approaches.

Time-scales/Progress

Each of the contexts identified above have been cited at meetings of the GTCS-led working group but limited progress has been made to date. Accompanying to this summary is a series of FAQs which emanated from discussions with the working group and were updated in February 2016. Since February 2016 there have been no further discussions at the working group on any of the areas identified. In addition to the above, particular areas of concern include: status of The Standards for Registration Equivalence Test (section 4); subjects not currently recognised by the GTCS (section 7); retired teachers (section 25); and colleagues who deliver a curriculum that is appropriate to their context eg Steiner (section 23) and IB (section 32).

The intention was to up-date this document and issue to schools this session: due to the lack of progress, this has not been possible.

Financial Implications

SCIS are working closely with the University of the Highlands and Islands to devise a fit-for-purpose bespoke PGDE. This programme is at Masters level and will require to be funded. Whilst the final cost for the Programme is currently being discussed, financial obligations for individuals and schools to comply with the Regulations are a concern, given that the requirement for registration comes from Scottish Government legislation and would not have been part of any school budget forecasts.

Annex: GTCS registration of colleagues in the independent sector: scenarios

1. A Deputy Head of Junior School Music, qualified in England, is having to teach senior school classes in order to meet the registration requirements to be registered as a Junior School Music Teacher.
2. A Preparatory school teacher applied to register for the GTCS in October of one year, having joined the school from England, that September. They possessed a PGCE in Secondary Latin but the GTCS could not fit a 'Prep School' into their categories of Primary School and Secondary School. The teacher was also informed that they did not have enough credits in Latin from university, despite having completed a PGCE in Latin and been employed in several schools. The teacher was given Conditional Registration in June/July of the following year.
3. A teacher in a large independent school was informed that they did not meet the requirements for full registration in Latin, having completed their initial teacher training on the Graduate Teacher Programme and had qualified outside Scotland. They hold a 2:1 BA degree in Classics from the University of Cambridge and an MA with distinction in Classics from Kings College London, and, on advice given by GTCS, undertook an MSc in Learning and Teaching at Oxford University, because they did not have a recognised PGCE - despite the fact that Scotland, at the time, did not have any available course in Latin or Classical Studies. Eventually the teacher was granted provisional (conditional) registration on the condition they completed an MSc in Learning and Teaching within three years, which they did with distinction in November 2016. The school is still awaiting official confirmation that the teacher is now fully registered.
4. A teacher moved to Scotland in summer 2016 having completed a PGCE in England. On application to the GTCS for registration, an online profile was not created until January 2017. The registration process took in excess of 6 months.
5. A boarding school teacher is already registered with Scottish Social Services Council. They have 13 years teaching experience in Religious Studies at both GCSE and A Level (Head of Department); English, History and PSHE; as well as serving as a School Chaplain and House Tutor. The teacher holds an MA; Post Graduate Diploma in Youth and Community studies; a BA in Theology accredited by Aberdeen University (2005); and they are an ordained and accredited Minister in the Baptist Union of Scotland (2009). Before entering teaching they worked for 12 years as a youth worker in Edinburgh. As part of this job they were involved with both local Primary and Secondary Schools as part of a Chaplaincy Team and their Religious observance provision. When the teacher first applied to GTCS for registration in 2004 they were advised to wait 3 years. At the 3 year stage they were advised that 7 years was the benchmark. By 2010 they were advised that benchmark had changed again, despite previously receiving a letter to the contrary, and that now only a PGDE would be acceptable. X has searched for a suitable distance learning course in Religious Studies, given that they are in post and has a young family, but are none available.
6. A colleague in a boarding school is currently working as a language assistant as they are unable to register with the GTCS. They hold German qualifications ("Staatsexamen") in German and English as a Second Language at Secondary School Level. The GTCS advised that although they met comfortably the academic and training requirements for provisional registration, they would not be eligible as a teacher of German as they had not completed their probationary years. This seems inconsistent with those graduating from PGDE courses in Scotland who are granted provisional registration prior to embarking on their probationary years.
7. A Head Teacher of a Preparatory School has been advised that to be eligible for registration they are required to teach over a hundred days in a senior school geography department. In a similar vein a Head

Teacher of a Junior School has been advised they need to complete a similar number of days in a senior school music department.

8. A teacher in a Preparatory school has been asked to undertake further academic study that will enable them to be registered as senior school teacher of Mathematics, despite teaching in a Preparatory school (with an upper age limit of 13). The teacher holds a Knowledge Enhancement Course in Mathematics from the University of Southampton (GTCS has equated this to a Level 7 qualification), and a PGCE in Secondary Mathematics June 2015 from the National College of Teaching and Leadership, Department for Education, England. The teacher achieved Qualified Teacher Status in June 2015 and has taught in an English secondary school, including GCSE (their qualification allowing them to teach up to A-level in England). The teacher received provisional (conditional) registration in Secondary Education Mathematics, but has been told that to meet the condition for Full Registration they are required to study for 40 credit points in Mathematics at level 8 – despite it proving impossible to source a provider.



GTCS Registration of Teachers in Independent Schools and Grant-Aided Schools – FAQs

The Education (Scotland) Bill 2015 imposed a duty on independent schools and grant-aided schools to employ only teachers who are GTCS registered. It is fifteen years since a previous Scottish Executive first signalled its intention to move in this direction and the large majority of teachers in independent schools are now registered with GTCS. We recognise the concerns of those teachers who are not currently eligible for registration with GTCS. SCIS has been working closely with GTCS to develop options to ensure that all teachers currently in employment will have a route to registration.

The Standards for Full Registration with GTCS will not change but ways to ensure that teachers who meet these standards after following alternative routes into teaching are able to gain registration are being developed.

This document draws together the questions, issues and scenarios which have been raised and discussions held to date with GTCS. A GTCS/Scottish Government/SCIS working group is taking forward discussions. **Please note that discussions are still ongoing and therefore details are subject to change and development.**

In a bid to give clarity, a flowchart of options has been published by GTCS.

1. When will I have to be registered?

It is anticipated that Royal Assent for the Education Bill will be given in March 2016 and that there will then be a further 2/3 month period (complicated by the May election) for consultation, so that the Regulations are not likely to come into force until February 2017. Thereafter it is anticipated that there will be a 2 or 3 year transition period for all teachers currently in employment to gain registration. So it is likely that all teachers currently employed in independent schools will have to be registered by August 2019 or August 2020. The length of the transition period is still under discussion as part of the legislative process. New teachers appointed on or after the date of the commencement of the Regulations will require to be GTCS registered on starting. Although we are actively encouraging schools to do this now.

If you are not currently registered but you are likely to meet current registration requirements, we would advise you to start the process now. If your experience and qualifications don't currently meet GTCS registration requirements, it is advisable to wait until the detail of the various options listed below has become clearer.

2. Who does this apply to?

Discussion has taken place as part of the legislative process to clarify who will be covered by the new legislation. In May 2015, the Scottish Government defined a teacher as 'anybody who is employed to teach all or part of a school's curriculum and has the appropriate professional skills and knowledge necessary to enable them to undertake the teaching duties allocated to them.' This definition takes account of regulation 3 of the Requirements for Teachers (Scotland) Regulations 2005 as well as the dictionary definition of the term 'teacher'. Those who only deliver extra-curricular activities would not therefore be classed as teachers and would not require to be GTCS registered.¹

Hence, PE teachers, Music teachers etc delivering the core curriculum must be registered, but sports coaches, instrumental music instructors, outdoor education instructors, visiting artists etc involved entirely in the delivery of extra-curricular activities would not be required to be registered (Please see additional note re Instrumental Music Instructors below –question 22). Classroom Assistants are not required to be registered.

Concerns have been raised in relation to categorisation by GTCS of teachers of sensory impaired children. This issue will be looked at further as part of a broader consideration of the categorisation of the registration of teachers, for those working in additional support for learning.

3. I am currently employed in a Scottish Independent School, and not currently eligible for registration with GTCS. Will I be able to continue teaching?

Yes. All discussions with GTCS and Scottish Government have made it clear that the employment status of teachers already in post is not at risk. Options are being developed which will enable all teachers to meet the requirement to be registered.

4. What options have/are being developed to enable experienced teachers who do not meet the current registration requirements to become registered?

- *The Standards for Registration Equivalence Test* - this is likely to be a helpful route for unregistered, but experienced teachers and may potentially be taken in lieu of a recognised teaching qualification or in lieu of a shortfall in subject content in your degree. It would also be appropriate for those unregistered teachers currently teaching in a different subject/level to the one in which they were qualified. This might involve a bespoke test such as the compilation of a portfolio addressing the perceived area of shortfall (eg content knowledge; pedagogic content knowledge; and pedagogic knowledge), a piece of writing addressing an area of the Standards, references, and a face-to-face professional interview involving, for example, Initial Teacher Education university staff and the GTCS. Further details of this route will be published in due course and discussions are still ongoing to ensure proportionality is applied and the experience of individuals is taken into account.

¹ The Scottish Government response to the Education and culture Committee Stage 1 Report on the Education Bill 2014, 8 October 2015.

A successful pilot has been carried out with a teacher in an independent school, who has since been offered Full Registration, and GTCS is exploring an extended pilot. Decisions over the constitution of panels, resits and appeals are now being considered alongside practical questions such as whether a couple of specific tests diets per annum will be offered and what costs applicants should be charged. The Equivalence Tests would only be intended for Qualified Outside Scotland applicants or applicants currently teaching in independent schools.

- *Provisional Conditional Registration* – This might involve a period of provisional conditional service in the relevant independent school, the compilation of a portfolio addressing the Standards and an attestation from the school signing the teacher off against the relevant Standard, and/or the condition to undertake a top-up programme/gain academic credits within a set period of time. The University of Edinburgh's Return to Teaching course (<http://www.ed.ac.uk/education/professional-development/return-to-teaching/course-info>) might also be considered an appropriate condition.
- GTCS has been considering the possibility of introducing *new categories of registration* which would enable teachers to register but may restrict them to teaching in their current school, or in the independent sector in general.
- The *University of Buckingham Independent PGCE* has been accredited and is a route to gaining a PGCE recognised by GTCS whilst teaching in a school.
- The *top-up programme offered by the University of Northampton* has been accredited by GTCS and enables teachers who have achieved Qualified Teacher Status in England through an employment based route without achieving a PGCE, to gain a PGCE through a top-up programme. The University of Northampton is also thinking about extending their provision by developing an *International PGCE* aimed at unqualified teachers working in international schools.
- The GTCS is currently considering a number of other top-up programmes to support teachers to gain registration.
- *Assessment Only Route* – this may be an option through a university in the future but discussions have not taken this further yet.

Some options will lead to full, unconditional registration whilst others may restrict teachers to the school/sector in which they are currently employed. Some options may only be short term to allow teachers currently in employment to become registered and some will be longer term and so continue to support recruitment needs in the future. Full details of the requirements and implications of each option are being developed and will be available in due course.

A GTCS consultation ran 16 September – 2 November on the revised Registration and Standards Rules consulting on Provisional Conditional Registration and Standards for Registration Equivalence tests. This was accepted and Provisional (Conditional) Registration and the Standards for Registration Equivalence Test were introduced in January 2016.

5. I don't have a teaching qualification. Do I need to undertake a PGCE?

This depends. It might be in the interests of some unqualified teachers to get a recognised teaching qualification, particularly those who are in the earlier stages of their career. However there are other options developing (see question 4). For some teachers there might be more than one option available and it will be up to the individual and the school to decide which option suits them best. A route map of options has been developed by GTCS.

6. I have a teaching qualification but it is not recognised by GTCS. What are my options?

GTCS requires programmes to be broadly comparable to the Scottish Initial Teacher Education model to meet their requirements for registration and therefore some teacher training programmes, particularly employment based routes, such as Teach First (during the first few years of the programme –see question 11) and the Graduate Teacher Programme are not recognised by GTCS. There are a number of options developing to enable teachers whose qualifications are not eligible for registration to become registered. (see question 4)

7. I teach a subject which is not currently recognised by GTCS

GTCS is considering what additional registration categories may be appropriate and what the conditions of these will be.

8. Is the Independent PGCE offered by the University of Buckingham accepted by GTCS?

The Independent PGCE was accredited by the GTCS in 2015. Anyone undertaking this course in the future will be eligible for GTCS registration, as long as they meet other registration requirements including the subject degree requirements.

9. I completed the University of Buckingham's Independent PGCE prior to it being accredited. Am I eligible for GTCS registration?

Yes. Assuming all other registration requirements are met, Provisional Registration would be awarded with a specific probation period identified during which you would be required to demonstrate how you meet the GTCS Standard for Full Registration. The GTCS has been accepting applications since January 2016.

10. I am undertaking the HMC Teacher Training programme. Will I be eligible for registration with GTCS?

Yes. The first year of the HMC TT programme is based on the University of Buckingham's Independent PGCE which has been accredited by GTCS.

11. I completed the Teach First programme. Am I eligible for GTCS registration?

This depends. During the first few years of the Teach First programme, QTS was awarded but without a PGCE. So if you completed the programme in the initial years you are not currently eligible for registration and would therefore be required to complete a top-up programme in order to gain a recognised PGCE (e.g. Northampton top-up programme) or the Standard for Full Registration Equivalence Test may suit you (see question 4). In recent years all teachers completing the Teach First programme have been awarded QTS and a PGCE. In this case, you are eligible for GTCS registration as long as you meet the academic subject requirements if you are teaching a Secondary subject.

12. I completed the Schools Direct programme. Am I eligible for registration?

If you gained an acceptable PGCE (i.e. comparable to Scottish PGDE) while undertaking the Schools Direct programme you are eligible for registration. If not, you would be required to complete a top up programme. Again, for Secondary you must meet academic subject requirements.

13. I am registered with GTCS in a subject different to the subject I am now teaching.

GTCS has clarified that this is not a problem at present for teaching in independent schools as long as you are registered. If you meet the registration requirements for the subject you are now teaching, you may wish to consider adding this to your registration through the Professional Registration process.

14. I am registered with GTCS in primary but am now teaching secondary, or vice versa.

GTCS has clarified that this is not a problem at present for teaching in independent schools as long as you are registered. If you meet the registration requirements for the level you are now teaching, you may wish to consider adding this to your registration through the Professional Registration process.

15. I am registered with GTCS under Further Education

GTCS has clarified that this is not a problem at present in terms of meeting the likely requirements of the legislation for teaching in an independent school. GTCS is currently considering how a top-up programme might be developed to allow holders of a TQFE to gain registration for schools.

16. I was provisionally registered with GTCS in the past but did not complete the probationary period before it lapsed.

You should contact the GTCS. You will still be required to re-register and complete a probationary period before gaining full registration.

17. I was registered as a teacher in another country prior to taking up post in Scotland. Am I eligible for GTCS registration?

The European Communities (Recognition of Professional Qualifications) Regulations (2005) require GTCS to register a person where he/she is legally established as a teacher in another EU state (England is not classified as another 'state'). Currently GTCS assesses other applicants who have qualified outside Scotland beyond Europe using the criteria that teachers qualified in Scotland are required to meet and any teacher education programme must be comparable to the pattern of initial teacher education in Scotland. As outlined in question 4 GTCS is reviewing their procedures to enable teachers who have achieved the required standard through other routes to gain registration.

18. I am teaching in a prep school and have not been eligible for registration in the past as my qualification and experience are restricted to prep school years/I have a middle school teaching qualification.

GTCS has recently changed their approach to age-restricted teaching qualifications/experience and you may now be eligible for registration.

19. I am a Modern Languages teacher but have not gained full registration as I have not been able to complete the residency requirements.

In 2013 GTCS reviewed the arrangements for completion of residence requirements for teachers of Modern Languages. Whilst there is still a general expectation that the current requirements are

met, GTCS recognises the need for some flexibility in respect of residence to consider the specific individual circumstances of teachers who have genuinely been unable to complete residence requirements. An intensive 3 week programme may be acceptable for instance. It is advisable to contact GTCS to discuss.

20. I am an ESOL teacher. My qualifications are not recognised by GTCS.

The difficulty some ESOL/EAL teachers have in gaining registration has been raised with GTCS. Extensive discussions have already taken place within the GTCS and discussions continue.

21. I am a qualified Support for Learning teacher but have not been able to gain registration.

GTCS require Support for Learning teachers to achieve registration in primary or a secondary subject before adding Additional Support Needs to their registration. This creates a difficulty for experienced SfL teachers seeking registration in SfL without having previously been registered in another category, as they are unable to complete the probationary period in another category when their current post is specifically SfL. GTCS recognises this issue and there are on-going discussions with the working group to determine a way forward.

22. I am an Instrumental Music Instructor. Do I need to be registered?

Not currently. GTCS Council has agreed the introduction of a category for Instrumental Music Instructors and discussions are quite far advanced. Currently such registration would be voluntary but the GTCS is keen to have it made mandatory once it is introduced.

23. I work in a Steiner school.

GTCS may introduce a restricted registration category which limits you to teaching in Steiner schools on condition of having completed the Steiner qualification. Further discussion to follow at the working group.

24. I am a School Chaplain with some teaching responsibility

GTCS is considering the introduction of restricted registration categories and further discussion is to follow at the working group.

25. I am retired but am continuing to offer some teaching part time. I am not eligible for registration.

Further discussion to follow at the working group.

26. I am a long-standing teacher in a prep school teaching a range of subjects. I do not have a teaching qualification.

Further discussion to take place at the working group.

27. I previously applied for registration with GTCS but I was unable to produce all of the university certificates requested by GTCS.

This has been raised with GTCS and should not be a stumbling block in future where there are understandable reasons why documentation is unavailable.

28. I am a Drama/Dance teacher with no teaching qualification

Further discussion to follow at the working group. Two programmes have recently been accredited by GTCS which provide options for Performing Arts teachers required to top up their qualifications for GTCS registration:

Dance Science and Education programme (Masters level) offered by The University of Edinburgh:

<http://www.ed.ac.uk/education/graduate-school/taught-degrees/dance/introduction>

The Royal Conservatoire of Scotland: MEd Learning and Teaching in the Performing Arts – Dance pathway <https://www.rcs.ac.uk/postgraduate-courses/>

29. I teach in a special school. My degree content and teaching qualifications do not meet GTCS requirements.

The Standards for Registration Equivalence Test may be a possible option or GTCS may introduce a restricted registration category restricting you to your school/special schools. A flowchart for registration of teachers employed in Additional Support Needs will be developed with further discussion to follow at the working group.

30. My degree does not meet the GTCS requirements in terms of the required number of credits for my registration subject.

The registration requirements are outlined in GTCS' 'Memorandum on Entry Requirements to Programme of Initial Teacher Education in Scotland' which is available to download on the GTCS website. The Standard for Full Registration Equivalence test may be a means by which an established teacher without the required number of credits can achieve registration rather than undertaking further study or Provisional (Conditional) Registration might be awarded with the condition being to complete further study in the area of the shortfall.

31. How will I be able to demonstrate that I meet the GTCS Standard for Full Registration?

The fact that teachers are now mostly working within a school's PRD scheme validated/endorsed by GTCS as part of Professional Update, which requires a teacher to engage with the Standards, will help support the process of demonstrating competence against the GTCS Standard for Full Registration. The normal process for those holding Provisional Registration is for Head Teachers to recommend Full Registration to the GTCS when the probation period is satisfactorily completed.

32. I teach a minority language to international students as part of the International Baccalaureate languages provision. I work on a very part-time basis with small groups of pupils/ on a one-to-one basis.

Further discussion to follow at the working group with the likelihood that a restricted form of registration would apply.

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