

PE1979/II: Establish an independent inquiry and an independent national whistleblowing officer to investigate concerns about the alleged mishandling of child safeguarding enquiries by public bodies

General Teaching Council for Scotland (GTCS) written submission, 10 March 2025

I refer to your letter dated 10 February, in which you ask for an update on the Professional Standard Authority (PSA) review into our Fitness to Teach process, and the wider work we are undertaking to review the Fitness to Teach rules. You specifically asked whether any consideration is being given to perceived conflicts of interest over the role of local authorities as part of this review.

PSA review

The independent review that we have commissioned from the PSA forms part of our [wider review of our Fitness to Teach Rules](#).

The Fitness to Teach Rules underpin and govern our fitness to teach process.

The fitness to teach process exists to determine whether an individual teacher has the knowledge, skills and character to mean they are suitable to be on our Register. Proportionate to this purpose, the process focuses on investigating serious concerns.

The purpose of reviewing the Rules is to ensure they reflect current law and best regulatory practice, and to make the Fitness to Teach process work as efficiently as it can, while still meeting the public interest and ensuring fairness.

We proactively commissioned the PSA because of their wealth of experience reviewing the work of regulators, in their capacity as both a health sector super regulator and also [as a provider of consultancy services with expertise on professional regulation](#). We know that their review will be thorough and challenging which we welcome as a learning organisation focused on continually improving how we work.

The PSA has specifically been looking at the performance and efficiency of the Fitness to Teach conduct process in the context of the statutory framework within which it sits. The results of their review will help inform the changes we make to the Fitness to Teach process and the rules that govern it.

The PSA is carrying out its review independently and what it considers relevant is for the PSA to determine. We expect the final report to be published in May.

The role of local authorities

We know that the main focus of the Petitions Committee at its last meeting was on a perceived conflict of interest over the role of local authorities in investigating concerns about the teachers within their schools.

Investigation at local level by an employer is an essential feature of complaints handling and disciplinary processes in all sectors and professions.

A local authority led process will always be required so long as local authorities are education service providers and teacher employers in Scotland.

If it is established that the concerns relate to an individual (who may or may not be a teacher), investigation at local level is the most efficient and effective way of gathering the evidence required to reach a decision about the individual's position within their immediate working environment and how the concerns are best addressed.

Often concerns are broader, for example, they relate to the culture within a school, the resources in place, or local authority-wide policies and procedures. These concerns must be managed by the local authority.

Alongside Police Scotland and NHS Boards, local authorities are also a key agency with responsibilities for child protection – they must account for this work and its effectiveness.¹

If a conflict of interest is identified, the local authority must have a means of managing that conflict. For example, this may mean appointing an appropriately independent individual to carry out an investigation.

Based on our experience, particularly from member of the public referrals into our fitness to teach process, our view is that local authority complaint handling and investigative practices need to be improved and we have been highlighting this for some time. We believe that improved and consistent employer process and practice is required where concerns about teachers are raised. Our view is that this improvement work must be coordinated nationally and that there must be system regulation in place – effective oversight of education service providers – to make sure the required improvement actually happens. It is for this reason that we have been calling for system regulation to be ensured as part of education reform.

Establishing where the gaps lie

We have been engaging with the Scottish Government's Child Protection Unit and others within the system to clarify roles and responsibilities in relation to child protection matters, including the role of Disclosure Scotland. We are disappointed that this work appears to have stalled. We believe it is a vital step towards providing a system-wide overview of roles and responsibilities, and identifying where the gaps are and how to address them. It is also essential to ensuring that the system is coherent and has the right checks and balances within it.

¹ [National Guidance for Child Protection in Scotland 2021 - updated 2023 - gov.scot](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/pages/1-1-introduction-and-what-is-child-protection-in-scotland.aspx)

In addition, the Scottish Child Abuse Inquiry is about to begin the tenth phase of its work. Having been involved in providing evidence to the inquiry, we believe that the broad range of themes under consideration will also help to highlight where the gaps in child protection and safeguarding currently are and provide recommendations for improvement.

Education (Scotland) Bill

During Stage 1 of the Education (Scotland) Bill, Scottish Liberal Democrat Education spokesperson, Willie Rennie MSP raised the issue of whether the bill could address gaps in child protection in the current regulatory landscape. Specifically, he pointed out that while GTC Scotland

“has a function in respect of individual teachers, there is concern that the system that is operated by local authorities and schools is not sufficient and that it is not inspected”².

The Education, Children and Young People Committee’s Stage 1 report picked up on this point and recommended that the Bill be amended at Stage 2 to clarify this³.

By amending proposals for the new inspectorate’s remit to include specific safeguarding and child protection responsibilities in the exercise of its functions, this is one way the Bill could strengthen the child protection landscape in Scotland.

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While we can understand why the petitioners are proposing a whistleblowing officer, we would refer to [the submission made by the SPSO to the Petitions Committee dated 3 April 2024](#) in which the Ombudsman noted that in

“a complex scrutiny and regulatory landscape, there are risks when creating new institutions or functions about adding to that complexity. Creation of new roles should, ideally, be after careful analysis of the issues and a full understanding of the existing landscape and where the gaps are.”

This aligns with our view that by focusing on establishing a new whistleblowing officer, attention is drawn away from identifying what and where the current gaps are and ensuring an effective solution is put in place for filling them.

We consider that developments highlighted above within the Scottish Government’s Child Protection Unit, the Scottish Child Abuse Inquiry, and the Education (Scotland) Bill are all relevant to the issues raised by this Petition.

² [Official Report](#), column 28

³ [Education \(Scotland\) Bill - Stage 1 Report](#), p42, para 337