



Care and Learning Service

Highland Local Negotiating Committee for Teachers

LNCT Agreement No. 39

Implementing the General Teaching Council for Scotland (GTCS) Framework on Teacher Competence

IMPLEMENTING THE GENERAL TEACHING COUNCIL FOR SCOTLAND (GTCS) FRAMEWORK ON TEACHER COMPETENCE

1. Introduction

1.1 The GTCS Framework on Teacher Competence (FTC) defines teacher competence in terms of the Standard for Full Registration (SFR) and describes the process for addressing short-lived and long-running under-performance in teachers. <http://www.gtcs.org.uk/web/FILES/teacher-regulation/framework-on-teacher-competence.pdf>

1.2 The FTC applies to staff who have already gained full registration with the GTCS. It does not apply to probationers.

1.3 Where the alleged under-performance relates to administrative/managerial duties of a promoted teacher, similar procedures may be applied but always in the knowledge that GTCS procedures and Fitness to Teach Panel outcomes can only relate to teaching competence and not to administrative/managerial competence.

1.4 Evidence for alleged under-performance can arise from a number of sources, including line-managers, quality assurance reports, HMle reports, investigation of pupil and/or parent concerns.

1.5 The FTC must be adhered to by Head Teachers and other senior promoted staff when addressing teacher competence. The desired outcome is to secure improvement so that the teacher's under-performance is no longer an issue.

1.6 What follows outlines the FTC (the actual document is given as Appendix A) and offers guidance to Head Teachers and senior promoted staff on its implementation.

1.7 Professional Update does not measure teacher competence and should be carried out as normal when a member of staff is within competence proceedings.

2. The GTCS Framework

2.1 There are four stages in the procedure:

- Stage 1: Preliminary Stage
- Stage 2: Support Stage
- Stage 3: Disciplinary Stage
- Stage 4: Referral to GTCS

2.2 Stage 1 and Stage 2 relate to short-lived under-performance and Stage 3 and Stage 4 relate to long-running under-performance. The procedures assume that the teacher has been performing at a competent level up to the point at which temporary under-performance is first identified.

2.3 Short-lived under-performance may be caused by different factors, e.g. illness, personal circumstances, external pressures. The assumption is that with appropriate support, guidance and professional development, the problem will be resolved in the short-term.

2.4 Long-running under-performance is the term used to describe the problem when Stage 3 of the procedures is implemented. Although support, guidance and professional development have been offered, this has not resulted in the teacher maintaining the level of performance defined in the SFR.

2.5 Highland Council's disciplinary procedures for teachers may be invoked when the problem is considered to be one of long-running under-performance. In this case the disciplinary procedure will centre solely on the competence process and on no other aspect of the teacher's conduct. If there are concerns relating to other aspects of the teacher's conduct, these should be dealt with separately.

2.6 Referral to the GTCS, Stage 4, occurs when the teacher has been dismissed or has resigned in the context of a possible dismissal. (The GTCS has the power to remove from the register the name of a teacher who has been dismissed for incompetence or has resigned in the context of a possible dismissal.)

3. Guidance for Head Teachers and Senior Promoted Staff

3.1 The following should be read in conjunction with the FTC. The term "line manager" is used throughout Stage 1, but it is implicit that it could be another promoted member of Highland Council staff as per FTC. Notice should be given to the LNCT Joint Secretaries if this member is out with the school.

3.2 Stage 1: Preliminary Stage is not part of the disciplinary procedures. The assumption is that the teacher's under-performance is short-lived. Even so, the procedure is liable to be a stressful one for the teacher. The line manager should set a tone which is both professional and supportive.

3.3 The teacher is encouraged to have a representative of a Professional Association or a colleague at any meeting. If representation is requested, no meetings relating to under-performance should take place unless the representative (or a substitute nominated by the teacher) is present. The non-availability of a representative should not, however, lead to an undue delay in initiating the process. Before the meeting takes place, the line manager should notify, in writing, the initiation of the FTC and set out the alleged under-performance. They should also issue a copy of the FTC to the teacher <http://www.gtcs.org.uk/web/FILES/teacher-regulation/framework-on-teacher-competence.pdf>

3.4 At the meeting with the teacher, the line manager should set out the alleged under-performance, and evidence to support this view, with reference to the FTC and answer any questions the teacher may have on it. Discussion should be aimed at identifying the areas of under-performance, their causes and possible remedies. The teacher should be encouraged to participate fully in identifying the causes of the under-performance and to suggest possible remedies. **The crucial aspect is the action that is agreed to support**

improvement. This could take many different forms and might range from advice and guidance to attendance at specific staff development courses. On the occasion that there is no agreement on this under-performance, the member of staff will have recourse to grievance procedures as detailed within the Local Negotiating Committee for Teachers LNCT 4 Discipline & Grievance Procedures.

Note: On the rare occasion that formal grievance is raised, it is vital that the timescales set out in LNCT 4 Discipline & Grievance Procedures are adhered to. This should ensure the competency process is not delayed and both sides will proceed with this in mind.

3.5 A note of the meeting should be issued within five working days by the line manager to the teacher. It should contain:

- the area/s of under-performance
- the agreed action to secure and support improvement
- arrangements for monitoring progress
- the agreed date when performance will be reviewed

This is simply for the sake of clarity and to avoid any potential confusion.

3.6 The agreed action should, where appropriate, indicate the timing and regularity of any support. As performance will be reviewed, it is implicit that the teacher's progress will be monitored. Monitoring should also be seen as part of support. It will provide the opportunity to assess the appropriateness of the support and to offer further assistance, if required, before the review meeting. How and when this would be done should be agreed with the teacher and included in the note of the meeting.

3.7 The note of the meeting should normally be regarded as confidential between the teacher and the line manager. However, the nature of the process is such that others may have to be made aware of the contents or part of the contents of the note of the meeting. Any information should only be disclosed by the line manager on a need-to-know basis. The teacher should be informed of this at the meeting.

3.8 The length of time between the initial meeting and the review meeting should be a matter of negotiation between the teacher and the line manager taking into account the nature of the problem and the teacher's circumstances. In determining the length of time, professional judgement should be used as to what period would be reasonable for the necessary improvement to take place.

3.9 At the review meeting, the note of the initial meeting should be referred to and could, in effect, be used to structure the review meeting. One of three possible conclusions can emerge:

1. The improvements have been made and no further action is required
2. The improvements have not been achieved and the second stage in the procedures would normally be initiated

3. It may be judged that although good progress has been made, issues remain. In this case it may be appropriate to extend Stage 1 for a limited period to allow these issues to be addressed

3.10 The teacher should be informed in writing of the decision made, including if no further action is required. Where the conclusion is that the necessary improvements have not been achieved fully, or in part, the line manager must inform the teacher of this decision in writing and also give reasons as to why the decision was reached. Any written communication confirming either decision should be issued within five working days of the meeting.

3.11 Stage 2: Support Stage is not part of disciplinary procedures and again the assumption is that the under-performance is short-lived. **The procedures described previously in 3.2 – 3.10 for Stage 1 apply to Stage 2.** The difference lies in the required specification and detail. (See Stage 2: Support sections (d) and (e) of The FTC.) It would also now be appropriate for the member of staff charged with overseeing the process to be the Head Teacher.

3.12 At the initial meeting with the teacher, the specific aspects of the SFR which need to be addressed must be pointed up by the Head Teacher and the evidence from the agreed monitoring process must be shared and discussed with the teacher. In doing this, the area/s of under-performance should be clarified and the agreed action to secure improvement. The teacher should be fully involved in identifying the support required, and the appropriate professional development opportunities should be agreed. Sympathetic consideration should be given to all reasonable requests made by the teacher.

3.13 At Stage 2 there is both an Interim Review and a Final Review meeting. The dates of both review meetings should be agreed at the initial meeting and recorded in the note of the meeting issued by the Head Teacher to the teacher within five working days. If it is not possible to agree both dates at the meeting, they should be confirmed as soon as is reasonably possible.

3.14 The purpose of the Interim Review is to assess the progress made and to give an opportunity to refine or enhance the support, if necessary. The note of the meeting should indicate the progress made and any changes to the support. It should be issued by the Head Teacher to the teacher within five working days. If necessary improvements have been made, then the process may be ended at this stage.

3.15 At the Final Review meeting, the outcome can be one of three:

1. No further action is required as the SFR has been met
2. Formal disciplinary procedures will be implemented as the SFR has not been met
3. As in Stage 1, Section 3.9, progress has been made, but issues remain, in which case it may be appropriate to extend Stage 2 for a limited period.

In all cases, the Head Teacher must write to the teacher to confirm the decision within five working days. Where the SFR has not been met, the Head Teacher must in the same written communication explain why this conclusion has been reached. The teacher should be advised of their statutory right to be accompanied by a representative at Stages 3 and 4.

3.16 In Stages 1 and 2, the line manager/Head Teacher must retain copies of the notes of meetings and any other written communication to the teacher, as well as any evidence gathered in the monitoring process.

3.17 Stage 3: The Disciplinary Stage is reached when the problem is now considered to be one of long-running underperformance. By implication, sufficient improvement has not been made, despite appropriate support having been given. In invoking the disciplinary procedure, Head Teachers must adhere to LNCT 4, Disciplinary and Grievance Procedures. For this purpose, the Head Teacher will be regarded as the investigating officer (See 3.2.1 of LNCT 4) and will prepare a report taking into account the procedures and advice in LNCT 4 and in the GTCS Framework, Stage 3: Disciplinary, section (d). The report, which should be all documentation retained as per Section 3.16, should be forwarded to the Area Care and Learning Manager who will decide if a disciplinary hearing should be held. If a hearing is held, the Area Care and Learning Manager will be responsible for ensuring the arrangements in LNCT 4 are carried out. As per Section 2.5, the report will only consider the original competency process, and no other aspect of the teacher's conduct.

3.18 Stage 4: Referral to the GTCS is arrived at when the procedures culminate in the teacher's dismissal or the teacher's resignation in the context of a possible dismissal. The relevant information gathered for the disciplinary hearing (including the Head Teacher's report) will be forwarded to the GTCS for consideration.

Signed on behalf of the Council

Signed on behalf of the Teachers' Side

Name Sandra Campbell

Name Alistair Bell

Designation Joint Secretary LNCT

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Date 14 November 2018

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