

The Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017 – analysis of responses

Background

1. The Scottish Government issued a consultation document (<https://consult.scotland.gov.uk/empowering-schools/registration-of-ind-schools-prescribed-persons/>) seeking the public's views on the draft Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017. This was launched on 20th March 2017 and closed on 1st May 2017.
2. In particular views were sought on the clarity of the way in which the regulations were written; the transitional arrangements relating to current teachers and whether the process for handling of applications for new schools is reasonable and fair.
3. The consultation document listed three questions and allowed for general comments to be submitted.

Consultation Responses

4. There were 13 responses to the consultation. The responses were mostly from individual independent schools. Responses were also received from the Scottish Council of Independent Schools and The Educational Institute of Scotland.
5. Where respondents have given permission for their responses to be made public, these are available on the Citizen Space website (https://consult.scotland.gov.uk/empowering-schools/registration-of-ind-schools-prescribed-persons/consultation/published_select_respondent). All respondents were given the choice to submit their entries anonymously and for their responses to be made anonymous in reporting. All responses were moderated for any potentially defamatory, explicit or offensive material before being approved for publication.

Analysis of responses

Question 1 – Do you agree that the regulations are clearly written and understandable?

6. Overall, the majority of respondents agreed that the regulations are clearly written and understandable. There were some concerns raised surrounding the meaning of the draft regulations specifically around the definition of a prescribed person and the transitory provisions.

Question 2 – Do the transitional arrangements relating to current teachers and the handling of applications for new schools seem reasonable and fair?

7. Overall, the majority of respondents agreed that the transitional arrangements were reasonable and fair. It was agreed that the three year transitional period

was fair although there was some feedback regarding the possibility of this being increased to five years and also the suggestion that three years was too generous and this should be shortened to two.

8. There were some minor concerns raised by respondents in the margins of this question expressing reservations around current teachers being able to meet the GTCS criteria specifically relating to subjects not currently recognised by the GTCS, the financial implications for the sector, how the transitional arrangements translate into practice and the process after the regulations come into force including the support that will be in place for schools and teachers.

Question 3 – Are there any other comments you would like to add regarding this consultation?

This question gave respondents the opportunity to add any general comments that they had on the draft regulations.

9. While the majority of respondents were content with the terms of the regulations some did take the opportunity to comment on the challenges that teachers may face in complying with any conditions imposed on them to meet the requirements of GTCS registration. Reference was also made to the effect this policy may have on the current shortage of teachers in Scotland and the ability to attract teachers from other countries.
10. They also commented on the preparation and processes being put in place by the GTCS and felt there was a lack of progress. They asked for learning pathways for teachers who are not currently registered to be clarified and that there be different categories of registration available for teachers based on the learning provision which is required to meet individual pupils needs.

Next Steps

11. The Scottish Government and the GTCS will continue to fully support the sector in moving towards all teachers within independent schools being GTCS registered. While the majority of respondents' comments related to the implementation process there were no substantive comments relating to the draft regulations. Therefore, no changes have been made to the draft regulations and these will be laid in the Scottish Parliament on 30th May 2017 with the intention, subject to Parliamentary approval, that the regulations will come into force on 1st October 2017.