

POLICY NOTE

THE REQUIREMENTS FOR TEACHERS (SCOTLAND) AMENDMENT REGULATIONS 2017

SSI 2017/170

The Requirements for Teachers (Scotland) Amendment Regulations 2017 are made in exercise of the powers conferred by sections 74(1) and 90(1) of the Education (Scotland) Act 1980 (c. 44) (“the 1980 Act”). This instrument is subject to *negative procedure*.

Policy Objectives

The policy objective to be realised by The Requirement for Teachers (Scotland) Amendment Regulations 2017 is that all teachers in the 8 grant-aided schools in Scotland be registered with the General Teaching Council for Scotland (GTCS).

The Requirement for Teachers (Scotland) Amendment Regulations 2017 amend the Requirements for Teachers (Scotland) Regulations 2005 (“the 2005 Regulations”) to extend certain provisions to grant-aided schools.

Regulation 3 of the 2005 Regulations requires education authorities to employ adequate numbers of teachers, with appropriate professional skills and knowledge. Regulation 2(2) of these regulations extends that requirement to managers of every grant-aided school.

Regulation 4 of the 2005 Regulations provides that only registered teachers may be employed as teachers by an education authority. Regulation 2(3) of these regulations extends that requirement to managers of a grant-aided school. This is achieved by the insertion of paragraphs (1A) and (1B) into Regulation 4 of the 2005 Regulations. The power in section 74(1) of the 1980 Act enables the Scottish Ministers to make provision by regulations that any payment authorised to be made under the 1980 Act shall be subject to conditions prescribed them. Payments to grant-aided schools are authorised under section 73(c) of the 1980 Act. The new Regulation 4(1A) in the 2005 Regulations applies the condition in Regulation 4(1B) to grant-aided schools. That condition is that Managers of grant-aided schools must employ only registered teachers as a teacher.

Regulations 3 and 4 of the 2005 Regulations were formerly applied to Jordanhill School by virtue of regulation 10 of the 2005 Regulations. The amendments being made to the 2005 Regulations by regulations 2(3) and (4) of these Regulations mean the specific provision in regulation 10 (application of Regulations to Jordanhill School, Glasgow) of the 2005 Regulations is no longer required and is therefore omitted by regulation 2(5) of these Regulations. The definition of “Registered Teacher” in regulation 4(2) of the 2005 Regulations already applies to that term where it appears anywhere in the 2005 Regulations. Regulation 2(4) of these Regulations omits an unnecessary cross reference to the definition in regulation 4(2) of the 2005 Regulations.

Consultation

There is no statutory requirement to consult on this instrument, however, all grant-aided schools have been consulted throughout the process and have raised no objections to the proposed regulations.

Impact Assessments

As all of the teachers in the 8 grant-aided schools are already registered with the GTCS, there will be no practicable effect as a result of the implementation of The Requirements for Teachers (Scotland) Amendment Regulations 2017. However, these Regulations will deliver a safeguard for the future.

Financial Effects

There is no financial impact on the 8 grant-aided schools as a result of The Requirement for Teachers (Scotland) Amendment Regulations 2017 therefore a BRIA is not required.

The Deputy First Minister and Cabinet Secretary for Education and Skills confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Learning Directorate

Date: 19 May 2017