

*These notes relate to the Standards in Scotland's Schools etc. Act 2000 (asp 6) which received Royal Assent on 14 July 2000*

# **STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***The General Teaching Council***

##### ***General***

##### ***Section 46 – Constitution of the Council***

99. [Section 46](#) makes a number of changes to the current membership of the GTC, by amending Schedule 1 to the 1965 Act. The overall size of the Council will increase from 49 to 50 members.

##### **Elected members**

100. At present, 30 members are registered teachers elected by the profession, as follows:
- 11 primary teachers
  - 11 secondary teachers
  - 3 teachers in further education (FE) colleges
  - 5 teachers in teacher education institutions (TEIs), 4 of whom must be principals
101. In terms of the amendment made by section 46(2)(a)(i), 26 members will now be registered teachers elected by the profession, in the different categories identified in the provision set out in section 46(2)(b).
102. No stipulation is attached to the level of teacher to be elected from a TEI. The TEIs also have 4 places on the Council as appointed members (see below).
103. Teachers are currently registered with the GTC in one (or more) of the following categories: primary; secondary; FE. This will be unaffected by the extension of the categories, as set out above, for membership and voting purposes.

##### **Appointed members**

104. At present there are 15 appointed members, as follows:
- 3 appointed by CoSLA
  - 1 appointed by the boards of management of colleges of further education
  - 3 appointed by the Association of Directors of Education in Scotland
  - 4 appointed by the universities of Scotland

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- 2 appointed by the governing bodies of the central institutions and institutions in the higher education sector (other than universities) which are not teacher education institutions
  - 1 appointed by the Education Committee of the General Assembly of the Church of Scotland
  - 1 appointed by the Scottish Hierarchy of the Roman Catholic Church.
105. The amendment made by section 46(2)(a)(ii) provides for a total of 18 appointed members, in the different categories specified there.

### **Nominated members**

106. At present, 4 members of the Council are nominated by the Scottish Ministers. This power has been used to secure coverage of interests unlikely to be reflected in the elected and appointed members. In exercising this power, Scottish Ministers must have regard to the desirability of the membership of the Council reflecting the interests of persons concerned with teaching those with special educational needs, but this is the only stipulation currently in legislation. The amendment made by section 46(2)(a)(iii) provides that 6 members will be nominated by Scottish Ministers, in accordance with the requirements specified in the new provision set out in section 46(2)(f).
107. [Section 46\(2\)\(c\)\(i\)](#) makes a consequential amendment to the definition of the institutions described in the constitution of the GTC, to take account of the removal of the reference to central institutions as bodies which can appoint members.
108. At present, elected teacher members must be in full-time employment when elected. Section 46(2)(c)(ii) amends the definition of “employed” in the 1965 Act to allow teachers who work for at least 20% of the normal working hours of a full time-teacher to stand for election to the GTC. In relation to continuing membership of the GTC, the amendments made by section 46(4) provide that part-time teachers will be required to vacate office on one of the anniversaries of their election if they have not met the 20% requirement averaged out over the preceding year. Part-time teachers will be required to provide the GTC, no later than each anniversary of their election, with satisfactory evidence that they are eligible to remain in office for the following year. Section 46(2) (f), (g) and (h) requires the GTC’s electoral scheme to provide that only headteachers will be able to vote for candidates standing in the headteacher categories in the GTC elections.
109. [Section 46\(3\)](#) repeals the provision in the 1965 Act which prohibits people aged 70 or over from taking up appointment on the GTC.
110. The current members of the GTC have terms of office which run until January 2003. The amendment made by section 46(5) provides transitional arrangements to allow the new composition to be introduced before then and by 31 October 2001 at the latest.
111. [Section 46\(6\)](#) makes a consequential amendment, following the removal of the stipulation that 4 elected members must be principals of teacher education institutions. Paragraph 6(1) of the 1965 Act, which it amends, relates to the balance between elected and other members on the Council which must be preserved in any change to the constitution of the Council which Scottish Ministers may make by order under this paragraph.