Doc no	Date	Description	Release full/partial
1	31/7/2024	Beatrice Wishart Parliamentary Question	Partial
2	Sept 2024	Briefing for Cabinet Secretary's meeting with GTCS re Fitness to Teach	Partial
3	12/9/2024	Note of Meeting between the Cabinet Secretary for Education & Skills and GTCS regarding their Fitness to Teach Insight Report	Partial
4	13/9/2024	Email exchange between SG and GTCS	Partial
5	18/9/2024	GTCS letter to Cabinet Secretary for Education and Skills	Partial
6	2/10/2024	Email exchanges within Disclosure Scotland re meeting with Cabinet Secretary	Partial
7	5/11/2024	Disclosure Scotland email to Cabinet Secretary for Education and Skills re briefing for 7 November meeting	Partial
8	7/11/2024	SG Education Workforce Unit email to Cabinet Secretary re meeting with DS and Cabinet Secretary email to DS	Partial
9	7/11/2024	Note of Meeting between the Cabinet Secretary for Education & Skills and GTCS	Partial
10	8/11/2024	Note of meeting of 8 November between Cabinet Secretary and GTCS	Partial
11	8/11/2024	Email exchange between Cabinet Secretary for Education and Skills and DS	Partial
12	27/11/2024	Cabinet Secretary email to Disclosure Scotland on note of meeting of 7 November	Partial
13	27/11/2024	Disclosure Scotland submission re GTCS letter	Partial
14	28/11/2024	Disclosure Scotland to Cabinet Secretary for Education and Skills	Partial

Doc 1

SCOTTISH PARLIAMENT

WRITTEN ANSWER

31 July 2024

Index Heading: Education and Justice

Beatrice Wishart (Shetland Islands) (Scottish Liberal Democrats): To ask the Scottish Government what discussions it has had with the General Teaching Council for Scotland regarding the establishment of a national standardised system for disciplinary or investigative procedures regarding teachers.

S6W-28552

Jenny Gilruth: The Scottish Government has not held any discussions with the General Teaching Council for Scotland regarding the establishment of a national standardised system for disciplinary or investigative procedures regarding teachers.

The General Teaching Council for Scotland (GTCS), as the Independent Professional and Regulatory Body for teachers in Scotland, has a published Fitness to Teach process at https://www.gtcs.org.uk/fitness-to-teach which sets out how the GTCS will investigate serious concerns about teachers.

BACKGROUND NOTE FOR S6W-28552
(To be completed as necessary with any additional information)

Background

1. Beatrice Wishart is the Scottish Liberal Democrats MSP for Shetland Islands (Constituency) 2019 to present day. She is the Party Spokesperson on Connectivity and Rural Affairs.

2. She has asked the following question:-

    a. To ask the Scottish Government what discussions it has had with the General Teaching Council for Scotland regarding the establishment of a national standardised system for disciplinary or investigative procedures regarding teachers.

3. The GTCS has a role within the process for investigating a teacher's fitness to teach. GTCS receive referrals (as opposed to complaints) regarding registered teachers and takes decisions as to whether to investigate those referrals based on whether the issues raised may have a bearing on the individual's fitness to

teach. Something that might have a bearing on fitness to teach is a shortfall in professional competence or conduct (a behaviour or action) of a level of seriousness that it raises a concern that the teacher presents a risk or could undermine public confidence in the teaching profession.

4. Under the Public Services Reform (GTC Scotland) Order 2011 (the Order), GTCS must perform its functions in a way which is proportionate and targeted only where action is needed. The GTCS consider that many issues regarding teachers are more appropriately investigated by the employer with concerns being resolved at a local level. The GTCS consider that it would be disproportionate for them to investigate every referral that is made to it and for the system to be designed in a way that required referrals to be made to GTCS in each and every case. This allows GTCS's resources to be targeted where necessary and in line with risk. Where the concerns are more serious GTCS expects a referral from the employer.

5. In line with the Order, a person who employs a registered teacher to work in an educational establishment must notify GTCS if –

    a. They dismiss the registered teacher on grounds of misconduct or incompetence;
        i. or
    b. The registered teacher resigns or otherwise stops working for the person in circumstances in which the person, but for that fact, would or might have dismissed the registered teacher on such grounds.

6. The GTCS's Threshold Policy sets out what they will investigate under its fitness to teach procedures. GTCS only accepts referrals from members of the public regarding conduct matters. Only employers can refer to GTCS regarding a teacher's professional competence. This is because the employer is providing monitoring and support to the teacher through a fair performance management process under the Framework for Teacher Competence.

Redacted s.30(b)(ii) Free and frank exchange of views

7. Under the Order, GTCS has an obligation to investigate the fitness to teach of any individual seeking registration. However, GTCS has a discretion as to in what circumstances it would investigate the fitness to teach of a registered teacher. There are no prescribed circumstances set down in law which they are required to investigate.

Contact Name: Redacted s.38(1)(b) Personal data

Ext: Redacted s.38(1)(b) Personal data

Doc 2

What	*Meeting with Pauline Stephen, Chief Executive and Registrar, and Jennifer Macdonald, Strategic Director, General Teaching Council for Scotland (GTCS)*
When	*Thursday 12 September, 3.00 pm – 3.30 pm*
Where	Join the meeting now Meeting ID: 323 099 778 049 Passcode: xe2esQ
Who	*Pauline Stephen and Jennifer Macdonald*
Why	*The GTCS wrote to the Cabinet Secretary on 23 April to share their published Fitness to Teach insight report and the Cabinet Secretary agreed to meet with them to discuss in more detail. This is the first report to analyse data from over 1,000 Fitness to Teach cases. The GTCS are responsible for investigating where serious concerns are raised about the conduct and competence of a teacher.*
Key messages	Redacted s.30(b)(i) Free and frank provision of advice
Official support	Redacted s.38(1)(b) Personal data – Education Workforce Unit
Agenda	1. *Analysis contained in the Insight Report* 2. *Fitness to teach process and timescales for resolving cases* 3. *Future steps to assist teachers in their conduct and competence*
Main objective	Redacted s.30(b)(i) Free and frank provision of advice
Annexes	*A – GTCS Fitness to Teach Insight Report 2018-2023* *B - Out of scope of request* *C - Out of scope of request* *D - Out of scope of request*

ITEM 1	Analysis contained in the Insight Report
Issue/ background	The number of referrals for both conduct and professional competency made to the GTCS over the last 5 years are:- 2022/23 196 2021/22 230 2020/21 161 2019/20 228 2018/19 193 Around half of these are from either employers (305 over 5 years) or members of the public (275 over 5 years). The remainder are mainly from Disclosure Scotland or teachers self-referring. The numbers given above are all under 0.3% of the total register. Of these cases that **related to conduct** the following numbers did not proceed to final hearings as they were either dismissed at initial consideration or not taken forward following investigation:- 2022/23 136 2021/22 127 2020/21 110 2019/20 151 2018/19 135 The number of cases that it was decided there was no need to take regulatory action is 77% over the 5 year period. The number of cases that **related to conduct** that resulted in either removal from the register, cancelled application to join the register or banned under PVG were:- 2022/23 25 2021/22 18 2020/21 9 2019/20 12 2018/19 29 The number of cases that **related to professional competence** that resulted in either removal or conditional registration are shown below and split by fully and provisionally registered teachers. These show higher numbers for provisionally registered teachers. Fully reg Provisionally reg 2022/23 4 14 2021/22 2 8 2020/21 1 4 2019/20 5 8

	2018/19 3 8
Key message(s)	Redacted s.30(b)(i) Free and frank provision of advice
Contact point	

ITEM 2	Fitness to teach process and timescales for resolving cases
Issue/ background	**Issues** Redacted s.30(b)(ii) Free and frank exchange of views Redacted s.30(b)(i) Free and frank provision of advice Under the Public Services Reform (GTC Scotland) Order 2011, the GTCS has an obligation to investigate the fitness to teach of any individual seeking registration. However, GTCS has a discretion as to in what circumstances it would investigate the fitness to teach of a registered teacher. There are no prescribed circumstances set down in law which they are required to investigate. Since 1 April 2018 the GTCS have made decisions about whether to investigate a case (initial consideration) within two to four weeks. They have also investigated conduct cases in which no further action has been taken within four to six months. These timeframes have reduced over the last five years. Cases that have reached the Panel stages have taken much longer with the timeframe increasing over the last five years. Cases concluded at the Panel stages have been taking, on average, a further one to two years. **Background** The GTCS has a role within the process for investigating a teacher's fitness to teach. GTCS receive referrals (as opposed to complaints) regarding registered teachers and takes decisions as to whether to investigate those referrals based on whether the issues raised may have a bearing on the individual's fitness to teach. Something that might have a bearing on fitness to teach is a shortfall in professional competence or conduct (a behaviour or action) of a level of seriousness that it raises a concern that the teacher presents a risk or could undermine public confidence in the teaching profession. Under the Public Services Reform (GTC Scotland) Order 2011 (the Order), GTCS must perform its functions in a way which is proportionate and targeted only where action is needed. The GTCS consider that many issues regarding teachers are more appropriately investigated by the employer with concerns being resolved at a local level. The GTCS consider that it would be disproportionate for them to investigate every referral that is made to it and for the system to be designed in a way that required referrals to be made to GTCS in each and every case. This allows GTCS's resources to be targeted where necessary and in line with risk. Where the concerns are more serious GTCS expects a referral from the employer.

	In line with the Order, a person who employs a registered teacher to work in an educational establishment must notify GTCS if – a. They dismiss the registered teacher on grounds of misconduct or incompetence; or b. The registered teacher resigns or otherwise stops working for the person in circumstances in which the person, but for that fact, would or might have dismissed the registered teacher on such grounds. The GTCS's Threshold Policy sets out what they will investigate under its fitness to teach procedures. GTCS only accepts referrals from members of the public regarding conduct matters. Only employers can refer to GTCS regarding a teacher's professional competence. This is because the employer is providing monitoring and support to the teacher through a fair performance management process under the Framework for Teacher Competence. Redacted s.30(b)(i) Free and frank provision of advice The Child Protection team in the Scottish Government are working with partners including GTCS and ADES to understand if further guidance or support is required to support more consistent local handling of, and better information sharing between agencies about, cases where a safeguarding concern is raised about an educator.
Key questions	Redacted s.30(b)(i) Free and frank provision of advice
Contact point	

ITEM 3	Future steps to assist teachers in their conduct and competence
Issue/ background	**Issue** The GTCS have identified common themes that give rise to referrals. These are:- • Additional Support Needs – a lack of access to or provision of effective teacher learning in relation to learners with additional support needs • Restraint and handling - teachers report a lack of support including formal training in relation to effective restraint and handling of children and young people where such an intervention may be required. • Mental health of teachers – there is evidence of the impact of the lack of effective support for teachers experiencing mental health issues.
Key message(s)	Redacted s.30(b)(i) Free and frank provision of advice
Contact point	

ADDITIONAL BACKGROUND INFORMATION

Annex A

GTCS Fitness to Teach Insight Report 2018-2023

Annex B

Out of scope of request

Annex C

Out of scope of request

Annex D

Out of scope of request

Doc 3

Note of Meeting between the Cabinet Secretary for Education & Skills (CSES) and the General Teaching Council for Scotland (GTCS) regarding their Fitness to Teach Insight Report - 12 September 2024 – MS Teams

Attendees
Pauline Stephen – GTCS
Jennifer Macdonald – GTCS

Official Support:
Redacted s.38(1)(b) Personal data - Cabinet Secretary's Private Office
Redacted s.38(1)(b) Personal data - Education Workforce Unit
Redacted s.38(1)(b) Personal data - Education Workforce Unit

Discussion on media reports on GTCS Review of fitness to teach procedures. The reports are based on a GTCS news release of 22 May, which outlined that as part of their continuous improvement plans they have commissioned an external expert review of their procedures. This should be available in early 2025. Discussion on live petition to the Scottish Parliament regarding the investigation of child protection cases within Scottish education.

Discussion on current processes for investigating referrals about teachers conduct and competence. GTCS stated they rely on local authorities and Disclosure Scotland to enable them to carry out their duties. Variance between authorities in processes to investigate teachers was noted. GTCS suggested CSES may find it helpful to consider a recent employment tribunal report involving Fife Council. It was also noted that local procedures are agree by Local Negotiating Committees for Teachers and are therefore different by region.

Redacted s.30(b)(ii) Free and frank exchange of views

It was noted that Scottish Government Child Protection Unit were progressing work on safeguarding in education, including engagement with ADES. GTCS noted they have been involved in initial discussions and are keen to input as the work progresses.

Action – Officials to link GTCS into ADES/SG CPU work

Discussion on the number of fitness to teach referrals received by GTCS, noting numbers were small in comparison to the number of teachers on the Register. GTCS processes are complex and rooted in law but they are determined to make them as efficient as possible. GTCS stated that their decisions are under more scrutiny.

Redacted s.30(b)(ii) Free and frank exchange of views

Doc 4

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Sent: 08 October 2024 12:07
To Redacted s.38(1)(b) Personal data @gtcs.org.uk>
Cc Redacted s.38(1)(b) Personal data @gtcs.org.uk>; Jennifer Macdonald <Jennifer.Macdonald@gtcs.org.uk>; Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data @gov.scot>
Subject: RE: Follow Up to Meeting on 2 October 2024

Hi Redacted s.38(1)(b) Personal data

Thanks very much for this comprehensive write-up – really helpful.

Redacted s.36(1) Claim to confidentiality of communications

Thank you also for sharing that employment tribunal judgement – that is a helpful example to have ready to use in our discussions with relevant groups/networks.

Best,
Redacted s.38(1)(b) Personal data

From Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gtcs.org.uk>
Sent: Monday, October 7, 2024 7:42 AM
To: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Cc Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gtcs.org.uk>; Jennifer Macdonald <Jennifer.Macdonald@gtcs.org.uk>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Subject: Follow Up to Meeting on 2 October 2024

Hello Redacted s.38(1)(b) Personal data

It was good to meet with you on Wednesday last week and to catch up on what's been happening since we last met.

We thought it would be helpful to follow up with a summary of our understanding regarding next steps, which we've set out below. If there's anything we've misunderstood or that we've missed, please let us know – we covered a lot of ground!

- We understand that you have been discussing matters raised by the Petitioners around safeguarding issues (and whether these have been appropriately managed and investigated by local authorities) with ADES. We understand that you are seeking evidence from them as to whether what is being said is reflective of their experience. As we have highlighted previously,

we see that there is variability across all local authorities on how investigations are conducted and that our view is that these need to be undertaken by skilled, trained and experienced investigators. Our experience has been that where there are allegations of fraud, the investigation is carried out by the local authority's fraud department and these investigations appear to be detailed and of a high quality. We would question why other investigations carried out in relation to teachers are treated differently with often senior managers within schools being assigned as the Investigating Officer. As an aside, we also see that the availability of CCTV and the layout of schools and classrooms can both assist with investigations and could, potentially, be an effective preventative measure.

- We will be responding to the Scottish Parliament's Local Government, Housing and Planning Committee's call for views on the SPSO (due this Friday Scrutiny of Scottish Public Services Ombudsman - Scottish Parliament - Citizen Space). We will reflect on whether the SPSO could take on the role of independent whistleblower for education services, mirroring their role as the independent national whistleblowing officer for the NHS.

- Redacted s.30(b)(ii) Free and frank exchange of views.

- We understand that the training guidance in relation to the IRD process will now include reference to seeking information from professional bodies (such as GTC Scotland) and of making referrals to such bodies. We understand that the training guidance has been rolled out across a few areas and there will then be discussions between Social Work Scotland and Police Scotland around how the training will be delivered and funded.

- The roundtable discussions between us, Scottish Government, Police Scotland and Disclosure Scotland are being paused (including the work that had started on process maps). We would reiterate in this space that we have been calling for an agreed data sharing landscape and also to ensure that there is a shared understanding of who does what when a concern is raised about a teacher (and who shares what, with whom and when). We believe that there are still a number of assumptions being made in this space and so we still consider that these roundtable discussions would be beneficial, to work through the process maps and data sharing agreements.

- Redacted s.30(b)(ii) Free and frank exchange of views.

- You will contact our Leadership Support Team to arrange another meeting around December time.

In respect of the point above around gathering evidence around the issue of employer investigations, I wanted to highlight an Employment Tribunal Judgement that I've come across that references this very point. The ET Judgement can be found here Microsoft Word - Love draft judgment 4107183.23.docx (publishing.service.gov.uk). There are various criticisms of the approach taken, particularly about who was appointed as Investigating Officer which is noted at page 18 para 70:

'*In the first instance it was surprising to the Tribunal that the respondent (Local Authority) should appoint someone who had just completed their training as an investigator to conduct the investigation into the allegation against (Colleague A). The Tribunal intends no criticism of (the investigator) in this regard, who clearly approached the task with integrity and to the best of her ability. However, the allegation against Colleague A involved a criminal complaint which was potentially career ending. In addition, the Tribunal heard that this was the first occasion on which the new procedures which made it easier to dismiss a teacher had resulted in a teacher's dismissal. While (the investigator) had the assistance of an HR advisor in this regard, the Tribunal might have expected the respondent (Local Authority), given its size and administrative resources to have appointed an investigator who had significant experience of investigating allegations which could result in dismissal.*'

I hope that's helpful in terms of your evidence gathering exercise.

I realise that this is a long email (!) but I hope it's helpful in outlining a summary of discussions and actions that we will each take forward along with reiterating some of our ongoing concerns.

We look forward to meeting with you again.

Kind regards

Redacted s.38(1)(b) Personal data

Redacted s.38(1)(b) Personal data
Head of Regulatory Investigations

The General Teaching Council for Scotland

www.gtcs.org.uk

Out of scope of request

Out of scope of request

From: Redacted s.38(1)(b) Personal data @gov.scot < Redacted s.38(1)(b) Personal data @gov.scot>
Sent: 13 September 2024 10:45

To: Jennifer Macdonald <Jennifer.Macdonald@gtcs.org.uk>
Cc Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gtcs.org.uk>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gtcs.org.uk>; Redacted s.38(1)(b) Personal data @gov.scot
Subject: Catch up on GTCS review/PE1979/info sharing

Hi Jennifer,

I hope you've been staying well.

I'm reaching out as I spotted this news article: Handling of complaints against teachers in Scotland to be reviewed - BBC News and was hoping to get a catch up with you to speak about this review a bit further and also update you on our recent conversations in the info-sharing space. Our seniors have also had a meeting with Petitioners of PE1979 recently, and I note a strong link made to that Petition in the news article, so good to touch base on all of that, too.

Great if you could let us know if/when you've got any availability for a catch up soon. In the meantime, hope you have a lovely weekend!

Thanks,
Redacted s.38(1)(b) Personal data
Redacted s.38(1)(b) Personal data | Child Protection Unit | Children's Rights, Protection and Justice Division | Directorate for Children and Families | Scottish Government

Doc 5

18 September 2024

Dear Cabinet Secretary

Confidential: GTC Scotland's Fitness to Teach Work

Thank you for the opportunity to meet with you recently to talk about GTC Scotland's fitness to teach work Redacted s.30(b)(ii) Free and frank exchange of views

Our Context

GTCS is a statutory body established by the Public Services Reform (General Teaching Council for Scotland) Order 2011 (the 2011 Order). The general functions of GTCS are carried out in the public interest and include, among other things, keeping a register of teachers, establishing the standard of education, training, conduct and competence of registered teachers and investigating the fitness to teach of individuals who are, or are seeking to be, registered. The assessment of fitness to teach is made at the point at which a teacher joins the register and is then regulated throughout their period of registration. In performing its fitness to teach function, we deal with a wide range of cases that involve allegations that have been, or are currently, subject to criminal proceedings. These cases span the entirety of the criminal proceeding spectrum from those that are currently subject to police investigation to those where a final outcome has been reached (with the final outcome ranging from no proceedings being taken, a not proven verdict through to criminal conviction in respect of all or part of the identified criminal charges).

As a broad estimate, cases that are associated in some way with criminal proceedings make up 45-50% of our overall investigative caseload so somewhere in the region of 50 cases at any one time.

Our fitness to teach proceedings apply the civil standard of proof, namely that it is more likely than not that the alleged behaviour occurred. This is obviously a lower standard of proof than what is used in criminal proceedings (beyond reasonable doubt). There is also no requirement for corroboration in our proceedings and there are different rules about the admissibility of evidence (including hearsay evidence). This means that there will be cases where there is not enough evidence to prove the allegations in a criminal case but there is enough to prove them in our proceedings; we see this particularly in the context of cases that involve vulnerable witnesses where the nature of the allegations is of greatest concern from a public protection perspective, for example child sexual offences. We therefore regularly take forward cases in the public interest where criminal behaviour is alleged to have occurred but, for whatever reason, this has not resulted in a criminal conviction.

Redacted s.30(b)(ii) Free and frank exchange of views

We are of course available to talk further about these issues at any time.
Yours sincerely

Dr Pauline Stephen
Chief Executive and Registrar

Doc 6

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Sent: 02 October 2024 16:28
To: Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Subject: GTCS
Importance: High

HI,

Redacted s.38(1)(b) Personal data and I just spoke with Education Workforce Unit (Redacted s.38(1)(b) Personal data and Redacted s.38(1)(b) Personal data). They told us the Cab Sec met with GTCS in Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.38(1)(b) Personal data Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.30(b)(ii) Free and frank exchange of views

Meantime, Redacted s.38(1)(b) Personal data has emailed the GTC review team to find out whom else in SG they sent it to.

Redacted s.38(1)(b) Personal data

Doc 7

From: Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@disclosurescotland.gov.scot>**
Sent: 05 November 2024 10:18
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@disclosurescotland.gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@disclosurescotland.gov.scot** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>; Spads Admin <Spads_Admin@gov.scot>;** Redacted s.38(1)(b) Personal data **<** Redacted s.38(1)(b) Personal data **@gov.scot>;** Redacted s.38(1)(b) Personal data **;** Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data**;** Redacted s.38(1)(b) Personal data **Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>**
Subject: Routine submission - meeting with Disclosure Scotland, Redacted s.38(1)(b) Personal data **and Education Workforce officials - 7 November (16:15-16:45)**

PS/Cabinet Secretary for Education & Skills

Good morning,

Please find enclosed submission and relevant annexes ahead of your meeting on 7th November (16:15-16:45) with officials from Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications **and Education Workforce.**

Redacted s.30(b)(ii) Free and frank exchange of views

For ease of reference, the following annexes are included with the submission:

- **Overview of the disclosure and barring process (Annexe 1)**
- Redacted s.36(1) Claim to confidentiality of communications
- **Letter to you from the GTCS on 18 September 2024 (Annexe 3)**

If you require anything further ahead of the discussion, please let me know.

Best wishes,

Redacted s.38(1)(b) Personal data Director of Policy and Customer Engagement

Redacted s.38(1)(b) Personal data

Disclosure Scotland, PO Box 250, Glasgow, G51 1YU

03000 200 Redacted s.38(1)(b) Personal data**, Monday to Thursday, 9am to 4pm, Friday 9am to 3:30pm**

Out of scope of request

From: Gerard Hart
Disclosure Scotland
4 November 2024

Cabinet Secretary for Education and Skills

Disclosure Scotland – Information sharing with regulatory bodies under the Protection of Vulnerable Groups (Scotland) Act 2007

Redacted s.30(b)(ii) Free and frank exchange of views

Context and Issues

1. Disclosure Scotland exists to safeguard the public. It exercises the functions of Scottish Ministers under the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act") to provide a disclosure and barring service for employers in Scotland. **Annexe 1** contains an overview of how the disclosure and barring functions operate within this framework.

Redacted s.36(1) Claim to confidentiality of communications

2. You also committed to writing to the Education, Children and Young People Committee after you had met with Disclosure Scotland, in follow up to a question by Willie Rennie MSP at Committee on 9 October, regarding child protection/local authorities' systems for checking who is employed in their schools and complaints that are received

Redacted s.36(1) Claim to confidentiality of communications

Stakeholder Engagement

Redacted s.36(1) Claim to confidentiality of communications

3. At operational level, civil servants from Disclosure Scotland have frequent face-to-face case consultations with the GTCS, using well-established escalation routes to enable specific concerns to be resolved urgently.

Redacted s.36(1) Claim to confidentiality of communications

Contribution to the Government's Four Priorities

4. **Child poverty:** employment is a key factor is preventing or alleviating child poverty and preventing reoffending. Combined, the PVG Act and Disclosure (Scotland) Act 2020 aim to deliver the proportionate sharing of information with prospective employers, supporting individuals to move on from past offending whilst ensuring that people who are unsuitable to work with vulnerable groups are barred from doing so.

5. The specific issues covered in this submission do not directly impact on the priorities relating to climate, public sector reform and the economy.

Redacted s.36(1) Claim to confidentiality of communications

Verity House Agreement Implications

6. There are no implications for the Verity House Agreement.

New Deal for Business Implications

7. There are no implications for the New Deal for Business.

Redacted s.36(1) Claim to confidentiality of communications

Financial Considerations

8. No considerations.

Sensitivities

Redacted s.30(b)(ii) Free and frank exchange of views

9. The GTCS is currently reviewing its Fitness to Teach Rules and has commissioned the Professional Standards Authority (PSA) to review the performance and efficiency of its processes. Redacted s.30(b)(i) Free and frank provision of advice

Redacted s.30(b)(ii) Free and frank exchange of views

Quality Assurance

10. Gerard Hart, Chief Executive Disclosure Scotland has approved this submission.

Conclusion and next Steps

Redacted s.30(b)(ii) Free and frank exchange of views

We are scheduled to meet with you on 7 November. Redacted s.30(b)(ii) Free and frank exchange of views

Gerard Hart
Chief Executive
Disclosure Scotland

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Cabinet Secretary for Education and Skills Minister for Children, Young People and The Promise	X	X		

Officials Copy List
DG Education and Justice Director for Children and Families Disclosure Scotland Leadership Team Redacted s.38(1)(b) Personal data, Head of Protection Services Redacted s.38(1)(b) Personal data Head of Performance Redacted s.38(1)(b) Personal data Team Leader Redacted s.38(1)(b) Personal data Policy Manager Redacted s.38(1)(b) Personal data, Education Workforce Policy - Team Leader Orlando Heijmer-Mason, Deputy Director Workforce Infrastructure and Digital Redacted s.38(1)(b) Personal data, Child Protection Unit Team Leader Redacted s.38(1)(b) Personal data, Redacted s.38(1)(b) Personal data, Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data, Special Advisor Spads Unit

Submission to Cabinet Secretary for Education and Skills

Disclosure Scotland – Information sharing with regulatory bodies under the Protection of Vulnerable Groups (Scotland) Act 2007

Annexe 1

Overview of Disclosure and Barring under the Protection of Vulnerable Groups (Scotland) Act 2007

PVG scheme records

1. Individuals applying to become a member of the PVG Scheme will be provided with a PVG scheme record, which contains any vetting information relating to them. Vetting information[1] consists of conviction information, information about notification requirements under Part 2 of the Sexual Offences Act 2003, and any other information that a chief officer of a relevant police force deems relevant to the type of regulated work the individual does and ought to be disclosed. Disclosure Scotland has no discretion on what is disclosed in a PVG scheme record. The GTCS is entitled to obtain a scheme record for an individual under the PVG Act to assess their suitability to be included in the Register of Teachers.

Ongoing monitoring

2. Scheme members are subject to ongoing monitoring[2], meaning that their scheme record is updated with information from the police about any new convictions and/or other relevant information that comes to the attention of the police that might affect a scheme member's suitability to undertake regulated work.

3. Disclosure Scotland does not automatically notify countersigning organisations when it receives new vetting information about a scheme member. The PVG Act enables organisations to apply for a Scheme Record Update; if new vetting information exists, Disclosure Scotland will then automatically provide a PVG scheme record containing the vetting information at no extra cost. If Disclosure Scotland consider the information is relevant to an individual's suitability for scheme membership it will notify organisations that it is considering listing an individual.

Initial consideration

4. In addition to receiving information through ongoing monitoring, Disclosure Scotland obtains new information from employers, courts, or relevant regulatory bodies such as the GTCS. When it receives new information, Disclosure Scotland must consider whether that information indicates *that it may be appropriate* to include the individual on either, or both, of the barred lists[3]. This is a relatively low threshold because, depending on the type of referral, Disclosure Scotland may receive very limited information about the conduct when it makes this decision.

For example, the police may only inform Disclosure Scotland that an individual has been charged with assaulting a child on a specified date and reported to the procurator fiscal but include no specific details about the circumstances. Disclosure Scotland will consider listing an individual where the information on the face of it indicates the individual may have the capacity to harm vulnerable people. In doing so, this enables Disclosure Scotland to commence a thorough investigation into the circumstances. Redacted s.30(b)(i) Free and frank provision of advice

Redacted s.30(b)(i) Free and frank provision of advice

Notification of consideration for listing

5. When Disclosure Scotland decides to consider listing someone, it must notify the individual concerned, any organisation for whom it knows the individual is doing regulated work and any relevant regulatory body of the fact that they are considering whether to list the individual[4].

6. Notice to a regulatory body includes the individual's name, date of birth, address, details of which list(s) the individual is being considered for, the date Disclosure Scotland decided to consider listing the individual and, the source of the information that led to its decision. Notification happens at the earliest possible opportunity. The purpose of notification is to enable employing organisations and regulatory bodies to consider whether any further immediate safeguarding action is necessary (in accordance with their own roles and functions) such as restricting the individual's practice or suspension pending further investigation. Disclosure Scotland notifies employers and regulatory bodies where it knows they have an interest in the individual within four working days of its decision to consider listing. This ensures that, at the earliest opportunity, those with an interest are made aware that information exists that may impact on the individual's suitability to carry out regulated work.

   Redacted s.30(b)(i) Free and frank provision of advice

7. Most often, Disclosure Scotland holds minimal information at the point it issues a section 30 notification, for example, a paragraph of non-conviction information supplied by the police. As notification happens at the earliest point in the process, Disclosure Scotland will not have carried out any information gathering, investigation or analysis and it will only have satisfied itself, on the face of the information, that it *may be* appropriate to list the individual. In all cases, further investigation is required to determine whether there is sufficient credible and reliable evidence about the individual's conduct upon which Disclosure Scotland can base a decision to list the individual.

8. If Disclosure Scotland has immediate concerns about the safety of a vulnerable person, it can engage with Police Scotland to encourage safeguarding actions. For example, if information becomes available to Disclosure Scotland suggesting that an individual under consideration is working with children in an organisation

that did not require proof of scheme membership for recruitment purposes, Redacted s.30(b)(i) Free and frank provision of advice

Consideration for listing

9. Disclosure Scotland carries out a thorough investigation using powers available to it under sections 18 to 20 of the PVG Act in exercising its functions under the PVG Act to obtain information about from organisations such as the police, courts, local authorities, regulatory bodies, and current or former employers.

10. When Disclosure Scotland considers that it has all relevant information, including information and representations from the individual, it will analyse that information and decide (applying the civil standard of proof) whether the information suggests that the individual is unsuitable to work with children, or protected adults, or both[5]. If the individual is considered to be unsuitable, they will be added to one or both of the barred lists. Disclosure Scotland must notify the parties referred to in paragraph 10, of its decision[6].

Redacted s.36(1) Claim to confidentiality of communications

Doc 8

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot
Sent: 07 November 2024 13:28
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Director of Learning <DirectorofLearning@gov.scot>
Cc: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Redacted s.38(1)(b) Personal data

Ahead of the meetings this afternoon, I thought it might be helpful to summarise the points GTCS made to Cab Sec about DS information sharing Redacted s.38(1)(b) Personal data

GTCS Concerns

When Cab Sec met GTCS on 12th September to discuss their Fitness to Teach report they highlighted the following:

GTCS discussed their engagement with Disclosure Scotland Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.36(1) Claim to confidentiality of communications

Redacted s.30(b)(i) Free and provision of advice

Regards

Redacted s.38(1)(b) Personal data

Redacted s.38(1)(b) Personal data
| Education Workforce Unit| Learning Directorate | Scottish Government | Mob - Redacted s.38(1)(b) Personal data
| E-mail – Redacted s.38(1)(b) Personal data
@gov.scot

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot> **On Behalf Of** Cabinet Secretary for Education & Skills 2024
Sent: 07 November 2024 11:19
To: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Director of Learning <DirectorofLearning@gov.scot>
Cc: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot
Subject: FW: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications
and Education Workforce officials - 7 November (16:15-16:45)

Hi,

Ms Gilruth would like a short pre-brief with SG core officials at 1605 today, ahead of the main meeting at 1615 (I'll send diary invite shortly).

Redacted s.30(b)(ii) Free and frank exchange of views

Thanks,
Redacted s.38(1)(b) Personal data

Redacted s.38(1)(b) Personal data
Private Secretary to Cabinet Secretary for Education and Skills – Jenny Gilruth MSP
The Scottish Government
St Andrews House | Regent Road, Edinburgh, EH1 3DG
Mob: Redacted s.38(1)(b) Personal data
| Email: CabSecES2024@gov.scot

Out of scope of request

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot> **On Behalf Of** Cabinet Secretary for Education & Skills 2024
Sent: 07 November 2024 11:14
To: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal

data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data @gov.scot >; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data @gov.scot >; Redacted s.38(1)(b) Personal data @gov.scot Redacted s.38(1)(b) Personal data @gov.scot >; Redacted s.38(1)(b) Personal data @gov.scot >; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Redacted s.38(1)(b) Personal data

Redacted s.30(b)(i) Free and frank provision of advice

Cab Sec will discuss this at the meeting this afternoon.

Thanks,
Redacted s.38(1)(b) Personal data

Redacted s.38(1)(b) Personal data **Private Secretary to Cabinet Secretary for Education and Skills – Jenny Gilruth MSP**
The Scottish Government
St Andrews House | Regent Road, Edinburgh, EH1 3DG
Mob: Redacted s.38(1)(b) Personal data | Email: CabSecES2024@gov.scot

Out of scope of request

Doc 9

Note of Meeting between the Cabinet Secretary for Education & Skills (CSES). Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications **and Education Workforce Unit – 7 November 2024**

Attendees

Gerard Hart (GH), Chief Executive, Disclosure Scotland
Redacted s.38(1)(b) Personal data Director of Policy and Customer Engagement, Disclosure Scotland
Redacted s.38(1)(b) Personal data Head of Protection Services, Disclosure Scotland
Redacted s.38(1)(b) Personal data
Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data – Unit Head, Education Workforce Unit

Official Support:
Redacted s.38(1)(b) Personal data Cabinet Secretary's Private Office

Purpose of meeting

Redacted s.30(b)(ii) Free and frank exchange of views

Key discussion points

- Redacted s.30(b)(ii) Free and frank exchange of views
- Redacted s.30(b)(ii) Free and frank exchange of views
- Redacted s.30(b)(ii) Free and frank exchange of views

Doc 10

Note of Meeting between the Cabinet Secretary for Education & Skills (CSES) and The General Teaching Council for Scotland (GTCS) - 08 November 2024.

MS Teams

Attendees
Pauline Stephen, Jennifer Macdonald - GTCS

Official Support:
Redacted s.38(1)(b) Personal data - Private Office, Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data - Education Workforce Unit.

Discussion
CSES updated GTCS on a discussion with Disclosure Scotland Redacted s.30(b)(ii) Free and frank exchange of views
It was agreed that further discussions was required with officials, in the first instance, to discuss this in more detail and identify possible ways forward.

Action – Officials to meet with GTCS to discuss information sharing in more detail.

Out of scope

Doc 11

From: Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>
Sent: 19 November 2024 12:40
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot Redacted s.38(1)(b) Personal data >; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Redacted s.36(1) Claim to confidentiality of communications; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Clare Hicks <Clare.Hicks@gov.scot>
>
Subject: RE: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Thanks Redacted s.38(1)(b) Personal data – hope you are well?

Redacted s.30(b)(i) Free and frank provision of advice

I also attach the note of the recent meeting with the Cabinet Secretary, I would be obliged if you could indicate that you are content with it.

Gerard

From: Redacted s.38(1)(b) Personal data <@gov.scot> **On Behalf Of** Cabinet Secretary for Education & Skills 2024
Sent: 18 November 2024 12:49
To: Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Cabinet Secretary for Education &

Skills 2024 <CabSecES2024@gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data <@disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot Redacted s.38(1)(b) Personal data >; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Redacted s.36(1) Claim to confidentiality of communications; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Clare Hicks <Clare.Hicks@gov.scot>>
Subject: RE: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Hi Gerard

s.30(b)(ii) free and frank exchange of views

Thanks
Redacted s.38(1)(b) Personal data

Redacted s.38(1)(b) Personal data **|Deputy Private Secretary | Cabinet Secretary for Education and Skills**
(: Redacted s.38(1)(b) Personal data |St Andrews House, Regent Road, Edinburgh, EH1 3DG

Out of scope

From: Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>
Sent: Thursday, November 14, 2024 5:42 PM
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for

Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data <@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data <@disclosurescotland.gov.scot Redacted s.38(1)(b) Personal data <@gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot Redacted s.38(1)(b) Personal data <@gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot>; Spads Admin <Spads_Admin@gov.scot Redacted s.38(1)(b) Personal data <@gov.scot Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data <@gov.scot>; Redacted s.38(1)(b) Personal data <@disclosurescotland.gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Hi Redacted s.38(1)(b) Personal data

Redacted s.30(b)(ii) Free and frank exchange of views

Before we convene the discussion with GTCS, perhaps the Cabinet Secretary would find helpful a further meeting with myself and Redacted s.36(1) Claim to confidentiality of communications and DCAF? If so, please do advise and I will set that up as soon as practicable.

Gerard

Chief Executive, Disclosure Scotland

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @socialsecurity.gov.scot> **On Behalf Of** Cabinet Secretary for Education & Skills 2024
Sent: 14 November 2024 14:51
To: Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>; Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b)

Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Hi Gerard,

Ms Gilruth has noted your email.

Redacted s.30(b)(ii) Free and frank exchange of views

Many thanks

Kind regards

Redacted s.38(1)(b) Personal data **– Deputy Private Secretary | Cabinet Secretary for Education and Skills**

From: Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>
Sent: 08 November 2024 11:12
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data< @gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data

>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland, , Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Redacted s.38(1)(b) Personal data

Please thank Ms Gilruth for a helpful discussion. We will, of course, send on the full note next week, but I felt it appropriate to follow up today to summarise the key points.

Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.30(b)(ii) Free and frank exchange of views

Gerard Hart
Disclosure Scotland

Doc 12

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot> **On Behalf Of** Cabinet Secretary for Education & Skills 2024
Sent: 27 November 2024 17:36
To: Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Clare Hicks <Clare.Hicks@gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland, , Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Hi Gerard

Ms Gilruth has considered the note of the meeting

Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.30(b)(ii) Free and frank exchange of views

Thanks
Redacted s.38(1)(b) Personal data

Redacted s.38(1)(b) Personal data **|Deputy Private Secretary | Cabinet Secretary for Education and Skills**

Redacted s.38(1)(b) Personal data |St Andrews House, Regent Road, Edinburgh, EH1 3DG

Out of scope

Doc 13

From Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Sent: 27 November 2024 16:42
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Clare Hicks <Clare.Hicks@gov.scot>; Director for Education Reform <DirectorforEducationReform@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data <@gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data
Subject: Routine submission - Disclosure Scotland - Response to the General Teaching Council for Scotland - Information sharing with regulatory bodies under section 30 of the Protection of Vulnerable Groups (S) Act 2007

PS/Cabinet Secretary for Education & Skills

Good Afternoon,

Following your meeting with officials from Disclosure Scotland, Education Workforce and , Redacted s.36(1) Claim to confidentiality of communications on 7th November, please find attached a draft letter to the General Teaching Council for Scotland in response to its letter to Disclosure Scotland , Redacted s.36(1) Claim to confidentiality of communications. Disclosure Scotland will issue the response on behalf of the Scottish Government.

Redacted s.36(1) Claim to confidentiality of communications For ease of reference, the following documents are included with the submission:

- Draft letter to GTCS **(contained at the end of the covering submission)**
- Redacted s.36(1) Claim to confidentiality of communications Letter from the GTCS to Disclosure Scotland, 30 October 2024 **(Annexe 2)**
- Copy of email correspondence between Disclosure Scotland and Private Office following meeting with Cabinet Secretary on 7 November

If you would like to discuss the response, or require any further information, please let me know.

Regards,

Redacted s.38(1)(b) Personal data **Director of Safeguarding**
Disclosure Scotland

Out of scope

From: Redacted s.38(1)(b) Personal data
Disclosure Scotland
27 November 2024

Cabinet Secretary for Education and Skills

Disclosure Scotland – Response to the General Teaching Council for Scotland - Information sharing with regulatory bodies under the Protection of Vulnerable Groups (Scotland) Act 2007

Redacted s.36(1) Claim to confidentiality of communications

Context and Issues

You met the GTCS on 12 September to discuss their annual Fitness to Teach report.

Redacted s.30(b)(ii) Free and frank exchange of views

Assessment of Options

11. Not applicable.

Contribution to the Government's Four Priorities

12. **Child poverty:** employment is a key factor is preventing or alleviating child poverty and preventing reoffending. Combined, the PVG Act and Disclosure (Scotland) Act 2020 aim to deliver the proportionate sharing of information with prospective employers, supporting individuals to move on from past offending whilst ensuring that people who are unsuitable to work with vulnerable groups are barred from doing so.

13. The specific issues raised by the GTCS do not directly impact on the priorities relating to climate, public sector reform and the economy.

Risks to Delivery

Redacted s.30(b)(ii) Free and frank exchange of views

Verity House Agreement Implications

14. There are no implications for the Verity House Agreement.

New Deal for Business Implications

15. There are no implications for the New Deal for Business.

Redacted s.36(1) Claim to confidentiality of communications

Financial Considerations

16. No considerations.

Sensitivities

Redacted s.36(1) Claim to confidentiality of communications

17. Disclosure Scotland currently directs regulatory bodies to the parties from whom it obtained the relevant information that led to the decision to place an individual under consideration for listing. If Disclosure Scotland has immediate concerns about the safety of any child or protected adult, in exceptional cases, it will engage with Police Scotland to encourage broader safeguarding actions, such as public interest disclosures by the police to an employer or regulatory body about concerning behaviour by an individual.

Quality Assurance

18. Gerard Hart, Chief Executive Disclosure Scotland has approved this submission.

Conclusion and next Steps

Redacted s.36(1) Claim to confidentiality of communications

19. We will keep the Cabinet Secretary updated on this matter.

Redacted s.38(1)(b) Personal data
Director of Safeguarding
Disclosure Scotland

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Cabinet Secretary for Education and Skills Minister for Children, Young People and The Promise	X	X		

Officials Copy List
DG Education and Justice Director for Children and Families Director of Learning Director for Educational Reform Disclosure Scotland Leadership Team Redacted s.38(1)(b) Personal data, Head of Protection Services

Officials Copy List
Redacted s.38(1)(b) Personal data, Head of Performance Redacted s.38(1)(b) Personal data Team Leader Redacted s.38(1)(b) Personal data Policy Manager Redacted s.38(1)(b) Personal data Education Workforce Policy - Team Leader Orlando Heijmer-Mason, Deputy Director Workforce Infrastructure and Digital Redacted s.38(1)(b) Personal data, Child Protection Unit Team Leader Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal data Redacted s.38(1)(b) Personal Redacted s.38(1)(b) Personal data, Special Advisor Spads Unit

Jennifer Macdonald
Strategic Director
The General Teaching Council for Scotland

By email only

TBC December 2024

Dear Jennifer,

Redacted s.29(1)(a)Formulation or development of SG Policy

Redacted s.38(1)(b) Personal data Director of Safeguarding

Date: 30 October 2024

Dear Redacted s.38(1)(b) Personal data

I hope this finds you well.

I am pleased to hear that regular liaison between Disclosure Scotland and our Regulatory Investigations function has resumed and meetings are being planned for early 2025 to share knowledge of our respective processes. We remain keen to better understand Disclosure Scotland processes and in particular the consideration for listing process and these sessions will provide an excellent opportunity for this.

Redacted s.30(b)(ii) Free and frank exchange of views

Redacted s.30(b)(ii) Free and frank exchange of views

We look forward to receiving the above and to our continued liaison.

Many thanks.

Yours sincerely

J Macdonald

Jennifer Macdonald
Strategic Director

Doc 14

From: Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>
Sent: 28 November 2024 14:06
To: Cabinet Secretary for Education & Skills 2024 <CabSecES2024@gov.scot>; Chief Executive Disclosure Scotland <Chiefexecutive@disclosurescotland.gov.scot>; Gerard Hart <Gerard.Hart@disclosurescotland.gov.scot>
Cc: Minister for Children, Young People and The Promise <MinisterCYPTP@gov.scot>; DG Education & Justice <dgej@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; Disclosure Scotland Leadership Team <DLHSCPDSSLT@gov.scot>; Orlando Heijmer-mason <Orlando.Heijmer-mason@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @disclosurescotland.gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Spads Admin <Spads_Admin@gov.scot>; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data >; Redacted s.38(1)(b) Personal data < Redacted s.38(1)(b) Personal data @gov.scot>; Redacted s.38(1)(b) Personal data <@disclosurescotland.gov.scot>; Director of Learning <DirectorofLearning@gov.scot>; Clare Hicks <Clare.Hicks@gov.scot>
Subject: RE: Routine submission - meeting with Disclosure Scotland, Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November (16:15-16:45)

Hi Redacted s.38(1)(b) Personal data

The note of the meeting has been amended accordingly. ERDM link below and updated copy attached for ease of reference.

Note of Meeting between the Cabinet Secretary for Education Skills (CSES) Disclosure Scotland Redacted s.36(1) Claim to confidentiality of communications and Education Workforce officials - 7 November 2024 details - Objective

Kind regards,

Redacted s.38(1)(b) Personal data
Director of Policy and Customer Engagement

I work flexibly, my availability is usually 9am to 5pm Monday to Friday

Disclosure Scotland, PO Box 250, Glasgow, G51 1YU

03000 200 Redacted s.38(1)(b) Personal data**, Monday to Thursday, 9am to 4pm, Friday 9am to 3:30pm**