

Neil Rennick
Director General, Education and Justice

By email: ceu@gov.scot

Date: 22 May 2025

Dear Neil

Fitness to Teach rules review update

Further to my letter to you dated 16 May, we have now published the report from the Professional Standards Authority (PSA) as well as a summary report of responses we received to our own call for views that we issued as part of the first stage of our Fitness to Teach rules review. You can find these [on the rules review page](#) of our website.

I highlighted last week that while the PSA's report highlights areas where we know we want to make improvements, some of the recommendations would need input from others to deliver collective change.

The main area that we want to bring to your attention relates to the PSA's observations concerning the relationship of the Fitness to Teach process with other systems and processes, including employer processes. The report highlights the importance of Government renewing stakeholder discussions in relation to gaining clarity of respective roles in the system for child protection and safeguarding.

The lack of progress in relation to this work has been a source of frustration for us for a number of years, and is an issue we have regularly raised with your colleagues in the Child Protection Unit.

As paragraph 4.26 of the report notes: *Having this agreement in place could ... support further discussion and clarification of how critical information should best flow between the parties to support their different processes, the timescales for the communication of such information, and how otherwise these processes relate to each other.*

This could also support transparency as to, for example, the reasons for delays within GTCS' FtT process, where it is necessary that a case does not proceed until critical information is received at the conclusion of another body's process.

Paragraph 4.29 goes on to recommend building capacity into the system whereby a shared approach could be taken to support concerns being directed to the right place, first time and as soon as possible. It suggests that this could be through signposting or through a collaborative arrangement for a shared 'front door' for concerns (it cites the Local Authority Designated Officer role as an example that exists in England).

It is clear from the [petition \(PE1979\) that is currently under consideration](#) in the Scottish Parliament calling for an independent national whistleblowing officer to investigate the handling of child safeguarding enquiries, that this frustration is shared more widely. Although we are named in that petition as one of the bodies that has allegedly mishandled child safeguarding enquiries, we have some sympathy with the petitioners' position.

One area where we differ is that while they believe that a whistleblowing officer would provide a solution to the issues they have experienced, we consider that the creation of a new role would pull focus from identifying what and where the current gaps are and ensuring an effective solution is put in place for filling them. This is why, in our submission to the Scottish Parliament's Education, Children and Young People committee on the Education (Scotland) Bill, we proposed expanding the role of the new independent inspectorate to strengthen system regulation by scrutinising how effectively organisations meet their respective responsibilities and ensure identified areas for improvement happen.

While we know that time is tight to influence the final stage of the Bill, we believe that this arrangement would more effectively address the unanswered questions we have been raising over the past several years about issues such as coordination and information flow between organisations, and who quality assures employer practices. Ultimately if this is not a role an independent inspectorate is to have, another question that needs to be answered is which body can have this role.

We consider this work to present an important opportunity for national collaboration and agreement that will require Government coordination. We would welcome the opportunity to discuss the report, and how we can work together to take these issues forward, at your convenience.

Yours sincerely,

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Jennifer Macdonald
Strategic Director

Erin McKee
Special Adviser, Education and Skills

By email: Erin.Mckee@gov.scot

Date: 22 May 2025

Dear Ms McKee

Fitness to Teach rules review update

Further to my letter to you dated 16 May, we have now published the report from the Professional Standards Authority (PSA) as well as a summary report of responses we received to our own call for views that we issued as part of the first stage of our Fitness to Teach rules review. You can find these [on the rules review page](#) of our website.

I highlighted last week that while the PSA's report highlights areas where we know we want to make improvements, some of the recommendations would need input from others to deliver collective change.

An area that we consider will require Government coordination relates to the report's observations about the variability of employer investigations. Our concerns about employer investigations are well documented. We have always been clear that our statutory role does not include oversight of employer investigative practices and that employers have a critical role in addressing concerns. Our role as a regulator should focus on risk that cannot be managed effectively elsewhere. This is why our current practice in the majority of cases is to wait for these investigations to conclude before we begin our process.

Another area that we consider important to bring to your attention relates to the PSA's observations concerning the relationship of the Fitness to Teach process with other systems and processes, including employer processes. The report highlights the importance of Government renewing stakeholder discussions in relation to gaining clarity of respective roles in the system for child protection and safeguarding.

These issues are particularly pertinent in the context of the Education (Scotland) Bill and the discussions at Stage 2 concerning the role of the independent inspectorate. While we know that time is tight to influence the final stage of the Bill, our view is that the report underlines exactly why it is vital for there to be a formal oversight role within the education system to scrutinise how effectively organisations meet their respective responsibilities and ensure identified areas for improvement happen.

We noted the discussion at Stage 2 about the 'on the ground' safeguarding obligations of the inspectorate. Our vision for the office is that it uses the information it collects to take a strategic role in performance monitoring and risk assessment at education service provider level. Ultimately if this is not a role an independent inspectorate is to have, the question that needs to be answered is which body can have this role.

We consider that this work presents an important opportunity for national collaboration and agreement, however as noted above we believe it will require Government coordination. We would welcome the opportunity to discuss the report, and how we can work together to take these issues forward, at your convenience.

We have written to the Cabinet Secretary in similar terms, and we have also written to the Director-General of Education and Justice about the report's publication, highlighting our concerns about a lack of progress in clarifying roles and responsibilities and information sharing when a concern is raised about someone working in education.

Yours sincerely,

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Jennifer Macdonald
Strategic Director