

EAST AYRSHIRE COUNCIL

EDUCATION COMMITTEE – 25 MAY 2004

RESPONSE TO CONSULTATION ON MEDICAL STANDARDS PROVISION FOR ENTRY TO TEACHING

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1** To inform the Education Committee of the Authority's response to a consultation paper from the Scottish Executive Education Department (SEED) entitled "A Consultation on Medical Standards Provision for Entry to Teaching" (Scottish Executive, March 2004).

2. BACKGROUND

- 2.1** Currently entrance to initial teacher education must satisfy the receiving university that they are deemed medical fit to teach. This involves an assessment of potential students with regard to any disability that they may declare in terms of suitability for teaching. Similarly, if a teacher qualifies from outwith Scotland and wishes to become registered with the General Teaching Council for Scotland (GTCS), then they must also satisfy the GTCS regarding medical fitness to teach.
- 2.2** The introduction of the Disability Discrimination Act will change the responsibilities placed on bodies such as universities, the GTCS and employing local authorities. Thus, SEED issued a consultation paper which proposed that the current system of assessing medical fitness be removed.

3. RESPONSE TO CONSULTATION

- 3.1** The authority convened a focus group to consider the response to the consultation paper. The group met and fully discussed the proposals and agreed the response attached as Appendix 1.
- 3.2** A key point to note from our response is that while we accept the implications of the Disability Discrimination Act, we are concerned with regard to the potential entry to teaching of individuals with a designated disability. This may place significant responsibilities on the employing authority and we have asked that further consideration be given to the proposal to remove any assessment on medical fitness to teach. We await the response of the Scottish Executive to the consultation.

4. LEGAL/POLICY/FINANCIAL IMPLICATIONS

- 4.1** Nil

5. RECOMMENDATIONS

5.1 The Education Committee is recommended to:

- (i) note the contents of this report.

John Mulgrew
Executive Director of Educational and Social Services

JMc/EO'N

7 May 2004

List of Background Papers

A Consultation of Medical Standards Provisions for Entry to Teaching, (Scottish Executive, March 2004)

Members wishing further information should contact John McCarney, Head of Service: Schools Support (01563 555631) or Jean Nisbet, Quality Improvement Officer (01563 555650).

Implementation Officer: John McCarney, Head of Service: Schools Support

**SEED Consultation on Medical Standards Provisions
for Entry to Teaching
March 2004**

Response from East Ayrshire

Introduction

While accepting the need to avoid discrimination of any kind and to widen access to the profession, we take the view that there is still a need to regulate admission to teaching, for the protection of both the teacher and the children in his/her care.

If regulation of entry is to become the responsibility of local authorities, then it might seem reasonable to place the onus for developing a medical declaration for new employees - of the kind used by other employers - on local authority employers. However, it should be borne in mind that new teachers, as Probationers, are not only guaranteed a training place in a local authority school for their probationary year but are accepted into local authority schools on the understanding that they have been adjudged "fit to teach" by their higher education institution.

Given the complicated status of new teachers, it therefore becomes imperative that teachers' fitness to teach be quality-assured on entry to the profession. This can best be done by submitting new entrants to teaching to the kind of medical scrutiny imposed on new employees by other employers, with employees being required at the very least to give an undertaking that they are, to their knowledge, fit to teach. A definition of the phrase "fit to teach" and an outline of the consequences in contractual terms of falsifying information are thus required.

Q 1 Do you agree that the circumstances that prevailed when medical standards provisions were first introduced have changed to such an extent that it is appropriate to reconsider their current validity?

We would maintain that, while the circumstances that prevailed when medical standards provisions were first introduced have changed, it could be argued that the medical situation is now even more complex than it was.

It could also be argued that, although the circumstances around the medical aspects of teaching have changed, the teacher remains responsible for the well-being and education of large groups of children or young people, whose safety must be of paramount concern.

Q 2 Do you agree that preventing someone from either undertaking an initial teacher education course or being recommended for registration as a teacher may be challengeable under discrimination legislation?

This is undoubtedly a matter to be decided in a court of law, rather than by personal opinion, and with each case being argued on its merits. Key concerns of educators must be to decide:

- if an individual is safe to be a teacher, and
- if children are safe in the care of that individual.

The onus remains on either the GTCS or local authority employers to manage the risk inherent in entrusting children to the care of a teacher. The unusual nature of teaching, in employment terms, of giving a teacher responsibility for up to 30 young people must be taken into account.

Q3 Do you agree that medical fitness to teach is an employment issue rather than a registration issue?

If medical fitness is to be an employment issue for local authorities as employers rather than a registration issue, then resources and time must be made available in local authorities to manage fitness to teach. However, this then raises issues regarding placement of student teachers and probationer employment. There must be a consistent standard of 'medical fitness to teach' applied to all stages of the profession.

Q4 If the current medical standards provisions are dropped, as proposed here, do you think it will be necessary for alternative provisions, whether of a statutory or non-statutory nature, to be put in place for local authorities as employers?

Some sort of statutory framework must be designed to protect children, the individual teacher and the local authority where that teacher is employed. This should also be applied to ITE and Probation, as indicated above.

Q 5 Do you agree that, having concluded that these medical standards provisions relating to students entering and leaving Scottish universities should be deleted, it is equally appropriate for the corresponding provisions relating to nationals from other EU countries should also be deleted?

The same regulations must apply to all EU citizens. Conversely, EU citizens must submit themselves to the same regulations as UK nationals.