



# Guide to Probationary Service Hearings for Probationers

## 1. Introduction

This is a guide for probationers who have received a recommendation that their provisional registration be cancelled or that their period of probationary service be extended. It includes information about the probationary service hearing process and what to expect as well as details of the relevant rules and procedures that apply.

## 2. Key Documents

The rules governing probationary service hearings are set out in Part 4 of the General Teaching Council for Scotland's (GTCS) Fitness to Teach and Appeals Rules 2012 (the "Rules"). This document is available at:

[www.gtcs.org.uk/web/FILES/FormUploads/fitness-to-teach-and-appeals-rules-pd.pdf](http://www.gtcs.org.uk/web/FILES/FormUploads/fitness-to-teach-and-appeals-rules-pd.pdf).

The test applied at probationary service hearings is where you currently are in relation to the GTCS Standards for Registration. These can be viewed at:

[www.gtcs.org.uk/web/Files/the-standards/standards-for-registration-1212.pdf](http://www.gtcs.org.uk/web/Files/the-standards/standards-for-registration-1212.pdf).

Relevant information about probationary service can be found in the Provisional Registration and Probationary Service Policy and Guidance 2012. This document is available at:

[www.gtcs.org.uk/web/FILES/FormUploads/provisional-registration-and-probationary-service50729\\_1451.pdf](http://www.gtcs.org.uk/web/FILES/FormUploads/provisional-registration-and-probationary-service50729_1451.pdf).

## 3. Receiving a Recommendation for Cancellation or Extension

In most cases you will be aware of the recommendation that is being made before you hear from GTCS. Once GTCS receives a recommendation that your provisional registration be cancelled or extended we will contact you about it.

In the case of an extension recommendation, the Professional Learning and Development Department (PLD) will contact you in the first instance. If you wish to challenge an extension recommendation, your case will be passed to Legal and Adjudication Services (LAS) to take forward arrangements for your hearing.

In the case of a cancellation recommendation, LAS will send you a copy of the Case Overview Report, which contains the recommendation together with any evidence that has been provided by your local authority in support of that recommendation. In most cases, at that stage, your case will be allocated to a Servicing Officer and it will usually be the same Servicing Officer that you liaise with throughout the process.

When we send you the Case Overview Report, we will also send you a short form to fill in to confirm whether or not you would like to challenge the recommendation. It is important that you consider this carefully and we would recommend that, if possible, you seek the advice of your union or professional association or seek independent legal advice before returning your form. You will have 14 days to consider your decision and return the form to us.

If your provisional registration has previously been extended, please note that any documentation relating to your previous extension recommendation will usually be made available to the Panel.

#### **4. Non-Challenged Recommendation**

If you decide that you do not want to challenge the recommendation then a Panel will read the Case Overview Report and any evidence provided and decide whether or not to accept the recommendation without the need for a probationary service hearing.

If the recommendation is accepted, you will be notified of the decision in writing and informed of your right of appeal.

Only where a significant reason is identified would a Panel direct that a probationary service hearing was required to consider the recommendation if it has not been challenged. If the recommendation is not accepted by the panel, the hearing process is engaged and LAS will schedule a hearing to consider the case as described below.

#### **5. Challenged Recommendation**

If you challenge the recommendation, LAS will take forward arrangements for a probationary service hearing. The first stage in this process is to contact you and the local authority Probation Manager to establish who will be attending the hearing (usually two individuals attend from the local authority and the probationer together with a representative) and availability for attendance at the hearing.

If you decide to challenge the recommendation you should begin preparing your case as early as possible. You may want to consider appointing a representative to help you with preparing and presenting your case. A representative may be provided through your professional association or trade union (if you have one) or you may appoint an independent legal adviser. If you are unable to obtain representation, you can represent yourself at the hearing and/or have the support/representation of a friend or family member at the hearing.

Arrangements for your specific case will be confirmed by the Servicing Officer and at least 21 days before the hearing you will receive formal Notice of the Hearing. Together with the Notice of Hearing you will receive a Notice of Hearing Response form that you must complete and return to LAS at least 14 days before the hearing. You must also provide any written submissions or documents you would like the Panel to consider at least 14 days before the hearing.

It is a matter for you to decide what to include within your hearing papers. Please note that all of the documentation provided by the local authority and your GTCS profiles will already be included within the information submitted to the Panel so there is no need for you to provide copies of those documents.

In preparing your case you might want to consider the following questions as a starting point:

- What is your response to the recommendation that has been made?
- Where are you in relation to the SFR?

- If you agree that you do not meet the SFR, why not?
- If you are of the view that you do meet the SFR, what is your basis for this opinion?

Please adhere to the below guidance when submitting your evidence:

- Do not put items into folders or poly pockets or attach items together (e.g. with paperclips or staples)
- Do not provide original or colour documents
- Do not provide a mixture of single and double sided sheets
- Do provide your evidence in the order listed
- Do provide A4 sized black and white copies
- Do not provide the GTCS profile reports, these will be included by LAS

Around 7 days before the hearing date you will receive a page numbered bundle of documents that you should bring with you to the hearing so that everyone at the hearing is working from the same bundle of documents.

## **6. The Hearing Day**

Probationary service hearings are usually set to start at 10:00 AM and take place at GTCS' in Edinburgh.

GTC Scotland  
Clerwood House  
96 Clermiston Road  
Edinburgh  
EH12 6UT

T: 0131 314 6000 (main switchboard)

A map and details of how to get here can be found at the following link:  
<http://www.gtcs.org.uk/web/FILES/about-gtcs/Location-Map.pdf>

When you arrive at Clerwood House you will be signed in by the reception staff and shown to a room where you can wait before the hearing. As there may be some waiting around on the hearing day, we recommend that you bring some snacks and refreshments with you as there are no catering facilities at Clerwood House.

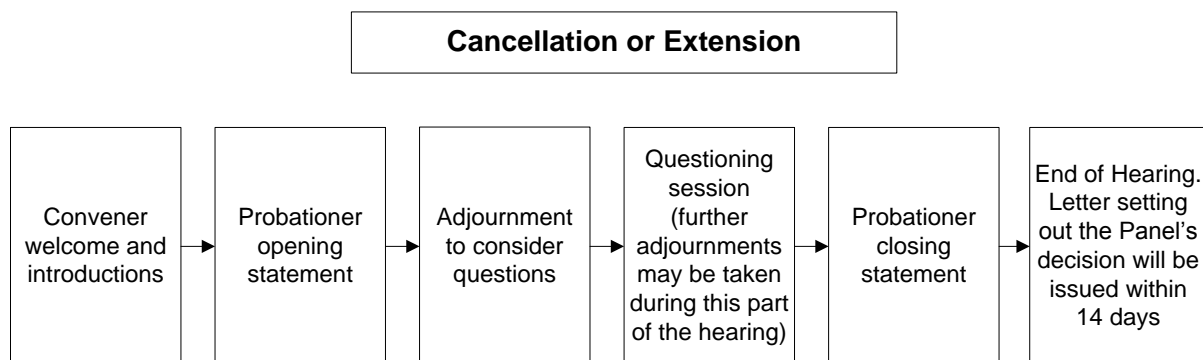
The Panel's Servicing Officer dealing with your case will come and see you shortly after you arrive to have a chat with you about what to expect and answer any queries that you may have. When the Panel are ready for you, the Servicing Officer will come and show you in to the hearing room. In the hearing room you will be shown to a seat behind a desk. If you have a representative or supporter attending with you, they will sit next to you. You will be provided with water in the hearing.

The default position is that probationary service hearings will be held in private. However, if you wanted to make an application for the hearing to be held in public this would be something that a panel would need to consider.

The following parties will usually be present at the hearing:

- **The Panel** comprising: a Convener and two other Panel members (there will always be 2 Registered Teacher members and one lay member).
- **The Servicing Officer** who is there to support the Panel by providing procedural advice, administrative support (including assistance with drafting their decision) but takes no part in the decision making process
- **The Probationer & representative or supporter if you have one.** It is not compulsory for you to attend the hearing or be represented at it and you can provide written submissions for the panel to consider. However, we would recommend that you do attend the hearing as it will mean that you are there to respond to any queries from the Panel.
- **Representatives from the local authority** (usually this is the Head Teacher who made the recommendation and the Local Authority Probation Manager).

Hearings generally follow the below order of proceedings. Although we cannot guarantee how long the hearing will take and how long you will be required to attend, the stages described below usually conclude by around lunchtime. The decision of the Panel will not be announced on the hearing day, it will follow in writing within 14 days.



Above is the general running order of a probationary service hearing. You should note that the proceedings are intended to be as informal as the proceedings allow.

Some tips:

- You should dress similarly to how you would dress to attend an interview or a day at work.
- You should always ask the Convener if you have any questions or requests (e.g. if you do not understand something or if you need a short break).
- You should not interrupt if the local authority representatives are providing a response to a question from the Panel; you should take notes of anything said by the local authority and return to the point later.
- The Panel will almost certainly have questions for you. The Panel ask questions to try and get to the bottom of the situation and establish where you currently are in relation to the GTC Scotland standards. Take your time and provide as full answers as possible.

## **7. Decision and Right of Appeal**

After the hearing you will receive a formal written decision within 14 days.

The decision will also set out your right of appeal.

If the decision is taken to uphold a cancellation recommendation, you have two rights of appeal: to the Appeals Board or to the Court of Session. You can choose to appeal to the Appeals Board or directly to the Court of Session.

If the decision is to extend the probationary period or to award full registration, you only have the right of appeal to the Appeals Board.

The local authority does not have a right of appeal

## **8. Further Information and Feedback**

If you have any questions about probationary service hearings you should contact LAS by email at [hearings@gtcs.org.uk](mailto:hearings@gtcs.org.uk) or by telephone on 0131 314 6000. We would also be grateful to receive any feedback that you may have in relation to the information and support materials available for probationary service hearings.