

Briefing for the Public Petitions Committee

Petition Number: [PE1193](#)

Main Petitioner: Paul Tierney

Subject: Calls on the Parliament to urge the Scottish Government to create a 'parents contract' whereby local authority schools are legally required to provide that the core skills of each subject incorporated in the school curriculum are taught by a teacher specialising in that subject.

Background

For three months during her standard grade year, due to staff absence the petitioner's daughter did not have a qualified English teacher for three out of every four lessons. The classes were covered by a mixture of specialist teachers (when available), English supply teachers and non-specialist teachers.

Local authority duties

The day to day management of a school is a matter for the headteacher, working with the local authority. Issues such as staff absence and provision of replacement teachers are dealt with by the head teacher and local authority. In order to register as a subject teacher, a person must have a background in that subject, there is however no specific legal requirement that pupils are taught by teachers specialising in the subject they are teaching¹. The school curriculum is not provided for in statute with the exception of religious observance and teaching Gaelic in Gaelic speaking areas. However, there are a number of broadly framed duties of local authorities in their provision of education. These are:

- to secure for their area adequate and efficient education s.1, Education (Scotland) Act 1980 (the 1980 Act). Through regulations under s. 2, Scottish Ministers can prescribe standards for this.
- to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential, having due regard to the views of the child or young person. s.2, Standards in Scotland's Schools etc. Act 2000 (the 2000 Act).

Pupils' Rights

Every child has a right to be provided with school education under s. 1 of the 2000 Act. "School education" is defined as in the 1980 Act s.5 as progressive

¹ Although not requiring a specialism as such, under s.21 of the 1980 Act, teachers in denominational schools must have church approval with regard to religious belief and character.

education appropriate to the requirements of pupils, regard being had to the age, ability and aptitude of such pupils.

Scottish Government powers

Under s.70 of the 1980 Act, if Scottish Ministers think that a local authority is in breach of an education duty they can order them to discharge it. There is further recourse to the Court of Session.

Quality Assurance

Quality assurance in education is provided through periodic inspection by HMIE. However, day to day staff management issues are for the school and local authority.

Requirement for Subject Knowledge

Teachers must be registered with the General Teaching Council Scotland (GTCS). To be eligible for registration teachers must have a relevant degree and a recognised teaching qualification. All programmes of initial teacher education (ITE) in Scotland require the approval of Scottish Ministers, under regulation 4 of the Teachers (Education, Training and Recommendation for Registration) (Scotland) Regulations 1993. The minimum requirements for entry to programmes are laid down in '[Memorandum on Entry Requirements to Courses of Initial Teacher Education in Scotland](#)' (2005). For secondary teachers, this includes that:

The teaching qualification (secondary education) is awarded in a particular subject or subjects. For entry to PGDE (secondary) students should hold a degree which normally contains 80 SCQF credit points relevant to the teaching qualification or qualifications being studied. Forty of the credit points must have been studied at SCQF level 8 or above. Teaching qualifications can be awarded in the following subjects: Art and Design, Biology with Science, Business education*, Chemistry with Science, Classics*, Community languages*, Computing*, Drama, Economics, English*, Gaelic*, Geography, Greek, History, Home economics*, Latin, Mathematics, Media Studies, Modern foreign languages*, Modern studies*, Music*, Physical education*, Physics with Science, Religious education, Technological education.* Those marked with * have specific entry requirements.

Scottish Government and Scottish Parliament

The Scottish Government has recently convened a working group to consider teacher workforce planning. The Education, Lifelong Learning and Culture Committee has recently considered the issue of probationer employment. Although this did not specifically cover the issue of subject specialism in any depth, it is relevant in as much as the supply of subject teachers is a matter for workforce planning as well as local staff management. See: [Committee Official Report 10th September 2008](#).

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15th October 2008

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