1. The General Teaching Council for Scotland (GTC Scotland) welcomes the opportunity to provide written evidence to the Education, Lifelong Learning and Culture Committee on the general principles of the above noted Bill.

2. GTC Scotland is the independent regulatory body for Scotland's teachers and was established by the Teaching Council (Scotland) Act 1965. We maintain and enhance teaching standards as well as promote and regulate the teaching profession in Scotland.

3. GTC Scotland is committed to continually improving its records management processes and appreciates the importance of the Bill’s policy objective in seeking to provide a framework for measurable improvements in record keeping across the public sector. GTC Scotland is concerned, however, that the Bill in its current form does not avoid placing significant new burdens on public authorities, particularly those that are smaller in scale and scope. GTC Scotland would question whether the outcomes that the Bill seeks to deliver are proportionate to the costs that will be associated with complying with it for such smaller organisations (including GTC Scotland).

4. In addition, as has been noted by others in response to the Scottish Government’s consultation on the Bill, Section 61 of the Freedom of Information (Scotland) Act 2002 (FOISA) already sets out a provision for Scottish Ministers to issue a Code of Practice for Scottish public authorities to follow in connection with the keeping, management and destruction of records. In setting best practice standards, GTC Scotland’s view is that this Code of Practice is the proportionate and appropriate model to use in order to achieve good records management on the part of smaller organisations (particularly those that are not public authorities per se, but simply carry out certain public functions).

5. If, in spite of the FOISA Code of Practice framework already in place, it is felt necessary to proceed to enact further legislation in the public records arena, GTC Scotland would suggest that the Bill’s content should be amended. GTC Scotland would recommend that the points set out below should be considered in this regard.

- The Schedule attached to the Bill should be reviewed and revised to narrow the scope of the organisations made subject to Part 1 of the Bill. This exercise should aim to focus the compliance burden more proportionately (and appropriately) upon those organisations: (i) that have more extensive resources at their disposal; or (ii) are generally considered more significant given the nature and scale of public records that they create.

- As an alternative to above, GTC Scotland would suggest that the definition of “public record” set out in Section 3 of the Bill should be reviewed and revised.
The intention of this exercise would be to ensure that Records Management Plans, and the compliance burden, focus on records that actually are properly public in nature, rather than effectively encompassing any information that is created or received by the range of authorities listed in the Schedule.

6. We have provided responses to the two questions set out specifically in the call for evidence below.

How helpful do you find the policy memorandum and financial memorandum accompanying the Bill?

7. These documents are both helpful in clearly articulating and emphasising the objectives and implications of the Bill.

8. We would highlight again, however, that the impact analysis set out in the financial memorandum is of particular concern to GTC Scotland. As an organisation that comprises (at the date of writing) just 43 full-time (and 51 full-time equivalent) employees, if enacted, the resource implications of the Bill would be felt acutely. As noted above, within the context of an organisation that is of the size and scope of the GTC Scotland, we would suggest that the costs and impact of compliance are disproportionate to the tangible benefits that the Bill would bring.

Do you have any comments on the consultation the Scottish Government carried out prior to the introduction of the Bill?

9. Our only comment in this regard would be to note that we believe it would have been beneficial to have consulted upon the principle of introducing legislation at all in this area.

Jennifer Macdonald
26 November 2010