

Proposals for registration of the education workforce in Wales: Full list of respondees and published responses

List of respondees

- Agored Cymru
- Association of School and College Leaders (ASCL) Cymru
- Association of Teachers and Lecturers (Cymru)
- Cardiff Metropolitan University
- Care Council for Wales
- Carmarthenshire County Council
- City & Guilds
- Coleg Powys
- Colleges Wales
- Council for Wales of Voluntary Youth Services (CWWYS)
- Deeside College.
- Education Training Standards (ETS) Wales
- Estyn
- Federation of Awarding Bodies
- Foster Care Associates
- General Teaching Council for Northern Ireland (GTCNI)
- General Teaching Council for Scotland (GTCS)
- General Teaching Council for Wales (GTCW)
- Governors Wales
- Griffithstown Primary School
- Grŵp Llandrillo Menai
- Higher Education Funding Council for Wales
- ISA Training Limited
- Learning & Skills Improvement Service (LSIS)
- National Association of Head Teachers (NAHT) Cymru
- National Association of Schoolmasters Union of Women Teachers (NASUWT) Cymru
- National Training Federation for Wales (NTfW)
- National Unions of Teachers (NUT) Cymru
- Neath Port Talbot College
- Newport Assoc. of School Governors
- Pembrokeshire College
- Play Wales
- Powys County Council
- St Marys Wrexham
- The College Ystrad Mynach
- Undeb Cenedlaethol Athrawon Cymru (UCAC)
- Universities' Council for the Education of Teachers (UCET) Cymru
- University and College Union
- University of Wales, Newport

- Vocational Skills Partnership (Wales) Ltd
- Wales Principal Youth Officers' Group (PYOG)
- Welsh Local Government Association (WLGA)
- Wrexham County Borough Council, Lifelong Learning Department
- Ysgol Pendref

Published responses

Below are all the responses from the respondents who have agreed for their comments to be published. These responses are published in the language that they were received in.

1

Name: Janet Barlow

Organisation: Agored Cymru

Agored Cymru is an awarding organisation developing qualifications to meet needs in Wales. The successful delivery of our qualifications depends to a large degree on the professionalism of the education and training workforce

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Broadly yes.

The groups are representative of those delivering learning as part of a “wider” education workforce in Wales. However, we agree that the collaboration of learning delivered across sectors and roles, for example as expressed within Learning Pathways 14-19, establishes that it is an essential and broad educational workforce and not a teaching and “wider” educational workforce as is sometimes suggested.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes.

We believe a workforce audit should be established to inform future minimum requirements for registration. However, this already happens to an extent across some of the newly identified groups for inclusion and this should be conducted through existing workforce representation/endorsement groups as part of a collaborative and inclusive strategy for developing a new education workforce registration body. As well as qualifications there ought to be some method of collecting data on relative experience and other types of CPD. Many of those teaching in post 16 may have done so in a wide range of environments without access to appropriate qualifications but this experience does need to be captured.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes.

There is some concern around the registration body regarding the use of funding for investigating professional conduct and fitness to practice and whether this use of funding means that sectors will have monies reduced to accommodate such investigations.

This two tier system of, firstly, assessment and secondly, a hearing provides a more coherent, transparent, fair and funding sensitive approach to the registration bodies operations.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

We believe the aspiration for a unified code is a good one. However, we believe that there are ideologies across some of the sectors that would require further work to unify and have cross sector agreement. There is some concern that the differing philosophies and ideologies, if combined, would be lost and this could dilute the aspirations for each sector. A solution for this could be that there is an “umbrella”, more generalised code of practice that incorporates all the sectors but that when it comes to “fitness to practise” proceedings, that the sector specific code be used. This of course could have implications for the “lay” chair on the panel for hearings and this would need to be explored. However, such arrangements are not insurmountable and, as representing the different sectors is of paramount importance, this should be supported.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes.

We see that the council members would be established from the Chairs of the Sector Advisory groups and this is already an embedded process for some sectors.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

The Chair of each of the sector advisory groups has responsibility for ensuring proper representation of the sector. Each sector advisory group should have a decided representation structure expressed under its terms of reference/memorandum of understanding. Such decision-making for nominations already exists to an extent across professional endorsement agencies in Wales eg ETS Wales.

The links between identified representative organisations, their nominations to the advisory panel and then representation through the chair of the panel, is a good way of ensuring feedback vertically in both directions.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes. However, a phased approach to collecting data would give organisations opportunities to build process around such collection. Much data is already collected during the self assessment process. Workforce data is invaluable to inform migration, retention in the workforce, inform future CPD across differing sectors. This would be to the benefit of the educational workforce in Wales.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

We agree the registration body and its subsidiary sector endorsement bodies should be able to professionally recognise relevant training courses. However, we would request the use of the term “professionally recognise” be defined more fully. For example, there are three youth worker roles that are supported and endorsed by ETS Wales: the assistant youth support worker, the youth support worker and the professional status youth worker. Professional in this context relates the successful completion and award of a Youth and Community work degree. We suggest that increased clarity around this would help.

However, we do not agree that the registration body be responsible for “accrediting” initial training courses and that this should be the responsibility of the awarding bodies. Such an “accreditation” role

could lead to a potential conflict of interest and bring into question the impartiality of the education workforce registration body.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

No.

The body should be responsible, through engagement and consultation with the sector advisory panels, to identify and agree areas of CPD for the sectors to follow on an annual basis. However, they should not be responsible for the “accreditation”. This suggests that the registration body become an awarding organisation and this could open up questioning around impartiality and its registration remit. Certainly it has a role in agreeing areas of in-service training but, and if, it decides that accreditation is a requirement then the body, together with input from relevant sectors and employers, should work with awarding organisations to make this happen.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Yes and we agree there is still some discussion to be had around this contentious area. However, we welcome a differentiated scale of rates for different roles. It is important to recognise that some teachers work across sectors being employed in FE and HE and within many sectors you may find sessionally paid staff as well as those with full time or 0.5 posts. There are also three different JNC/ETS Wales recognised youth worker roles and initial training is undertaken at level 2, level 3 and degree level for each of the roles. Each role encompasses a different degree of responsibility and therefore the fee levels should represent this. For example, the school support staff suggested fee is for £15 and this may be more appropriate for the Assistant Youth Support Workers and Youth Support Worker roles, whereas the Professional Status Youth Worker could pay the equivalent as teachers and FE lecturers. Therefore, there is still some consideration needed in relation to differentiated and endorsed roles in sectors.

Additionally, there is a reference to voluntary youth workers at the beginning of the consultation document being included within the registration body. We agree that youth workers should be included whether they are voluntary or working within the maintained youth sector as sign up to the registration body supports a license to practice. If someone is defined as a voluntary youth worker this still means that they would have undergone the required training to undertake a youth work role. Volunteers that have not undergone such training would not be required to register. As youth workers, as all practitioners under this

new registration body, would be required to pay for their own fees, this would reduce the financial impact on the voluntary sector. However, there are still implications regarding resource for this sector in terms of maintaining and managing such a registration system.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Essentially, yes. However, there must be as part of a phased approach to introducing fees to the newer sectors and of course as part of a full sector engagement consultation.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We welcome the arrangements made in furthering the education vision through workforce development in Wales and look forward to supporting the Welsh Government in taking this forward.

We are interested in whether the Welsh Government has any plans around introducing a NQS/QTS equivalent to the other sectors as this was not explored in the consultation document. It could be that this is part of a future aspiration for the newly developed education workforce registration body for Wales.

2

Name: Gareth Jones

Organisation: Association of School and College Leaders Cymru

The Association of School and College Leaders (ASCL) represents over 17,000 heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of maintained and independent schools and colleges throughout the UK. ASCL Cymru has members in more than 90 per cent of secondary schools in Wales. This places the Association in a unique position to consider this issue from the viewpoint of the leaders of secondary schools.

ASCL Cymru welcomes the proposals to legislate to establish a registration body for the wider education workforce in Wales. We strongly support the aim of the legislation to “develop a robust

registration system which will enhance the workforce planning, training and development and bring greater coherence and recognition of the contribution of the whole education workforce to the education of all learners in Wales”.

However, as in most developments, the devil is in the detail:

- **there is a risk of a confusion of priorities in the early years of the new body between the above broad statement and the stated aim of the new body: viz: We are proposing that the core function of the registration body should be to act in the interests of the education system and public in Wales to register and determine the fitness to practice of education practitioners and so to contribute to high standards of practice and the safeguarding of children and students. Establishing a register, the Code of Conduct for all education contexts and appropriate disciplinary processes is a significant task and thus consideration should be given to staging, over several years, the implementation of all functions other than registration and determining fitness to practice;**
- **What is to be the precise definition of the term ‘fitness to practice’ and will it be open to legal challenge?**

One view of it is that it means checking not just the qualifications of someone who wishes to be registered but also all other matters related to their fitness to practice - such as mental and physical health. That is the responsibility of the employer at present.

It could also mean that on disciplinary matters, a panel, having considered the evidence presented to it, would have to receive other reports (e.g. social and medical) before allowing a registrant to continue to practice. Thus the panel is not only considering the past, in terms of a referral, but also the future.

If the broad definition of the term is adopted, then there are considerable cost implications and for the fee that will have to be charged. The use of the terms currently used by the GTCW where cases are referred and considered under three specific categories, namely unacceptable professional conduct, serious professional incompetence or a conviction for a relevant criminal offence, would avoid the potential complications of the term ‘fitness to practice’:

- **If the new body is to have advisory functions which impact upon education policy, then independence from political interests is an essential pre requisite if the advice is to be valid. Under the current proposals, the Minister will have powers with regard to:**

- i. The appointment of the Council and the Chief Executive(?) under the public appointments procedure;**
- ii. A veto over the proposed fee for registrants;**
- iii. The constitution and functioning of the Council by means of regulations.**

Put together, these powers represent a considerable undermining of the concept of independence! In addition, there are no proposals as to who or how the use of the powers by the Minister will be subject to scrutiny. Perhaps, this could be part of the responsibilities of the proposed Audit and Scrutiny Committee, on the assumption that the Committee will have a significant degree of independence from the Council and the Minister.

In addition, we would strongly recommend that provision is made in the proposed legislation for the expected period of office for council members (say 6 years unless they resign or die) and indeed for the advisory committees. To leave this as a matter for regulation is in effect a further strengthening of the Minister's influence and thus undermining the concept of independence.

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

As a starting point, we would agree that the new Body should undertake the registration of teachers and FE lecturers. However, it would be wise to provide enabling powers for an extension to other groups in the future, such as learning assistants, youth workers and WBL Tutors. In schools, for example, administrative and catering staff interact with students on a regular basis and thus are contributors to the informal curriculum and the learning experiences of the students.

The inclusion of Youth Workers and WBL tutors, who have a diverse range of qualifications and work in a wide range of contexts, presents real practical and philosophical issues. Given the significant differences between Youth Work, WBL programmes and the role of teachers, lecturers and learning assistants in school or colleges, the inclusion of Youth Workers and WBL tutors will generate considerable barriers to the establishment of a common Code of Practice and the operation of common disciplinary procedures.

The fact that people are working with young people does not mean that they can all be lumped together. The police and social workers may both have something to do with 'vulnerable families' but one does not necessarily see them as part of the 'vulnerable families workforce.' The question really is what the similarities and differences of the work itself and the principles and practices of the workers. So, for example, is the professional distance of a teacher the same as the professional distance

of a youth worker? This will demand, at a purely practical level, an extraordinary range of understanding of the demands of the various groups by any panel convened to consider individuals.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

It may be the wording of this question that is causing a misunderstanding of the proposals.

The proposal to collect data before identifying the minimum requirements would suggest a delay, potentially of a considerable length given the experience of the GTCW in data collection and verification, in the actual registration of the workforce.

One of the key functions of the GTCW is the procedure of undertaking suitability checks for applicants to the register. There seems to be no reference to this in the proposals for the new body and yet it is a significant means of maintaining high standards of performance. We would support the continuance of suitability checks for all education practitioners as being a core function of the new body.

Suitability can be defined in terms of relevant qualifications and whether there are relevant offences which may call into question an individual's suitability.

During the implementation phase of the new body, it would be preferable for the current suitability checks on teachers to be continued whilst, for the other groups of education practitioners, suitability would be limited to a consideration of relevant offences until such time as all data has been collected and a decision on other matters, such as qualifications, can be taken.

Notwithstanding any proposed changes in the procedures for Criminal Record Bureau checks, school leaders have proposed for some time that the registration process when combined with the reporting to the GTCW of relevant offences should obviate the need for employers in Wales to have to undertake their own CRB checks. There would be the possibility of considerable costs reduction on the public sector if the new registration body was charged with undertaking CRB checks on all new registrants and sharing information with potential employers upon request.

To assist in overcoming the significant practicalities of collecting data, a legal requirement upon all employers in the public sector to submit data on behalf of their employees would be helpful.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

The proposed 2 stage process would be an improvement on the procedures currently in use by the GTCW.

A further improvement would be for the Stage 1 process to include the option for the registrant accepting a prohibition order and removal from the register.

A key issue in the debates on this matter, is the definition of the term 'public interest'. We have the view that the public interest should be defined as ensuring that the person is not able to practice rather than in a public humiliation exercise which is the outcome when a public hearing is held even though the registrant has pleaded guilty and volunteered not to work in an education context in the future.

A requirement that employers can only appoint staff who are registered with the new Council and a requirement that the Council undertakes suitability checks would, in our opinion, protect the public interest.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Achieving a single Code to apply to all contexts will run the risk of being so general that it loses any validity as a basis for disciplinary action in the light of a referral from an employer or the reporting of a relevant offence. Thus the Council should have the ability to have a general code to apply to all, but with a sub section which only applies to a specific group of practitioners.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes in principle but, in the light of our concerns re independence as stated above, with the proviso that the membership of appointment panel(s) must involve an independent voice.

What is not clear from the consultation document is whether the public appointments process is to apply only to the appointment of council members or whether it will include the appointment of the Chief Executive.

Given the complexities regarding establishing a register and the ancillary suitability and disciplinary procedures, there is a case for the

appointment in the first instance of a Registrar rather than a Chief Executive.

The establishment of the latter post would occur as and when the Council begins to undertake functions other than the establishment and operation of a register of practitioners.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We support that proposal.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

We support the proposal but recommend that the legislation should provide enabling powers for this function to be undertaken as and when the new council is in a position to devote adequate time and resources.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

We support the proposal but recommend that the legislation should provide enabling powers for this function to be undertaken as and when the new council is in a position to devote adequate time and resources.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

This is an impossible question to answer as the actual costs associated with establishing and operating a register of educational practitioners are unknown at present.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Given that the Minister is to retain the power of veto over any fee increase, this question becomes an irrelevance!

We would favour the council having the ability to exercise independence with regard to setting the fee for registrants, albeit with the Minister having the power to veto increases beyond a level such as increases in the Retail Price Index.

Conclusion

I hope that this is of value to your consultation, ASCL Cymru is willing to be further consulted and to assist in any way that it can.

3

Name: Dr Philip Dixon

Organisation: Association of Teachers and Lecturers (Cymru)

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Partly.

We believe that only those directly responsible for teaching and learning need to be registered. The new body is primarily concerned with the education workforce and we fear that extending its remit too widely will risk dilution of its core purpose. For that reason we are far from convinced that youth workers, for instance, need to be registered. We are convinced that the extension of registration will raise the status and profile of all those working in education. We think that wider registration will help consolidate the process of FE lecturers gaining greater parity and equality with school teachers. We think that this extension will enhance the status of learning support staff, which is long overdue and very welcome. It will also provide the basis for standardised development of support staff, accreditation of their work, and systematic CPR.

As a union which represents hundreds of support staff in Wales we welcome these developments.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes, this is an essential guarantee to pupils, parents and staff. Checks on whether someone is appropriately qualified and fit to practice should be the central function of a professional regulator. We believe that sensible workforce planning will be greatly enhanced by the collection of such data and would provide a realistic benchmark from which to commence negotiations about the minimum requirements for registration, etc. This seems to us to be the only sensible, evidence based point of commencement for such an exercise.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

We agree with the approach as it will result in a less punitive process which we believe will promote and improve standards of conduct and practice. We would welcome a two-staged approach as a fair and equitable process. This would be a reasonable approach to take towards complaints received rather than the present only option of a full disciplinary hearing. We would welcome specific guidance on the two-stage approach.

We are concerned about the phrase 'fitness to practise'. We believe that the Welsh Government intends this to be in relation to conduct and behaviour, and not in relation to medical fitness (which should be dealt with in capability and sickness policies). However, for the avoidance of reasonable doubt we would urge that a precise definition of this term is given on the face of the Bill.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

While we can see the advantages of such an approach we are also concerned that such a Code could prove too generic. For instance, those engaged directly in teaching can reasonably be expected to undertake CPD which maintains their ability to teach well – and the Code would doubtless wish to state this expressly. However, we believe that the duty that support staff have to maintain and improve their practice is of a slightly different order. The Code for teachers would also need to, at least implicitly, make reference to the STPCD which would not be the case with other staff. If youth workers are included in the remit of the body then these considerations could become even more acute.

We would hope that the Welsh Government would publish a draft code in the first instance so that these issues could be resolved.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

No.

This is a retrograde move and would compromise the new body from its inception. The current constitution of the GTCW is already unacceptable to the profession as it is deficient in its democratic mandate. These proposals would remove that mandate altogether and provide further support for those who have argued for the abolition of the GTC as a 'quango' and unrepresentative of the profession!

The majority of the new body's should be elected by the professionals involved. While the simple extension of the current practice of the GTCW, having twelve representatives elected from the profession, to the 'new' categories would probably produce an overly large body we believe that each category of membership of the new body needs democratic representation. We would urge the Welsh Government to develop some models which encapsulate this basic principle. Given the reference to developments in Scotland and Northern Ireland it would seem as if the Welsh Government itself realises that the future of this new body lies in being fully independent of government. While we are content to accept the rationale that extension of registration of the workforce at this stage is strategically more important than establishing independence we believe that this extension must pave the way for the eventual independence of this new body. The new body will simply lack credibility in the eyes of the profession both in Wales and elsewhere if all its members are appointees.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We believe this proposal has merit but we want much fuller explanation.

We would welcome explication of the nomination process in particular.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes, with the usual caveats about data protection.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes.

We agree that any dedicated initial training activity should be regularly and robustly monitored to ensure it is of suitable content and quality.

We believe that this is a power that the registration body should have it responsibility for.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Yes.

We believe this will make such training more relevant and more rigorous.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

We are pleased that a differential in the fees setting has been recognised due to discrepancies between pay (support staff get much lower wages. We also believe that part time staff or supply staff should not be charged the same fee as full-time colleagues.

However, we want to emphasise as clearly and firmly as possible that any registration fee should be a cost to the employer and not to the employee. We hope that the Welsh Government has been vigilant and robust in discussions with the STRB and others that the regulations regarding the fee contained within the STPCD have been retained.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes, but only if it fully consults with workforce representatives. Any proposed fee should be subject to a Ministerial veto in the final regard.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We are very pleased that the Welsh Government has shown its commitment to the recognition of teaching and education as a profession by retaining the GTC and augmenting its remit and functions. This is in clear distinction to the course being pursued in England. We are glad that the facile, shrill and ill-thought through arguments against professional registration and regulation have been conclusively rejected.

4

Organisation: Cardiff Metropolitan University

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Agreed.

This will enhance the professionalism of all of the main sectors associated with the learning and teaching of young people. Hopefully, this will result in a more coherent approach and will be a more robust system in regards to safeguarding.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Agreed, in principle. It has been stated that one aim of collecting this data is for work force planning but further detail on this would have been welcomed and it needs to be made very clear how this data will be used.

Collecting data against individuals may make the workforce feel exposed and vulnerable. However, a survey of the qualifications held by the workforce could well be useful as a first step in identifying the current picture. Minimum requirements could then be identified and used as a way of benchmarking qualifications for the different strands of the sector. This information, however, need not be collected against individuals but collected 'anonymously'.

A little more clarification about how the data will be collected and used may well appease the wider workforce.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Agreed.

This will enable differentiation of discipline cases.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Agreed, in principle. Subsections may be necessary in order to meet the demands of the different sectors but common principles should apply to all.

It will be important that important specific detail relevant to the various roles within the education sector is not lost in the creation of a 'one size fits all' model.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Agreed.

The aim of ensuring "that the council comprises a balance of strategic abilities, skills and experience to match its functions" appointing from a range of sectors is to be welcomed.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Agreed.

As with question 5, it is pleasing to see that efforts are being made to ensure the needs of the different sectors are being taken into consideration through the creation of this advisory group. More detail would be welcomed on who the specified organisations would be.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Without more detail on how this data might be collected or used, there is a reluctance to fully support this proposal.

In principle, a more streamlined approach makes good sense but more detail is needed in order to maintain a level of trust.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

This could be a positive move forward but only if this was done in partnership with ITET providers and only if fully cognisant of, and responsive to, the demands and constraints of academic standards, where relevant.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

As with question 8, there is insufficient detail in the document to be able to fully support this proposal.

Yes (RC).

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

In general, yes, although youth workers should pay the same as work-based learning staff.

In addition, the workforce needs to feel that they are receiving something in return for what will feel like an extra tax on their jobs. Therefore, the benefits of this fee need to be made transparent to all.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Agreed, assuming that any changes in fee structures will be fully justified to the wider workforce.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Although this has been stated before, it is worth reiterating that it would also be useful if the regulatory body became more involved in the checks made on students before a period of study leading to QTS or other qualifications leading to working within the education workforce.

At present, acceptance on to programmes is left to the discretion of further and higher institutions and there is no guarantee that a student with prior convictions who is accepted on to a programme will be given permission to work in schools once qualified.

5

Name: Rhian Huws Williams

Organisation: Care Council for Wales

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

We support the extension of registration to Further Education College staff and to Work Based learning staff, but feel that the definitions of learning support staff need to be much clearer. It should include not only tutors but specifically those making work based learning assessments of young people undertaking vocational training programmes.

The Care Council has recently completed some work to identify issues relating to the quality of education and learning across health, social care, early years and child care. Of the 40 learning providers who participated in that activity the vast majority were in full support of the registration of all teaching and learning staff including specifically assessors, verifiers and standards and quality managers.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

We note this proposal with interest, and support this action.

While we are sure that the registration requirements will need to reflect qualifications that provide knowledge and competence in teaching, learning and assessment, we would also strongly lobby that educational professionals must be qualified in the specialist subjects they deliver.

Once again this is a strong message from our Sector Qualification and Learning Strategy and the extensive consultation activities we completed during autumn and winter of 2011-12. It is further confirmed in our on-going activity around the quality issues for education and learning in our sector.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes, we believe it will.

It would be useful to consider whether there will be any provisions to interim suspend, or place an interim conditions of practice order on, a practitioner whilst an investigation is underway if such action is necessary for the protection of members of the public, or is in the public interest, or is in the interest of the registrant.

The Care Council, as other regulators, has this ability. We would recommend that, if this were to be included, it should be undertaken by a Committee other than the formal disciplinary hearing which would hear the final case against the practitioner.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Yes, the approach proposed is that taken in social care. The Care Council has a Code of Practice for Social Care Workers which is one Code that applies to all social workers and social care workers.

However, it is also acknowledged that sector specific codes or guidance may be necessary for specific specialist roles.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

From our experience this is a useful approach. The public appointments route is a way of widening the engagement and moving away from self regulation. The process is fair, open and transparent.

However, it is important to address the composition of the board in relation to size, the skills set, experience and language requirements needed.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

This is a useful approach and in principle we support this. However, from our experience, we would recommend that the body should have representation from a wide range of stakeholders and not just representatives from the various sectors within education. This would include employers, learners and lay individuals, to extend the perspectives available to set the strategic direction of the board.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

We would support this development, appreciating and valuing the usefulness and relevance in plotting the roll out of a regulatory system across the wider educational workforce, being able to describe the workforce, and having intelligence for workforce planning purposes.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

It is important that the regulatory body knows and understands / endorses training courses that professionals will be required to complete in order to register. Regulating training would synergise with promoting professionalism and driving up standards.

This approach would also be consistent with other professional regulatory bodies.

As before, the significance of sector/subject specific qualifications (as well as educational qualifications) should also be acknowledged, and links developed with the Care Council for Wales and other regulatory bodies should be encouraged.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

This would be a useful approach. Consideration would need to be given to the workload involved in this kind of activity. We recommend that

consideration should be given, in this regard, to the options posed by the Qualification and Credit Framework for Wales and the Quality Assured Lifelong Learning pillar within it.

The Care Council has recently developed guidance that supports employers to undertake this activity in partnership with ourselves and awarding organisations. This maybe a useful model to consider.

<http://www.ccwales.org.uk/credit-and-qualification-framework-for-wales/>

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

It is important to consider the differentiating fee rates. There already exists significant differentiation in salary rates within the sector and this may not be reflected in the proposed difference in pay rates. A balance between value and affordability will need to be established.

It is unclear whether the intention is for the regulatory body to be self-funded. If so, it is unlikely that the fee levels would cover the costs of the organisation.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes, although we feel unable to comment on the levels set.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The Care Council firmly believes that the registration specifically of work based learning assessors will make a significant contribution to the education and learning available within our sector. It will support the professionalisation of the workforce heralded in Welsh Government policy documents Nurturing Children: Supporting Families and Sustainable Social Services for Wales: A Framework for Action.

It will be important for the regulatory bodies in Wales to work together in the future, building on the regular meetings that are already happening.

It is suggested that the body should develop a close working relationship with the Care Council due to the overlap of areas of interest, particularly on the interface with the work we are doing with early years.

Name: Rosemarie Wallace, Lesley Heger & Geraint Bevan

Organisation: Carmarthenshire County Council

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

The groups listed identify the vast majority of staff that work in schools. Is there clarity within the groups? E.g. is it proposed to cover all, of the very broad range, of youth workers?

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

The data needs to be collected before any progress can be made.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

This gives the GTCW the ability to act proportionately to the issue and allow the council to act quickly and fairly.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Make things simpler if there is one clear code that applies to all professionals involved in teaching and learning.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Currently 18 of the 21 members of the Council are elected or nominated by teachers. The new model does not appear to require the direct election of some council members which would be a weakness. The new council needs to reflect the proportion of identified sub groups and give confidence to the range of stakeholders that have an interest in the work of the council.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We agree that the chair should be a member of the council to facilitate communications and reflect their skill and knowledge in the area. The chair needs to be a representative of the relevant sector. We feel it would be fairer for the membership of individual groups to nominate and elect membership of the advisory groups.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

There is a lot of values in collecting data which will help to describe the skill sets of the work force that will help effectively to plan future developments to raise standards. Currently authorities mainly collect data required for statutory purposes. This authority does not collect data relating to qualifications in schools. Turn over of some staff will make this very difficult to collect and update.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes. With the range of qualifications and training opportunities available accreditation will give some clarity to this issue.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

This is a practical challenge in relation to the scope & range of training available and is not a priority.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

The fee levels do not appear to reflect the salary ranges of the groups and reflect the span of salaries. A TA could expect to receive an income of £8,000 and a teacher would start on figure of about three the times that sum. Yet a TA would be expected to pay a fee that is half the figure for a teacher. Is the differentiation appropriate?

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Only after full consultation.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Training of support staff is essential in delivering the Foundation Phase, however terms & conditions of the Foundation Phase grant does not allow funding staff to cover the release of support staff to attend training.

The role of volunteers needs to be considered. External groups provide support such as counselling and a voluntary registration could be considered where the code of conduct is the primary issue where they may have professional development in their own area of expertise and through their own professional organisation. Eg a musician at the top of their profession, but not a qualified teacher would gain little from membership as it is proposed.

All members of the new body would need to feel that membership fees are value for money and are of benefit to them in their school roles.

7

Name: Mandy James

Organisation: City & Guilds

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Yes, however, please note that Play workers are currently omitted. City & Guilds believes that anyone who contributes directly to learning in Wales should be registered.

We do note however that there is a lack of reference to those teaching adult learners within FE and WBL throughout the consultation document. As this group constitutes a large part of the FE sector this should be explicitly stated in the aims of the registration body.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes this is fair. It is important to get the baseline data accurate at the outset. City & Guilds agrees that the register should be expanded to collect a wide data set.

City & Guilds note the restrictions of current available data as noted stated on page 7 – 8 of the consultation document. It is also noted that the register be expanded to collect a wide data set for the purpose of assessing training and development needs of the whole education workforce, and for the development of evidence based professional development frameworks to build a more coherent workforce, including the development of minimum standards and qualifications for different professional groups. This data would also be useful to record ability to speak and work through the medium of Welsh. Given the current Welsh Commissioner's recommendations to the Welsh Government around potential standards for bilingual services within the public sector, planning for the development of practitioner Welsh speaking and working skills are paramount. It could support workforce planning, keeping individuals informed regarding training and development opportunities and current research on key practice areas.

LSIS currently have this role for England, and City & Guilds, along with other Awarding Organisations, provide data updates as required.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes we believe this will. It is always useful to try to resolve disciplinary issues by the lowest level response and Stage 1 would provide a mechanism for this to happen. There is also a need for a more formal Stage 2 and for the rights and responsibilities of all to be clear.

As recorded above there is a need to recognise that many professionals working in FE deliver learning to adults – so the disciplinary process also need to instil confidence in them. The two stage approach will assist in this.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

We question whether this is possible across the entire education workforce as it is so diverse. Across the entire spectrum of learning

delivery there are many differing - but complementary – structures, rationales and objectives.. We would propose a set of principles common to all groups with annexes and associated documents relevant to the to the specific sections of the profession.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes we do.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We do not agree to appointment by nomination, but rather via application. Our concerns are around which organisations would be able to nominate and how this could be truly representative. Who would the 'specified organisations' be and who would make those decisions?

Often when a long standing sector representative organisation like LSIS are no longer operational the conduit for involvement disappears and engagement can become a matter of chance.

We would advise that representatives should include members from National Training Federation Wales (NTFW), Federation of Awarding Bodies in Wales as well as from Colleges Wales.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes we would as a clear baseline is critical at the outset. Data extracts would be useful also going forward to Awarding Organisations to support the qualification planning strategy for Wales.

We appreciate why data at individual level is required, but would support collective data publishing and access where appropriate and the non-disclosure of individual personal data in line with data security and law.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

It is noted that Ofsted report on Awarding Body provision in ITT in England with Estyn operating in Wales.

However regulatory functions of vocational and academic qualifications are maintained by Qfqual in England and the Welsh Government in Wales.

Clarity is required in relation to the terms 'accredit' and 'professional recognition' of relevant initial teacher training courses.

We do not see this as a role that should sit with the new registration body. However, given the delay in a Welsh Government response to the TQFW since 2007, clarity around the requirements for teaching practitioners in Wales, including for ITT, need to be confirmed as soon as possible by the Welsh Government. Currently qualifications used in England are being used in Wales e.g. PTLLS and CTLLS due to a lack of guidance in this area. The new registration body needs to be clear about what qualifications it recommends for professionals in Wales. In addition all requirements whether 'accredited' or 'professionally recognised' in Wales must be compatible with and give recognition to those in the other three nations to enable transferability of the workforce throughout the UK.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

We believe that this could result in a conflict of interest.

As stated above more clarity is needed in relation to what is meant by the term 'accredit'.

We also require clarification about what is meant by 'accreditation of in service training' – does this refer to accreditation within 5 years of initial training? Or does it refer to post qualification?

Any accreditation requires a measure of externality and requires that robust quality assurance systems and processes are adhered to. This may be best provided by Awarding Organisations. Duplication creates confusion and independence supports robustness.

The importance of also conveying the true nature and extent of on-going CPD is required. That is, it is much more than attendance at training courses. CPD and its purpose should be clearly defined.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

As an Awarding Organisation we do not believe that this is within our remit to comment.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

We do not believe that this is within our remit to comment.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We would ask that clarity is provided around how similar to the FE Guild in England will this be? Also it would be useful to be clear about the relationship between the registration body and the FE Guild.

Again we wish that reference to adult learners be made consistently when referring to the education workforce.

The response to this consultation should take full account of the Welsh Government response to the Review of Qualifications for 14- to 19 year olds in Wales, which is due end of November 2012.

The response also needs to take account of the Lingfield Report on Professionalism in FE 2012 (final report due Nov 2012) and the New Qualifications for Teachers and Trainers Review Document by LSIS (October 2012).

We also believe that the increasing demands from the workforce regarding speaking and working through the medium of Welsh should be given high priority to meet the Welsh Government Welsh Medium Education Strategy for Wales and increasing demands in this area e.g. welsh medium and bilingual strategies by CollegesWales.

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Name: Simon Pirotte

Organisation: Coleg Powys

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Coleg Powys has contributed in detail to the response given by Colegau Cymru, and have no additional comments to make.

Name: John Graystone

Organisation: ColegauCymru

This paper has been drawn up by ColegauCymru in response to the Welsh Government's proposals for registration of the education workforce in Wales.

It draws on points made in the ColegauCymru response to the initial Welsh Government (WG) consultation in March 2012 on the registration of the education workforce. ColegauCymru is pleased that a number of those points have been accepted by the WG and that, in the current proposals, registration has been widened to include further education (FE) lecturers and learning support staff and work-based learning (WBL) tutors and learning support staff.

ColegauCymru represents the 19 further education (FE) colleges and FE institutions in Wales. There are around 13,500 staff employed in FE colleges, engaged in providing a range of education and training services to learners, business and their local communities.

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

ColegauCymru welcomes the widening of the registration to include FE lecturers and learning support staff and work-based learning tutors and learning support staff.

It is assumed that registration will cover relevant staff employed in the three FE institutions – Coleg Harlech WEA(N), WEA South and YMCA Community College – and at Merthyr Tydfil College, University of Glamorgan.

It will be necessary to clarify early on which staff are included in each of these groups. For example, it is assumed that ‘FE lecturers and learning support staff’ will cover assessors, associate lecturers, instructor demonstrators, technical training officers, trainers, training advisers, workplace supervisors, adult and community learning practitioners and technicians, all of whom are directly involved in teaching and instruction. It will not include, for example, receptionists, caretakers and catering and cleaning staff, although it may be argued that all those employed in colleges are involved in teaching and learning in some capacity.

Many managers in colleges also undertake a variety of teaching responsibilities. It is assumed that these will also be included.

Colleges also employ specialists (such as local solicitors or accountants) as occasional lecturers for just a few hours per year. These make a valuable contribution. It is suggested that either these are given affiliate status or, if they work below an agreed number of hours per year, they would not be required to register.

Colleges use a variety of terms for some posts. The reconfigured registration body will need to draw up a minimum expectation of what a

person does in his or her job and make sure the eligibility criteria are clear.

The new reconfigured body will also need to recognise the different qualifications held by lecturers and learning support staff in FE colleges as compared with, for example, schools. Many lecturers and learning support staff have experience of working in business, the professions or skilled occupations before joining a college. Some will have a teaching qualification; others will take a teaching qualification on appointment. The type of teaching qualification (stage 1, stage 2 or stage 3) will vary depending on whether the lecturer is a full-time or hourly paid. The reconfigured registration body will need to recognise this diversity of qualification. Note also our response to question 8 below on the need for an up-to-date teachers' qualifications framework for FE in Wales.

In its services to members, the new registration body must also recognise the diversity of the education workforce in FE and the fact that there is a high proportion of part-time hourly paid lecturers and staff on short-term contracts. In its response to the earlier consultation, ColegauCymru provided data showing the high proportion of staff who worked part-time and who were not in permanent posts. As many as 70% of lecturers were part-time and just over 50% had permanent posts. There may have been changes since these 2007/08 statistics were collected (they are the most recent figures) but the proportion of part-time and fixed term lecturers will still be well over 50%.

It is suggested that early discussions take place with ColegauCymru to: clarify exactly which staff are in and which are outside the remit of the new registration body agree criteria to be used to judge whether a person is eligible or not agree the qualifications necessary for registration; and consider the specific needs of part-time hourly paid, temporary staff and occasional lecturers.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

The Welsh Government no longer collects data on FE staff through the Individualised Staff Record (ISR). The absence of such data has made it difficult to identify trends in staffing. As noted in para 11 above, data on the background of lecturers is almost five years out of date.

The collection and regular updating of data on qualifications and skills, including the ability to speak and work through the medium of Welsh, will improve the understanding of the workforce and assist workforce planning and development. This data must cover all the education workforce required to register.

The collection of data in the first instance before identifying the minimum requirements for registration is appropriate and fair.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

The governing bodies of FE colleges are the legal employers of staff, and the management and discipline of staff are the direct responsibility of FE college principals. The articles of government of each college set out the responsibilities of the governing body in respect to senior post holders and those of the principal in respect to other staff. Disciplinary procedures are carried out internally following agreed published legal procedures. The registration body should not be directly involved in college disciplinary cases.

As proposed in the consultation paper, ColegauCymru believes it would be beneficial if a college could refer to the new registration body the case of an individual who had been through the disciplinary procedure and dismissed, in order to test whether or not that person was still fit to practice and able to maintain membership of the registration body.

Colleges should also be able to refer information to the registration body where an individual had been withdrawn from a teaching qualification for breach of Suitability to Practice Regulations, subject to normal due process.

The reconfigured registration body in Wales will urgently need to establish reciprocal arrangements with the other relevant bodies in the three other UK nations to ensure information on those who have lost their fitness to practice and other relevant matters is shared between the four nations.

In Northern Ireland and Scotland, education registration bodies have been retained.

In England, from 1 April 2012 some of the functions of the General Teaching Council were transferred to the Teaching Agency, an executive agency of the Department for Education. The UK Government decided that membership of the Institute for Learning, which registered FE lecturers, was voluntary. The setting up of a Guild covering post-16 education is currently under discussion.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

The drafting of a professional code will need to reflect the different legal positions of education providers and the wide ranging contexts within which the staff work. For example the code should reflect the fact that schoolteachers have to act as 'in loco parentis' in the case of pupils below the age of 16 whereas many college lecturers deal with mature adults where a different set of relationships exist. In addition, as lecturers are increasingly working with 14-16 year olds and schoolteachers are encouraged to work in colleges, an overarching professional code of conduct would provide a more integrated approach across sectors. The core principles should remain broadly the same whatever the differences in roles and responsibilities with some additional principles pertinent to certain categories of staff.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

This seems a sensible way forward. We would prefer public appointment rather than election to ensure a balance of members covering all types of staff and to reflect gender, ethnicity, Welsh language, disability and other areas. This is difficult to achieve through election. Council members should have to accept the Nolan principles of public life.

It will be important that all key categories of staff served by the registration body have a place on the Council with perhaps a certain number of seats reserved for each category. However, this view is balanced by the need to ensure the Council does not become too large. Larger bodies are more difficult to manage and inevitably mean that each member cannot make a full contribution. A Council of round 10-16 in size would be preferable.

Council members should serve for a term of three or four years and be eligible for reappointment for a further period. Two terms should be the maximum. Those serving on the Council should be appointed as individuals not as representatives and should not be allowed to accept a mandate from outside bodies.

Advisory councils should take on some of the sector focused work and provide a safeguard to ensure that the views of different categories are expressed.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant

sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes this approach is supported by ColegauCymru. It is suggested that the chair should serve for a specific term. Where an advisory group covers several groups of staff, the position of chair should be rotated at the end of the term of office to give the opportunity of a person from another group to chair. The chair should normally be a Council member to provide an effective bridge between the Council's decision-making role and the functions of the advisory groups.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

We have no objection to data collection at a personal level as long as the confidentiality of individuals is respected. Such data could be used to ascertain general trends in employment as well as provide useful information on age, qualifications and experience and to identify gaps. This would assist policy development. Personal data collected should never be shared with outside bodies.

The Welsh Government recently asked ColegauCymru to coordinate a focus group of college specialists to list the data currently held by FE colleges on staff. The meeting identified over 40 potential fields currently collected by colleges covering staff details, qualifications, continuing professional development, Welsh-medium, employment status and subject and levels taught. These fields could usefully be collected as part of the registration process.

One of the benefits of the reconstituted registration body will undoubtedly be the collection of up-to-date data across the whole post-16 education and training sector. ColegauCymru believes strongly that similar staffing data should be collected across schools, FE colleges and work-based learning providers to enable effective benchmarking on the use of staff. Workforce planning will undoubtedly be enhanced by the ability of the reconfigured registration body to draw on this rich source of data.

Question 8

Do you agree that the registration body should have powers to accredit and professionally recognise relevant initial training courses?

ColegauCymru welcomes the question being raised in the consultation document, as evidence that the Welsh Government understands in principle a need to recognise relevant initial teacher training courses. The question is, however, curiously premature, given that initial teacher training courses available in Wales for teachers in FE need to be

updated (see para 32-33 below). We very much hope that this will be rectified as a matter of urgency.

We consider that the registration body might take on this function in the long term, but that it should not be the focus of the new body as it finds its feet. Discussions will need to be held with various professional and other bodies including universities and colleges which currently provide initial teacher training courses as to the best way ahead.

In England, a Teachers' Qualifications Framework (TQF) for FE was adopted in 2007. The TQF recognised the different training needs of part-time and full-time FE teachers, trainers and tutors, and included a national requirement for each teacher to complete approved continuous professional development (CPD) each year.

Subsequently, the Welsh Government commissioned the relevant sector skills council – LLUK – to draft a TQF for Wales. The draft was submitted to the Welsh Government for approval in 2008. Unfortunately, however, the Welsh Government has yet to adopt or issue any Framework for FE in Wales.

Colleges in Wales currently have a choice of recruiting teachers who either hold the traditional qualification (the PGCE in FE), or a more up-to-date qualification (PTLLS, CTLLS or DTLLS – which make up the Teachers' Qualification Framework adopted in 2007 for England) which do not meet the requirements of Wales.

A TQF for Wales is needed urgently for FE teachers to ensure: a national plan for continuous professional development (CPD) to ensure excellent teaching is continually updated a minimum set of standards to teach and a minimum core for all initial and post-graduate teacher training programmes: this should address the initial training needs of teachers in literacy and numeracy, and could also include provision for Education for Sustainable Development and Global Citizenship (ESDGC), as well as the Welsh Government target of enhancing Welsh-medium/bilingual education – acknowledging also the requirements of the forthcoming Welsh Language Standards a level playing between schools and other providers.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

FE colleges currently have their own staff development plans. These are generally closely linked to each college's business plan. There are some development needs which are general throughout the FE sector and indeed the post-16 sector. This might include, for example, appraisal, teaching through the medium of Welsh and bilingually, and the use of new technology to assist teaching and learning. Other development needs relate to the specialist needs of a particular college or programme

area – for example, staff in a college running land-based courses will be expected to keep up to date with latest agricultural and horticultural developments.

The accreditation of in-service training could be a useful additional responsibility. However bodies which currently accredit in service provision should continue to do so.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

As noted in the consultation paper, the final fee level can only be determined on the basis of the costs of operating the new body.

A maximum fee of £30 (around 60p per week) seems about right. However, given the high proportion of part-time staff employed in colleges, it would be useful to levy the fee based on income bands. It seems unfair that, for example, a part-time lecturer on a 0.2 or 0.3 contract or a technician should pay the same fee as a full-time lecturer. A counter argument might be that the time spent registering and providing services to a member is roughly the same regardless of the number of hours an employee works and that the membership fee should therefore not be charged pro-rata to hours worked or salary. ColegauCymru believes however that there should be flexibility in the level of fees charged.

There is likely to be price sensitivity, especially as the fee will be charged for the first time in FE. In England, for example, lecturers strongly resented the level of membership fees set by the Institute for Learning (IfL). This led to a union boycott of IfL and a decision by the UK Government to make membership voluntary, which undermined the whole purpose of IfL.

In respect to FE, fee levels also should take account of the following:

- **part-time lecturers often teach in more than one college;**
- **the number of hours taught by one part-time lecturer often varies from year to year;**
- **the wide range of posts in FE at various salary levels;**
- **colleges often employ specialists (such as local solicitors or accountants) as occasional lecturers.**

The section on fees in the consultation paper refers to the fact that ‘a fee should be paid by those required to register’ rather than stating ‘a fee must be paid’. It will be important to give a clear message that registration is compulsory and a requirement for those wishing to be engaged in teaching and learning support. A procedure will need to be in place to ensure prompt payment.

Practice in respect to fees varies between professional bodies. ColegauCymru's evidence to the first consultation paper included an analysis of fees then charged by various professional bodies.

ColegauCymru believes that, as the registration body benefits the education workforce, the fee should be paid by members of the education workforce. There should be consistency in approach for all members. It would not be acceptable, for example, for school teachers to have their fee reimbursed through the teachers' pay settlement while college and other staff would have to pay the full fee.

It is suggested that discussions take place with ColegauCymru to clarify a number of points. These discussions should include:

- ***determining whether it would be possible for colleges to collect the fee from individuals in a 'check-off' type arrangement used for the payment of trade union membership fees***
- ***what acts as the trigger for registration. Whereas qualified schoolteachers receive a Department for Education number, the same is not so for many college staff involved in teaching and learning activities. To avoid increasing the administrative burden on colleges, it might be necessary for registration to follow the person and for the individual to take responsibility for registration.***

Whatever the level of fee, the reconfigured registration body from the very beginning must be able to demonstrate clear benefits and added value to its members. Members must believe that membership is worth the fee paid.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes.

See answer to Q10 above.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

It will be useful to know as soon as possible the timescale for the legislation required to set up the new arrangements and the anticipated dates when the new reconfigured registration body will be set up.

Name: Gareth Newton

Organisation: Education Training Standards (ETS) Wales

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

ETS Wales agrees that the groups identified in the consultation document are the right ones to be registered and we give a qualified welcome to the proposal to register youth workers. Such registration is likely to enhance the status of the profession and confer benefits upon youth workers. However, we note that a decision has already been made to build upon the work of the GTCW, rather than to establish a new organisation. We have already made the point (in response to the earlier consultation) that the reconfigured organisation must not embody a “one size fits all” approach largely designed to fit the needs of formal education and the teaching profession. We welcome the commitment to restructure the GTCW to meet the wider agenda proposed, and we are pleased to note that the new registration organisation will have a new name to reflect its differing responsibilities. We have said before that youth workers would not find a teacher dominated body acceptable and those who are appointed to the new organisation will need to be able to prove that they have the breadth of experience, skills and knowledge required for maintaining and improving standards of professional practice and conduct across a range of education professions.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

This seems to us the only logical way to approach registration. Current data capture is inadequate and existing levels of information are both patchy and incomplete. Whilst an analysis of qualifications is certainly one part of the picture, relevant information on the size, distribution, and employment profiles of the professions is critically important. We note, too, that sector skills councils already collect workforce data and we would want to be reassured that any processes for data capture take account of what is currently available.

Not all qualified youth workers, for example, are employed by local authorities’ youth services. Many are employed by voluntary sector organisations and some – since youth work skills are much in demand – may be employed in ancillary, but related work, such as community development.

We are aware that the voluntary youth sector has some reservations about registration because of the nature of the workforce. Once the

process to extend the registration of the workforce is begun, care and attention will need to be given to ensuring that the voluntary youth sector is supported to engage with the process. We advise that qualification, rather than role, should be the essential criterion for initial Registration and - in the case of youth workers – this would be JNC qualified staff. Similarly, we recommend that the new council should confirm, with organisations representing the professional groups identified, the qualifications appropriate for initial Registration.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

We support the intention for the new body to develop some of its important regulatory functions around “fitness to practise” criteria. Other words related to standards of conduct, such as “incompetence” or “misconduct” are unnecessarily emotive and are not sufficiently nuanced to take account of factors such as long-standing mental health problems.

We also support the intention to move towards a two-stage disciplinary process, although it is by no means clear to us how such a process – of itself – would serve to instil confidence in the professions, and in parents, carers, children, and young people. Confidence can only be supported through a disciplinary process which is not only robust, fair and equitable, but is seen to be robust, fair and equitable. Equally important, it needs to be understood, appreciated, and supported by employers.

We note that stage 1 of the process will involve case officers making a risk-based assessment of each case based on the known facts, and that a range of options will be available at this stage. This is a sensible approach in that it avoids, for some registrants, the stigma and stress associated with formal disciplinary hearings. It also serves to secure value for money in that formal disciplinary hearings are potentially very expensive.

It is our view that all formal disciplinary hearings (concerned with issues of possible removal from the Register) should be under the direct control of ETS (for youth workers) and that similar arrangements should apply for other professional groups. If the new registration body, however, decides to hold fitness to practise hearings itself, then any lay member appointed to Chair such hearings needs to have sufficient levels of experience and understanding to adequately perform this important role. The professional representative, too, needs not only to have the breadth of knowledge required to perform that role, but should also be able to command the respect of his/her profession.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

The development of a single code of conduct and practice sounds like a good idea in theory. In practice, however, we think this will be very difficult to achieve. There is already a code of ethics for youth work in existence and we would not wish to see this “watered down” for matters of expediency. Youth work itself encompasses a broad range of activity, and it takes place in a wide variety of settings. There are particular characteristics of youth work; and the variety of methodologies employed in carrying out such work make it difficult to judge the predominantly informal educational approach of youth workers in the same way as more formal approaches.

Furthermore, youth work does not take place in a vacuum. Youth workers operate within the work-related policies and guidelines laid down by their employers. Any code of practice for education professionals must lead, by extension, to the development of a similar code for their employers. If the code for professionals requires, for example, a commitment to post-registration continuing professional development, then there must be a consequential requirement laid on their employers to facilitate and resource such CPD. All employers should sign up to such a code. If adherence to a code of conduct is required by virtue of professional registration, then signing up to an employers’ code cannot be entirely a voluntary decision for employers.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes. It is important for reasons of probity, transparency and public / professional acceptability that any appointments are not only fair, but are seen and acknowledged to be fair.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Good decision making relies heavily on making good use of evidence. We certainly support the new registration body making best use of advice provided to it. We are not necessarily convinced that a set of standing advisory committees is the best way of securing such advice. Such committees have the potential to be unwieldy, bureaucratic, and costly. We urge the new body to undertake a comprehensive fact-finding exercise and then to build on what already exists, rather than seeking to duplicate or supplant it. ETS, for example, could certainly

fulfil this advisory role on the basis of the expertise available to it, and because of the wide range of organisations which are its members.

As far as the professional endorsement of qualifications is concerned, we are pleased to note that the consultation paper recognises that ETS (Wales) has responsibility for taking decisions on the endorsement and professional recognition of qualification-bearing programmes in youth work. As above, we would urge the new registration body to take advantage of the relevant skills, knowledge and experience of the ETS membership.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes – we have already said that existing data is patchy and inconsistently collected. We note the intention to rationalise data and to use it more effectively and efficiently. We support this. The only stipulation we would make is that data collected from youth workers should be capable of meaningful interpretation and should have a clear added value for the development of the youth work profession and for its standing.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

It is our view that the new body should concentrate on registration. The addition of new functions, such as those proposed here, require further consultation. In Wales, these functions are already provided for youth work by ETS (Wales) which makes arrangements for the endorsement of courses to meet JNC requirements. Any new arrangements would need to make use of such arrangements, where they already exist, rather than seek to replace them.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Our response here is the same as our response to question 8. ETS already has the capacity, skills and knowledge to accredit employers' in-service training and staff development programmes for youth workers. We repeat the point here that the voluntary sector in Wales employs significant numbers of JNC qualified professional youth workers (and youth support workers). This means that the new registration body will need to give careful consideration as to how best to engage the voluntary sector in discussions about registration. Generic training in leadership and management may very well have a limited applicability

for voluntary sector organisations which – as part of their raison d’être – make significant use of volunteers in the delivery of their services.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

On the basis of the examples provided, £30 annually does not seem to be an unrealistic fee for JNC qualified, and employed, youth workers to meet. We note that the consultation document suggests an alternative fee structure based on income bands. We think this may be a more appropriate approach to use given that youth support workers, in particular, are more likely to be in part-time employment than qualified youth workers. We encourage the new registration body to be explicit about the advantages to youth workers of being registered with it.

We would urge the new body to waive any annual registration fees for those who wish to maintain their registration, but who are not in paid employment, and for those who are working as unpaid volunteers.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

The consultation paper indicates that fee levels will be set once the costs of operating the new body are known. On the basis of this, we consider that further consultation with professional advisory bodies (such as ETS) is likely to be necessary.

It is clear that the level of the annual fee will also depend on the costs of any additional (and otherwise unfunded) functions that the new body intends to carry out. We would urge caution here: any additional functions should only be implemented following a thorough gap analysis and based upon clear and explicit value for money criteria. We note, with some concern, that standard setting is identified as one possible additional function to be resourced in this way. However, in the case of youth work, standards are driven by the JNC and there are already national occupational standards in place. Consequently, we do not think it appropriate for a single professional body to attempt to set standards across the board for all the identified professional sectors when they may already be in place. This would not be a good use of registrants’ annual fees.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We note that part of the aim of the new registration body is to “ . . . contribute to high standards of practice and the safeguarding of children and students.”

Given the specific contributions of youth workers, we suggest that the aim be rewritten to read : “ . . . contribute to high standards of practice and the safeguarding of children, young people, and students.”

In some organisations, youth workers may be called “youth and community workers”. We have referred to “youth workers” throughout our response to this consultation, but our comments apply equally to youth and community workers.

11

Name: Sarah Lewis

Organisation: Estyn

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Yes.

We are pleased at the inclusion of youth workers.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes.

We think that this is sensible and the collated data will provide a very useful picture of the qualification ‘landscape’ in Wales.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes.

This has the capacity to provide a fairer approach to the disciplinary procedures, whilst maintaining the necessary safeguards.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Yes.

This would form a unified approach to professional conduct and allow for consistency and coherency in performance management, policies and procedures. It will be important however that the code reflects the different skills and approaches required for teaching adults.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes.

Members should reflect the different sectors serves by the council.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

This would give valuable 'state of the nation' information that would inform strategic planning more effectively.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes.

Working together with HEFCW to improve the quality of education through accreditation / professional endorsement should enable the new body to ensure a consistency of approach to quality assurance. We

agree that Estyn has an important part to play in the improvement of standards and quality in initial training programmes.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Yes.

This would also allow for consistency across providers and roles. This approach should also take account of processes such as performance management and continuous professional development.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Yes.

However, it is important that professionals are clear about the services and support provided by the body.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

How would the 'lay' members be recruited from, in the disciplinary process?

We are slightly concerned about capacity issues for the registration body.

We understand that the current statutory functions of the GTCW include responsibility for the 'standards of teaching and the quality of learning'. However we feel that this role needs clarification. We are unsure how the new body will have the evidence to advise WG on the standards of teaching and learning, and feel that 'work related to' standards of teaching (p7 of the consultation document) also needs further clarification.

We would suggest revising 'standards of teaching' (p6 of the consultation document to 'standards for qualified teachers' and again on p7 when relating to giving advice.

12

Name: Ailin O'Cathain

Organisation: Federation of Awarding Bodies

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

The Federation is committed to ensuring the high quality of vocational qualifications (VQs) and we understand the immense value that VQs have for individuals, employers and the UK economy as a whole. Our members make significant investment in the design and development of VQs that not only meet the requirements of the UK qualification regulators but also meet the needs of learners and employers. Awarding bodies are responsible for the development and quality assurance of qualifications but the quality of the vocational education and the credibility of vocational qualifications are heavily dependent on the quality of the teaching, learning and assessment associated with the delivery of our members' qualifications. Awarding bodies undertake rigorous quality assurance checks of physical and human resources involved in the delivery and assessment of their qualifications and of the assessment decisions and related quality assurance of these made by providers. In this regard the professionalism of the FE and Skills sector is a matter of great importance to the Federation and its members. As we approach the implementation of the Raising the Participation Age (RPA) requirements we believe the quality of vocational education and training, through all types of providers, is of increasing importance and has the potential to play a significant role in engaging and motivating young people to continue to participate in learning and gain meaningful and valuable qualifications that lead to a range of opportunities for their future. We believe that ensuring access to high quality vocational education and training will contribute to the achievement of voluntary compliance with the RPA requirements. Therefore, we are keen to ensure that the quality of teaching (whether this takes place in FE, work-based learning (WBL) or elsewhere) is maintained at a consistently high standard.

The Federation feels that the full range of implications of any statutory requirement for the registration of the education workforce must be thoroughly thought through before any attempt is made to implement such requirements. This includes careful consideration of the range and variety of roles that exist, the patterns of delivery of teaching and the

work patterns of many of those in teaching roles, especially where their focus is on the delivery and assessment of vocational learning and qualifications. It is also necessary to consider the burden that a requirement to register could place on individuals and their employers if it does not offer sufficient flexibility in relation to this wide variety of roles, delivery patterns and work patterns.

In considering whether the right groups have been identified for registration in the proposals the Federation wishes to make the following points:

- 1. The definition of the grouping referred to as ‘work based learning tutors and learning support staff’ is not clearly stated within the proposals and this definition is required if the proposal is to be properly considered during this consultation period. Without a clear definition there is a high risk that each respondent will be making assumptions about what is and is not covered by these groupings and these assumptions may or may not be in line with the Welsh Government’s thinking. Without a clear definition the Federation believes it is not possible to confirm support the groupings listed.***
- 2. There have recently been proposals in England to revoke the regulations that apply to FE teachers and this has resulted in a cessation of the requirement for mandatory registration with the Institute for Learning (IfL). The Federation hopes that the Welsh Government will give due consideration to these developments in England and to the rationale that underpins these decisions, including the interim report from Lord Lingfield in March 2012 and the final report from Lord Lingfield, which is due shortly. That is not to say that we believe Wales should automatically adopt the same approach as England, rather that we hope that the Welsh Government will analyse the experience of mandatory registration in England in order to ensure it avoids the same problems that arose in England and resulted in the recent revocation of the registration requirement.***
- 3. The Federation would like assurance that any registration requirement that is introduced will be flexible enough to respond to the variety of teaching models in all areas, including the FE and WBL sectors to ensure it does not act as a deterrent to industrial experts who wish to pass on their expertise to learners and assessors. To successfully deliver VQs it is important that teachers, who are often working on a sessional and/or part-time basis in order to continue to work in their own industrial sector, have the relevant industry/sector experience and qualifications in the subject area that they are teaching. Being taught by an industry expert with current or recent first-hand experience in industry provides learners with a more practical and realistic understanding of what is required by that industry. The***

Federation would like an assurance that the full range of teaching patterns has been (or will be) fully considered before any requirement for registration is introduced.

- 4. It is important that the Welsh Government recognises that FE and WBL teachers/tutors are not a homogeneous group and there are many subtleties and nuances that need to be fully appreciated before registration requirements are introduced. Unlike school teachers, who often operate on a full time basis on one site, FE and WBL teachers have many and varied work patterns. This need for industrial expertise means that many teachers, assessors and others do not work in FE/education on a full-time basis and may only teach one very specialised area of a programme e.g. a module on taxation in an accountancy qualification or a module on CPR in a health qualification. So, there will be a need to consider and clarify whether a visiting tutor who inputs into one or only a few modules of a course would be required to register and pay an annual fee in the same way that a full-time tutor may be required to do. If so, it is likely that this added cost and bureaucracy could deter some industrial experts from contributing to the teaching of VQs.***
- 5. Also, some teachers in FE/WBL operate across more than one employer (offering specialist vocational input to learners). The Federation would welcome clarification about how the proposed approach of payment of the registration fee through deduction of salary by the employer will be managed in this situation to avoid duplication of payment.***
- 6. The Federation would not wish to see registration impacting on the quality of vocational learning delivery patterns and the range of roles involved in these. We would also want to see an explanation of how the Welsh Government intends to apply a registration requirement to each group it has listed for registration which illustrates its understanding of the full range of how the registration requirements will be implemented in a way that ensures they do not result in a decrease in the number of vocational experts who operate as teachers. This should include clarification of whether those who are involved in learner development and/or assessment are included. It should also clarify the status of those who undertake internal verification roles.***
- 7. It is also important to note that anyone who is assessing/verifying a regulated vocational qualification will already be required to meet the criteria laid down by the awarding body to assess the specific qualification and will be required to achieve a nationally recognised qualification in assessment/verification. An additional requirement to register may seem to be overly-burdensome***

8. ***To ensure the relevance of the vocational learning experience, many WBL training providers will place their learners with employers who support the learner to develop the required skills and knowledge in a real workplace. The learner will often be supported in their placement by the employers' staff, often in addition to the support and development they receive from the training provider staff. The Welsh Government should clarify whether the proposed registration requirement is intended to apply to staff that support learners in work placements through providing input in relation to skills development and/or assessment.***
9. ***In considering these roles and the application of a registration requirement the Welsh Government needs to consider that in any of the roles above the interaction with learners may form a large or small part of another role. The proposals state that the registration requirement will apply where 'a major part of the role' is to support and/or deliver teaching and learning. The Federation would wish to more guidance as to the interpretation of what will be judged to constitute 'a major part'.***
10. ***The term 'WBL learning support staff' is not clear and 'unqualified teachers' is similarly not clear. Full and clear definitions are required in order to be able to respond to the proposals with any validity.***
11. ***Until there is full clarity about who will be required to register and who the groupings apply to it is not possible for the Federation to support the proposals. As they stand, they potentially cover a wide range of FE and WBL staff that play a vital role in ensuring the quality of vocational learning and assessment. Any registration and associated fee requirement could impact on the number of people who are willing to undertake these roles in the future and this could in turn impact on the quality of the vocational learning experience that could be provided to learners in Wales. The Federation cannot support any development which potentially poses such risks to the quality of vocational education and qualifications.***

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

The Federation believes that data gathering, storage and use is an area that is likely to raise many issues and challenges along the way. In relation to data gathering prior to the identification of the minimum requirements for registration the Federation wishes to make the following points:

- 1. We are not clear on what basis data can be gathered prior to the identification of the minimum requirements for registration. If there is a statutory requirement to register then individuals and their employers will need to comply with this requirement. Prior to these requirements being in place, it is not clear what impetus there would be for individuals/employers to provide data and whether the Welsh Government believes that it has a statutory right to this data or whether it is dependent on the voluntary sharing of individuals' personal data. If data provision is to be on a voluntary basis then it is likely that only some individuals/employers would cooperate and the data would be incomplete. It is of course possible to work with sample data, providing it is statistically valid, but the Welsh Government should assess how much more valid this would be than the data they currently hold.**
- 2. It is important not to underestimate the data protection concerns of individuals and to be able to provide clear and accurate information to individuals/employers on the steps that will be taken to protect their data. Providing this information at the outset in clear and unambiguous language may help to address concerns before they turn into more major issues.**
- 3. The issue of onward sharing of data with other agencies needs to be addressed and clearly articulated to the individuals who provide data. If the data is to be shared with other agencies (based on a statutory right to the data) then all those who provide data need to be aware of how it will be shared and who it will be shared with. Individuals will also need to know how the security of their data will be assured once it is passed to other agencies. There will also be a need to develop a mechanism to update individuals if the list of agencies with whom their data is to be shared changes in the future.**
- 4. The use of the data will need to be clearly articulated so that individuals know how their data will and will not be used in the future. Consent of the individual will need to be obtained in an appropriate way to support the use and sharing of data that fully recognises the data protection rights of the individual.**
- 5. It will be important to establish what data an individual can opt out of providing as part of their registration so that individuals have the choice to provide as little or as much of the requested data as they feel comfortable with.**
- 6. The Federation believes there could be some significant challenges involved in gathering data from WBL providers. It will be vital to involve their representative organisations (AELP) at the outset of any plans to gather data.**

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

It is important that this process is equally fair to all parties who make use of it or are subject to having it used on them. The Federation believes that an initial stage in the process which allows for the validity of a complaint to be considered is a sensible way forward and may avoid the unnecessary use of resources and the stress and anxiety that will no doubt accompany a full disciplinary hearing, for all parties involved.

However, it is important that those case officers who are undertaking the stage 1 considerations have a full understanding of the range of roles and sectors that may be covered by registration in the future so they can fully understand the environment within which the cause for complaint arose. The Federation would want to see a commitment from the Welsh Government to ensuring the case officers are recruited from backgrounds that cover the full range of sectors that registration will apply to and that there will be training and development provided across the whole team to support an understanding of the FE and WBL sectors in particular. For example, it will be important to ensure that case officers do not expect all teaching to take place in a class room using a range of traditional methods.

The Federation would also like to see more information provided about the right to appeal and the process for appeal in cases of disciplinary action. The GTCW Disciplinary Procedures and Rules 2012 make reference to the right to appeal but offer little, if any, clarification of the process to be followed. The Federation feels that for a process of this nature to be fair there should be a clear and detailed articulation of the appeal mechanism to illustrate that it is accessible, robust, reliable and transparent.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

In the absence of clarity about the range of roles that will be included in the registration requirement it is difficult to comment with any certainty as to whether it is possible to develop one professional code of conduct. However, the Federation wishes to make these general points for consideration:

- 1. It will be important that experts from all relevant sectors and from across the range of job roles that it is intended that the code will cover are included in the development of the professional code of practice to ensure it is appropriate in all sectors and does not***

include any requirements that are relevant to only one or some sectors. Involvement from FE and WBL representatives will be required.

- 2. If the code is developed to be a statement of broad, high level principles then it will increase the likelihood that one code will be able to apply to all roles/sectors. If the code becomes too detailed and prescriptive it is more likely to present areas of difficulty within some of the specific sectors or roles to which it is intended to apply.***
- 3. The proposals make reference to a review of the code every 5 years. The Federation would suggest that initially this time period should be shortened to provide an opportunity for the new code to be amended more quickly to ensure it meets the needs of all sectors and job roles. A review after 12 months and then again after 24 months before the 5 year review cycle commences is more likely to culminate in a code that reflects the full range of sectors and roles that are required to register and abide by the code.***

Question 5

Do you agree that the council members should be appointed using the public appointments process?

The Federation believes that it is important that the council is representative of all groups that are required to register. The public appointments process should be an effective way to achieve this spread of representatives on the council.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

The Federation believes it is important that the advisory groups are fully representative of the sectors and roles that are required to register. Having these advisory groups chaired by a member of the Council should be an effective way to ensure that the views expressed by the advisory groups are considered by the Council when decisions are being made.

The Federation would also recommend that full minutes of the advisory groups are placed in the public domain so that those who have registered can assure themselves that the advisory groups are effectively representing their views and needs. Furthermore, these minutes should be circulated to all Council members so there is not a full reliance on the Chair of the advisory group to convey the key messages from the advisory groups to the Council.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

In principle the Federation is supportive of the 'collect once, use many times' approach to data collection. However, the issues raised in question 2 also apply here and the Welsh Government should consider how it will keep those who have supplied data fully informed of the other parties with whom it has been shared and the uses that will be made of the data. Careful control of the sharing of data needs to be exercised on an on-going basis to ensure it is used appropriately and there is the appropriate consent in place from the individual for the sharing and use of their data.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

The Federation does not agree that the registration body to have the powers to 'accredit' initial training. In the awarding sector this is a term that is often used in association with a process applied by the regulators (Ofqual, CCEA, Welsh Government, and SQA) to a process of recognising qualifications for regulation. It is not clear what is being proposed over and above this for 'accreditation' and we would need further clarification of what this intended process is and how it would work in tandem with the regulatory process before we could agree with the proposal.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

It is not clear exactly what is being proposed here. If this proposal is intended to reflect the usual professional body (including IfL's) requirement that individuals undertake CPD then the recognition of this by the registration body may be appropriate and relevant.

However, we would query the capacity and capability of any single body to 'accredit' the multiplicity of in-service training across the sector. Is it the intention that the registration body would accredit and therefore check the relevance and quality of every in-service training offer from a half day in a college to a specialist training course provided by an external organisation. Even if this were to be the case, we would be interested to see the quality criteria that would be applied across the full range of in service training provision.

Furthermore, we are concerned that the use of the terms 'accredit' would have the potential to cause confusion in the sector for learners

and other stakeholders. This term is often used and associated with the recognition of qualifications for regulation by the regulators Ofqual, CCEA, SQA and the Welsh Government. Perhaps an alternative term could be used which may avoid such potential for confusion.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

The fees stated in the proposal do appear, at first sight, to be at a reasonable level with £30 being the highest fee. However, as the proposals lack clarity on who exactly will be required to register and pay these fees (see response to question 1) it is not possible to say with any conviction whether or not the Federation views these as being fair and offering value for money. Further information and clarity on the definition of the groups who are being considered for registration is required.

If the registration requirement is to be applied to those staff who assess in a work based learning environment to support a learner who has been placed by a training provider then the Federation would have significant concerns about the impact this requirement could have on the quality of vocational learning in the future. In WBL many experienced and professional staff who earn modest salaries (e.g. childcare workers, health workers, caterers etc) work with learners to add value to their skills development and assessment process. Any financial requirement associated with their tutoring/assessment role may be difficult or impossible for them to absorb, given that a significant proportion of them will be on modest pay rates. If fees are introduced for these groups it could lead to a reduction in the number of workplace tutors and assessors which would significantly impact on the quality of the vocational learning experience for learners. The Federation feels it would be unfair to impose fees on those who are working to develop the skills and knowledge of the workforce of the future and we would not support any initiative that poses such a potential risk to the quality of vocational learning and assessment.

If fees are to be introduced the Federation feel that they need to reflect the wide range of work patterns, job roles and pay rates across FE and WBL.. We therefore believe that an approach based on income bands would be fairer but we would want to see a minimum band applied so that those who earn below a stated level (e.g. £25k) are automatically exempt from the fee. We do not believe it is fair to impose a fee on people in FE and WBL when their rates of earning are, in many cases, already modest. In this regards we believe that this rate should be based on earnings from teaching and not from any other earnings. Many sessional and part-time staff will already be paying for professional body membership and/or registration in their own industrial sector. Indeed, this sort of professional body membership/registration is of

significant value to vocational learning and assessment and this dual professionalism and the associated costs of it should be recognised.

There is also a need to ensure that fees do not escalate in coming years. Fees that start off being fair and value for money could rise dramatically as the costs of running the registration body increase. If fees are to be introduced the Federation would want to see a commitment from the Welsh Government to the conduct of a regular, independent efficiency audit on the registration body to ensure that funds generated from fees are being used efficiently. The Federation would also welcome a commitment from the Welsh Government to capping fee rises in future years in line with inflation. Most of the individuals who register will not use the disciplinary function of the registration body and will be paying for something they have no need of anyway, so to be faced with the potential of escalating annual fee rates would seem to be doubly unfair.

The Federation also suggests that the Welsh Government considers the recent situation in England related to the fee payment to IfL. This was not welcomed by the sector or their trade unions and has now been withdrawn as a regulatory requirement. The strength of feeling in the sector about mandatory fees is likely to be duplicated to some extent in the workforce in Wales and it would be prudent at this stage to examine the basis for these objections and to identify ways of effectively communicating the benefits of registration to all stakeholders. The positive benefit of this recent change has been greater clarity about the need for, and the role that can be played by, a professional body for FE.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

The Federation understands the need for the reconstituted body to have independence in its work programme. However, when it comes to the determination of fees we believe there should be some commitment by the Welsh Government to maintaining the reasonableness of fee levels and some ongoing oversight by the Welsh Government to ensure these fee levels are maintained, if this payment of fees is to be a regulatory requirement. The Welsh Government should hold a power to allow them to intervene if fee levels ever escalated beyond a certain level. It is important that there is some protection for those who are subject to a mandatory requirement to register. If the Welsh Government does not retain an oversight of fees what path would be open to registrants to challenge fee levels and veto fee rises that were disproportionate? There needs to be some protection in place for registrants.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The Federation wishes to provide the information below as a context for our response.

The Federation of Awarding Bodies is the trade association for vocational awarding bodies with over 130 organisations in membership ranging from large generic awarding bodies to those working in specific occupational areas, including professional bodies.

Our members have a significant level of interest in the quality of the education workforce, including FE teachers and work-based learning (WBL) tutors. Some of our members, for example, offer the Initial Teacher Training qualifications and are included on the Institute for Learning (IfL) register of ITT/E qualifications. A number of our members offer a range of more specialist teaching qualifications such as 'Teaching Learners with Dyslexia' and 'Yoga Teaching'. Many more of our members award qualifications that are delivered by teachers in FE or WBL tutors and are therefore reliant on the quality of the teaching/tutoring. Therefore we have an interest in the Welsh Government's proposals on the registration of the education workforce in Wales.

The Federation wishes to make the submission above or your consideration. This response is submitted on behalf of the FAB membership following consultation with them and with the Federation's Board of Directors. Awarding bodies are a diverse community and our members may wish to make their own individual submissions containing their own particular perspectives and emphases, in addition to any comments forwarded to FAB for inclusion in this overall response.

13

Name: Anthony Finn

Organisation: General Teaching Council for Scotland (GTCS)

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

In our response to the earlier consultation on this matter we indicated that the specific groups chosen should be a matter for decision within Wales.

We understand and support the inclusion of FE Lecturers. We suggest the inclusion of instrumental instructors and we also encourage the inclusion of teachers who work in independent schools. These additions would provide better safeguards for children of school age in all Welsh schools.

We are not fully convinced that all those listed need be registered specifically with the new body but that is also a matter for Wales. In particular, we would suggest that the inclusion of youth workers, who have a very different role to that of others listed, seems anomalous in this context.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

In principle, this approach may appear to offer a balanced way forward. In practice, however, this will depend on what is meant by “all data”. Even in mature and well-established regulatory bodies, it can be difficult to gain full, up to date information about some registrants. It would be inappropriate if the new body was unable to register or, indeed, regulate any groups of employees simply because a full data set had not yet been provided.

It should be noted that much of the required information will already be available for teachers. This may not be the case for other groups of employees.

For the new body to function properly, it will require to have registration in place, and fees paid, for groups which are covered by the new legislation. It may therefore be more prudent to consider just how much information it will be possible to secure in the short term and also to take steps to ensure that information held by employers is transferred to the new body.

Finally, as indicated below (question 7), it is also appropriate to secure and maintain these data sets. To achieve this aim, it may be helpful to require registrants to confirm or adjust their personal information and status at least once every year.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes - a two-stage model would meet the standards of good regulatory practice and can therefore be recommended.

We are however a little confused by some of the suggestions made in this section of the proposals document. For example, our understanding is that GTCW already has a suitable two-stage referral process with internal investigation leading, where necessary, to the referral of cases to a full hearing.

It may be helpful to note, by way of background, that GTC Scotland also operates a two stage process. Internal investigation panels first consider whether there is a relevant case to answer against a teacher. Where necessary, the complaint is referred to an independent adjudicating panel to decide after a full hearing whether a teacher's fitness to teach is impaired and, if so, what action should be taken. There are four possible outcomes, the most serious of which is removal from the register.

GTC Scotland has also introduced mechanisms which allow resolution of a case by consent, thus avoiding a full hearing but still requiring rigour and a determination by a panel. Overall, therefore, we believe that the concept of "fitness to practise" (please note spelling) is appropriate. It works well and provides a good basis for consideration of the suitability of each respondent for continued service within the profession.

Two other areas which we found confusing in the consultation paper are:

- 1. the suggestion that hearing panels should always be chaired by lay members. Many of our hearings are chaired by lay members but some are chaired by teachers and we have not found any conflict of interest in either of these two approaches. It may be worth noting, too, that there are always both teachers and lay members on our adjudicating panels.***

All of our hearing panel members are appointed after a rigorous, competitive selection process undertaken by an arm's length independent body. From the list of those appointed and willing to act as conveners, we then seek to identify a range of suitably qualified and experienced members who have the skills necessary to convene hearings. In practice, our chairs are drawn from a wide range of backgrounds and the system seems to work well. Our experience suggests that the Welsh Government should perhaps reconsider this proposal.

- 2. the requirement for the new body to make use of case officers. In common with most other regulators, GTC Scotland has not faced any need to outsource this work on a routine basis. It seems preferable therefore to leave the option of using case officers, whenever this might be appropriate, to the new body.***

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

No.

Although we recognise the advantages that a single document would provide, we consider that this proposal may require further thought.

The new regulatory body will cover a wide range of professional practice. While the Code will (and should) have some sections which are relevant to all professions and sectors, our experience suggests that it is likely that there will also be a need to tailor the Code to suit the professional responsibilities of different groups for whom the new body will be responsible. For example, we consider that there will be specific elements of professional responsibility which apply particularly to teachers. These will include teachers' use of their position of influence; their roles and responsibilities as leaders of learning and providers of information about pupils/students; their links with parents, the wider community and outside bodies, including examining bodies; and their responsibility to behave responsibly and to promote equality and diversity as representatives of a wider profession which can be under scrutiny during professional and social hours.

It may be that a single Code for teachers (across sectors) might be helpful. The GTCS version can be consulted at the following link:

<http://www.gtcs.org.uk/web/FILES/teacher-regulation/copac-0412.pdf>

Question 5

Do you agree that the council members should be appointed using the public appointments process?

This is a matter for the Welsh Government and for stakeholders and registrants of the new body. However, our own experience may be of some interest in reaching a final position.

GTC Scotland became an independent body on 2 April 2012. Our mechanism for the appointment of Council members was a combination of election (for teachers); nomination (for stakeholders) and appointment (for public interest members). We have found that this system works well and has the support of all parties. Teachers, in particular, were strongly supportive of the continuation of elections to ensure that those appointed had a strong understanding of current educational practice and were representative of the profession. We would recommend a similar approach. We would also emphasise that whatever route to appointment is decided, it is important that new members recognise that, regardless of any previous allegiances, they have a responsibility to represent the public and professional interests.

The appointment of members in our case was undertaken by our setting up an appropriately balanced independent selection board. (Several members of this team had experience of the public appointments process). We used the same selection board to make appointments to our adjudication panels and appeals Board (see above, question 3).

We found that this independent process allowed a clear focus to be placed on the specific needs of the Council itself. Overall, we found that the system worked well and produced better results than our previous use of the public appointments process.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We recognise the very positive role which these groups will be able to fulfil. However, we are not convinced that membership needs to be drawn from specific organisations.

An alternative might be to ensure appointment by election or by an independent selection board. (If the suggestions made under question 5 were accepted, this approach might not be necessary).

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

It is important that the new body is able to gain accurate information about its registrants, including personal data, post, stage and subject status and other relevant information. The availability of this information is useful for determining trends and considering future needs.

It may be worth noting that GTC Scotland is moving towards a requirement that registrants confirm or update their personal information every year. This data collection is part of a wider professional development (Professional Update), which will require teachers to provide evidence every five years that they have kept their professional skills up-to-date.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes – this is good practice for such a body.

In Scotland, GTC Scotland has considerable experience of accrediting courses of teacher education, including both initial teacher education and also subsequent qualification programmes in areas such as headship and chartered teacher programmes. Accreditation is usually carried out by a panel comprising a wide range of interests, including GTC council, other course providers and users. Increasingly, too, GTC Scotland has tried to integrate accreditation of programmes, where possible, with internal university validation procedures.

Until 2 April, this responsibility was partly shared with Scottish Government, which signed off recommendations made by GTC Scotland panels. However, since 2 April, GTC Scotland carries this responsibility as an independent body.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Yes – provided that appropriate mechanisms are in place to ensure feedback and input from users and stakeholders.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

We have no experience in setting fees for those who are not teachers and cannot really comment on the proposals in respect of these colleagues. However, analysis of fees currently charged by other regulatory bodies suggests that the fee levels proposed by the Welsh Government will be extremely challenging for the new body.

In addition, the levels proposed for teachers and further education lecturers seem very low and our current experience would suggest that they are insufficient to provide the resources necessary to develop the new Council's functions adequately.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes – this seems a sensible approach, especially if it ultimately removed the current veto on increases in fees. Indeed, we believe that the new Council should, as has been the case in Scotland since the 1960s, be trusted to set its own fee.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Overall, we believe that there is a case for greater independence for the new body. GTCW is a mature and trusted body which could, we believe, accept enhanced power in partnership with Government.

It may be worth noting that the independence of GTC Scotland has been well-received by the educational community in Scotland. The independent Council works closely with Government and there is a strong bond between the two bodies. GTC Scotland now has full responsibility for entry standards, for accreditation of Teacher Education and for all professional standards. A recent programme to revise professional standards is indicative of this new partnership: GTC Scotland has involved a wide range of stakeholders in a complex but essential programme of development which is now subject to consultation.

Once the new body is established in Wales, a similar programme of development, particularly in areas such as professional standards for different groups of registrants could provide strong evidence of the ability of the new Welsh body, which is built on the successful experience of GTCW, to fulfil a similar role.

Finally, given that the new body will be built on the foundations of GTCW, it would be helpful if the name for the new body could reflect this history and continuity. Given the emphasis the new body will have on support for teaching, there is, indeed, an argument for retaining the name GTCW, while clarifying the significance of its extended role and responsibilities.

14

Name: Gary Brace

Organisation: General Teaching Council for Wales (GTCW)

The General Teaching Council for Wales is the statutory, self-regulating professional body for teachers in Wales. It seeks to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, pupils and the general public.

The Council aims to provide an independent, representative and authoritative voice for the teaching profession in Wales and seeks to

provide robust advice to the Welsh Assembly Government and other organisations on teaching issues.

Introduction

Council greatly welcomes the assurance that the consultation proposals give the GTCW.

In particular, we are pleased that,

“the registration body will be formed by building on the experience of the GTCW which will be renamed and reconfigured to become the registration body for the education workforce;”

and we welcome the statement that.

“We have considered a number of options, but believe that in terms of speed of implementation, operational efficiency and value for money it is better to build on what already exists rather than create an entirely new organisation. We therefore intend to work with the GTCW to reconfigure its governance, structure and functions to meet the new, ambitious agenda being proposed.”

Council will play a full part in the preparations for the reconfiguration of its governance and, in due course, the expanded scope and increased range of functions which will become its new responsibilities.

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

The Welsh Government proposes to extend registration to four groups:

- Further education (FE) teachers and learning support staff;***
- Work based learning (WBL) tutors and learning support staff;***
- Unqualified teachers and school based teaching and learning assistants;***
- Youth workers***

The Council welcomes the proposal to extend registration to the first three groups, noting that the Welsh Government report on the first consultation indicated widespread support for the registration of these persons.

Youth workers

In the case of youth workers, the Council believes that youth workers do not fit neatly with the other three groups and should not be required to be registered with the regulatory body for teaching. Youth workers are not fundamentally involved in “teaching” or in supporting “teaching” in the same way as the other three groups. This will in turn lead to

difficulties for the new registration body to create processes, systems and arrangements that will be equally relevant for youth workers as they would be for the other three groups to be regulated, for example, a Code of Professional Conduct & Practice and fitness to practise arrangements. The Council suggests that the Welsh Government completes its youth service strategy before deciding on whether to introduce a requirement to register youth workers.

Independent schools

The Council reiterates its comments in the first consultation that there is a strong argument for teachers and support staff in Independent schools to be registered. Currently, a teacher can be dismissed following serious allegations of misconduct or incompetence in an independent school but can continue to teach both in the maintained and independent sectors (unless the teacher has chosen to register voluntarily). This is clearly illogical, when a teacher in the maintained sector subject to similar allegations would be referred to GTCW for investigation. In other professions such as medicine, nursing or dentistry, it would be unthinkable for those in private practice not to be registered. However, this is currently the case for teachers in Wales.

We encourage the Welsh Government to ensure that legislation defines broadly who should come within the compass of professional regulation. This is preferable to seeking to list occupations which should be registered which would be a near impossible task. In our response to the first consultation, in respect of support staff, we proposed a definition of persons who are working in support of teachers and have direct contact with pupils as part of the learning process should be registered. In that response, we illustrated this with examples of the sorts of posts that would be registered e.g. residential child-care officers in special schools.

Lastly, the Council notes that the consultation document states that the new body should have an on-line registration process. The only reason GTCW has been unable to introduce an on-line registration process is that an integral part of the registration process is a CRB check. However, the CRB does not yet offer on-line applications and it requires copies of original documentation such as passports and driving licenses to be checked by the counter signing organization (GTCW). The CRB is intending to introduce “portability of CRB checks” in the new calendar year and, if this is implemented and successful, it is envisaged that the registration body will be able to introduce on-line registration for persons who have previously undergone a CRB check, provided they have registered (and paid annually) for portability with the CRB.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Council agrees that it will be necessary to collect certain information about new registrant groups in order to identify their profile and inform decisions about registration. However, the Council considers that the proposal to require the collection of workforce data before registration is not practical for a number of reasons:

- The Council's experience in collecting data for registered teachers has shown that it will take a number of years to collect all such data. The Council has used a range of methods to encourage teachers to provide data about themselves, however the Council cannot force teachers to provide certain information and despite being in existence for over twelve years, some teachers still choose not to supply personal information to the Council.**
- In setting minimum requirements for registration, it is likely that qualifications information will be the main data that would need to be collected. However, the new registration body will need copies of certificates in order to record any historic qualifications against a person's name. The Council's experience has been that this data is the most difficult and time-consuming to gather retrospectively;**
- The new body will be reliant on registration fees to function. If the Welsh Government decides that registration should wait until workforce data has been collected, the registration body would not have an income stream to fund such work. The alternative is that the new body would require Welsh Government financial support to cover the period until the data was sufficiently accurate and complete to make decisions on the minimum requirements for registration.**

Based on its experience in registering teachers, the Council proposes that:

- When registering each new group, Welsh Government Regulations should provide for employers to share certain existing information with the registration body. This would assist the registration body in registering and populating the data for existing employees more quickly;**
- Consideration will need to be given by the Welsh Government and registration body to the minimum requirements for registration before initially seeking to register each new group. This would mean that that group could be registered and fee income generated earlier. This approach would not prevent further consideration of the requirements for registration in the future with the option of introducing revised registration categories once all data is collected, for example provisional registration, associate registration, full registration.**

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents / carers, children and young people who they serve?

The Council is particularly concerned about the proposed disciplinary process set out by the Welsh Government and believes that the proposals show both a misunderstanding of the Council's existing arrangements and the background which underpins decisions made by other regulators in developing their own disciplinary processes. The Council wishes to highlight the following points:

- ***The consultation document states that “in order to ensure a level of consistency and to retain public confidence, a lay member should be selected to chair each fitness to practice hearing”. The vast majority of regulators do not stipulate that a Committee must have a lay Chair and the Council considers that this is not necessary in order to “ensure a level of consistency and to retain public confidence”.***

In the Council's experience, the key factors to ensure consistency and in turn public confidence are to:

- ***develop a set of skills and competencies for Chairs and panel members and recruit Chairs and panel members based on these skills and competencies;***
 - ***provide annual training for Chairs and panel members;***
 - ***ensure that panels have a mix of lay persons and practitioners;***
 - ***have extensive procedures in place and to review and update these on an ongoing basis;***
 - ***review all aspects of casework on a systematic basis, including individual decisions and Chairs and panel member performance against the competencies and skills, identifying any issues and learning points as appropriate;***
 - ***have experienced legal advisers to support Chairs and panels;***
 - ***ensure the openness and transparency of proceedings through a commitment to public hearings.***
- ***The consultation document states that “There have been some concerns that the current arrangements apply a single disciplinary process leading to a full public hearing regardless of the scale of the allegations about the individual and their response to the allegations” and proposals considering***

introducing a more flexible approach to the fitness to practice hearings.

Existing Welsh Government Regulations already set out a two stage disciplinary process involving an Investigating stage and a hearing stage. These two stages are further detailed in the Council's Disciplinary Procedures and Rules.

To date, two thirds of the referrals the Council has received have been concluded at the Investigating stage as "no further action / no case to answer" and have not proceeded to a hearing. The assertion that cases proceed to a hearing regardless of the scale of the allegations is wholly incorrect. In addition, where cases have proceeded to hearing:

- ***the Council has a procedure in place whereby the teacher / their representative may agree a "statement of facts" with the Council's presenting officer, which negates the need to present evidence / witnesses and enables a hearing to proceed straight to a decision.***
- ***in around 30% of the Council's hearings, the teacher does not actually respond to the allegations at the Investigation stage, which makes a hearing inevitable.***

The Council questions whether the "concerns" referred to relate to a view by some unions that all hearings should be held in private. A fundamental principle is that regulators should undertake their regulatory role in the public interest and the most appropriate way for regulators to demonstrate their commitment to the public interest is to hold hearings in public.

- ***The Council notes that the disciplinary process proposed by the Welsh Government is that of the General Medical Council (GMC). However, the Council strongly believes that this process would not be appropriate for use by the registration body for a number of reasons:***
 - ***The number of referrals received and dealt with by the GMC is on a completely different scale to GTCW and the anticipated numbers for the new registration body. In the financial year 2011-12, the GMC concluded 2,201 cases compared to 38 concluded by GTCW.***
 - ***In addition to the number of referrals received, the nature of the referrals received by the GMC is very different to those received by GTCW and those likely to be received by the registration body. In particular, the vast majority of the GMC's referrals are complaints from patients rather than matters that have been referred to the doctor's employer first and which***

subsequently lead to a detailed investigation by the employer and eventual dismissal. For this reason, the Council points out that the GMC refers to “complaints” rather than “referrals” and notes that the Welsh Government consultation has in turn also used the term “complaints”, which does not best describe the types of cases the registration body will predominantly deal with. GTCW has received less than 40 non-employer referrals since assuming its disciplinary powers in June 2001. Further, the types of cases heard by GMC often relate to single contacts between patients and doctors, whereas, in the main, GTCW will deal with more established long-term patterns of behaviours or practice by teachers.

- **The Welsh Government has proposed that “Case officers will consider the complaint made (one case officer will be a lay person independent of the registration body)”. The GMC has only introduced the use of case workers in recent years as an alternative to all decisions being taken by Investigating Committees. However, the GMC does not use case workers for all its cases and it is not a model that is widely used by other regulators at the present time, although some regulators are considering it. The motives for the GMC introducing case workers and examiners was largely due to reasons of cost and the time taken in investigating cases. The Welsh Government should note that the GMC was subject to major criticism and review following the Shipman inquiry, which led to a series of recommendations set out in a report by Dame Janet Smith in 2004. Central to the criticisms and subsequent recommendations was the issue of the time taken to conclude cases, and in turn, therefore, costs.**

The Council’s current arrangements use a mixture of case workers and Investigating Committees, like the GMC. Council professional standards staff have delegated responsibility from Council to close certain low level matters (primarily low level criminal offences) without the need to request evidence from the registrant or proceed to an Investigating Committee. Where cases are deemed more serious, a Notice of Investigation is issued to the registrant and a full opportunity to respond is provided. In these cases, an Investigating Committee of at least three persons considers the matter, which Council regards as a far more robust process than a decision made by a single case worker / examiner only. Furthermore, because of its relatively small referral numbers, the Council faces few difficulties in Investigating Committees considering cases in a timely fashion or this work being undertaken in a cost effective way.

The Council notes that the Welsh Government is proposing that one case officer would be a lay person independent of the

registration body. At present, GTCW professional standards staff undertake all investigatory work at the first stage and as explained above (where delegated to do so) also take decisions to “close” many cases at the investigating stage. To outsource this work to a lay person independent of the registration body will lead to additional and unnecessary expense.

The Council invites the Welsh Government to read the report by the Health Care Professions Council (HCPC) to its Council on 19th October 2012, which evidences the concern that the UK’s largest regulator has regarding the introduction of case officers / examiners (see Annex). The points raised mirror the views of GTCW.

- **The consultation document proposes four possible outcomes at the first stage of a case. Two of these outcomes are already applied by GTCW (‘conclude the case with no further action’ and ‘refer the case to a full disciplinary hearing’). A third outcome (allow the individual to accept a warning) is also in effect already in place in that whenever the Council concludes a case with ‘no further action / no case to answer’, then the decision letter to the registrant includes a reference to the Code of Professional Conduct and Practice and a warning as to the possible consequence of future actions.**

In respect of “agreeing undertakings with the professional concerned”, this is very much an approach that fits better with the medical profession and other health regulators than the groups to be covered by the registration body. Since the commencement of GTCW’s disciplinary powers in 2001, it has only received eleven referrals relating to competency matters, which are more likely to be the type of cases which would lend themselves to the agreement of undertakings. Furthermore, as indicated above, in 30% of the Council’s cases the registrant concerned does not engage with the Council, meaning that it will not be possible to agree undertakings.

- **The Welsh Government has proposed that the registration body adopts a “fitness to practise” approach rather than the current position where cases are referred and considered under three specific categories, namely unacceptable professional conduct, serious professional incompetence or a conviction for a relevant criminal offence. Council welcomes this change to the new definition of ‘fitness to practise’.**

However, the Council’s legal advice is that a move to a fitness to practice model will have an effect on the procedures and decision-making which GTCW currently adopts in disciplinary cases referred to it.

At present, under the current definition, a GTCW Committee is looking at the conduct, competence or offence at the time it occurred. However, under a fitness to practice model, which would be more holistic, the Committee will need to consider whether the registrant's current fitness to practice is impaired, hence placing a greater reliance on other factors such as references and current health. This could lead to fewer cases being referred to hearings than at present. It is also likely that for some hearings, the Committee would require a medical adviser in addition to a legal adviser to assist it, which would increase costs.

It is important that Council points out the implications of this fundamental change to the Welsh Government.

Despite the Council's comments above, it believes that there will be a need to review and refine the existing disciplinary arrangements it has in place when the new body is established, taking into account the new registrant groups. Professional regulation has been subject to much scrutiny in recent years, which has seen bodies such as GTCE, the General Social Care Council and the British Columbia College of Teachers abolished and others such as the NMC and the GMC reviewed. With all of these bodies, central to the criticisms have been perceived shortcomings in their disciplinary procedures and casework.

The disciplinary role of any regulator is likely to remain the most publicly scrutinized area of its work and, therefore, the Council believes it will be necessary to review and refine its existing processes in order that they are fit for purpose for the new body. As such, it would be desirable for legislation in the fitness to practise area to be enabling rather than specific or restrictive so that arrangements can be established with careful thought, consultation and legal advice while maintaining a balance between arrangements that are transparent but also proportionate, cost effective and efficient. Council officers work with and monitor other regulators very closely and are, therefore, well placed to work with the Welsh Government in this area.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

The Council supports this proposal and can foresee a Code which may have parts which are generic and apply to all of the registered groups and other parts which may be specific to one or more groups only. However, from its experience in developing and revising a Code for registered teachers, the Council makes the following observations:

- Some stakeholders, in particular teacher unions were fearful and in opposition to a Code of Professional Conduct and Practice, taking the view that it would be used to punish teachers. This was particularly true when the Council sought to revise its Code***

between 2008 and 2010 to align it more closely to the standards expected of a teacher rather than being purely a supportive and aspirational document. However, since the Code was revised and reissued in September 2010, it has been well used by teachers, schools, employers, teacher unions, teaching training institutions and others;

The Council can foresee the registration body having similar difficulties in developing and consulting on a Code when it is extended to the other groups. However, it is hopeful that other groups may be more accepting of a Code given that such a document will have already been in place for teachers for some time.

- As stated in question 1, youth workers do not fit neatly with the other groups that are proposed for registration. This will make it more difficult to develop a Code that covers all of the groups;***
- The consultation document states that the new groups will be registered incrementally. The Council supports this proposal, however, it will mean that a Code which covers all of the groups could not be developed until all of the groups were registered.***

Question 5

Do you agree that Council members should be appointed using the public appointments process?

General introduction on governance

As professional regulation is being extended to include a wider range of education professionals, GTCW agrees that the new Council's governance should be reconfigured to reflect its new wider scope and functions.

GTCW strongly agrees with the proposal that members of the reconfigured Council should act as individuals bringing their experience to bear on the responsibilities of the Council and not as representatives of organisations or institutions to which they may belong. This is the current approach set out in Regulations which applies to all GTCW members – elected as well as appointed. The approach helps ensure that decisions are made in the best interest of the Council.

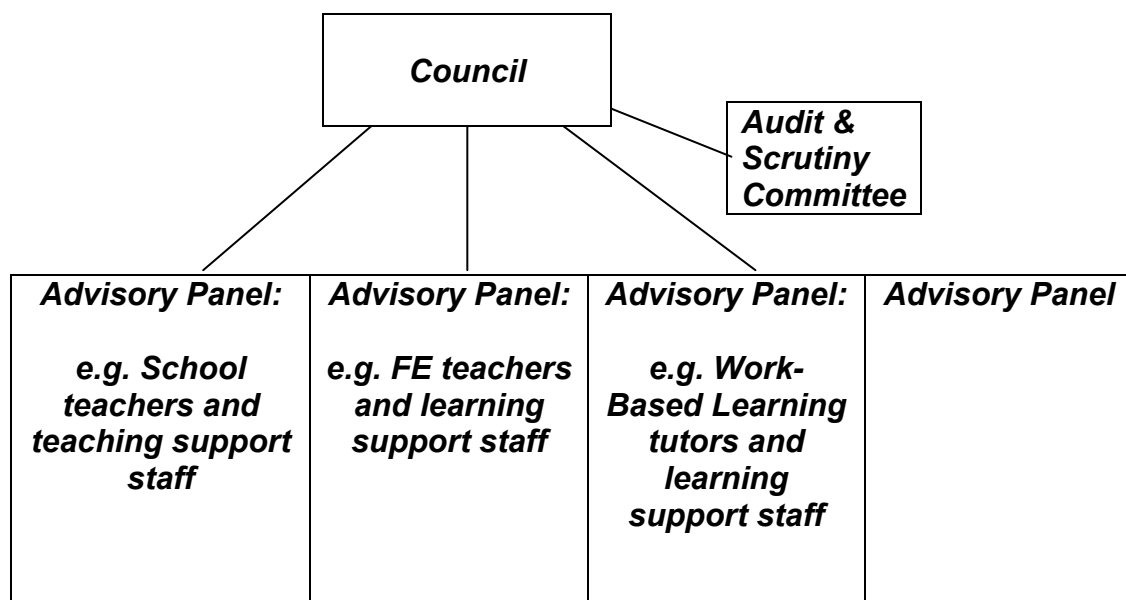
Many Boards of public bodies are much smaller than the current GTCW Council,. This makes for sharper and more focused decision-making and provides better value for money. GTCW therefore supports the proposal for a smaller Council, however, the reconfigured Council should be of a sufficient size to ensure that it reflects the range of registrant perspectives within its widened remit.

As Council membership would be on the basis of individuals' experience and merit, there should not be a strict rule about the numbers from each sector. Rather, the aim should be, so far as is possible, to appoint a range of practitioners to the Council with understanding and experience of the school, post-compulsory and training sectors. The Welsh Government should also note that qualified teachers in schools will remain by far the largest single group of registrants in the reconfigured body and this fact should be taken into account in the membership of the Council.

The Council would be informed by Advisory Panels reflecting a range of professional sectoral interests i.e. school, FE, Work-based learning (WBL) and others, thus ensuring a connection with the Council's stakeholders.

As proposed, GTCW agrees that an Audit & Scrutiny Committee – which should have powers of co-option – is a desirable element within the reconfigured Council's governance structure. This is the current requirement of the GTCW and has served it extremely well, contributing to the positive assurance that GTCW has consistently achieved over the last 12 years. Other than an Audit & Scrutiny Committee, the proposed smaller Council would not need other Standing Committees but would rely on detailed work undertaken and advice given by the Advisory Panels and any Task & Finish Groups it appointed.

Illustrative diagram



How Council membership should be determined

The Welsh Government is proposing “to appoint the council using the principles and processes of the Welsh Government’s public appointments process to ensure that the Council comprises the balance of strategic abilities, skills and experience to match its functions”.

As members would sit as individuals, membership would need to be drawn from a variety of sectors, experiences and contexts. This is preferable to earmarking places for particular organisations or sectors. The proposal (see Q6) for advisory panels would ensure that organisational and stakeholder opinion feeds into the Council's decision-making.

The Council agrees that members should not be 'representatives' (other than in a general sense as a result of their sectoral backgrounds and experiences).. However, GTCW is concerned that using the Welsh Government's Public Appointments process to appoint Council members, could lead to a perception that members were in hock to the Minister or government and detached in their understanding of professional issues.

There can also be a tendency with appointments to public bodies made via the Welsh Government Public Appointments process for applicants to be 'professional Board members' rather than persons with a real understanding or experience of the issues facing the particular organisation to which they are being appointed.

To avoid this potential accusation, the GTCW advocates that appointments should be made by an independent panel set up for the purpose of making appointments to the Council and, as appropriate, any subsequent relevant Council groups. The independent panel's processes would need to be underpinned by the Nolan principles of transparency and openness. Such an approach would help ensure that the needs of the organisation are paramount and are reflected in the appointments made.

Appointment to public bodies by independent panels is an approach being increasingly taken in independent public sector governance arrangements. GTC Scotland (GTCS) has adopted this approach – it has established an Appointments Committee which is made up of registered teachers and lay members that are independent of GTCS. The Appointments Committee is responsible for overseeing the recruitment, selection and appointment of 7 lay members of its Council (and the registered teachers and lay members who serve on the Adjudicating Panels and on the independent Appeals Board). Information about the process it employs is at:

<http://www.gtcs.org.uk/web/FILES/the-council/appointments-scheme-150611.pdf>

Transition arrangements

To avoid a hiatus between the current GTCW and the reconfigured Council and to provide continuity of operation, GTCW proposes that, once the appropriate legislation has been introduced, a shadow Council

should be appointed which includes members from the present Council of GTCW.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the Council to ensure formal link between decision making Council and the advisory groups?

General introduction on Advisory Panels

GTCW agrees that the reconfigured smaller Council will need to be informed and advised by a range of professional sectoral interests i.e. school, FE, WBL and other stakeholders and organisations, thus ensuring a connection with the wider group of registrants and ensuring that its decisions take full account of the sectoral implications. To take FE and WBL as an example, the FE and WBL Advisory Panels could assist the Council in thinking through professional issues in the post-compulsory sector e.g. developing appropriate registration arrangements for different groups of educators.

Council agrees with the proposal that there should be between 15 and 20 members on each advisory group thus providing for broad representation of sectoral groups.

How advisory panel membership should be determined

The Welsh Government proposes that advisory panel membership should be determined by nomination from a range of specified organisations. This is an approach currently employed for the appointment of 9 of the 25 members of the current GTCW. The nominating organisations are listed in Regulations and comprise teacher unions and other education and non-education stakeholders.

However, to ensure that such appointments serve the Council and not the nominating organisations' interests, these members are appointed by Welsh Ministers following nomination. This was not the case for GTC England where specified organisations had reserved places to which they could nominate members unreservedly. In the proposal, advisory panels would not be decision-making and so there is not a strong case for Welsh Ministers' involvement in the process.

The Council finds the proposal that membership of advisory groups should be determined by nomination acceptable, however, it asks the Welsh Government to consider an alternative which is for a proportion of the members of each advisory panel to be elected with the remainder appointed by specified organisations. However, this approach is not without its own challenges, for example, on the basis of experience of GTCW member elections, some teacher unions have put up a 'slate' of candidates and have encouraged their members to vote for them.

Whatever approach is taken to appointment of advisory panels – election, nomination or a mixture of both - it will be important for stakeholder organisations to ensure that appropriate persons who can act in the best interests of the work of Council are put forward. This will require sensitive and consistent communication with new and existing stakeholder groups well before implementation of revised governance arrangements.

If the Welsh Government considers it is necessary for Regulations to specify nominating organisations, the Council advocates that the current list of nominating bodies to GTCW should be reviewed.

GTCW agrees that it is appropriate for a Council member to chair each of the Advisory Panels. This will help:

- ***aid communication of detailed advice from advisory groups upwards to the Council via the Chair;***
- ***communicate the strategic direction of the Council to the advisory groups;***
- ***better enable advisory groups to be task-oriented.***

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve data quality and flexibility. Would you support such a development?

The Council supports this proposal to collect data at an individual level in a more streamlined way, believing that there would be benefits for the Welsh Government and others in terms of the costs and bureaucracy involved in collecting data.

However, the Council points out that:

- ***The Register of Teachers is a ‘real time’ database. The primary use of the Register is to regulate the teaching profession, while a valuable secondary use is to provide statistical data about the teaching profession. There is no legal duty on teachers to supply or update certain personal information although the Council makes great efforts to encourage them to do so. The same point will apply for the new groups to be registered;***
- ***When publishing data, there needs to be a census date which is consistent each year to allow for annual comparisons. This date should be at a time of year when the data is considered to be at its most complete and accurate. The registration body will also need to undertake annual data cleaning work prior to the publication of such data;***
- ***It is envisaged that the Welsh Government will require the registration body to comply with certain requirements stipulated by the Civil Service Statistical Service. While this is not***

unreasonable, it may raise some question marks about the body's perceived independence.

Question 8

Do you agree that the registration body should have powers to accredit and professionally recognise relevant initial training course?

Council supports the proposal that the professional body be responsible for accrediting the appropriateness of courses leading to entry into the teaching profession. This would bring Wales in line with the majority of other professions, including the teaching professions in Scotland, Northern Ireland and Ireland.

Although the Welsh Government issues criteria for the accreditation of Initial Teacher Education and Training (ITET) courses which cross-refer to courses preparing students to meet the QTS standards, these criteria do not set out the content that all ITET courses should cover.

The Council believes that a system whereby the professional body for teachers accredits initial teacher education and training courses would be a logical, rational and consistent approach to determining the professional relevance of courses. The current Welsh Government review of ITET being led by Ralph Tabberer is being asked to consider ITET course structure and the coverage of issues in ITET. The accreditation of teacher training courses by the reconfigured Council would build on the review. Notwithstanding this, Council draws attention to the Welsh Government proposal in its first consultation document that the functions of the reconfigured body could include 'setting professional standards'. This is a role that GTCW regards as essential if the proposed function of accrediting initial teacher training courses is to be effective. As is the practice in other professions, the teaching profession through its regulatory body should be the owner and guardian of its professional standards, including QTS.

The consultation document lacks clarity in relation to whether all courses, including those for teacher training, should be accredited. There is a hint that the current arrangements in relation to teacher training are satisfactory and that the reconfigured Council would only need to have responsibility where no quality assurance systems exist.

Council reiterates that there is a very important difference between the accreditation of institutions which run programmes leading to QTS and the accreditation of courses. In respect of teaching, the former exists; the latter does not. The Council strongly argues that considering the content and structure of what is taught during initial training will lead to even higher standards in ITET. Such professional recognition and accreditation should be required both of existing teacher training courses and initial courses of training for new registrant groups.

Any proposed process would build on the GTCW's already strong working relationships with HEI Schools of Education in Wales, Estyn and HEFCW. There are already in place well-established systems in Ireland and Scotland for considering professional appropriateness of courses which the reconfigured Council could adopt. Thus Council does not see major challenges, working with partners, to introduce the proposed new function.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

One of the seven key principles in the GTCW's Code of Professional Conduct & Practice is that, 'Registered teachers take responsibility for maintaining the quality of their professional practice.' This indicates the desire that the Council has to ensure that teachers take personal responsibility for maintaining and developing their professional knowledge, understanding and skills throughout their teaching careers and that they reflect on and evaluate their practice as part of their CPD.

Council welcomes the proposal to give the new registration body responsibility for accrediting courses of continuing professional development. The new body will be able to build on the experience and expertise of the GTCW in running the Continuing Professional Development Funding Programme for teachers and also its work in developing a Professional Development Framework for teachers, including the design and piloting of the Chartered Teacher programme.

Placing a responsibility for accrediting CPD courses with the reconfigured body which will have an overview across the education sector would bring consistency and coherence to CPD for all practitioners and help better deliver a highly effective workforce.

Council has previously advised and continues to advocate that it should take responsibility for:

- ***quality-assuring the provision of CPD by kite-marking providers (including provision made by LAs, HE and other private providers) through the development and maintenance of a Code of Practice for CPD providers and a list of accredited providers and their programmes;***
- ***setting out the key milestones and standards and associated national CPD programmes throughout a career in teaching; setting out requirements to ensure that teachers are able to maintain high levels of professional practice and keeping these under review;***
- ***providing guidance to assist teachers in planning their professional development;***
- ***developing professional recognition arrangements and awarding professional qualifications e.g. for experienced***

teachers, an extended programme for Masters in Educational Practice could be linked to professional recognition in the form of Chartered Teacher;

- *hosting a web-based Professional Development Portfolio to enable individual teachers' professional reflection and aid the performance management process. (Council is currently a partner in an EU-funded, pan-European organisation project to develop such a portfolio).*

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Fee structure

The consultation proposals suggest an indicative fee structure, but a review of this scale shows the fees suggested are unrealistic. Taking account of estimated numbers in each category of membership, estimated income is, as shown:

Category	Estimated population	Indicative fee (£)	Estimated income (£)
Teachers	37,000	30	1,110,000
FE lecturers	9,000	30	270,000
Instructors and HLTA	500	25	12,500
Support staff (School and FE)	17,500	15	262,500
Work based learning staff	500	20	10,000
Youth workers	500	30	15,000
TOTAL	65,000		£1,670,000

This assumes as presently that the fee is payable in full annually with no discount for part-time registrants.

Taking account of the GTCW's current net expenditure of approximately £1,704,000 (2012-13), the current GTCW registration fee for the year has been set at £45. This gives forecast income of £1,710,000, based on a population of 38,000 teachers.

Even if the new registration body were to carry out the same registration and disciplinary functions as the GTCW, the indicative fee levels are

inadequate. On the basis of the current population of teacher-only registrants and service levels, the proposed fees would result in an annual deficit of £34,000. This does not take into account the additional costs of registration of an extended workforce. Neither does it take into account any additional functions, such as professional standards setting and accreditation of courses. This shortfall will be significant as the number of professional standards cases can be assumed to rise in proportion.

In terms of giving an indication of the likely fee level required (see Q11), the current fee of £45 should be seen as the full fee benchmark, varied according to category of registrant as per an agreed differential. The percentage differentials of the full fee are set out in the right-hand column of the table below.

Fee differential

The following table illustrates the proposed % fee differential between categories of registration and what this would mean for fee levels if one were to use the current fee of £45 as the full fee benchmark:

Category	Indicative fee in proposals (£)	% of full fee (%)	Fee using £45 as full fee benchmark (£)
Teachers	30	100	45
FE lecturers	30	100	45
Instructors and HLTA	25	83	37.35
Support staff (School and FE)	15	50	22.50
Work based learning staff	20	67	30.15
Youth workers	30	100	45

The differential should be set primarily to acknowledge the salary potential of each category, and to a lesser extent, the expected Council activity in relation to that group. On the basis of registrants' starting salaries by category, the percentage differentials proposed are probably reasonable, but further analysis of planned activity of the Council will be needed prior to any final determination of actual fee levels.

The consultation document also queries an alternative approach for the calculation of fee, based on income bands. Although superficially

attractive, Council considers this approach would produce an over-complex and bureaucratic process, increasing the costs of fee collection significantly. It would also make the Council's income more difficult to anticipate. Similarly, the GTCW would not be in favour of setting a pro-rata-ed fee for those working part-time. The Council is a registration not a membership body.

Value for money

The achievement of value for money cannot be assessed on the basis of this fee proposal, as any assessment of the economy of the body's operations and the efficiency and effectiveness of the service provided will depend on an accurate costing of activity, and some review of actual performance.

It should be noted that the GTCW has maintained its registration fee at £45 for five years, based on a programme of savings and operational efficiencies. Over that period, expenditure on overheads as a % of total expenditure has reduced from 11% to 7%, a clear indicator of the value for money currently achieved. These savings have been achieved without impacting on the delivery of service in key areas.

In summary,

- the indicative fees will not produce adequate income to cover the expenditure for the expanded registration body. The actual fees required can only be realistically estimated when the actual activities are confirmed, but it cannot be less than the current full fee benchmark;***
- the percentage differential between categories of registrant is probably reasonable, reflecting the different likely income but should be reviewed when actual Council activities and, therefore, forecast expenditure, is known;***
- combining the registration and disciplinary function for a wider group of registrants will produce a number of cost-efficiencies, and taking account of improved efficiencies already achieved by the GTCW, will offer significant value for money.***

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Council strongly agrees that it should be responsible for setting its own fee structure. It will enable the body to be fully accountable to its registrants and to exercise independence.

Budget setting and accountability

For a professional body to be truly independent, the decision on its activity and hence annual budget must be taken by the body itself.

In terms of planning, the new body will need to produce financial plans for at least a three year period. This will be likely to be set out in a strategic corporate plan and a detailed operational plan for the immediate year ahead. The Council's decision on the required fee level will reflect the work programme in the plans. Only the body is in a position to understand fully the decision behind any budget and fee calculation, and agree a realistic strategic plan. Where savings may be required, only the body itself can determine accurately the real definition of discretionary and non-discretionary spend

The ability to exercise independence and discretion therefore will be fundamental to the successful achievement of the Council's work. However, the Welsh Government is proposing to maintain a veto power over the fee. If the Minister imposes a lower fee, this would present the body with an impossible choice – either to incur a deficit or reduce the service level. The body must be accountable for its own activities, set its own budget and therefore have the discretion to agree its own fee. External veto of the fee-setting is incompatible with efficient planning and performance.

The setting of any fee would be subject to rigour and challenge from Council members informed by the proposed Advisory Panels. Should the decision about the fee be taken externally, there becomes a disconnect between the organisation's accountability and the performance of activities.

Protecting the Welsh Government

Professional regulation is not a political issue, and any decision on the Council's activities should be truly independent of government. There may be occasions where the independence of the body is beneficial, as this allows a distance from any potentially embarrassing or awkward actions.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Degree of independence of the body

Council's response to the earlier consultation welcomed the 'profession-led approach' to raised standards and for proposals to enhance the body's responsibilities and functions. This second

consultation refers to the already independent GTCS and the intention in Northern Ireland for the GTCNI also to become wholly independent of government.

In 1998, when the GTCW was first set up, government declared that it would consider the level of independence of the GTCW once it was fully operational yet twelve years later the consultation document restates this same point, despite Council proving itself to be an established and successful body.

The Council is therefore disappointed at the government's intention not to reduce the current powers of government over some aspects of the operation of the registration body including governance and veto over the fee level.

Council asks the Welsh Government to reconsider its position over the degree of independence of the reconfigured Council and demonstrate its trust in the teaching profession by removing certain controls over the professional regulatory body. The drafting of the primary legislation provides an opportunity to do so.

The name of the reconfigured Council

Regarding the proposal to rename the reconfigured body, the Council would like the name 'General Teaching Council for Wales' to be retained. A few years ago, the General Dental Council moved from registering only dentists to registering all dental health professionals without a name change. There are similar examples of professional bodies with a wide range of registrants e.g. the Care Council for Wales and the Institute for Engineering and Technology. Thus, Council would argue that there is no need for a change of name, as the reconfiguration of its governance would demonstrate that it was a reconstituted body with wider responsibilities and scope.

However, GTCW can understand that new sectors – FE in particular - could perceive the Council as a regulator for 'teaching in schools'. For this reason we can accept a name change if this is considered absolutely necessary, however, we advocate that the word 'teaching' must be retained in the title. The one unifying factor is that the body will be a regulator of all those involved in the profession of teaching or support of teaching, whatever the sector. The Welsh Government should also take into account that school teachers will still be the largest single group registered with the reconfigured body (over half the new registrant population) and so it will be important to safeguard them against losing the identity of their established recognised body. Something like the 'Teaching and Educators Council for Wales' would help demonstrate its new wider role whilst retaining the element of continuity with the past.

Communication with new registrant groups

The Council strongly advocates that as soon as possible following the passage of legislation it be enabled to communicate with prospective new registrant groups.

In September 2000, when the GTCW came into being, there had been no prior communication with teachers in schools. The existence of the Council was a surprise to the majority of teachers and this created a major challenge to establish the GTCW credibility.

By contrast, the reconfiguration of GTCW means that there is an already constituted and established body taking on responsibility for a wider scope of registrants and functions. The potential is there for such communication to take place and the Council would not wish such an opportunity to be wasted.

Council has already engaged in informal talks with a wide range of interested parties representing new registrant groups e.g. unions representing teaching assistants, Colegau Cymru etc and these are continuing.

A focused communications campaign with new registrant groups is recommended following the legislation being enacted from summer 2014 and some Welsh Government funding to enable this would be greatly appreciated to enable the reconfigured body to become established on a firm footing. Permission would be needed from Welsh Government for the GTCW prior to reconfiguration to carry out such a communications campaign and thereby demonstrate the regularity of such expenditure.

Preparing for the Bill and the transition

In summary, there is a range of detail about the various proposals which would be valuable to discuss with Welsh Government officials through a regular programme of meetings before, during the drafting of the Bill and its subsequent passage through the Assembly.

Annex

Report to the Health Care Professions Council (HCPC), 19th October 2012

HCPC do not use case examiners. Case managers decide, following agreed policy, whether a case meets the standard of acceptance for an allegation. The case manager investigates the case, independently from

the Investigating Committee. Once the investigation is complete, the information gathered is presented to an Investigating Committee panel. The Committee's role is to assess the information gathered to determine whether there is adequate information to make a decision and, if so, whether there is a case to answer. In a small number of cases, the Committee may ask for further information in order to come to a final decision (3% of cases in 2011-12).

There are a number of reasons why we do not use case examiners, including:

- ***It may be difficult for us to find case examiners, particularly amongst smaller professions. We find Investigating Committee panels useful as panel members used for the purposes of Investigating Committee panels can also sit on Conduct, Competence and Health Committee cases (although not for the same case). This provides the flexibility required and enables us to engage appropriate individuals from a small pool for a range of activities. The use of the same chairs and lay members in cases involving different professions ensures consistency in approach.***
 - ***We do not consider that the use of case examiners would reduce the length of time for a case to reach an Investigating Committee once an allegation has been made. Currently the median time is 5 months. We would need to carry out the same level of investigation to decide whether the case should proceed to a hearing. The delays that can occur during the process are often due to the registrant requiring additional time to respond to the allegation. This is an important element of the process and must be safeguarded.***
 - ***Moving away from Investigating Committee panels and other systems of engaging professional input could be more costly and would be harder to budget for. The costs of operating Investigating Committee panels are relatively fixed and we can budget for them reasonably accurately. The panels consider a number of cases in a day and are scheduled a number of months in advance.***
-

Organisation: Governors Wales

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Governors Wales believes that registration should take place for those mentioned but this may need to be on a staged basis. There may need to be further consideration for the registration of youth workers.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

It seems sensible and timely to expand the data collected. This would allow for a consistent approach across Wales, subject to data protection requirements. This is also a sound basis on which to identify minimum requirements for registration.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Based on the information provided, the overall process seems fair, with case officers (stage 1) and panel membership as described at stage 2.

We would like to know more regarding the “more flexible approach” to be implemented.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Whilst a single code of conduct would allow for consistency. Just wonder where there might be specific requirements relating to the identified groups that would need to be included.

A review every five years would be beneficial.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes, openness, transparency and fairness are important.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes, subject to any data protection requirements.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes, generally. Although it would be useful to know what are the cost implications. More information is required.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Yes.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

We feel that a differentiated fee rate is preferable, although there will be more administrative work involved, than that of a flat rate.

We are mindful however, of concerns regarding costs to individuals.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes, but subject to dialogue and consultation with relevant stakeholders.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

No comments.

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Name: Glyn Jones

Organisation: Grŵp Llandrillo Menai

SCOPE OF REGISTRATION

Grŵp Llandrillo Menai welcomes the widening of the registration to include staff in FE institutions but it is felt that clarification is still required as to which staff will actually be covered by registration. It is clear that staff directly involved in teaching and learning should be included but FE institutions employ a number of staff whose duties may not extend to direct teaching and learning and it could be argued that it would be appropriate for some of these staff to be registered e.g. front line business support staff providing 'learner services' as well as some senior staff employed within institutions. A number of managers within this institution do have teaching responsibilities and it is assumed that they would automatically be required to register.

DATA COLLECTION

It is considered appropriate to evaluate the data held about the workforce across FE institutions in Wales before deciding the minimum requirements for registration. Colleges have, for the last 2 or 3 years, been maintaining the 'Single Central Record' which records data about all staff involved in teaching and learning activities including qualifications, CRB status as well as eligibility to live and work in the UK. There needs to be adherence to the principles of the Data Protection Act and the registration body will need to clarify to the staff being registered what information is maintained and for what purpose.

DISCIPLINARY PROCESS

The FE institution is the employer and as such the registration body should not be directly involved in the internal process. However, it is anticipated that decisions taken by the registration body will impact on the employment relationship between a college and the employee.

CODE OF CONDUCT

A common Code of Conduct would be welcomed as it would provide consistency and guidance when dealing with potential disciplinary cases within institutions. It would also assist the registration body.

APPOINTMENT OF COUNCIL MEMBERS

There should be a balance of membership of panels to reflect the area in which we work e.g. the availability of Welsh speaking members. We welcome the proposal to accept nominations from stakeholders.

REGISTRATION FEES

It is likely that the fee levels will result in unease amongst the workforce and there will be pressure for the fees to be paid wholly, or partly, by the employer. If one takes the view that the fee is paid by the registered employee then the fee levels should be realistic and affordable bearing in mind the constraints on pay progression within the public sector over the last 2 or 3 years.

There is an argument that the fee should be based on the income levels but there are a number of reasons why this should not be so:

- ***A number of part time staff may be employed in more than one institution;***
- ***An additional level of bureaucracy in verifying annual salaries of part time staff where there are annual variances;***
- ***The fee is for an annual registration for eligibility to practice irrespective of the employment relationship with the employer;***
- ***There are a number of other professional bodies that do not determine fees according to the salaries of their members e.g. CIPD.***

Careful consideration to be given to the method of fee collection to avoid:

- ***an additional administrative burden placed on institutions;***
 - ***involvement of college staff in disputes about registration and fee levels.***
-

Name: Alison Allan

Organisation: Higher Education Funding Council for Wales

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Further education lecturers

In the earlier consultation we noted that a number of further education lecturers are involved in higher education provision and some of these may be Fellows of the Higher Education Academy (HEA). The UK Professional Standards Framework (owned by the higher education sector and managed by the HEA) will already apply to these staff. <http://www.heacademy.ac.uk/ukpsf>. This needs to be borne in mind in any future arrangements.

Unqualified teachers - trainees on the Graduate Teacher Programme (GTP) are employed as unqualified teachers whilst they complete their initial teacher training (ITT) to achieve Qualified Teacher Status. Would these individuals be required to be registered?

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

No comment.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

No comment.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

No comment.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We would recommend that, as appropriate, representatives of the higher education sector should be included in the membership of advisory groups.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

There would need to be a clear understanding of the purposes for which data are required beforehand to determine what it is needful to collect. The collection should not be a burdensome exercise for those supplying the data.

The new organisation will need to have appropriate data protection arrangements in place, including protocols on the publication of data and data analysis, so that individuals cannot be identified.

Care needs to be taken in using data on the ability to speak Welsh as this will be self-selecting. It can provide an indication but not a verified picture. Moreover, conclusions on the potential supply of Welsh medium/Welsh language staff from the data need to be drawn with caution. Ability to speak Welsh does not necessarily translate into capacity/opportunity to teach through the medium of Welsh.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

In our earlier consultation response, we set out our reasons for considering that responsibility for the accreditation of providers of initial teacher training for school teachers should remain with HEFCW. We therefore welcome the confirmation in the consultation document that there is no intention to alter responsibilities for areas of the education workforce where arrangements are already in place for the accreditation/endorsement of initial professional training. Rather the role of the registration body would relate to those sections of the workforce where such provision for accreditation does not exist. There are already comprehensive and UK quality assurance and assessment processes for higher education undertaken by the Quality Assurance Agency for Higher Education (QAA), which includes the QAA undertaking institutional reviews in Wales on behalf of HEFCW. Estyn also inspects ITT in Wales. For HEFCW retention of its ITT accreditation

responsibilities has become more pertinent still, since (as noted) the consultation on the White Paper on the Further and Higher Education (Wales) Bill is proposing a strengthened role for HEFCW on quality assurance and enhancement in higher education as a whole.

In earlier discussions with the GTCW, we have indicated that we would be willing to invite them to be represented on any panel concerned with accrediting a new provider, so that they can contribute to the process. There are regular liaison meetings between HEFCW and the GTCW so that any concerns on either side can be raised. We would wish to continue this relationship with the revised registration body.

We would expect that the areas of education activity where the registration body may have responsibility for accrediting initial training in future will primarily be at a further education level, for example, for teaching and learning assistants. However, should such training span further and higher education, any processes which affect higher education should be developed in consultation with higher education institutions, HEFCW and the QAA. We would be happy to take part in such discussions. HE providers already have substantial experience in having to meet requirements for professional qualifications. We would also suggest that where any HEIs are already HEFCW accredited ITT providers, they should not have to go through a further accreditation process.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Any procedures should not be bureaucratic or burdensome for training providers, with flexibility to allow them to respond to changing needs. Where this concerns higher education provision, for example, postgraduate level courses, there should be care that any conditions do not conflict with the requirements for the validation, quality assurance and maintenance of the standard of awards which the higher education institution has to fulfil.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

The consultation document indicates that income from the registration fee will support a substantial proportion of the registration body's work (and it is not clear what other income streams will be available to it): registration and disciplinary function; policy advice, standard setting and accreditation of courses.

This could become rather open-ended in terms of the work which the registration body deems it needs to carry out in line with its remit, with the potential for increasing fees to cover the costs. It would therefore seem appropriate for there to be some external mechanism for approving fee changes, to ensure that the work of the registration body remains within reasonable parameters and is carried out in a cost-effective and efficient way.

18

Organisation: Learning and Skills Improvement Service (LSIS)

Introduction

The Learning and Skills Improvement Service (LSIS) is a sector-led improvement body for the further education and skills sector. LSIS is responsible for developing and providing resources that help colleges, providers and organisations involved with lifelong learning to respond to the needs of their learners, employers and communities and improve the quality of teaching, learning, leadership and management. This is achieved by the identification and sharing of good practice throughout the system and by providing flexible programmes of support.

The UK Qualifications and Skills team works with the sector to develop standards and apprenticeship frameworks, and supports the development of qualifications; all of which underpin the professional development of the Further Education (FE), skills and wider lifelong learning workforce, including Youth Work within the UK.

LSIS welcomes the opportunity to respond to this consultation on proposals for registration of the education workforce in Wales. Our response focuses on the areas of the proposals where LSIS feels well placed to comment and contribute – in particular on professional standards.

Our response consists of some general comments on the consultation proposals.

We hope that this response will be useful in taking the proposals forward and we look forward to contributing to any relevant work and further development in the future.

General comments

LSIS agrees that all those working to support teaching and learning should be recognised as part of a single and coherent workforce in Wales. We believe that the views of the sector itself will be key and of primary importance in ensuring that any registration body for the education workforce in Wales is effective.

In particular we wish to highlight the Professional Standards for Teachers, Tutors and Trainers in the Lifelong Learning Sector in Wales which were developed in 2007 by Lifelong Learning UK (LLUK), which LSIS has now inherited. The Professional Standards may be of interest, particularly for use within the FE sector as any new registration body is developed. We note the proposal to extend the advisory function to include professional standards.

When LLUK published its Professional Standards for Teachers, Tutors and Trainers in the Lifelong Learning Sector in Wales in 2007, John Griffiths, then Deputy Minister for Skills, described these as contributing “greatly to improving the quality of teaching, training and learning” and meeting the sector’s wish “to develop the professionalism of their workforce”.

We are also mindful that previous work has been completed and proposed in relation to professionalism of the workforce, in particular proposals related to a new Teacher Qualifications Framework for Wales (TQFW) which was initially proposed by LLUK in 2008.

Consideration also needs to be given to the diversity of the staff involved in teaching and learning, not only their professional standing but also issues such as part-time and full-time staff. Any new registration body for the education workforce will need to be mindful of this. The governance arrangements for the body will be of the utmost importance in ensuring that this can be achieved.

We also feel it relevant to highlight the Independent Review of Professionalism led by Lord Lingfield currently ongoing in England. One of the main recommendations from the interim report was a review of the FE and Skills teaching qualifications. This review will be led by LSIS, working collaboratively with the sector. Current proposals are now being consulted on until 26 November and further information can be accessed here:

<http://www.lsis.org.uk/AboutLSIS/strategicprojects/FE-Teacher-Trainer-Qualifications-Review/Pages/default.aspx>

The LSIS UK Qualifications and Skills Team have responsibility for the Professional Standards for Teachers, Tutors and Trainers in the Lifelong Learning Sector in Wales, Northern Ireland and England, as well as the National Occupational Standards for Learning Delivery. LSIS also works with the Youth Sector and has completed a review of the National Occupational Standards for Youth Work and is very mindful of the importance of the Youth Sector in relation to teaching and learning. We feel that both Professional Standards and National Occupational Standards should be considered by any new proposed registration body.

The proposed collection of data in relation to the workforce would be a very valuable resource for the sector. We would welcome the opportunity to discuss how LSIS might assist with this process. LSIS is currently undertaking work in Wales to develop National Occupational Standards and a new Information, Advice and Guidance apprenticeship framework. We are working in partnership with employers and stakeholders through the LSIS Wales Country Committee to achieve this and believe that SSBs working in this way will continue to play a role in supporting workforce development, particularly within the lifelong learning sector.

19

Name: Anna Brychan

Organisation: National Association of Head Teachers (NAHT) Cymru

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

When registration of the wider education workforce was first mooted, NAHT Cymru members were unpersuaded. We recognise the rationale contained in these proposals; that teaching and learning in schools is now delivered by a much more diverse complement of professionals and that there is therefore a strong argument in favour of including them as registrants within this reconfigured professional body. Given the structural change involved here, we wonder whether it might be wise to start by extending registration to FE teachers and learning support staff, school based teaching and learning assistants, and unqualified teachers before moving to consider other categories at a later point.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes. This is sensible. The variety and custom and practice described in the consultation document adds up to persuasive case for central collection of this data.

We would suggest that the new council also holds a central database of CRB checks for those it represents to avoid the duplication which exists in the system currently.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

This is a very welcome proposal. We think it would be useful to consider in addition an option at stage 1 for the registrant to accept a prohibition order and removal from the register.

There is some concern about the definition of 'fitness to practice'. The current professional body examines whether a registrant has been guilty of unacceptable professional conduct, serious professional incompetence or has been convicted of a relevant criminal offence. In doing so, the Committee is looking at the conduct, competence or offence at the time it occurred.

'Fitness to practice' might, we understand, invite a wider scope of inquiry to include health factors which should be dealt with by sickness policies; these are emphatically not matters for a professional body exercising its disciplinary function. We trust that the definition of 'fitness to practice' in this context will avoid any potential danger of this kind.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

In theory we would like to see a common code. We can see that it would offer clarity and coherence. It would also reinforce the nature of the new body as council of professionals engaged in education. We are struggling at the moment to see how a code might be drafted that could be used for registrants in each of the proposed sectors with any degree of robustness. Perhaps an overarching Code with specific sub sections for each of the sectors is possible?

Question 5

Do you agree that the council members should be appointed using the public appointments process?

No. We want to see a professional body for education professionals which is clearly and demonstrably independent and democratically accountable to those it represents. Our members' disenchantment with the GTCW as currently constituted (and in this context it is useful to remember that NAHT represents a membership which was amongst the most vocal in support of the establishment of the GTCW, and which remains deeply committed to the principle of a professional body) is their perception that it is insufficiently democratic. Elected representation for each sector is the only acceptable model.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

This seems sensible in principle. We would like to know more about the proposed process before commenting further.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

This seems sensible, subject to data protection considerations.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

This seems sensible.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

This seems sensible.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

This seems sensible.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes but this must be subject to consultation with sector representatives.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

NAHT Cymru members have been disappointed by aspects of the GTCW and welcome this opportunity to respond to a consultation about a reconfigured and renamed council.

We remain firmly committed to the need for a professional body to represent the education profession.

This must be an independent body and be perceived as such by the education professionals it represents and regulates.

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Name: Chris Keates

Organisation: National Association of Schoolmasters Union of Women Teachers (NASUWT) Cymru

The NASUWT welcomes the opportunity to comment on the proposals for the registration of the education workforce in Wales.

The NASUWT is the largest teachers' union in Wales and the UK representing teachers and school leaders.

GENERAL COMMENTS

The NASUWT is disappointed to note that very little account has been taken of the views expressed by the NASUWT in response to the previous consultation earlier this year.

The NASUWT remains of the firm view that the sole function of a registration body should be to regulate, and therefore rejects the proposals to expand the remit of the new body.

Further, the NASUWT rejects the proposal to establish the new body on the basis of appointment by the Welsh Government rather than maintaining a democratic basis for the Council.

SPECIFIC COMMENTS

The NASUWT offers the observations and comments that follow in relation to the questions posed on the consultation response form.

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

The NASUWT remains of the view that the teaching profession should have a regulatory body dedicated to maintaining and enhancing its professional status and does not believe that there is a need to extend registration beyond school teachers.

However, if registration is to be extended to other groups, the NASUWT maintains that anyone who undertakes classroom observation or who professes to be able to identify and/or demonstrate good pedagogic practice in the classroom should not only possess qualified teacher status (QTS) but should also be required to register with the council. This would include all members of the inspectorate, all school improvement officers and advisers.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

The NASUWT maintains that it will be a matter for individual members of the workforce to determine if they will allow such data to be passed on to what would be a third party.

Further, the NASUWT expects that individuals will be given written details and assurances about the use of such data and that their expressed permission will be sought before it is shared with government, employers or any other agency or party.

The NASUWT has grave reservations about this proposal and would expect to be consulted fully on the nature and extent of the data to be collected and the use to which it will be put.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Although it is acknowledged that the introduction of a two-staged approach within the disciplinary process has the potential to reduce the concerns and lack of confidence that teachers have in the GTCW, the NASUWT maintains that the proposal to move to a process that considers fitness to practise, rather than using the current case categories, will be viewed with distrust and distain.

The NASUWT notes that employers would be under a duty to report to the registration body any conduct of an individual who has potentially broken the code of conduct. Despite the qualification that this

requirement would not supersede any other employment policies within an organisation or set out in legislation, the Union maintains that rigorous safeguards would need to be built in to the referral process to ensure that due employment practice and process was followed before cases were placed before the registration body.

The NASUWT remains of the view that it is an affront to the rules of natural justice to place details of school disciplinary hearings and unfounded allegations in the public arena prior to any decision being made by those responsible for hearing cases.

Consequently, the NASUWT urges the Welsh Government to ensure that in the operation of its disciplinary function the registration body commands the confidence of the teaching profession and the wider school workforce by respecting fully the confidentiality of the school disciplinary process and the Human Right to Privacy.

The NASUWT is not suggesting that cases should not be publicly listed or that the outcomes should not be publicly reported. However, the Union maintains that those called before the regulatory body should have the right to decide if a hearing is held in public or in private.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

No.

The NASUWT remains of the view that the diverse nature of the education workforce in terms of skills and responsibilities argues for different professional codes where the distinct nature of the professional qualifications and roles of each group is recognised.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

No.

The NASUWT stands firmly opposed to this proposal, not least, since the Union has argued consistently that the regulatory body for teachers should be a teachers' council, comprising elected registered teachers with designated seats for the teacher trade unions.

However, given that it is proposed to establish a single council, the NASUWT maintains that the membership should comprise elected members of the education workforce with seats provided for the recognised trade unions.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

The NASUWT rejects the notion of advisory groups on the basis that the only function of the new registration body should be to regulate.

Further, the NASUWT maintains that the proposal that the members of these advisory groups would be appointed following nomination by a range of specific organisations will do little to inspire confidence that the groups would be truly representational.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

No.

The NASUWT does not support this proposal for the reasons referred to in answer to question 2.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

No.

The NASUWT stands firmly opposed to this proposal.

The NASUWT remains of the view that providing a regulatory body with powers of accreditation for initial training courses could constitute a conflict of interest.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

No.

The NASUWT maintains that providing a regulatory body with power of accreditation for in-service training across the sectors in key areas related to the work of those it regulates could constitute a conflict of interest.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

The NASUWT would not expect the fees to be any greater than those indicated and suggests that they should constitute maximums above which the fees would not rise.

However, and for the avoidance of doubt, the NASUWT remains of the view that as registration will be a condition of employment, the employer should either pay or reimburse the registration fee.

The NASUWT expects the Welsh Government to budget for the reimbursement of the fee for all those required to register, regardless of their employment status.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

No.

The NASUWT stands firmly opposed to the notion of the reconstituted body being able to determine the level of the differentiated fees.

The NASUWT notes with interest that the reference to the Welsh Government retaining a veto on increases in fee level set by the body in the section on 'Status and governance structure' is not included in the section on the 'Fee'.

In any event, the NASUWT maintains that the issue of the fee would become irrelevant if the expectation that the Welsh Government will budget for the reimbursement of the fee for all those required to register, regardless of their employment status, is realised.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The NASUWT continues to question the suitability of using the term 'fitness to practise', as this could be confused with medical fitness to teach, which is covered by separate and distinct regulations.

The NASUWT supports the view that the Welsh Government must ensure that all groups required to register must be protected by common frameworks for pay and conditions of service as this would

reflect the protection enjoyed by teachers through the School Teachers' Pay and Conditions of Service Document that applies across England and Wales.

The NASUWT questions the suitability of the references to 'fit' and 'unfit' to practice, as this could be confused with medical fitness to teach, which is covered by separate and distinct regulations.

21

Name :Clara Weekley

Organisation: National Training Federation for Wales (NTfW)

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

NTfW believe that on the whole the right groups have been identified, however we also feel that there is further need for clarification on learning support staff as a group within the sector. There are support roles within WBL that do not stop at administrative responsibilities but involve the individual in learning programme NTfW would also recommend that unqualified WBL practitioners are included in the groups involved in the registration process. Many roles, such as assessors, require appropriate occupational competence as minimum requirement and practitioners will often work towards their qualifications in this instance.

It was surprising not to see ACL as a group identified and NTfW would recommend that this sector should also be included as the delivery of many learning programmes cross between the two sectors.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

NTfW feel that on the whole this is fair in the first instance, however there is also a need for further clarification on whether this is for new entrants only.

NTfW would insist that the WBL sector have 'grandfather' rights of a five year period on required qualifications The need to ensure the option to 'work towards' qualification and minimum requirements over an agreed period of time is also an obvious point to be included for the WBL sector.

We have supplied further, more detailed feedback on the potential fields for inclusion in a register of the WBL workforce to Sophie Lacombe from DfES.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

NTfW agree with two-staged disciplinary process and can see how this system would support serious disciplinary/registration concerns whilst still allowing the employers and the individuals concerned a level of control over disciplinary matters.

On the whole this system appears fit for purpose and would ensure that all stakeholders could be assured of a stringent yet fair approach to disciplinary measures attached to registered practitioners.

NTfW would however like reassurance that at least one professional panel member would be a current practitioner, with relevant experience from WBL sector.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

It is NTfWs' belief that it is possible to create one standard professional code of conduct across the relevant sectors, however, it is essential that the WBL sector/representatives are involved in the development of this code from the outset.

As requirements of a practitioner delivering a Welsh Government funded WBL programme may change in accordance with the specification of that contract, it is felt that the code of conduct and practice should be reviewed and, if required amended every three years in line with WBL contract.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

NTfW agree to the principle of the process but feel strongly that the body needs to be proportionally representative of each sector.

Although the public appointment process is an appropriate method to appoint the council, the scope of the selection public appointments process needs to be broadened to include one representative per sector.

Having the correct representatives in equal measure is paramount in ensuring policy and decision making is appropriate and fair.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

NTfW believe welcome this approach, particularly on a regional basis. We would recommend this to be on a three year cycle to ensure continuity and would recommend that there is a nominated reserve in each case.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

NTfW feel that this is an important benefit of the registration process so that statistics can be measured for the benefit of the WBLwork force development and support. It is important that the information is relevant and utilised fully as too much information and lack of use will devalue the process.

As the sector, roles and qualifications within it are so diverse, NTfW feel that the fields can not be too restrictive. Although drop down boxes are recommended to ensure information can be analysed effectively. NtfW have provided further, more detailed feedback on the data aspect of registration to Sophie Larcombe from DfES.

NTfW would like to see a clarified and definitive 'purpose of use' of all data being collected.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

NTfW feel that this question could be interpreted in several ways and would like to seek further clarification of its intention.

If the question relates to the body putting a quality mark or stamp of approval on independent organisation initial training processes and courses, then this would be welcomed by NTfW.

Should the question relate to the body accrediting qualifications or courses that independent organisations may produce and deliver to their staff, then NTfW feel that this remit should remain with the awarding organisations as is their current remit.

If the remit of the registration body evolves in time to that of a sector skills council, issuing information, advice and guidance on sector qualifications etc, the NTfW feel that this would need to be considered at that time.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

As with question 8, NTfW feel that ‘formal accreditation’ of qualifications and courses in its current form within the sector should remain with awarding organisations, however quality stamping and kite marking of independent organisations training, courses and CPD would be welcome.

NTfW would like to see the body set and advise on standardised best practice type CPD for registered practitioners, in relation to delivery of learning within the sector.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

NTfW feel that it is still unclear as to what the actual value for money and benefits for the registration fee are. We are keen to know how Welsh Government plan to measure the value for money aspect of the fee. In light of the Ministers written statement and the purpose and proposed outcomes highlighted in the consultation document (i.e, ‘lead to greater parity between different groups of education staff across Wales) NTfW feel that it is essential the fee should be a standard amount for all sectors.

If we are to have a sincere perspective and value of what the registration means and to ensure that registered practitioners are in a position to be able to move between educational institutions as required by transformation, then there needs to be an equal fee, for an equal quality of practitioners regardless of their sector. NTfW believes that value for money for the fee and equal investment and support by the body to all registered individuals regardless of sectors is paramount in breaking down perceived barriers in education.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

No – as per feedback in question ten, NTfW feel that ‘work programmes’ and ‘value for money’ should be offered equally to all registered practitioners regardless of their sector. However the content of what is offered within the work programme in each individual sector should naturally be determined according to the needs of that sector.

NTfW also feel that the body should not be able to increase fees without consultation with the sectors.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

NTfW are in support of the proposed changes and many of the suggested roles, operations and functions of the body. There are however several areas that we feel need further clarification. These questions are:

- 1. What exactly is being provided to an individual for their registration fee?***
- 2. What, if any powers will the body hold over employers of registered practitioners?***
- 3. Who has access to the system and regulates and monitors employment history etc?***
- 4. Will there be any impact in England, Scotland and Northern Ireland?***
- 5. What is the specific end purpose of the data that is collected in the registration process?***
- 6. If there is a capacity to post and access vacancies of registered practitioners and posts available within the sector, how would this be administered and at what cost?***

22

Name: Owen Hathway

Organisation: National Unions of Teachers (NUT) Cymru

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

It is important when considering this issue to ensure that the professional status of teachers, as currently underlined by GTCW's exclusive registration of teachers with QTS, is not undermined by the demands of other potential groups for registration. There are strong examples of how this has been achieved in the way registration is conducted for other professions. For example dentistry and the Institute of Engineers.

On the whole the groups identified appear to be the right ones. There is a strong argument for teachers and support staff at independent schools to be registered. The thinking currently is that a teacher can be dismissed following serious allegations of misconduct or incompetence in an independent school but can continue to teach both in the maintained and independent sectors (unless the teacher has chosen to register voluntarily). When a teacher in the maintained sector is subjected to similar allegations they would be referred to GTCW for investigation. While this situation exists in teaching in Wales it would be unthinkable in other professions such as medicine.

One area of uncertainty is the registration of youth workers as they do not fit neatly with the other groups given they are not fundamentally involved in teaching or supporting teaching in the same way. This will lead to difficulties in the new registration body creating processes, systems and arrangements that are equally relevant to youth workers as they would be to other groups, for example, a Code of Professional Conduct and Practice and disciplinary arrangements. Perhaps registration elsewhere would be more appropriate?

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

There are some concerns that the process as outlined does not necessarily reflect the range and type of referrals that currently come before the GTCW.

Some of the recommendations put forward to ensure consistency, such as having a lay chair for the committee, are potentially unnecessary and do not add value to the process.

What is required to ensure consistency it to ensure that members of the committee have adequate access to training as an on-going process, that there is strong representation from practitioners, recognisable review procedures and openness and transparency (where appropriate) is a key function of the bodies work.

The proposed Welsh Government disciplinary process is taken from the General Medical Council (GMC). While it is important to look at how registration is done by other professions to seek best practice it is equally important to examine if they are necessarily fit for purpose with teaching. We are not convinced that in this instance that is the case.

The number of cases dealt with by the GMC, as well as the nature of the cases and the nature of the complainants, is vastly different to that of the GTCW. The relationship between the individuals and employers involved in cases at GTCW level is greatly different to those dealt with by the GMC. We feel it is therefore not practical to assume that the GMC model will necessarily fit the structures of the teaching profession.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

It is possible to foresee a Code which has parts which are generic and apply to all of the registered groups and other parts which are specific to one or more groups only. However, it may not be a simple process. NUT members of the GTCW previously worked hard to ensure that the revised code was developed appropriately with full consultation to ensure it was not punitive in tone or application, but an exemplification of what the vast majority of teachers do on a daily basis. This was what was stipulated in the consultations with stakeholders that led to the original establishment of the GTCW. Since the code was revised and reissued in September 2010, it has been well used by teachers, schools, employers, teacher unions, teaching training institutions and others.

The registration body will need to ensure the same collaborative approach in developing and consulting on a Code when it is extended to the other groups. Other groups may be more aware of the nature and purpose of a Code given that such a document will have already been in place for teachers for some time.

The consultation document states that the new groups will be registered incrementally. This is sensible but it does mean that a Code which covers all of the groups could not be developed until all of the groups were registered, in order to ensure that this collaborative approach to its development can occur.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Overall a public and transparent appointment process is to be encouraged and welcomed.

However, there is a case to examine where it would appropriate to seek appointments from those with specific sector qualities and experience within the profession.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes. It would essential that anyone examining issues within certain sectors have expertise in those fields. Any review of issues regarding teaching practices, and specifically panels for disciplinary action, should be led by those with experience and knowledge as front line teachers themselves.

Failure to ensure that the profession is represented in making decisions and offering advice that has implications for individuals and groups within those sectors will lead to a lack of confidence in the process.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

This could be useful in terms of reducing the amount of data that schools and local authorities are required to submit to different agencies at different times of the year. That in turn would hopefully reduce the costs and bureaucracy involved in collating data.

However, on an individual basis, there is no legal duty on teachers to supply or update their information. The same point will apply for the new groups to be registered, so it needs to be recognised that the primary use of the register is to regulate the teaching profession, while a valuable secondary use is to provide statistical data about the teaching profession. It would be useful if the Welsh Government were to outline the types of 'multiple uses' it was considering before expecting a full response from stakeholders. While the proposals remain in vague terms it is difficult to give a definitive view on their potential effectiveness.

The register of teachers is a real time database. When publishing data, there needs to be a census data which is consistent each year to allow

annual comparisons. This date should be at a time of year when the data is considered to be at its most complete and accurate. The registration body will also need to undertake annual data cleaning work prior to the publication of such data.

It is envisaged that the Welsh Government will require the registration body to comply with certain requirements stipulated by the Civil Service Statistical Service. While this is not unreasonable, it may raise some question marks about the body's perceived independence.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

The registration body should be the guardian for professional standards for the education profession. It would lead naturally that this would also include detailing the entitlement to CDP training. The body should be tasked with ensuring that teachers have access to regular CDP and ensuring that such courses meet professional standards and are accredited as such.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

As detailed above, it would make sense for the body to ensure access to and accreditation for training services. This should however not restrict individuals and schools from being able to access training from a variety of other providers if it is more cost effective or in keeping with the requirements of those individuals and schools.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

We believe there should be one single flat rate fee for registration. Differentiating between the professionalism of the different groups should be achieved based on roles, responsibilities and qualifications rather than a registration fee.

Furthermore, given that the registration fee is a condition of employment we believe that additional funding should be made available to the education sector to provide for that cost.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

As stated in response to question 10 we believe there should be one single flat rate fee for registration. Differentiating between the professionalism of the different groups should be achieved based on roles, responsibilities and qualifications rather than a registration fee.

Furthermore, given that the registration fee is a condition of employment we believe that additional funding should be made available to the education sector to provide for that cost.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

No comment.

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Name: Judith Williams

Organisation: Neath Port Talbot College

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Yes but have considerations been given to ACL tutors and HE tutors.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes it seems fair to include the qualifications of deliverers but consideration should be given to vocational subjects.

With ACL if they are included appropriate level of qualification could prove difficult and may have an adverse effect on recruitment. However the learner should have an equal opportunity to have the best teaching possible.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes it seems appropriate to administer the disciplinary process in two stages recognising the level of seriousness.

Hopefully the body will provide support as well as disciplinary procedures.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Yes one professional code of conduct should apply to all those who teach whatever level, it will also help with deployment of staff across disciplines.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes but 15-20 members does seem rather bureaucratic! How many stakeholders and nominated organisations will be represented before it becomes unwieldy?

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

As long as they meet with QCA regulations and don't conflict with requirements already in place. Adding new qualifications which staff will be required to undertake in order to register will not prove popular.

Consideration to fees will be important and the entry qualifications required.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Could provide a role in offering courses or training which will be fine as long as they don't become over burdensome or compulsory. I see this as being a key role that the body could provide to assist staff in CPD Leadership and management training would also be appropriate but would have to be transferable and recognised by awarding bodies if staff are to buy into them.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Will registration be compulsory? Will the fee be an annual or one off registration?

The levels are appropriate as reported rather than by salary, but if ACL tutors are included perhaps a new category could be included for them as many are part time.

Other considerations would be what will be offered for the registration fee. Monthly news letters, annual reports, web site updates, regular briefings in addition to potential CPD initiatives.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes but not linked to salary.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

No comments.

Name: Irene Cameron

Organisation: Newport Association of School Governors

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Initial grouping is correct i.e. they are directly involved with students - teaching and learning using the majority of school based personnel with the exception of Youth Workers - perhaps this group should be excluded in the first instance.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Collection of data important although anticipated there will be a great deal of variance in the first instance and further in-service training will be necessary prior to identifying minimum requirements for registration.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

We support two staged approach but consultation must take place with Local Authorities Legal Advisers, Head Teachers TGrade Unions and SCHOOL GOVERNORS, to ensure openness of all documentation for the workforce to have confidence in arrangements for disciplinary process.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

One professional code of conduct will ensure the whole workforce work in unison embracing all sectors with a professional standard covering education workforce.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Elected and nominated members using experience and expertise to ensure appointment gives confidence both to workforce and public.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Maximum number on advisory group should be twelve. Chaired and elected by relevant sector representation.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Agreed.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Fully support.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Fully support.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

More discussion and consultation needed on this issue.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Agreed.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

IF THERE IS TO BE A PRINCIPLE OF EMPLOYER (i.e. Local Authorities) CONTRIBUTING OR PAYING FEES - THIS MUST BE ACROSS THE WHOLE SECTOR.

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Name: *Tillie Mobbs*

Organisation: *Play Wales*

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Play Wales does believe that Playworkers should also be part of the proposal and that this would be a better fit for them than any proposal to register them through Social Care. There is much affinity and close working relationships with the Youth work. The sector has long aspired to have a formal register as emulated in Scotland. Workers within the sector are already required to have certain levels of qualification in order to practice; individuals registered could only support the current regulatory system that is in place.

The Education and Standards Committee, Wales that endorses qualification and training programmes already encompasses these three sectors together. To leave Playwork out of this register would be a structural anomaly.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Some sectors already have minimum requirements in place. Collecting data on this shouldn't change the outcome. However it is a good idea to ensure all data is collected so a comprehensive view of the state of the various workforces that are involved is gathered.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

A process that is transparent and fair as well as having the reputation of being well executed is what instils confidence.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

No – sectors do need sector specific issues addressed; many already have their own codes of practice that are shared across the UK, for example The Playwork Principles. There could be certain shared ideal that could be ensured where in as part of every sectors code of practice.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes, the process needs to be transparent. However there should be support from sector experts to ensure that the criteria for selection is correct as well as specialist knowledge on the interview panels necessary to make a good selection.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Definitely.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes – however Play Wales does feel that existing groups such as the Education and Training Standards Committee for Youth work, Community Development and Playwork should be used to move this work forwards or co-opted into the work.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

It depends on what is meant by accredit – do you mean be an awarding body? Or just endorse a programme as a quality programme? If the former, then that would potentially bring complications with SSCs if protocols weren't in place to ensure their role.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Play Wales thinks the Youth worker fees are very high and do not represent parity as many work part time and in volunteer roles and should be treated as those on a lower income. If you were to involve Playwork in the register as we have suggested, Playworkers too would need the lower levels of fees, many in the sector are part time, volunteer and even seasonal. How you might address that would need to be considered.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We would like to see Playwork be a part of the registration process as was floated in the first consultation. Specific consideration would be needed to ensure that seasonal workers and volunteers were taken account of within the system.

Name: Kathleen Jones

Organisation: St Marys Wrexham

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Yea I feel including the support staff will give them a level of professionalism and give the right message that we are all important parts of a team.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Yes.

It is important that some long serving professionals started as mum helpers and have gained a wealth of experience and no so many qualifications. These staff are invaluable and mustn't be made to feel not valued.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

No need to differentiate.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes including one for each category.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

No.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

No.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Not sure.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

No needs consultation.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

No comments.

Name: David Finch

Organisation: The College Ystrad Mynach

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

The College endorses the response from ColegauCymru.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

The College endorses the response from ColegauCymru.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

The functions of a registration body should include checks that individual are appropriately qualified and fit to practice.

A disciplinary function is more vexatious. The management of staff including discipline is the direct responsibility of the college. Disciplinary procedures are carried out internally following agreed procedures. The College does not wish to pass this on to a separate body. However, it would be helpful if a college could refer to the new registration body the case of an individual who had been through the disciplinary procedure and dismissed to test whether or not that person is still fit to practice and able to maintain membership of the registration body. This is currently the practice for school teachers in the General Teaching Council for Wales (GTCW).

The governing bodies of FE colleges are the legal employers of staff and the management and discipline of staff are the direct responsibility of FE colleges. The articles of government of each college set out the responsibilities of the governing body in respect to senior post holders and those of the principal in respect to other staff. Disciplinary procedures are carried out internally following agreed published legal procedures. The registration body should not be directly involved in college disciplinary cases.

As proposed in the consultation paper, ColegauCymru believes it would be beneficial if a college could refer to the new registration body the case of an individual who had been through the disciplinary procedure

and dismissed, in order to test whether or not that person is still fit to practice and able to maintain membership of the registration body.

Colleges should also be able to refer information to the registration body where an individual has been withdrawn from a teaching qualification for breach of Suitability to Practice Regulations, subject to normal due process.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

The College endorses the response from ColegauCymru.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

The College endorses the response from ColegauCymru.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

The College endorses the response from ColegauCymru.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

The College endorses the response from ColegauCymru.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

The College endorses the response from ColegauCymru.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

The College endorses the response from ColegauCymru.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

The College endorses the response from ColegauCymru.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

The College endorses the response from ColegauCymru.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The College endorses the response from ColegauCymru.

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Name: Rebecca Williams

Organisation: Undeb Cenedlaethol Athrawon Cymru (UCAC)

Cwestiwn 1

Ydych chi'n credu ein bod wedi pennu'r grwpiau iawn i'w cofrestru yn y lle cyntaf?

Cytuna UCAC yn llwyr â'r bwriad i gofrestru darlithwyr Addysg Bellach. Mae darlithwyr, fel athrawon, yn addysgwyr yn bennaf, ac fel arfer (ac yn gynyddol) wedi'u cymhwyso i fod yn addysgwyr: dyna yw eu proffesiwn. Mae gorgyffwrdd cynyddol rhwng gwaith darlithwyr addysg bellach a gwaith athrawon ysgol yn sgil y Llwybrau Dysgu 14-19, gyda'r naill a'r llall yn dysgu cyrsiau i'r un carfanau o fyfyrwyr, i'r un lefel addysgol, a hyd yn oed yn gwneud eu gwaith addysgu yn sefydliadau ei gilydd. Golyga'r Llwybrau Dysgu 14-19 ei bod hi'n llawer fwy cyffredin i ddarlithwyr addysg bellach ddysgu disgyblion sy'n iau na 16 mlwydd oed, felly mae materion diogelwch plant yn codi sy'n gwneud yr angen i gofrestru'n bwysicach fyth. Fel mater o degwch a diogelwch, dylai'r ddau grŵp gael eu trin yn gyfartal o ran gofynion cofrestru, gwirio cymhwyster a threfniadau disgyblu. O ran gweddill y gweithlu addysg, nid yw UCAC yn gwrthwynebu eu cynnwys. Serch hynny, nid ydym yn gweld rhesymau neilltuol dros wneud hynny.

O ran gweithwyr ieuenctid, nodwn y bydd angen i'r Llywodraeth, neu'r Corff newydd, os yw'n bwrw ymlaen i'w cofrestru, bennu diffiniad penodol o'r categori o weithwyr. Mae llawer fawr iawn o bobl yn dod i'r categori penagored hwn ar hyn o bryd, gan gynnwys gwirfoddolwyr. Cytunwn yn llwyr na ddylid cynnwys y rheiny sy'n cyflawni rôl ym maes addysg nad yw'n gysylltiedig ag addysgu.

Cwestiwn 2

Ydy'r cynnig i gasglu'r holl ddata am y gweithlu, gan gynnwys cymwysterau i ddechrau cyn pennu'r gofynion sylfaenol ar gyfer cofrestru, yn briodol ac yn deg?

Nid yw bwriad y cwestiwn yn hollol glir, nac yn ymddangos fel petai'n cyfateb â chynigion y ddogfen ymgynghorol.

Cefnogwn y bwriad i gasglu rhagor o ddata (yn unol â chwestiwn 7 isod), i wneud gwell defnydd o'r data honno a hynny o fewn gofynion deddfwriaethol rheoli a diogelu data.

Fodd bynnag, nid ydym yn llwyr ddeall bwriad y cymal 'cyn pennu'r gofynion sylfaenol ar gyfer cofrestru' yn y cwestiwn. Ai'r bwriad yw casglu data cyn mynd ati i gofrestru pobl? Pa bobl yn union y cesglir eu data, yn yr achos hwnnw?

Cwestiwn 3

Ydych chi'n credu y bydd y trefniant o ddull gweithredu dau gam yng nghyswllt y broses ddisgyblu yn meithrin hyder yn y proffesiynau ac yn y rhieni/gofalwyr, y plant a'r bobl ifanc maent yn eu gwasanaethu?

Proses dau gam

Mae'r broses dau gam, fel y'i disgrifir yn y ddogfen ymgynghorol, yr un fath â, neu'n hynod o debyg i'r broses fel ag y mae ar hyn o bryd. Cytunwn fod angen proses dau gam, er mwyn gwahaniaethu difrifoldeb yr achosion sy'n cael eu cyfeirio at y corff. Pwyswn ar y Llywodraeth i ystyried ychwanegu'r hawl i apelio i Gam 1. Gwyddom, o brofiad, fod ambell i achos yn mynd ymlaen i wrandawriad llawn nad yw wir yn gymwys yn unol â'r meini prawf. Mi fyddai gallu herio'r penderfyniad yng Ngham 1, a chael barn panel gwahanol, yn sicr yn cryfhau'r broses. Wrth gwrs, byddai angen pennu terfynau amser tynn er mwyn osgoi oedi dianghenraid.

Cwestiwn 4

Ydych chi'n credu y gellid llunio un cod ymddygiad ac ymarfer proffesiynol ar draws y sectorau perthnasol o ystyried eu rolau a'u cyfrifoldebau?

Cytunwn â'r cynnig i gael un côd ymddygiad i bawb, a chredwn y dylai hynny fod yn ymarferol bosib.

Cwestiwn 5

Ydych chi'n cytuno y dylid defnyddio'r broses penodiadau cyhoeddus i benodi aelodau i'r cyngor?

Mae gennym bryderon sylweddol ynglŷn â chynigion yr adran hon. Os cymhwysir y grwpiau o weithwyr ychwanegol, cytunwn fod angen newid y strwythur llywodraethu i sicrhau bod pob grŵp yn cael ei gynrychioli'n deg. Mae hynny'n anorfod.

Crybwyllir 'cyngor bychan' ond ni roddir amcan o ystyr 'bychan' yn y cyd-destun hwn. Byddai hynny wedi bod yn ddefnyddiol. Os sonnir am gymhwyso saith grŵp o weithwyr, byddem yn cynghori bod angen o leiaf 2 aelod o bob un o'r grwpiau hynny ar y cyngor. Deallwn yn llwyr yr angen am gorff all fod yn ystwyth ac yn effeithiol, ond rhaid peidio aberthu cynrychiolaeth deg yn sgil hynny.

Pwysleisiwn yr angen am feini prawf clir wrth benodi'r aelodau'r Cyngor. Rhaid sicrhau cydbwysedd ar nifer o wahanol seiliau – grŵp cyflogaeth/sector, daearyddiaeth, iaith, rhyw ac ati. Cymeradwywn y bwriad i'w gwneud yn ofynnol i'r cyngor gael Pwyllgor Archwilio a Chraffu Sefydlog, ond ni fydd hynny yn ei hun yn ddigon i sicrhau prosesau penodi tryloyw ac effeithiol o ran cynrychiolaeth.

Mi fyddai UCAC yn gwrthwynebu'n gryf iawn unrhyw fwriad i greu cyngor o aelodau lleyg, gyda'r ymarferwyr eu hunain wedi'u cyfyngu i'r paneli cynghori. Bydd llwyddiant y corff newydd yn gwbl ddibynnol ar ennill ymddiriedaeth y proffesiynau dan sylw; byddai sicrhau bod cynrychiolaeth deg iddynt ar y cyngor yn gam sylfaenol a hanfodol at adeiladu'r ymddiriedaeth honno.

Cwestiwn 6

Ydych chi'n cytuno y dylid penodi aelodau'r grŵp cynghori drwy enwebiadau gan sefydliadau penodol ac y dylai'r grŵp gael ei gadeirio gan un o gynrychiolwyr y sector perthnasol ar y cyngor er mwyn sicrhau bod cyswllt ffurfiol rhwng y cyngor gwneud penderfyniadau a'r grwpiau cynghori?

Mae'r cynigion yn annelwig iawn.

Pa fath o "randdeiliaid a sefydliadau penodol" fyddai'n enwebu aelodau ar gyfer y paneli cynghori?

Unwaith eto, byddai enghreifftiau wedi bod yn ddefnyddiol. Pwysleisiwn eto'r angen am feini prawf clir ar gyfer y broses hon, neu mae peryg mawr o ddiffyg tryloywder, ac ar sail hynny, diffyg ymddiriedaeth yn y broses (nid yn unig y broses penodi, ond penderfyniadau'r paneli wedi hynny). Fel y dywedwyd eisoes, bydd ymddiriedaeth y gweithwyr dan sylw'n anhepgor ar gyfer llwyddiant y drefn newydd.

Er mwyn osgoi'r perygl o greu pyllau rhy fach, rhy "cliquey" a chaeedig, pam na fyddai modd i bobl ymgeisio am y swyddi hyn?

O ran cadeiryddiaeth y paneli, teimlwn mai gwell fyddai i'r paneli fod hyd-braich i'r cyngor. Gwelwn beryg, os oes aelod o'r cyngor yn cadeirio, mai barn y cadeirydd fydd yn goruchafu - yn nhrefodion y panel, ac yn arbennig wrth adrodd yn ôl i'r cyngor. Teimlwn y gallai'r fath drefniant rhoi gormod o rym yn nwylo nifer cymharol fach o bobl, heb atebolrwydd digonol. Am y rhesymau hyn, gwell fyddai gennym weld cadeiryddion ar wahân, annibynnol oddi ar y cyngor, i'r paneli cynghori.

Cwestiwn 7

Bwriadwn gasglu data ar lefel unigolyn mewn modd a fyddai'n gallu cael ei ddefnyddio mewn sawl ffordd, er mwyn rhoi trefn ar y gwaith o gasglu data a gwella ansawdd a hyblygrwydd. Fydech chi'n cefnogi datblygiad o'r fath?

Mae UCAC yn croesawu'r cynigion hyn yn fawr. Cytunwn nad yw'r prosesau casglu data wedi bod mor gyson ac effeithiol ag y gallent fod, a dyma gyfle i wella'r drefn.

Cytunwn yn llwyr â'r bwriad i gasglu ystod ehangach o ddata, ac o wneud gwell defnydd ohoni, yn arbennig ar gyfer:

- ***cynllunio'r gweithlu;***
- ***cynllunio llefydd ar gyrsiau hyfforddiant cychwynnol;***
- ***cynllunio cyfleoedd datblygiad proffesiynol, megis y CPCP, y cwrs sabothol ac ati.***

Bydd angen sicrhau fod y drefn o gasglu'r data'n weddol hwylus, a ddim yn creu baich gweinyddol, a bod gan y sawl sy'n darparu'r data amdanynt eu hunain ddealltwriaeth, nid yn unig o sut y caiff yr wybodaeth ei rhannu, ond hefyd at ba ddibenion y caiff ei defnyddio wedyn.

Cwestiwn 8

Ydych chi'n credu y dylai'r corff cofrestru gael pwerau i achredu a rhoi cydnabyddiaeth broffesiynol i gyrsiau hyfforddiant cychwynnol perthnasol?

Rydym o'r farn bod pŵer i achredu yn mynd gam yn rhy bell. Serch hynny, byddem o blaid sefydlu partneriaethau rhwng y corff newydd â'r sefydliadau sy'n darparu hyfforddiant cychwynnol yn arbennig, a hyfforddiant pellach hefyd o bosib gan gynnwys darparwyr y Cwrs Meistr mewn Ymarfer Addysgol.

Yn ogystal, byddem o blaid datblygu cysylltiadau cryfach rhwng y corff newydd â'r Awdurdodau Lleol a'r Consortia Rhanbarthol, yn arbennig mewn perthynas â swyddogaethau sy'n ymwneud ag Athrawon Newydd Gymhwys, y broses sefydlu, a'r sawl sy'n dilyn y Cwrs Meistr, neu ddatblygiad proffesiynol cynnar. Byddai'r system yn elwa o gryfhau'r cysylltiadau hyn, a byddai modd atgyfnerthu'r rhwydweithiau darparu gwybodaeth a chefnogaeth i'r gweithwyr dan sylw.

Cwestiwn 9

A ddylai'r corff hefyd fod â rôl sy'n ymwneud ag achredu hyfforddiant mewnol yn ôl yr angen ar draws y sectorau mewn meysydd allweddol megis rheoli ac arwain?

Tybiwn mai hyfforddiant mewn swydd a olygir wrth 'hyfforddiant mewnol' yn y cwestiwn hwn. Os felly, cytunwn fod rôl i'w chwarae gan y corff newydd. Unwaith eto, byddem yn pwysleisio 'cymeradwyo' yn hytrach nag 'achredu', ond yn sicr, byddai'n fuddiol petai'r cyfrifoldeb am fonitro safon darpariaeth hyfforddiant mewn swydd yn gorwedd gydag un corff penodol.

Ar hyn o bryd, mae cwmnïau o bob man yn ceisio gwerthu eu cyrsiau i ysgolion – a'r rhain yn aml yn amherthnasol i'r system addysg yng Nghymru, neu ddim yn cynnig gwerth da am arian.

Byddai cael corff a fyddai'n gallu rhoi sêl bendith ar gyrsiau, a chwynnu'r dewisiadau sydd ar gael i ysgolion, ar sail safon, perthnasedd a gwerth am arian, yn cyflawni rôl werthfawr iawn.

Cwestiwn 10

Ydy'r ffioedd a awgrymwyd yn dangos gwahaniaeth teg rhwng yr amrywiol grwpiau sydd i gael eu cofrestru ac yn cynnig gwerth am arian o ran y rheoleiddio proffesiynol a gynigir?

Mae UCAC yn gryf o'r farn mai'r cyflogwr ddylai dalu'r ffi yn ei gyfanrwydd.

Codwn bwynt unwaith eto am y diffiniad o Weithwyr Ieuencid; mi fydd yn anodd pennu ffi addas oni ddarperir diffiniad o'r union fathau o weithwyr sydd dan sylw yn y categori hwn.

Os penderfynir mai'r gweithwyr eu hunain fydd yn talu'r ffi, rydym o'r farn mai system ar sail bandiau incwm fyddai orau. Dyna'r drefn, wedi'r cyfan, ar gyfer y rhan fwyaf o ffioedd proffesiynol/undebol. Pryderwn, fel arall, y byddai gweithwyr rhan amser, ac yn arbennig felly, gweithwyr rhan amser ar gyflogau isel, dan anfantais sylweddol. Yn y sector Addysg yn y Gweithle ac Addysg i Oedolion yn arbennig, mae cannoedd o weithwyr sy'n gwneud ond ychydig o oriau'r wythnos, ac mae eu costau (e.e. teithio) eisoes yn uchel, cyn cyflwyno ffi broffesiynol ychwanegol. I nifer ohonynt, mi allai fod yn ddigon o rwystr iddynt benderfynu rhoi'r ffidil yn y to.

Cwestiwn 11

Ydych chi'n cytuno y dylid gadael i'r corff newydd bennu'r lefelau sy'n briodol o safbwynt ffioedd gwahanol ar gyfer grwpiau gwahanol a fyddai'n golygu ei fod yn gallu arfer ei annibyniaeth a'i ddisgresiwn wrth gyflawni ei raglen waith?

Credwn y gallai fod yn briodol i'r Llywodraeth gadw fetu ar allu'r corff i godi ei ffioedd.

Cwestiwn 12

Rydym wedi gofyn nifer o gwestiynau penodol. Os oes gennych chi faterion perthnasol nad ydym wedi rhoi sylw penodol iddynt, defnyddiwch y blwch isod i roi gwybod i ni amdanynt.

Mae'r materion a nodir isod oll yn ymwneud â'r broses disgyblu.

Addasrwydd i ymarfer

Mae gennym bryderon sylweddol ynghylch newid sail y gwrandawiadau o'r meini prawf cyfredol sef 'ymddygiad proffesiynol, anghymhwysra proffesiynol difrifol a/neu pan fydd athro wedi'i euogfarnu o drosedd perthnasol.' Mae'r rheiny yn feini prawf cadarn, sy'n gosod trothwy priodol o ran difrifoldeb yr ymddygiad, a ble mae modd cael hyd i dystiolaeth. Mae'r cysyniad o 'addasrwydd i ymarfer' yn llawer fwy llithrig ac amhenodol. Gan nad yw'r ddogfen yn cynnig diffiniad penodol o'r term, gwelwn nifer o beryglon:

- ***mae peryg uwch o gyhuddiadau di-sail a maleisus; mae'r meini prawf cyfredol yn gofyn bod tystiolaeth o ymddygiad gwael/amhriodol/ anghymwys cyn bod modd cyfeirio'r achos; ni fyddai hynny o reidrwydd yn wir am 'addasrwydd i ymarfer' a allai gael ei seilio ar sion maleisus;***
- ***a yw addasrwydd i ymarfer yn cynnwys ffactorau fel iechyd meddwl a iechyd corfforol? Ni fyddem yn derbyn bod lle i'r rheiny mewn proses disgyblu; mae gan gyflogwyr bolisiâu'r sy'n ymdrin yn llawn â'r rhain e.e. polisiâu salwch/dychwelyd i'r gwaith, addasiadau rhesymol, neu hyd yn oed medrusrwydd.***

Mae angen dealltwriaeth hollol glir ar bawb yn y system o ba achosion sy'n gymwys i gael eu cyfeirio at y Cyngor Addysgu, neu'r corff newydd. Credwn fod y meini prawf presennol yn llawer fawr iawn cliriach a rhwyddach i ddeall na'r cysyniad o 'addasrwydd i ymarfer'.

Mae gan y Cyngor Addysgu broses o wirio addasrwydd ar hyn o bryd, gan gynnwys system o wrandawiadau. Ymdrinnir ar wahân â materion disgyblu, drwy gyfundrefn gwbl wahanol, ac rydym yn hollol gadarn o'r farn mai dyna'r ffordd gywir o weithredu. Mae'r dystiolaeth yn y naill achos a'r llall yn wahanol iawn ei natur a'i tharddiad, ac mae hynny yn ei hun yn arwain at yr angen am brosesau gwahanol.

Rhaid cofio mai proses disgyblu sydd dan sylw fan hyn, nid proses o wirio addasrwydd mwy cyffredinol – peryglus iawn fyddai cymysgu'r ddau.

Paneli Gwrandawiadau Addasrwydd

Nodwn fod y ddogfen ymgynghorol wedi gwyro oddi wrth y consensws a fynegwyd yn y broses ymgynghorol gynt, ynghylch pwy ddylai gyflawni swyddogaethau'r pwyllgor disgyblu.

Ni theimlwn fod y ddogfen ymgynghorol yn gwyntyllu'n ddigonol y rhesymau dros gredu y byddai dewis aelod lleyg yn "sicrhau cysondeb a chadw hyder y cyhoedd" yn fwy nag aelod o'r grŵp cyflogaeth hwnnw sydd ag arbenigedd yn y maes a dealltwriaeth drwyadl ohono.

Ymddengys fod y ddogfen ymgynghorol yn cynnig panel o dri aelod, ac mai dim ond un o'r rhain fyddai'n ymarferwr yn yr un maes â'r un sy'n cael ei ddisgyblu. Ni fyddem yn gallu cymeradwyo trefn o'r fath, a rhybuddiwn y gallai hynny elyniaethu'r bobl broffesiynol a gynrychiolir gan y corff.

Ymddengys ymhellach, nad aelodau'r cyngor na'r paneli cynghori fyddai aelodau'r paneli disgyblu/addasrwydd i ymarfer. Rhaid gofyn felly pwy fydd y bobl hyn a sut y'u dewisir nhw? Mae hyn yn fwlch amlwg a phwysig iawn yn y cynigion.

Cost-effeithiolrwydd, Amseroldeb a Phreifatrwydd

Pwysleisiwn yr angen i unrhyw drefn ddisgyblu fod yn gost-effeithiol ac yn amserol. Mae'r ddwy agwedd hon wedi bod yn broblem gyda Chyngor Addysgu Cyffredinol Cymru – gwrandawiadau costus difrifol, ac achosion yn cael eu clywed misoedd ar ôl i'r mater gael ei setlo'n lleol.

Mater arall y mae gwir angen ei bwysleisio mewn perthynas â'r drefn disgyblu yw'r angen am gyfrinachedd. Gwyddom fod y Cyngor Addysgu yn gweld gwerth mewn gwrandawiadau cyhoeddus er mwyn ennyn hyder y cyhoedd yn y broses, ond mae achosion wedi bod o wybodaeth sensitif yn cael ei rhyddhau am na chaniatawyd gwrandawriad y tu ôl i ddrysau caeedig (in camera) e.e. disgybl unigol yn cael ei adnabod (heb ei enwi), a manylion iechyd athro (a ddatgelwyd yn rhan o'r amddiffyniad) yn dod yn gyhoeddus. Bydd angen mwy o sensitifrwydd ynghylch y materion hyn wrth ymestyn y drefn i gylch ehangach o weithwyr.

Mae'n bosibl y bydd ymatebion i ymgynghoriadau yn cael eu cyhoeddi – ar y rhyngwrwyd neu mewn adroddiad. Pe bai'n well gennyh i'ch ymateb gael ei gadw'n gyfrinachol, ticiwch y blwch:

Name: Karen Morris

Organisation: Universities' Council for the Education of Teachers (UCET)
Cymru

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Agreed.

This will enhance the professionalism of all of the main sectors associated with the learning and teaching of young people. Hopefully, this will result in a more coherent approach and will be a more robust system in regards to safeguarding. We agree that the obligation to register should be extended to FE teachers, learning support assistants, unqualified teachers, work-based learning tutors and youth workers. There is some concern that there is no recognition of others who teach in the wide range of post-compulsory settings. We agree that those who undertake supporting roles (for example administrative staff) should not be required to register.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

Agreed, in principle. It has been stated that one aim of collecting this data is for work force planning but further detail on this would have been welcomed and it needs to be made very clear how this data will be used.

Collecting data against individuals may make the workforce feel exposed and vulnerable. However, a survey of the qualifications held by the workforce could well be useful as a first step in identifying the current picture. Minimum requirements could then be identified and used as a way of benchmarking qualifications for the different strands of the sector. This information, however, need not be collected against individuals but collected 'anonymously'.

A little more clarification about how the data will be collected and used may well appease the wider workforce.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Agreed.

This will enable differentiation of discipline cases.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Agreed, in principle.

Subsections may be necessary in order to meet the demands of the different sectors but common principles should apply to all. It will be important that important specific detail relevant to the various roles within the education sector is not lost in the creation of a 'one size fits all' model.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Agreed.

The aim of ensuring "that the council comprises a balance of strategic abilities, skills and experience to match its functions" appointing from a range of sectors is to be welcomed.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Agreed.

As with question 5, it is pleasing to see that efforts are being made to ensure the needs of the different sectors are being taken into consideration through the creation of this advisory group. More detail would be welcomed on who the specified organisations would be.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Not sure. Without more detail on how this data might be collected or used, there is a reluctance to fully support this proposal.

In principle, a more streamlined approach makes good sense but more detail is needed in order to maintain a level of trust.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Not sure. Further detail is necessary to support this proposal. This could be a positive move forward but only if this was done in partnership with ITET providers and only if fully cognisant of, and responsive to, the demands and constraints of academic standards (where relevant). There is sense in a closer link between requirements for initial teacher training and continuing professional development so that the process is seen as a continuum. We would like further discussions about the phrase 'powers to accredit and professionally recognise' and how this may be implemented. There needs to be careful consideration of the use of the term 'professional' and how it is recognised and applied within the workforce at all levels.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

As with question 8, there is insufficient detail in the document to be able to fully support this proposal. We would need further detail on accreditation proposals to comment fully here.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

In general, yes, although youth workers should pay the same as work based learning staff.

In addition, the workforce needs to feel that they are receiving something in return for what will feel like an extra tax on their jobs. Therefore, the benefits of this fee need to be made transparent to all. 'Value for money' will only become evident when details of benefits become clear to the different groups.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Agreed, assuming that any changes in fee structures will be fully justified to the wider workforce.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Although this has been stated before, it is worth reiterating that it would also be useful if the regulatory body became more involved in the checks made on students before a period of study leading to QTS or other qualifications leading to working within the education workforce.

At present, acceptance on to programmes is left to the discretion of further and higher institutions and there is no guarantee that a student with prior convictions who is accepted on to a programme will be given permission to work in schools once qualified.

We would appreciate clarity on the involvement of the wide range of professionals who work in the post-compulsory (lifelong Learning) sector.

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Name: Llew Williams

Organisation: Universities and College Union

Introduction

The University and College Union (UCU Cymru) represents more than 7,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians and postgraduates in universities, colleges, prisons, adult education and training organisations across Wales.

UCU Cymru is a politically autonomous but integral part of UCU, the largest post-school union in the world: a force working for educators and education that employers and the government cannot ignore. UCU Cymru was formed on 1 June 2006 by the amalgamation of two strong partners - the Association of University Teachers (AUT) and NATFHE-the University & College Lecturers' Union - who shared a long

history of defending and advancing educators' employment and professional interests.

UCU Cymru welcomes the opportunity to respond to the Welsh Government's consultation on registering the education workforce in Wales. UCU Cymru will be responding on behalf of further education (FE) lecturers. UCU Cymru believes that the Welsh Government should consider voluntary registration in the first instance with the proposed new registration body. UCU Cymru believes this would allow the new body to take shape in its early days, and work out any issues before registration becomes compulsory. This will ensure that all lecturers are treated equally, and no lecturer would be at a disadvantage in the early days of the new body.

Concept of professionalism

UCU, and its predecessor union NATFHE, have for many years argued that professionally qualified teachers and lecturers in the FE sector should have the same professional recognition and status as school teachers. Professionalism rests on notions of trust and accountability. Professionals are trusted and given a degree of autonomy in their practice. In practice in most of the developed world, professional characteristics are now defined by the state which has become the major stakeholder in defining professionalism, which UCU Cymru believes goes against the true definition of professionalism.

UCU Cymru believes that any new professional body must work on a "for the profession, by the profession" basis. As such, UCU Cymru believes the aim of the new body should be to set and maintain professional standards. We also believe that such a body should work in partnership with Welsh Government and the relevant professional groups and employers to deliver a high quality workforce to engage with our learners.

The current definition and practice of professionalism in the teaching profession is not based on trust but on regulation and compliance.

Minimum qualifications for registration

We are concerned that the 1999 Regulation will need revision and updating as some of the qualifications it uses as a minimum level of qualifications to teach in FE are no longer offered. We would recommend that if there is a set of qualifications that are going to be a minimum level, these should be expressed as equivalences in terms of content and level as well as specific qualifications. This would also make more possible the accreditation of prior learning and qualifications.

UCU Cymru believes that lecturing is a profession, and that a practitioner is either qualified or not. UCU Cymru believes it's important

to maintain qualified and non-qualified status within the profession; we believe practitioners must undertake the relevant qualification to achieve qualified status (the same equivalent qualifications as outlined in the Act must also apply to part-time staff).

Development of a code of conduct

UCU Cymru agrees that one broad professional code of conduct would be appropriate. In addition, UCU Cymru believes that there needs to be guidance which is attached to the code of conduct on what the code means for each practitioner group that will register with the body. UCU Cymru believes this guidance should be signed off by the relevant Advisory Groups of the Council to ensure that there is a “for the profession, by the profession” approach to the code of conduct.

Prominence of disciplinary function

UCU Cymru believes that the body must place an emphasis on the registration and professional standing of lecturers in Wales. UCU Cymru believes that professionalism needs to be more prominent than the disciplinary function, as important as it is, much like other professional bodies such as the General Medical Council and the Royal College of Nursing.

Definition of disciplinary requirements

UCU Cymru is opposed to the definition of disciplinary requirements within the consultation document which we believe implies education professionals should be disciplined into good practice, which we believe to be the wrong approach. UCU Cymru believes the definition on disciplinary requirements should be the same as those that are outlined in the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.

Council and advisory group appointments

UCU Cymru agrees that Council members should be appointed using the public appointments process, subject to certain criteria. UCU Cymru believes that strategic work needs to be led by specific, strategic skill-sets and there should be membership categories that reflect these skill-sets i.e. financial, legal and so forth. UCU Cymru also believes that selected Council members must have current or recent experience of FE teaching, and that the appointments must include the Nolan principles. In addition, UCU Cymru believes that the Council must be made up of at least 51% current or recent teaching practitioners. If this is not the case, UCU Cymru will boycott membership of the new body.

UCU Cymru believes that all appointments to the advisory groups must be made through an election, through a fair, democratic process. UCU Cymru also believes that these elections should be subject to an Equality Impact Assessment, and if any of the equality strands are found

to be underrepresented, then positive action should be taken to rectify this.

As noted above, UCU Cymru believes that Council members, in our case, should have recent or current experience of FE teaching. UCU Cymru defines recent teaching experience as an individual having taught within the previous 12 months and we define current teaching experience as an individual who has at least a 70% current teaching workload. UCU Cymru believes this to be essential, for instance, for the nominated Council member for the FE Advisory Group to have the experience of being an FE lecturer.

Course accreditation

UCU Cymru would support the registration body having powers to accredit and professionally recognise relevant training courses, providing the body would be structured in the way that we have proposed. This would be a body that is run by the profession, for the profession.

Member fees

UCU Cymru, as outlined in our response to the “Proposals to amend the requirements for the registration of the education workforce in Wales”, that we are completely opposed to members paying registration fees to the professional body. UCU Cymru believes that if membership of the body becomes compulsory, then the fee must be met by the employer or the funding agency. If the government chose to place the onus on each member to support the body financially, then we expect there to be a sliding scale fee for part-time workers to reflect their income. UCU Cymru also believes that if registration of the body is compulsory and thus becomes a job requirement, then those teachers who are unemployed should receive free membership of the body. UCU Cymru further believes that the fee level should be set by the Welsh Government in consultation with the council.

Benefits to members

UCU Cymru believes the Welsh Government needs to do more to explain the benefits of the creation of such a body for FE lecturers. UCU Cymru believes there's not enough detail in the benefits to proposed members of the body and would urge the Welsh Government to outline further details of such benefits to the profession. Whilst the consultation paper notes that the body will enhance the status and credibility of the profession, we believe the Welsh Government needs to publish a more robust explanation of the actual benefits to FE lecturers in Wales.

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

UCU Cymru agrees that the Welsh Government has identified the right groups in the first instance to be registered. UCU Cymru believes that individuals who are in a learning and teaching environment i.e. the “classroom”, should be registered with the new reconstituted body. Despite this, UCU Cymru believes there needs to be further definition within future regulations of what an FE lecturer is. For instance, will the body require the registration of FE lecturers who only deliver higher education teaching, or those who work in adult community education?

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

UCU Cymru does agree that the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration is appropriate and fair.

We are concerned that the 1999 Regulation will need revision and updating as some of the qualifications it uses as a minimum level of qualifications to teach in FE are no longer offered. We would recommend that if there is a set of qualifications that are going to be a minimum level, these should be expressed as equivalences in terms of content and level as well as specific qualifications. This would also make more possible the accreditation of prior learning and qualifications.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

UCU Cymru agrees that the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions who they serve. UCU Cymru believes that the body must have a disciplinary function, but we do have concerns over the prominence of this function within these proposals. The prominence of this function varies amongst other professional bodies such as the General Medical Council (GMC) and the Royal College of Nursing (RCN).

The GMC has four main functions which are noted in the following order: keeping an up-to-date register of qualified doctors; fostering good medical practice; promoting high standards in education and training; and dealing with doctors whose fitness to practice is in doubt. The RCN places a similar prominence on disciplinary issues, where areas of activity are listed as follows: to promote the science and art of

nursing and education and training in the profession of nursing; to promote the advance of nursing as a profession; to promote the professional standing of members; and to assist members who are in need of assistance of any nature. Both bodies emphasise professionalism before any disciplinary process, and UCU Cymru believes this should be the case with the new reconstituted body in Wales.

There is no mention of an appeals process within the consultation document, and UCU Cymru believes provision for an appeal process must be placed within any future regulations.

In addition, UCU Cymru does have concerns over the proposals for the formal disciplinary hearing in stage 2 to follow a process which mirror the GTCW currently. UCU Cymru would be opposed to hearings being held in public as they currently are with the GTCW. UCU Cymru is concerned that even if members are found not guilty, they will still be seen as guilty within the public's eyes, due to negative media coverage. This in turn could affect their ability to then return to the profession. Cases should only be given publicity where the guilty findings are the outcome of the hearing.

Secondly, UCU Cymru is concerned with the length of time that the current GTCW process takes. Some cases, we understand, can take up to 18 months to reach a hearing. This length of time is unacceptable to UCU Cymru.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

UCU Cymru agrees that one broad professional code of conduct would be appropriate. In addition, UCU Cymru believes that there needs to be guidance which is attached to the code of conduct on what the code means for each practitioner group that will register with the body. UCU Cymru believes this guidance should be signed off by the relevant Advisory Groups of the Council to ensure that there is a "for the profession, by the profession" approach to the code of conduct. UCU Cymru believes that the fitness to teach panel needs to be an independent group from the Council or Advisory Group which would ensure that there is no conflict of interest in the role and be independent of the registration body, as outlined the Welsh Government's consultation document.

UCU Cymru believes this group (independent of the Council or Advisory Groups) would need to be appointed along the Nolan principles, and would need to ensure that at least 51% of the panel group are made up from the current teaching profession whose main activity is classroom

based, with other places made up by externals. This would ensure practitioner confidence within the process.

The second stage of the process should then be made up of Council members, who would make their decisions based on the recommendations from the fitness to work panel. UCU Cymru would support a disciplinary process made up in this way, as it would avoid any conflicts of interest and ensure that decisions are taken by the profession, for the profession.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

UCU Cymru agrees that Council members should be appointed using the public appointments process, subject to certain criteria. UCU Cymru believes that strategic work needs to be led by specific, strategic skill-sets and there should be membership categories that reflect these skill-sets i.e. financial, legal and so forth. UCU Cymru also believes that selected Council members must have current or recent experience of FE teaching, and that the appointments must include the Nolan principles. In addition, UCU Cymru believes that the Council must be made up of at least 51% current or recent teaching practitioners. If this is not the case, UCU Cymru will boycott membership of the new body.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

UCU Cymru believes that all appointments to the advisory groups must be made through an election, through a fair and democratic process. UCU Cymru also believes that these elections should be subject to an Equality Impact Assessment, and if any of the equality strands are found to be underrepresented, then positive action should be taken to rectify this.

As noted in question 5, UCU Cymru believes that Council members, in our case, should have current or recent experience of FE teaching. UCU Cymru defines recent teaching experience as an individual having taught within the previous 12 months and we define current teaching experience as an individual who has at least a 70% current teaching workload. UCU Cymru believes this to be essential, for instance, for the nominated Council member for the FE Advisory Group to have an experience of being an FE lecturer.

UCU Cymru believes that Trade Union appointments should be left to their own internal, democratic processes.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

UCU Cymru would support such a development, but only if it were subject to the Data Protection Act 1998.

Question 8

Do you agree that the registration body should have powers to accredit and professionally recognise relevant initial training courses?

UCU Cymru would support the registration body having powers to accredit and professionally recognise relevant training courses, providing the body would be structured in the way that we have proposed. This would be a body that is run by the profession, for the profession. If this is not the case, UCU Cymru will not be supporting the powers to accredit and professionally recognise courses.

As outlined in the Welsh Government's White paper on the Further and Higher Education (Wales) Bill 2013, they propose that the funding council (HEFCW) takes control of quality assurance in higher education in Wales. This would include initial teacher training. UCU Cymru is strongly opposed to this, and believes that it is the role of Quality Assurance Agency (QAA) as we have outlined in our response to that White paper.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

UCU Cymru believes that the body should have a role, as necessary to accredit in-service training across the sectors in key areas such as management and leadership. UCU Cymru believes there is no need to re-invent the wheel on this issue, and that any accreditation should be done in conjunction with what is currently being delivered. UCU Cymru believes that the body should review what best practice is currently available, and work in conjunction with organisations such as Leadership and Management Wales. In addition, UCU Cymru recommends the Welsh Government should look at some of the practice currently delivered by the Higher Education Academy (HEA) who kite-mark and accredit much in-house training in higher education institutions.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

UCU Cymru, as outlined in our response to the “Proposals to amend the requirements for the registration of the education workforce in Wales”, that we are completely opposed to members paying registration fees to the professional body. UCU Cymru believes that if membership of the body becomes compulsory, then the fee must be met by the employer. UCU Cymru also expects there to be a sliding scale fee for part-time workers to reflect their income.

UCU Cymru would also like to take this opportunity to remind the Welsh Government, that the Institute for Learning (IFL) in England, up until April 2011, received a grant from the relevant department equal to the membership fee for the number of people who were registered with the IFL.

UCU Cymru also believes that if registration of the body is compulsory and thus becomes a job requirement, then those teachers who are unemployed should receive free membership of the body.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

UCU Cymru doesn't believe that the reconstituted body should be left to determine the appropriate fee. UCU Cymru believes this could lead to a situation where an over inflated fee is charged to members to cover activities that are sometimes not relevant to the work of the body. Instead, UCU Cymru believes the Welsh Government should hold the power as to how much of a fee it should charge to members for registration. UCU Cymru believes that the reconstituted body should play an advisory role to the Welsh Government over the amount of funding it believes it requires to undertake its work; this would contribute to the discussion over an appropriate fee.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

UCU Cymru would like to make reference to specific issues that have not been addressed in this consultation response.

Aim of the body

UCU Cymru believes the aims of the professional body must be as outlined in paragraph four on page 1 of the consultation document, which reads as:

“a professional body that sets and maintains professional standards, and so retains public confidence.”

This is further explained in the first paragraph on page 6, which reads as:

“... that such a body works in partnership with the Welsh Government and the relevant professional groups and employers to deliver a high quality workforce to engage with our learner in Wales.”

UCU Cymru believes that these must be the aims of the body, and not the aim outlined in the first paragraph on page 4, which reads as:

“The core function of the registration body should be to act in the interests of the education system and public in Wales to register and determine the fitness to practice of education practitioners and so to contribute to high standards of practice and the safeguarding of children and students.”

UCU Cymru believes this aim is inappropriate for a professional body, and that the quotes already highlighted should form the aim of the body. The issues that are noted on page 4 should form the functions which lie behind this main aim, to help the body achieve its aim.

Definition of disciplinary requirements

UCU Cymru is opposed to the definition as outlined in paragraph six on page 8, which reads as:

“The disciplinary process is an important aspect of the registration requirement and enhances public confidence in the education profession and ensures that individuals maintain a minimum standard of professional conduct.”

UCU Cymru believes this statement implies that education professionals should be disciplined into good practice, which we believe is entirely the wrong approach to professionalism.

Complaints referral process

it is not clear how a complaint will be referred to the fitness to work stage of the disciplinary process. Whilst the consultation paper notes that an employer will have a duty to report any conduct of an individual who has potentially broken the code of conduct, there is no mention of members of the public being able to make any complaints. There is also no mention of the actual process of making a complaint, even by the employer. This must be clarified before any regulation is created.

Appointment of case officer

In paragraph five on page 9, the Welsh Government notes that “one case officer will be a lay person independent of the registration body”. There is no detail within the consultation as to what criteria will be applied in the appointment of these lay individuals. UCU Cymru believes that these lay people must be chosen by the Advisory Groups, as they will need to put their trust into these individuals on behalf of the profession.

Establishing a code of conduct

UCU Cymru welcomes the establishment of a code of conduct and we would need to be consulted fully on any drafts of a code of conduct for education professionals.

Advisory Group governance

As outlined in question 4, UCU Cymru strongly believes that individuals to the advisory groups must be elected, rather than nominated. UCU Cymru agrees with the Welsh Government that the group should comprise of between 15-20 members.

Benefits to members

UCU Cymru believes the Welsh Government needs to do more to explain the benefits of the creation of such a body for FE lecturers. UCU Cymru believes there's not enough detail in the benefits to proposed members of the body and would urge the Welsh Government to outline further details of such benefits to the profession. Whilst the consultation paper notes that the body will enhance the status and credibility of the profession, we believe the Welsh Government needs to publish a more robust explanation of the actual benefits to FE lecturers in Wales.

31

Name: Karen Morris

Organisation: University of Wales, Newport

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

We agree that the obligation to register should be extended to FE teachers, learning support assistants, unqualified teachers, work-based learning tutors and youth workers. There is some concern that there is

no recognition of others who teach in the wide range of post-compulsory settings.

We agree that those who undertake supporting roles (for example administrative staff) should not be required to register.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

We agree in principle that collection of data could be useful to inform decisions about workforce planning, professional development frameworks and minimum standards for each group. However the consultation document does not specify what the data sets would be so it is difficult to respond exactly to this question.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

We agree that a two stage process, depending on the severity of the circumstances, will help to reassure and will be an efficient procedure.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

We agree that there are common areas which should be included in a code of conduct for all those who would register. There may be issues of interpretation for different contexts and fitness to practise.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

We agree that the public appointments principles and processes should be used and welcome the statement that 'the council comprises a balance of strategic abilities, skills and experience to match its functions'. This will be necessary given the wider scope of responsibilities.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

We agree that input from advisory groups, chaired by sector representatives in the council, will help to ensure that the needs of different groups are met. We would like further detail on the proposed activities of the advisory groups.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

As for Q2, there needs to be clarity in the nature of the data to be collected. However, it is certainly agreed that streamlining of data collection is desirable.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

There is sense in a closer link between requirements for initial teacher training and continuing professional development so that the process is seen as a continuum. We would like further discussions about the phrase 'powers to accredit and professionally recognise' and how this may be implemented. There needs to be careful consideration of the use of the term 'professional' and how it is recognised and applied within the workforce at all levels.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

As in Q8, the continuity between initial and subsequent professional development is desirable. However, we would need further detail on accreditation proposals to comment fully here.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

We agree that the fee differential is fair and based on different salary levels of the groups. 'Value for money' will only become evident when details of benefits become clear to the different groups.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

We agree that the reconstituted body should make this decision.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

As stated in the response to Q1, we would appreciate clarity on the involvement of the wide range of professionals who work in the post-compulsory (lifelong Learning) sector.

32

Name: Eirian Evans

Organisation: Wales Principal Youth Officers' Group (PYOG)

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

The Wales PYOG considers the 4 groups identified in the consultation to be the appropriate groups for consideration. Apart from the unqualified teachers and school based teaching and learning assistants, the groups identified reflect those for which the Learning & Skills Improvement Service (LSIS) currently has responsibility for across Wales and the wider UK as the relevant Sector Skills organisation (SSO). In this regard, we'd suggest that the platform which is the LSIS Country Panel be an important conduit for moving the registration process forward. From a youth work perspective and reflecting the PYOG response to phase one of the consultation, the PYOG is pleased to see the commitment that the WG will work with stakeholders and representative bodies in defining these roles, which is the crucial first step. As pointed out previously, youth work has the added complexity in this respect in the shape of a large contingent of volunteers and part-time workers, which will require some consideration, though the proposal to initially bring only professional youth workers in scope will aid this process.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

The PYOG supports this approach to a point.

The Minister suggested recently (19th June) that youth workers who have gained recognition through a higher education establishment will be required to register. Whilst the PYOG supports this approach, there are competencies other than academia which are required to be a good youth worker and need to be recognised in registration e.g. a youth worker could be academically gifted but not necessarily have the appropriate skills to engage with young people.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

The PYOG is content with the proposal for a 2 stage process.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

There are numerous codes of conduct in place across the sector, some of which are more bespoke to particular areas of work than others. However, no code of conduct is worth the paper it's written on without a structure underpinning it with sanctions should such a code be abused.

Though potentially problematic due to specific demands of different professions (and for this reason possibly unworkable), by introducing one code underpinned by this new organisation, in principle this will provide a mechanism for consistency in judgements as well as offer a platform for professionals, parents and young people to more clearly understand core responsibilities of the workforce when engaging with children & young people.

As previously identified, the recent work carried out by the Care Council on the Children & Young People's Workforce Development Network could provide a platform for developing such a code of conduct, should this be deemed the most appropriate way forward.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Providing that individuals appointed have some standing in their relevant sector, this process is acceptable.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

This would seem a fair and representative method of nomination.

However, rather than propose/agree on a specific number of members of advisory groups, the PYOG would like to suggest that this be more proportionate to the number of workers registered in each part of the registration body e.g. 15-20 might appear proportionate for the teaching/F.E. sectors but perhaps not for youth work.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Provided data is collected which is relevant to the sector and to the processes of the registration body, is maintained and managed effectively and is used anonymously.

There would also need to be a process of validation and verification. As is recognised in the consultation document, the WG compiles data on the local authority Youth Service on an annual basis. However, this is aggregated (not individual) data. Though this proposal is different in its focus, the demands of this proposal would need to be considered in this context and every effort made to avoid duplication around the workforce element of the Youth Service Audit. The PYOG would also encourage WG to enter into dialogue as soon as possible around these proposals as there are other workforce data collection exercises taking place in the sector.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Under current arrangements in youth work (also Play and Community Work), these are functions which the Education Training Standards (ETS) body carries out on behalf of the JNC. This is a process which is working well and which is carried out with representatives from the

Youth Service as members of the ETS and with the full sanction and support of the sector.

The PYOG would not wish to see these responsibilities removed and would recommend that the ETS continues this role as part of a wider framework which is being discussed in this consultation.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Areas such as leadership and management are more generic functions than that posed in the previous question, which is related more directly to specific roles within the education workforce. In this regard, there could be scope for the body to take on such a role.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

As suggested in the PYOG response to the first phase of this consultation, it would be preferable to adopt a salary related fee structure. Consideration also needs to be made to volunteers and how they become members – will paid up members cover their membership or would it be expected that volunteers also pay for membership? This latter option may create issues of recruitment as the prospect may repel some prospective volunteers.

Might it be an option to link fees with initial training courses?

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Please see previous answer.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

No comments.

Name: Daisy Seabourne

Organisation: Welsh Local Government Association (WLGA)

The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.

It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

The Welsh Local Government Association welcomes the opportunity to respond to the Welsh Government's second phase of consultation on proposals to amend the requirements for the registration of the education workforce in Wales. The response has been written in partnership with the Association of Directors of Education in Wales (ADEW).

The WLGA and ADEW agree that over the last ten years there has been a rapid change in the make-up of the wider education workforce in Wales. This is partly due to the introduction of initiatives such as the Foundation Phase, which have resulted in support staff, other than teachers having a significant input into the education of children and young people. Changes to the curriculum for 14 – 19 year olds has also meant an increase in collaboration between educational institutions which has highlighted the differences in the registration and regulation of the staff concerned.

The National Implementation Plan for school improvement in Wales has set ambitious targets for schools and local authorities and in order to achieve these aspirations to whole system will have to work coherently. Both Associations agree that the contribution of the wider educational workforce to the overall aims of the education system in Wales is crucial if the targets in the Plan are to be met. This can only be achieved if there is a highly qualified, appropriately trained and professional workforce in Wales.

In the response submitted in March 2012 to the previous consultation on the broad principles of registration the wider workforce in Wales, the WLGA and ADEW outlined a number of areas which would benefit from further discussion; these are outlined below.

The Scope of Registration

The consultation document states that teachers will continue to be registered and in addition registration will extend to further education teachers and learning support staff, work based learning tutors and support staff, youth workers and unqualified teachers and school based teaching and learning assistants. The WLGA is aware that there is support amongst youth workers for the principle registration and the professional status that will thereby be conferred on to youth work as a result. Youth work is generally regarded as a profession in its own right and formal registration in this way will result in benefits for the sector.

In previous discussions with representatives of school support staff and other non-teaching staff within the education sector it is evident that they are unclear about the benefits to them as individuals and as a sector of the workforce. The consultation document could be strengthened by a clearer outline of these benefits and what the changes would mean to this sector of the workforce.

If registration is to proceed as outlined in the consultation document, then channels of communication need to be opened with the relevant sectors of the workforce which allow them to have meaningful input and address the issues that are unique to their sector. It is essential, therefore, that in relation to youth work there is open dialogue with representatives of sector to ensure that the system meets their needs. In relation to school based unqualified teachers and teaching and learning assistants then a clear case needs to be made to them explaining the need and purpose of registration, and which also outlines the benefits that it will bring to them as individuals and as part of the wider education workforce. Local government, as the employers of the majority of the relevant staff, are keen to assist Welsh Government in ensuring that effective communication is carried out with the appropriate parts of the workforce.

Financial Considerations

A further area that would benefit from further discussion concerns the cost of the proposals that will result in a newly created agency taking on an extended role in registering the wider education workforce and having involvement in the setting of standards, codes of conduct and training. The public sector is under significant financial pressure at this time and consideration should be given to the added value that the newly created agency will bring to the education sector in Wales and the contribution it will make to the priorities as outlined in the National Implementation Plan.

The consultation document states that funding for the operational running of the organisation will come from the registration fee levied. Local government is committed to the view that funding should be focused on direct service delivery and on adding value to the system. The consultation document also proposes that the wider education workforce would be required to pay a fee for registration and an indication of the fees is usefully outlined. There is still some ambiguity as to how these fees will be paid. Currently teachers have an arrangement whereby a proportion of the cost of registration is included as part of their pay and conditions with any shortfall being made up by teachers. It is not clear from the consultation document whether this arrangement will be extended to other members of the educational workforce or whether the existing arrangements for teachers going to be changed. If the current arrangement remains for teachers but is not extended to the wider workforce then the situation may arise where teaching assistants are paying their full registration fee whilst teachers will be partially subsidised. WLGA and ADEW would be keen to engage with Welsh Government and other relevant partners, such as Colleges Wales to discuss these issues.

Training and Standards

The practical implications of setting the proposed new agency, particularly in relation to the role in training and the setting of standards for the wider education workforce would also be an area that WLGA and ADEW would be keen to discuss. The consultation document states that the proposed organisation would oversee a single code of conduct for the entire workforce and have role in a number of other areas including

standards of teaching, professional standards, career development, recruitment and workforce planning.

There have been attempts in recent years to produce an overarching code of conduct and standards for the education workforce in Wales. This task has proved to be extremely challenging. If a generic code or standards were developed to cover the whole of the education workforce then it would need to adequately reflect the specific and diverse needs of different parts of the sector. Local government would like to work with the new agency and Welsh Government to develop a code and or standards if this proposal is taken forward.

Local government would also suggest that further discussion should take place regarding the role of the proposed agency in relation to training for the sector. Training is a key factor in the development of the workforce in Wales and if the system as a whole is going to improve to meet the ambitious targets in the National Implementation Plan then training for teachers, teaching support staff and the wider workforce needs to be appropriate and coordinated. There are already training packages and programmes in place across the sector, for example an extensive training programme for the Foundation Phase. It is essential that training programmes for different sectors are appropriate to that sector and retain coherence through career progression. If the proposed new agency were to have an input into training then the role and remit of the new organisation would need to be very clearly defined in order to maintain a sector appropriate and coherent system of training.

The proposed registration body will also have a role in the accreditation of training and courses. There are already bodies, such as the ETS, who fulfil this role. The new body would again need to be clear about what its role and remit would be in relation to accreditation to avoid any duplication.

Conclusion

In conclusion, WLGA and ADEW would like to seek further discussion with the Welsh Government and other partners, such as the GTCW and Colleges Wales to ensure that the proposed registration system represents value for money and meets the needs of the diverse sectors within the wider education workforce in Wales.

Name: Colin Roberts

Organisation: Ysgol Pendref

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Yes but all groups have to become more accountable to ne another through a thorough and realistic initiative like this. Bringing us together like the GTCW is great.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

I think so as long as collecting the information doesn't take prolonged periods of time.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

Yes but it's also a great pity that there is an assumption for a lack of discipline within professions. We need to have measures in place.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Yes – one clear, easy to understand set of rules, regulations and standards would be valuable.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

Yes for transparency.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

Yes.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

If it was going to make our whole system to clarity better I would say yes.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes – these provide vital information and are professionally useful.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Yes – this is a very good idea – especially if an advisory role could be made for teachers to gather important information for their careers.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Yes.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes it makes sense to do this.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

The need for transparency and understanding is vital.

What about ideas re funding resources for teachers and schools? This could be tied to need and experience.

Name: Sue Davies

Question 1

Do you consider that we have identified the right groups in the first instance to be registered?

Yes I think it is important that all personnel who work with children are subject to registration and consequently to some sort of sanction if they do not follow the code of conduct.

At present if a teacher is asked to leave a post or is sacked their case will be referred to the GTCW and if the code of conduct has been broken a sanction can be imposed by the GTCW but if the person concerned is an LSA they can move onto another role without fear of a sanction/ I know of one case where the person whose contract was revoked during their probationary period of employment went on to secure another role in another school by using an alternative referee.

They had in one instance put derogatory comments about the pupils they were working with on facebook. Had this been a teacher then there might have been a case to answer.

Question 2

Is the proposal to collect all data on the workforce including qualifications in the first instance before identifying the minimum requirements for registration, appropriate and fair?

I can see why it might be useful as it will provide an audit of who is employed to work with children and what their qualifications are. It will offer an insight into range and quality. However, at some point we should be making a decision about what the minimum qualifications should be that would allow us to be sure that our children are well supported or well taught.

This is important at a time when we are expecting NQT's to go on and complete a Masters degree – if we do not ensure that others in contact with children are well qualified we could be accused of not having a consistent policy and approach to raising standards.

Question 3

Do you believe the arrangements for a two-staged approach within the disciplinary process will instil confidence in the professions and to the parents/carers, children and young people who they serve?

I believe that the system we have in place now is a good one. The investigation and hearing process allows the GTCW to act as a gate-keeper and ensure that serious cases are brought to a hearing. I think there is already confidence in the system.

It is absolutely vital that we retain a system that allows for teachers who fail to comply with the code of conduct, are incompetent or a danger to children are brought to account. It is also vital that we keep a register of anyone who has been given a sanction by the council.

Question 4

Do you believe that one professional code of conduct and practice could be developed across the relevant sectors taking account of their roles and responsibilities?

Yes it is imperative that all people who work with children realise that they have a standard to uphold and that this standard should not just apply to a teacher in the classroom but to anyone who works with children.

Question 5

Do you agree that the council members should be appointed using the public appointments process?

I think that some members could be elected in this way but also believe that the teaching profession as a whole should be able to vote for teachers etc who have put themselves forward for the council. I do not believe that having just representatives of organisations is sufficient as some people do not belong to trade unions etc but may rightly feel that they have something to offer the council.

Question 6

Do you agree that the advisory group members should be appointed by nomination by specified organisations and chaired by one of the relevant sector representatives from the council to ensure formal link between decision making council and the advisory groups?

No see above.

Question 7

We intend to collect data at an individual level in a manner that would support multiple uses, in order to streamline data collection and improve quality and flexibility. Would you support such a development?

Yes.

Question 8

Do you agree that the registration body should have powers to and accredit and professionally recognise relevant initial training courses?

Yes.

Question 9

Should the body also have a role as necessary to accredit in-service training across the sectors in key areas such as management and leadership?

Possibly I would wish to see more detail on this. I am not sure how this would work and why they would be able to do this more-so than another body. It might be that they were one of a number of bodies who were able to accredit in-service training.

Question 10

Do the indicative fee levels represent a fair differential between the different groups to be registered and offer value for money for the professional regulation offered?

Yes.

Question 11

Do you agree that the reconstituted body should be left to determine the appropriate levels of differentiated fees for different groups of registrants thus enabling it to exercise independence and discretion in undertaking its work programme?

Yes.

Question 12

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

I believe that the teaching profession must be a registered one and that the GTCW has done a very important job in producing the code of conduct, advising WG on important educational pedagogy and finally in acting as a gate-keeper through its registration and disciplinary functions. I am dismayed that England disbanded its own GTC and feel that they have also devalued the teaching profession in England as well as failed the public in the way that they now run their own disciplinary systems. I would be horrified if this happened in Wales.

Name: Melanie Rowland

I am writing to lodge my concerns over a register for LSA's and support staff. Whilst I have no objection to a formal registrative body for support staff, given the relatively low wages we receive (pro rata for a lv 1 LSA in Pembrokeshire works out at below minimum wage) I would

object to this being on the same basis as teachers whereby we would pay to be registered. I trust this is satisfactory and would advise that i have no problem with being contacted for further input.

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Name: Michelle Simmons

We are writing to raise our concerns in connection with the above, we understand the reasoning behind the decision, however as you are no doubt aware the wages of the LSA are extremely poor for the work we do, so if you want to enforce us to sign a register you should fund the costs or increase our wages accordingly.
