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## Consultation – summary of responses

# Proposals for registration of the education workforce in Wales

Date of issue: December 2012

# Proposals for registration of the education workforce in Wales

<b>Audience</b>	All bodies involved in the education fields, including employment agencies, local authorities, youth and play workers, education training providers and awarding bodies.
<b>Overview</b>	This document provides a summary of responses and feedback about the consultation on the proposals for registration of the education workforce in Wales.
<b>Action required</b>	None – for information only.
<b>Further information</b>	Enquiries about this document should be directed to: Nathan Huish School Standards and Delivery Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 3039 e-mail: <a href="mailto:practicereviewanddevelopment@wales.gsi.gov.uk">practicereviewanddevelopment@wales.gsi.gov.uk</a>
<b>Additional copies</b>	The consultation documents can be accessed from the Welsh Government's website at <a href="http://www.wales.gov.uk/consultations">www.wales.gov.uk/consultations</a>

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## Background

In February 2011, the Minister for Education and Skills Leighton Andrews AM, set out his agenda, through his twenty point action plan for education in Wales, to raise standards and narrow the current attainment gap.

To deliver this agenda the Minister has made it clear that there is a need to ensure that the education workforce, from foundation phase through to 14-19 works together as a single coherent group of professionals working cooperatively to improve educational standards and attainment for the people of Wales.

In December 2011 the Minister launched a consultation that set out a proposal to widen the current requirement for teachers to register with a professional body, to cover a wider sector which will include Further Education teachers and learning support staff , Work Based Learning staff, unqualified teachers, Youth workers and school Learning Support Staff.

On 10 September 2012 the Minister published a further consultation providing details on:

- the professions who will be required to register;
- the development of a common code of conduct for the professions identified;
- how the registration body will operate including its management, working groups and disciplinary processes;
- how data will be collected and the intention to share it on an anonymous basis with employers to assist workforce planning;
- the role of the body in ensuring that initial training and continued professional development is of the highest quality; and
- a suggested range of annual fees that individuals would need to pay.

However, before the Minister can achieve this primary legislation is required and these proposals will be brought forward in the Education (Wales) Bill.

## Consultation

The consultation was circulated across a number of key sectors using a range of networks and included publication in the Dysg newsletters. Some of these key stakeholders also held events to discuss their collective responses to the consultation.

47 written responses to the consultation were received.

The responses were received from the following sectors

<b>Respondent</b>	<b>Number of responses</b>
Awarding Bodies	4
Teacher Unions	7
Local Authorities	4
Schools Colleges and Universities	12
Education Training Providers	1
National Organisations and Charities	13
Youth and Play Workers	3
Miscellaneous	3
<b>Total</b>	<b>47</b>

This document sets out the result of the consultation structured around the responses to each question. It does not aim to capture every point raised by respondents, but rather highlights the key issues and themes. A full list of respondents along with responses can be seen at Annex A.

## Summary

### Question 1

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

Of the 47 respondents, 77% generally agreed that on the whole the groups identified in the consultation were the correct ones and 2% did not believe that there was need to extend registration beyond school teachers. The remaining 21% either were unsure of this question or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following:

- All personnel who work with children should be subject to registration and consequently to some sort of sanction if they do not follow the code of conduct.
- It is essential that the education workforce is clearly defined. Further clarification is needed on exactly which staff, within these groups, are to be registered.
- Care needs to be taken when defining the groups who will be required to register so it does not deter those with the necessary industrial experience from working in the FE or WBL sector.
- Those respondents who have staff who were assessing and verifying learning believed that they should be required if they were working in the relevant sectors to register.
- Care must be taken not to undermine the professional status of teachers because of the aim to widen the registration requirement.
- Some respondents made reference to those working in the independent school sector needed to be registered.
- Many respondents felt that a requirement to register would bring with it a recognition of their role in learning and give them a level of professionalism.
- Youth workers do not fit neatly with the other groups listed in the consultation given that they are not fundamentally involved in teaching or supporting teaching and some respondents felt that it was not appropriate for them to be registered.
- Respondents also sought further advice on whether those delivering higher education teaching or those working in adult community education would be required to register.
- Registration should take place on a staged basis so to ensure that the process is well embedded for each group.
- Play workers should also be registered as they contribute to learning in Wales.

- It may also be appropriate to include adult and community learning teaching and support staff as a separate category.
- Most respondents agreed that staff who provide administrative support should not be registered in the first instance.
- Some respondents questioned how staff that only work on an occasional basis should be treated in terms of the registration requirements.

## 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?

Of the 47 respondents, 68% agreed in principal that collection of data before identifying the minimum requirements for registration, was fair and 6% were opposed to this proposal and would expect to be consulted fully on the nature and extent of the data to be collected. The remaining 26% either had reservations to this question or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- Long serving professionals have gained a wealth of experience and do not hold so many qualifications, these staff are invaluable and should be given the option/opportunity to 'work towards' qualification and minimum requirement for registration.
- 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 language. speaking and working skills are paramount.
- Groups such as youth worker could be academically gifted but not necessarily have the appropriate skills to engage with young people.
- Collecting data against individuals may make the workforce feel exposed and vulnerable. A little more clarification about how the data will be collected and used may well appease the wider workforce.
- Individuals who share data need to know how it would be shared and who it would be shared with.
- During the implementation phase, it would be preferable for the current suitability checks on teachers to be continued while building the process for the other groups until such time as clear definitions can be put in place.
- Some respondents felt that this was an opportunity to reduce the number of times, data was collected for various workforce planning requirements and that a comprehensive set of data could be shared (subject to data protection issues) supporting activities within a range of bodies including the Welsh Government and Local Government.



### 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?

Of the 47 respondents, 52% agreed that a two-staged approach would instil confidence in the profession. The remaining 48% either had concerns with this approach or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- The system the GTCW already has in place should be retained because this allows for teachers who fail to comply with the code of conduct, or are incompetent or a danger to children are brought to account.
- 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.
- 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.
- Further guidance on the two-stage approach would be welcomed.
- The phrase 'fitness to practise' needs to be defined in the Bill so that it is not confused with health factors.
- A process that is transparent and fair as well as having the reputation of being well executed is what instils confidence.
- 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.
- There needs to be clarity about how the appeals process would work.
- The staged approach was seen as reasonable by some respondents so it could judge the potential breaches of the code.
- Some respondents were concerned that hearing should not be made public until a decision had been made in relation to the allegations.

## 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?

Of the 47 respondents, 49% agreed in principal that one professional code of conduct across the relevant sectors would be appropriate and 6% were opposed to this proposal because the education workforce is so diverse. The remaining 45% either showed concerns on how this would be possible or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- All people who work with children should 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.
- There might be specific requirements relating to the identified groups that would need to be included.
- A single Code that applies 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.
- There are common areas which should be included in a code of conduct for all those who would register, however, there may be issues of interpretation for different contexts and fitness to practise.
- Introducing one code underpinned by a new organisation, will introduce 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.
- It is important that the all those to whom the code will apply are involved in its development. There was also a suggestion from some that the code should be reviewed earlier than the 5 year so it can be amended quickly if required.

## Question 5

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

Of the 47 respondents, 64% agreed that council members should be appointed via the public appointment process and 11% were opposed recommending that they should be elected. The remaining 25% either had concerns around the public appointment process or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- The teaching profession as a whole should be able to vote for teachers etc who have put themselves forward for the council. Having just representatives of organisations is not sufficient as some people do not belong to trade unions etc but may rightly feel that they have something to offer the council.
- Having the correct representatives in equal measure is paramount in ensuring policy and decision making is appropriate and fair.
- A professional body for education professionals which is clearly and demonstrably independent and democratically accountable to those it represents.
- It is important to address the composition of the board in relation to size, the skills set, experience and language requirements needed. Some respondents sought reassurances to the proportional representation from each sector.

## 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?

Of the 47 respondents, 64% agreed that members should be appointed by nominations and that groups should be chaired by relevant sector representatives and 6% were opposed to this proposal. The remaining 30% either had concerns surrounding how group members were appointed or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- Members of advisory groups should be more proportionate to the number of workers registered in each part of the registration body.
- Members should be appointed for a three year cycle for continuity and there should also be a nominated reserve in each sector.
- Further clarification and detail is needed on this proposal.
- To give a true representation of all sectors appointments should be via application rather than nomination.
- 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.
- The body should have representation from a wide range of stakeholders and not just representatives from the various sectors within education.
- All appointments to the advisory groups must be made through an election, through a fair and democratic 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?

Of the 47 respondents, 70% supported the proposal to collect data at an individual level providing that it was not a burdensome exercise for those supplying the information and that all data protection standards are met. 2% were opposed to this proposal and again wanted to be consulted on the kind of data collected and its uses. The remaining 28% either welcomed more details and clarification around the use of the data before making comments or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- This would 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.
- Appropriate data protection arrangements need to be in place, including protocols on the publication of data and data analysis, so that individuals cannot be identified.
- 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.
- There is no legal duty on teachers to supply or update certain personal information.
- Some respondents also expressed the view that this data could support more targeted CPD activity because exact numbers of the professions including subject/topic areas being delivered would be available to help planning and costing.
- In one response it had been identified that FE colleges collected over 40 pieces of data related to an individual and where possible it might be possible to collect this via the registration body.
- Workforce planning would undoubtedly be enhanced by the ability of the reconfigured registration body to draw on a rich source of data.

## Question 8

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

Of the 47 respondents, 53% generally agreed that the registration body should have powers to recognise relevant initial training courses and 15% believed that the power to accredit goes one step too far and that the new body should only concentrate on registration. The remaining 32% either welcomed more details and clarification on the proposal or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- Awarding Organisations such as the Education Training Standards already undertake these functions and the process works well, the Welsh Government should avoid duplicating work.
- Providing a regulatory body with powers of accreditation for initial training courses could constitute a conflict of interest.
- This could be a positive move forward but only if this was done in partnership with Initial Teacher Education and Training (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?

Of the 47 respondents, 38% generally agreed that the body should have a role to accredit in-service training as long as it was not bureaucratic or burdensome, 17% were opposed to this proposal. The remaining 45% either welcomed more detail and clarification around the proposal or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- The Awarding Organisations have this remit already and the body should look to work with these and not duplicate the work.
- 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.
- 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.
- There is a risk that this function would serve as a distraction to the body from its primary purpose functions.
- 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.
- Quality marking of individual organisations courses and CPD could be seen as positive.

## 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?

Of the 47 respondents, 28% agreed that the fee levels represented a fair differentiation between the groups and offered value for money. 15% did not agree it was fair or that members should pay a registration fee. The remaining 57% either showed concerns with the level of the differentiated fee or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- Is the rate the same for teachers who work different contract lengths?
- The fee levels do not appear to reflect the salary ranges of the groups and reflect the span of salaries.
- Value for money will only become evident when details of benefits become clear to the different groups.
- Further information and clarity on the definition of the groups who are being considered for registration is required.
- A flat rate fee across all sectors promotes “parity”.
- 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.
- There was a difference of opinion from respondents who commented in relation to who should pay the registration fee. Their views related from the payment being made by the individual or the employer.



## 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?

Of the 47 respondents, 49% agreed that the reconstituted body should be left to determine the appropriate fee level, however, the majority that agree also felt that the body should consult before setting a fee. 13% opposed this proposal and felt that the Government should be able to keep their veto. The remaining 38% of response either disagreed with the question or did not give a definitive answer.

The respondents that made comments to this question identified a range of issues which included the following.

- Fee level should be based on advice from national pay agreements.
- The body should not be able to increase fees without consultation with the sectors.
- Welsh Minister's should retain the power of veto over any fee increase.

## **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 significant responses were received in connection with this question. The responses that were received were generally supportive of the idea of registering the wider education workforce. However, it was felt that more clarification was needed on the suggested proposals in this consultation.