

Proposals to amend the requirements for registration of the education workforce in Wales

Consultation Response Form

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Responses should be returned by 30 March 2012 to:

Learning Improvement and Professional Development Division
Department for Education and Skills
Welsh Government
Cathays Park
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or completed electronically and sent to:

practicereviewanddevelopment@wales.gsi.gov.uk

(please enter 'Registration consultation' in the subject matter box).

Introduction

ColegauCymru represents the 18 further education (FE) FE colleges and two FE institutions in Wales¹. In 2012/13, provisional funding allocations of £312m to FE colleges have been announced by the Welsh Government.² Colleges employ around 13,500 staff (see answer to question 1 below).

Colleges have responded positively to the Welsh Government's Transformation agenda. A number of mergers have taken place and others are planned. This will lead to fewer but larger colleges by 2014/15. At least three colleges will have turnovers of between £50m - £70m, employing between them over one-third of the FE workforce.

Colleges employ a wide range of staff who have direct contact with learners. Staff may be in full-time or fractional posts or on part-time contracts. They may be employed permanently or on fixed term contracts.

¹ In this paper the term 'FE college' or 'College' is used to cover the 18 FE colleges and the two FE institutions

² Letter headed *Further Education (FE) Funding 2012/13*, sent to college principals from Andrew Clark, Welsh Government, 24 January 2012

FE colleges are responsible for setting their own standards of performance and planning the professional development of their staff. There are no central funds available to support training.

Teacher training teams in colleges across Wales deliver a range of professional qualifications which underpin the practice of lecturers, tutors, instructors, trainers, workshop supervisors and assessors. These include:

- Certificate, Post-Graduate Certificate and Professional Certificate in Post-Compulsory Education and Training
- Assessor and Quality Awards
- Certificate in Learning Coaching.

Since 2002, it has been a statutory requirement that those employed as a relevant teacher under the Further Education Teachers' Qualifications (Wales) Regulations 2002 hold a Certificate in Education or a Stage 3 FE Teaching Qualification or equivalent.

Teacher training teams in FE colleges, in partnership with universities, deliver in-service post-compulsory teacher training courses to new and prospective teachers, tutors and trainers. All courses delivered in Wales meet the overarching standards for teachers, tutors and trainers in the lifelong learning sector in Wales and were validated by the Standards Verification (UK) to the Lifelong Learning UK (LLUK) overarching professional standards. LLUK was the sector skills council (SSC) that covered FE and work-based learning, but ceased to exist after 1 April 2011. Some of its functions transferred to the Institute for Learning (IfL) and the Learning and Skills Improvement Service (LSIS). Both of these are based in England and have no responsibilities in Wales. IfL or LSIS are not SSCs and the coverage of the LLUK footprint remains under review.

Many teacher training teams also deliver the Learning Coach Wales programmes to learning coaches who work cross-sector in schools, colleges and in work-based learning (WBL) settings. They are also involved in the delivery of the Assessor Quality Awards, the qualifications which underpin the work of assessors.

There are important differences between schools and FE colleges, which need to be recognised in discussions about the setting up of a professional body. The governing bodies of FE colleges employ their staff and have legal responsibility for their pay, conditions and performance and ensuring that they hold appropriate qualifications under the FE Teaching Qualifications (Wales) and Regulations 2002. Unlike school teachers in Wales and FE staff in England, FE staff in Wales are not subject to the requirements to register with a professional body, and in many instances, it is not mandatory to undertake continuous professional development.

Schoolteachers and teaching assistants are employed by local education authorities but work in schools which have delegated powers over staffing and budgets.

This response to the proposal to amend the requirements for registration of the education workforce in Wales has been drawn up after consultation with principals and other senior managers and with the Teacher Training Network, comprising teacher trainers in all FE colleges in Wales.

Question 1

Do you agree that registration should be extended beyond school teachers to the wider education workforce in Wales, to include school learning support staff, further education lecturers and the work-based learning workforce?

ColegauCymru accepts that registration should be extended to include further education lecturers and the work-based learning workforce.

Welsh Government (WG) statistics showed that in 2008/09 colleges employed 13,565 members of staff, of which 6,030 were full-time and 7,535 part-time. There were 9,055 contracts for teaching staff.³ WG statistics for 2009/10 are not comparable as they focus not on the number of staff (headcount) but on full-time equivalent (fte) staff. In 2009/10 5,100 fte staff were 'employed in teaching and learning departments'.⁴

WG statistics covering 2007/08 gave a more detailed breakdown of teaching staff by type of contract and mode of contract, set out in the Table below.

Table: Teaching staff by type of contract and mode of employment 2007/08⁵

	Full-time	Contracts	Part-time	contracts	Total	
	No	%	No	%	No	%
Permanent	2,480	87	2,035	31	4,515	49
Fixed term	235	8	2,900	45	3,135	34
Hourly paid/casual	125	4	1,530	24	1,655	18
Total	2,840		6,460		9,305	

Of the 9,305 teaching staff contracts, almost 70% were part-time and just under one half were permanent, reflecting the pattern of courses that changes annually in response to local demand. Interestingly this proportion mirrors the type of enrolment in FE where around 70% of learners attend part-time,

³ Staff at Further Education Institutions in Wales 2008/09 SDR 130/2010 Statistics for Wales First Release 26 Aug 2010. These figures exclude Merthyr Tydfil College which is merged with the University of Glamorgan.

⁴ Staff at Further Education Institutions in Wales 2008/09 SDR 122/2011 Statistics for Wales First Release 21 July 2011

⁵ Staff at Further Education Institutions in Wales 2007/08 SDR 121/2009 Statistics for Wales First Release 19 Aug 2009

The Welsh Government has suspended the collection of data on FE college staff. This makes it difficult to identify trends. The proposed registration body would be able to publish data on FE staff regularly and in a more consistent way than has been the practice recently. This would help with planning more focused teacher training programmes aimed at providing teachers for under-represented parts of the FE sector.

Staff involved in teaching and instruction in colleges vary widely. They may be managers, lecturers, tutors, instructors, trainers, training advisers, workshop supervisors and assessors, often in hybrid posts. All those involved in the delivery of learning should be included in a new registration body.

The level of qualification varies between categories of FE staff. The qualifications required for teaching in FE are set out in some detail in the introductory remarks and in response to question 10 below. Agreed professional standards for teachers, tutors and trainers are in place in the lifelong learning sector in Wales but as yet there is no qualifications framework in respect to the training of these staff.

A new registration body must recognise that there are many part-time hourly paid lecturers in further education and that colleges employ specialists (such as local solicitors or accountants) as occasional lecturers.

At present, ColegauCymru is negotiating a common contract for staff with the joint trade unions. A successful conclusion to these negotiations would make membership of an education registration body more relevant.

Question 2

Do you think that any other members of the education workforce, for example youth workers, play workers and other school staff, should be registered?

The priority groups for registration should be those who are delivering accredited learning. However there are a range of staff including support staff who work with learners to raise aspirations and improve performance, and who deliver non formal learning. They who should also be included in the professionalisation of the educational workforce. It might be seen as divisive to 'professionalise' part of the education workforce while omitting the rest. The learning coaches should be included with this professionalisation to reflect the important work that they do.

There would need to be clear guidance on the categories of staff eligible for membership. This would be particularly important if membership was compulsory.

Question 3

Do you agree that the functions of a registration body in Wales should include checks that individuals are appropriately qualified and fit to practice and a disciplinary function leading to potential barring of individuals who are deemed unfit?

Yes. These functions are central to the work of a professional body. Colleges currently are responsible for checking that individuals are appropriately qualified and fit to practice and for carrying out Criminal Records Bureau (CRB) checks. In Wales, there is no central body to work with colleges in carrying out these functions.

There needs to be discussion and agreement on what should be considered 'appropriately qualified' for each of the roles requiring registration. For example, a lecturer would need different qualifications from a work-based assessor. An objective analysis of the qualifications needed for each role is essential.

The management and discipline of staff is the direct responsibility of FE colleges. The articles of government of each college set out the respective responsibilities of the governing body in respect to senior post holders and 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.

It would, however, 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, 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 and subject to normal due process.

In respect to investigations by the registration body into whether or not a dismissed person is fit to practice, ColegauCymru has concerns that some media have chosen to cover disciplinary cases of teachers in a way which acts to the detriment of the public perception of the teaching profession as a whole. In dealing internally with disciplinary cases, colleges have not encountered such negative publicity.

In order to meet the Welsh Government's priority to develop literacy and numeracy skills, it would be essential that anyone responsible for delivering learning, assessing or providing feedback on student work has an appropriate level of literacy and numeracy skills. The Skills Test Review Group, recently remitted by the UK Government's Department for Education to develop a new basic skills test for teachers in England, is potentially relevant to Wales.⁶

⁶ Department for Education Press Notice 27 March 2012
<http://www.education.gov.uk/inthenews/inthenews/a00205843/traintest>

Question 4

Do you agree that decisions about functions such as discipline and professional competence should be made independent of government?

Yes. A professional body should be independent from the Welsh Government and be overseen and run by the professional education workforce. To have functions such as discipline and professional competence determined by central government would undermine the professionalism of the registration body.

The Welsh Government has an important role in respect to ensuring that relevant legislation is passed to establish the new body and that the new body is operating effectively, is fulfilling its remit and is properly audited.

Clearly the Welsh Government might have a more active role if it paid or contributed fees to the new body. Representation from the Welsh Government, as observers or full members, on the board or council of the registration body could be considered to ensure that appropriate links are maintained.

Question 5

Do you agree that wider functions should be added on a phased basis into the work of the new or reconstituted registration body? These could include approval of initial training courses, requirements for continuing professional development and setting of professional standards.

Yes. ColegauCymru agrees that the potential functions of the body should be broadened to enable it to play a key role in establishing and monitoring standards within the education workforce. These new functions should be phased in to allow time for proper consideration involving interested parties.

A new body in Wales is urgently needed to take over the work of LLUK. There is no organisation in Wales currently managing and maintaining the professional standards for FE lecturers. There are no requirements in Wales, as there are in England, for FE lectures to undergo continuing professional development (CPD). There is no mechanism whereby Welsh FE lecturers can achieve Qualified Teacher Learning & Skills (QTLS) status which, for staff in England, may enable them to teach in schools without the need for Qualified Teacher Status (QTS).

As a minimum, the new registration body should establish the contents of a Teacher Training Qualifications Framework for Wales and this framework should include minimum standards of literacy and numeracy for teacher, tutors and trainers.

It is important that registration and associated systems do not act as a barrier to members of the workforce wishing to move from one country to another. Mutual cross-border recognition needs to be built in on an on-going basis, while recognising the importance of bilingualism to the delivery of education and training in Wales.

Question 6

Are there any other specific functions you think that the new or reconstituted registration body should undertake?

The consultation paper suggests that these functions might include the approval of initial teacher training courses, requirements for continuous professional development and setting professional standards. A coherent set of qualifications would also enable the recognition of professional equivalence across the sectors and enable the movement of individuals within the education workforce to the benefit of employers and students.

A coherent framework structure should be established that allows people to specialise in literacy, numeracy, basic skills support etc within one system.

Question 7

Do you think that a single professional council, with a membership with expertise across the wider education workforce, is the best way to secure appropriate professional expertise for the new or reconstituted registration body, or would a series of sector councils each specialising in a specific area of the workforce be more appropriate?

A new single professional council should be established with membership reflecting the wider education workforce. This should be a new body with new powers and responsibilities. It should not be the current GTCW with an expanded remit.

The Council should be no greater than 25 members. At present, of the GTCW's Council's 25 members, 12 are elected teachers, nine are nominated by teacher unions and other educational organisations and four are appointed by the National Assembly for Wales. The Council of the new body should reflect the new membership with elections covering all three broad categories – schools, colleges and training providers. It may be necessary to have committees in place covering each of these which would report to the main Council. It will be important that the registration body is not dominated by any one group.

Consideration might need to be given to the establishment of a post-16 section within an overarching council structure. This might need to be aligned to equivalent bodies in England, Northern Ireland and Scotland. It would need to include all post-16 practitioners inclusive of schools, FE colleges and training providers.

The chair of the new Council should be appointed by the Council to serve for a maximum of two years. A deputy chair should also be appointed for the same term of office. To ensure balance, the chair should be rotated between the three key institutions – schools, colleges and training providers.

As noted in the introductory remarks to this ColegauCymru response, Lifelong Learning UK (LLUK), the sector skills council (SSC) that covered FE and work-based learning⁷, ceased to exist on 1 April 2011. Some of its functions for FE transferred to the Learning and Skills Improvement Service (LSIS), an England-based body. LSIS is not however an SSC and the coverage of the LLUK footprint is currently under review. There has not been a SSC covering schoolteachers.

In the absence of an appropriate SSC, a different SSC or SSCs should not take on responsibilities for specific areas of the workforce.

Question 8

Do you think that there should be a flat-rate fee for registration payable by all those registered or should differentiated fee rates apply?

A flat fee is the preferred option. However, given the wide range of staff employed in FE colleges including part-time hourly paid staff, there needs to be some flexibility in fee levels to reflect the annual salaries of staff.

Practice in respect to fees varies between professional bodies.

The GTCW, the General Teaching Council for Northern Ireland, the General Teaching Council for Scotland, the General Teaching Council for England (GTC) (which is being closed down with its functions transferring to the Teachers' Agency) and the Institute of Learning (IfL)⁸, which covers FE lecturers in England, have flat fees.

Currently in England, Northern Ireland and Wales, membership is aimed at schoolteachers only; in Scotland, school teachers and FE lecturers may join; in England, the IfL has only lecturers and trainers in membership.

The GTCW charges a fee of £45 of which £33 is 'reimbursed through the teacher's pay settlement'. In the GTCs in England, Northern Ireland and Scotland, the respective fees are: £36.50 (with £33 reimbursed through the teachers' pay); £44 (reimbursed by Government) and £45 (deducted from salary). There are no concessionary fees relating to salary.

⁷ LLUK's footprint also included youth work, libraries, higher education etc.

⁸ On 27 March 2012, the independent review of the IfL chaired by Lord Lingfield published its interim report. This recommended an end to compulsory membership of IfL; the return to lecturers of fees paid; the revocation of the FE Teachers' Qualification, England Regulations and replacement with discretionary advice to employers on appropriate qualifications for staff and CDP; and an appropriate government body to take on register of staff found guilty of gross misconduct. This is an interim, not final, report and the UK Government has yet to announce its view on these recommendations.

The IfL has a concessionary fee for those whose annual income does not exceed than £7,475 and another concessionary fee for those whose annual income does not exceed £16,190.⁹ Members are responsible for paying their own IfL fees. This has led to opposition by some lecturers and by the University and College Union. Please note the interim report of the review of IfL being conducted on behalf of the Education Minister in England (see note 7, above).

The GTCW website shows the fees charged by other professional bodies¹⁰. In some of these, payment is at the discretion of the employer – for example, in the case of nurses, 50% of the fee is paid by the employer.

It would not be acceptable at a time of financial constraint for colleges to take on the costs of registration for their staff. A fee of say £40 per individual would cost the sector around £300,000 per year, a sum of money which should be directed at learners. The Welsh Government is unlikely to wish to take on this additional expenditure. Some college staff might be reluctant to pay a fee if membership of the new organisation was compulsory. In addition, FE staff would not welcome having to pay the full fee if school teachers continue to have almost three-quarters of their fee reimbursed.

ColegauCymru believes that as the registration body benefits the education workforce the fee should be paid by members of the education workforce, perhaps with a pump-priming contribution for the first two years of the new body. 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 staff have to pay the full fee. The fee level should be flat rate with one or two concessions to take account of salary, similar to the IfL practice.

Given the size of the reconstituted body, there may be efficiency savings and the fee could be lower than that currently charged by the GTCW. However the level of fee depends on the services to be provided.

It will be essential that the new professional body is seen to add value to its members, particularly as membership will be compulsory. These benefits must be over and above what relevant staff employed in colleges currently receive.

⁹ IfL also has several categories of membership. The fees charged for 2012/13 are affiliate (£38), associate (£38), member (£38), fellow (£53) and companion (£38)⁹. Concessions are given for those in full-time teacher training (full fee £17); those retired from teaching, unemployed or on maternity leave when joining or renewing membership.

¹⁰ They include the General Medical Council (doctors - £410); the Nursing and Midwifery Council (nurses - £76); General Dental Council (dentists - £438); Care Council for Wales (social workers - £30).

Question 9

Do you think that greater clarity and coherence in requirements for matters such as qualifications, professional standards, performance management and professional development could support our drive to improve standards and flexibility across the wider workforce?

Yes. A well run professional body could help in the move towards greater clarity and coherence. It would also facilitate movement of staff between sectors. One particular issue in FE is the lack of a qualifications framework for lecturers. Standards for lecturers are already in place but, unlike England, there is no qualifications framework in place (see answer to question 10, below).

The strength of the new body is that it would help in the sharing of good practice across sectors.

Question 10

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:

1 The GTCW as currently constituted is focused on schoolteachers. ColegauCymru would support a reconstituted professional body with a new title - suggestions include the Education Workforce Council for Wales or the Education Council for Wales.

To ease transition, the jobs of existing GTCW staff (except for the chief executive/ accounting officer) should be safeguarded and transferred with new responsibilities. New staff should be appointed with a background that reflected the widening membership. It will be important that staff with a background in FE and WBL are appointed. The GTCW should be dissolved and its assets and liabilities transferred to the new organisation. Efficiency savings could be brought about by economies of scale.

2 LLUK published its Professional Standards for Teachers, Tutors and Trainers in the Lifelong Learning Sector in Wales in 2007. These standards were based on those adopted in England. 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”.

In England, the Further Education and Teachers’ Qualifications (England) Regulations 2007¹¹ require all new teachers, tutors and trainers appointed from 1 September 2007 to hold or acquire a ‘Preparing to Teach in the Lifelong Learning Sector (PTLLS)’ qualification. They then must hold either a Diploma in Teaching in the Lifelong Learning Sector (DTLLS) at minimum level 5 for those in a full teaching role, or a Certificate in Teaching in the

¹¹ An interim report by Lord Lingfield in England published on 27 March 2012 has recommended the revocation of these Regulations (see footnote 7, above).

Lifelong Learning Sector (CTLLS) at level 3 or level 4 for those in an associate teaching role.

However there is as yet no clear qualifications framework in Wales for those taking FE teacher training that match the standards set out. This matter needs to be addressed urgently in order to ensure that lecturers are enabled to reach an acceptable standard.

- 3 The reconstituted body could have an important responsibility to ensure the regular and consistent publication of information about the education workforce in Wales. This might include data on the numbers and types of contract and mode of employment, background and qualifications of staff, and number of full-time equivalent staff. As noted in the answer to question 1, statistics from the Welsh Government have been inconsistent over recent years and are currently in suspension. Measuring staff trends in FE has been difficult.

Responses to consultation may be made public – on the internet or in a report. If you would prefer your response to be kept confidential please tick here: