

The Education (Wales) Bill

Submission to Children & Young People Committee

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Introduction

1. This paper has been drawn up by ColegauCymru in response to the Education (Wales) Bill).
2. This response focuses on the setting up of the Education Workforce Council and on the post-16 assessment of educational and training needs and specialist further education.
3. ColegauCymru represents the 16¹ further education (FE) colleges and FE institutions in Wales.² In 2011/12, there were 214,850 individual students attending college and 229,615 enrolments.³ There are around 13,500 staff employed in FE colleges. They are engaged in providing academic and vocational courses from pre-entry to postgraduate levels which include full-time, part-time and work-based learning courses.
4. ColegauCymru responded to the two consultations on the registration of the further education workforce.

General principles and the need for legislation

5. ColegauCymru believes that the setting up of the Education Workforce Council (EWC), if handled carefully and sensitively, is a sensible way forward and reflects the partnership and collaborative approach in Wales. ColegauCymru believes that the changes set out in the Education (Wales) Bill will help professionalise the FE workforce and benefit colleges in continuing to provide a high quality service to learners, businesses and local communities.
6. The work of the EWC in respect to standards of conduct, training and development will build on the existing good practice carried out in colleges.
7. It is hoped that, in respect to assessment of additional learning needs for post-16 learners, the Bill will result in better transition planning for learners moving from schools to FE and better liaison between the key agencies.

Any potential barriers to implementation

8. The EWC will extend membership to 'FE teachers' and 'FE learning support workers'. It will be important to clarify at an early stage which staff are included in these broad categories. Colleges employ assessors, associate lecturers, instructor demonstrators, technical training officers, trainers, training advisers, workplace supervisors and technicians, all of whom are directly involved in teaching and instruction and who, it is assumed, will be required to register.

1 The 16 include Coleg Harlech/WEAN; WEA South; YMCA Community College; Merthyr Tydfil College, University of South Wales; Coleg Sir Gâr, Trinity St David

2 In this paper the terms 'FE college' is used to cover FE colleges and FE institutions.

3 *Further Education, Work-Based Learning and Community Learning in Wales 2011/12 SDR 48/2013*, Welsh Government, March 2013.

9. Many managers in colleges also undertake a variety of teaching responsibilities. It is assumed that managers with teaching responsibilities will also be included but not functional managers (finance, human resource) who have no teaching commitments.
10. Colleges also employ specialists (such as local solicitors or accountants) as occasional lecturers for just a few hours per year. Will special arrangements need to be made for these?
11. 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 and the fact that lecturers can be appointed before they have a teaching qualification.
12. In its evidence to the initial consultation, ColegauCymru provided data showing the high proportion of staff who work part-time and are 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 is still very high compared with schools.
13. In respect to the appointment of members of the Council, ColegauCymru supports an open and transparent public appointment process using Nolan principles, 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. Council members should have to accept the Nolan principles of public life.
14. To ensure that all key categories of staff have a place on the Council, a certain number of seats should be reserved for each category. However, the Council should not become too large. Larger councils are more difficult to run effectively and not all members can make a full contribution. A Council of round 10-16 in size would be preferable.
15. 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. ColegauCymru suggests that these could be made up primarily of nominated members.
16. In respect to the assessment of additional learning needs, the main barriers are a lack of arrangements at local authority level to take on the added responsibilities and the need to ensure effective arrangements are in place for local authorities to work with FE colleges. At present, some FE colleges find it difficult to meet

appropriate local authority staff to discuss the long term educational needs of potential students with learning difficulties and disabilities and to obtain data on potential students who are still at school and wishing to attend college. There needs to be greater transparency in the way that data is shared between schools, local authorities and FE colleges.

Financial implications

17. The financial consequences of setting up the EWC and decisions over who funds it could act as a barrier to the new arrangements.
18. Any system of charging fees needs to be fair.
19. The final fee level can only be determined on the basis of the costs of operating the new body.
20. There is evidence that in England, where FE lecturers were required to register with the Institute for Learning, they strongly resented the level of membership fees. This led to a partial boycott of the IfL and a decision by the UK Government to make contributions voluntary and to deregulate responsibility for standards and accreditation.
21. In respect to further education, fee levels should take account of the fact that:
 - part-time lecturers often teach in more than one college
 - the number of hours taught by a part-time lecturer can vary from year to year
 - colleges often employ specialists (such as local solicitors or accountants) as occasional lecturers.
22. The various models proposed for the subsidisation of fees recognises the different pay scales and the different levels of fee.
23. However, the issue of who pays for the EWC is likely to be contentious. Assuming around 10,000 eligible staff and an average fee of £45, the total bill for colleges would be close to £1½m per year. It would not be acceptable that the fees of schoolteachers remain subsidised while those of FE lecturers and learning support staff are not. Clearly, payment of the fee at a time of financial stringency by colleges would mean the loss of jobs. The Welsh Government may be reluctant to subsidise the fees of new members. We understand that the unions are suggesting that staff should not bear the cost of compulsory registration.
24. It is suggested that Welsh Government, WLGA, ColegauCymru and staff representatives meet to clarify the position. The risk is that arguments over who pays and the level of fees could paralyse the new organisation.

25. In respect to the assessment of additional learning needs for post-16 learners, it is important that FE colleges continue to meet the needs of learners with LDD through the annual funding formula. Option 4 in the Explanatory Memorandum is therefore a sensible approach.

Appropriateness of the powers in the Bill for Ministers to make subordinate legislation

26. ColegauCymru has no comment.