

Children and Young People Committee

Meeting Venue:
Committee Room 1 – Senedd

Meeting date:
10 October 2013

Meeting time:
09:15

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Bethan Davies
Committee Clerk
029 2089 8120
CYPCommittee@wales.gov.uk

Agenda

Private Pre-meeting – 09.15 – 09.30

1 Introductions, apologies and substitutions

2 Education (Wales) Bill: Stage 1 – Evidence session – SNAP Cymru and Third Sector Additional Needs Alliance (TSANA) (09.30 – 10.30)

(Pages 1 - 11)

CYP(4)-25-13 – Paper 1- SNAP Cymru

CYP(4)-25-13 – Paper 2 – The National Deaf Children's Society and RNIB Cymru (also endorsed by SENSE Cymru – they are all members of TSANA)

Denise Inger, Chief Executive Director – SNAP Cymru
Debbie Thomas, Chair - Third Sector Additional Needs Alliance

3 Education (Wales) Bill: Stage 1 – Evidence session – Recruitment & Employment Confederation (REC) and New Directions Education (10.30 – 11.15) (Pages 12 - 17)

CYP(4)-25-13 – Paper 3 – New Directions Education

CYP(4)-25-13 – Paper 4 – Recruitment and Employment Confederation

Gary Williams, Director - New Directions Education
Kate Shoesmith, Head of Policy and Public Affairs – Recruitment and Employment Confederation

4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

Item 5

5 Committee Forward Work programme (11.15 – 11.45) (Pages 18 - 32)

CYP(4)-25-13 – Private Paper 5 - Inquiry into Educational Outcomes for Children from Low Income Households – summary of written evidence

CYP(4)-25-13 – Private Paper 6 – Future Inquiries

CYP(4)-25-13 – Private Paper 7 – Correspondence from the Chair of Finance

Committee – Equality Scrutiny Toolkit for Committee

Paper 1

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : SNAP Cymru

SNAP Cymru is an independent organisation, unique to Wales offering a range of services to families, professionals, children and young people. The organisation was established regionally in 1986 and became a Wales national charity in 1996. All services offered are impartial and objective and free at the point of delivery to families and young people. SNAP Cymru offers a constructive professional partnership, working with other local and national agencies in Wales. Areas of activity include SEN and disability related information, advice and training, Parent Partnership Service, Pupil Participation and Advocacy, Disagreement Resolution and Representation in relation to School Exclusion, Admissions, SEN and Discrimination Appeals and Tribunals. The services are managed and delivered by skilled experienced staff supporting regionally based, local staff and volunteer teams across Wales.

SNAP Cymru holds the SQM (Education Advice), Investors in People (Bronze) and Investors in Volunteering awards. The organization was recognized for its services and volunteering with the Queens Diamond Jubilee Award for Voluntary Services (2012).

SNAP Cymru welcomes the Education Bill to further develop workforce planning and achieve consistency of quality and practice across the sectors involved in education in Wales. We look forward to a continuing open dialogue on specific detailed proposals over the coming months as the government moves towards securing appropriate legislative change.

1. The general principles of the Education (Wales) Bill and the need for legislation in the following areas—

Education Workforce Council - Registration and regulation of teachers and the wider workforce;

- SNAP Cymru welcomes the extension of registration to a wider group of practitioners working within the education field. A single code of practice will support consistency for all.

- We welcome a wide involvement in the development of the Code of Practice and ask ministers to ensure that this is robust and that it has legal status like the current code of practice for SEN
- The education systems and processes must become more child friendly and must involve families if equality, entitlement and choice are to be a reality in Wales
- Reform of the registration and approval of independent schools in respect of special educational needs;
 - This clarification is welcomed. Families and young people as well as multi-agency practitioners and professionals need to understand the process to assist in decisions regarding placements. The delays currently experienced can be very detrimental to young people waiting for decisions about placements.
 - SNAP Cymru urges ministers to include the registration of the workforce in independent schools. Families expect this and children and young people deserve a well-qualified and well regulated workforce.
 - Registration will improve safeguarding for children and vulnerable adults and this should include the independent sector
- Post-16 assessment of educational and training needs and specialist Further Education;
 - SNAP Cymru supports the proposal as set out which will be more effective in the planning and meeting of needs of young people during transition. This change is urgently needed as presently there is little equality for young people with disabilities and additional needs.
 - We would expect to see measures within the bill to improve current assessments and transitional arrangements. We would expect this legislation to be transparent and decrease the disappointment and feelings of failure currently experienced by many young people trying to navigate the current system and achieve timely and appropriate placements
 - Earlier planning, talking and listening to young people to develop and secure appropriate provision and transitional pathways is required
 - SNAP Cymru hopes that Welsh Government ensures that the wider reforms of the SEN framework, together with this bill actually achieves the desired aspirational outcomes
 - Ministers need to be aware that there are more young people needing additional support at 16+ than those with statements. Many children with ALN will move through formal education with limited support but their requirements will change and intensify as they transition towards adulthood. These young people are identifiable before 14+

- and some will already be out of education
 - SNAP Cymru believes that assessment and planning is required for all young people who need support to make a successful transition. This will include groups such as those who are NEET, those who are predicted to leave school without 5 A-C grades, those children who exhibit a-social behaviours who may or may not have an identified Additional Need or disability.
 - This transitional assessment should be compulsory and should consider not only academic areas but also social and emotional wellbeing to ensure a successful transition to adulthood.
 - The current system of Statementing does not offer consistency and we hope that this bill will place responsibility for outcomes on those professionals charged with their care and education in all learning establishments.
 - The bill must establish the rights of all young people to receive appropriate learning support and detail those responsible
 - SNAP Cymru welcomes the right to appeal to SENTW and the appeal process must be open to all young people
 - Ministers need to ensure that young people have access to independent information, support and advocacy and that all practitioners involved with young people have a responsibility to seek resolution at the earliest possible time, avoiding the need for tribunal as much as possible
 - SNAP Cymru believes that statutory reform will improve young people's understanding and ability to participate in planning through the use of IDPs and Person Centered Planning from early years
- School term dates;
 - SNAP Cymru welcomes the proposal to harmonise school term dates
 - We recognise that this will narrow the window in relation to costs for holidays but will benefit families in not having to decide which child is out of school where children attend schools across county borders and will enable regional planning to be more effective
- The appointment of HM Chief Inspector and HM Inspectors of education and training in Wales under section 19 of the Education Act 2005,
 - SNAP Cymru concurs with the proposals

2. Any potential barriers to the implementation of these provisions and whether the Bill takes account of them.

- SNAP Cymru believes that the independence, transparency and accountability of the Workforce Council will be crucial to its success

3. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum, the 'Regulatory Impact Assessment', which estimates the costs and benefits of implementation of the Bill), and

- SNAP Cymru understands that there is no additional money to enact these reforms and believes that the expectations on every part of the education and wider learning environment to play their part and accept their full responsibilities for the majority of children and young people with additional needs who will not be covered by the more detailed provisions of this bill
- Government has the responsibility for any incentivising that is put in place to ensure that all needs are met within our systems
- Impact is about more than finances and the school effectiveness programmes must extend to early years and post 16 to ensure that a generation of children and young people benefit from their entitlement to achieve their full potential as set out in the UNCRC.

Consultation on the Education (Wales) Bill

NDCS Cymru and RNIB Cymru Response (with additional endorsement from SENSE Cymru)

September 2013



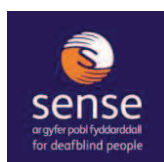
About Us

The National Deaf Children's Society (NDCS) Cymru is the national charity dedicated to creating a world without barriers for deaf children and young people.

We support and represent the interests of deaf children and young people from birth through to independence.

RNIB Cymru works with the 1300 blind and partially sighted children and young people within the school system in Wales, with the aim of raising their levels of attainment and creating a world where barriers to success are removed.

Endorsement



Please note that this response has also been read and endorsed by **SENSE Cymru**

Response

NDCS Cymru and RNIB Cymru are pleased to have been invited to respond to the Children and Young People Committee consultation on the Education (Wales) Bill.

In particular, we would like to take this opportunity to welcome the extension of the right to appeal to SENTW on decisions around support for learners with ALN in a post-16 context. This is a welcome development towards improving equality of opportunity for vulnerable groups of learners. However, as identified within this response, there are aspects of the Bill on which we would welcome further reassurances and/or information in order to feel confident that the new systems and structures will be effective for deaf and disabled learners in Wales.

Consultation on the Education (Wales) Bill, September 2013
Response by NDCS Cymru and RNIB Cymru
Contact: campaigns.wales@ndcs.org.uk

Education Workforce

NDCS and RNIB Cymru note that the Bill will require school and FE learning support workers to register with the reformed Education Workforce Council. We also note that the Education Workforce Council will have a role to play in the improvement of standards of teaching in Wales and in promoting training and continuing professional development.

NDCS Cymru has concerns about the availability and skillset of specialist staff to support deaf pupils across Wales. In particular, we are concerned that there is a lack of Communication Support Workers across the principality and a difficulty in recruiting Communication Support Workers who have the appropriate skill set to support learners who use BSL. Likewise, RNIB Cymru have similar concerns regarding the skill set of specialist staff to support learners using Braille and large print, and the lack of support for independent living and travel skills.

The Welsh Government has recently agreed to review the availability of specialist support staff for pupils with sensory impairment as part of its wider workforce planning exercise, which both NDCS Cymru and RNIB Cymru welcomes. Following this exercise, we would recommend that the Education Workforce Council plays a role in helping to maintain up-to-date information on the availability and skill set of support workers for deaf pupils. We would also suggest that the Council could help to promote and encourage crucial professional development among this group.

Welsh Government Statistics demonstrate significant attainment gaps between deaf pupils and their peers at every Key Stage. We consider that the reformed Education Workforce Council could help to improve standards of teaching for this particularly vulnerable group of learners by encouraging school staff to develop a career in supporting deaf pupils, and helping to raise deaf awareness generally among school staff. We would also be keen to work with the Welsh Government and the Education Workforce Council towards establishing minimum standards for those employed to support deaf pupils. RNIB Cymru appreciates that the gap between learners with visual impairment and non-disabled learners is narrower, however, we would also be keen to see minimum standards established.

Reform of the registration and approval of independent schools in respect of special educational needs

Consultation on the Education (Wales) Bill, September 2013
Response by NDCS Cymru and RNIB Cymru
Contact: campaigns.wales@ndcs.org.uk

NDCS Cymru understands the reasoning behind the proposal to reform the registration and approval of independent schools in respect of special education needs. However, we are anxious that the section 160 application does not include the same level of information required under a current section 347 application. In particular, the section 347 application requires consideration of the qualifications of teachers employed to support pupils with a hearing impairment, visual impairment or a multi-sensory impairment (see *The Education (SEN) (Approval of Independent Schools) Regulations 1994, Schedule 1 parts 2 - 4.*) NDCS Cymru would urge that, in moving to a single system for registering and approving independent schools, the section 160 application is amended to include more detail on the specific provision provided to pupils with SEN, including those with a sensory loss.

In addition, we note that, under a section 160 application, an independent school receives an annual visit from Estyn. We would suggest that this annual visit includes specific reference to the school's continued ability to meet the needs of pupils with special educational needs.

RNIB Cymru endorses both these proposals.

Responsibility for assessing the need for and arranging specialist post-16 education for learners with learning difficulties and/or disabilities

NDCS Cymru and RNIB Cymru appreciate that there are difficulties within the current system for assessing the needs of post-16 learners with ALN and arranging their support. Many deaf learners will require support in order to reach their full potential and to access FE courses and some may require a placement at a specialist deaf college. As such, we are keen to ensure that any changes to the existing systems and structures result in improvements for post-16 learners with ALN. With this in mind, there are a number of points on which NDCS Cymru and RNIB Cymru would welcome further information and reassurances:

- The legislation states that local authorities will have a mandatory duty to assess post-16 education and training needs where the learner has a statement of special educational needs. However, at present, there are some local authorities in Wales which have a policy of “de-statementing”. As a result, many deaf children and young people across the country who would be eligible for a statement of educational need are, in reality, on school action or school action plus. Furthermore, as local authorities are trialling the proposed new support plan under the ongoing ALN reforms, other children in Wales currently have an IDP as opposed to a Statement. NDCS Cymru and RNIB Cymru are concerned about, and seek reassurance on behalf of, those learners who are eligible for a statement but do not have one.

Consultation on the Education (Wales) Bill, September 2013
Response by NDCS Cymru and RNIB Cymru
Contact: campaigns.wales@ndcs.org.uk

- Whilst the Explanatory Memorandum refers to assessing the needs of learners with “learning difficulties **and/or disabilities**,” the draft legislation only refers to “learning difficulties.” NDCS Cymru and RNIB Cymru seek assurances that the Bill will cover children with disabilities or that the meaning of “learning difficulties” within this legislation is the same as that within the Learning and Skills Act 2000.¹ Indeed some disabled learners, including deaf young people may not have a learning disability but could have access requirements in relation to their disability. For example, a deaf learner may require a sign language interpreter or a note-taker in order to access lessons. It is essential that this group of learners are acknowledged within the legislative framework.
- NDCS Cymru and RNIB Cymru also have reservations regarding pupils who are deaf or sight impaired who may currently only be on school action/school action plus. These young people may only require small measures in order to access lessons at school. For example, an IEP could refer to the need for teachers to have a basic level of deaf awareness to aid communication and lip-reading for the pupil. However, it is important that upon moving onto FE, the needs of these young people are still assessed and appropriately met. For example, it could be important to ensure that college lecturers have a basic level of deaf awareness to aid communication. It may also be necessary, given the more formal lecturing style of classes at FE level for the learner to access a note-taker due to the difficulty of simultaneously lip-reading and writing notes. A learner with visual impairment will also have specific access needs around teaching and learning styles and access to information. NDCS Cymru and RNIB Cymru would welcome further consideration of how local authorities could be encouraged to assess the needs of these groups of learners.
- NDCS Cymru is disappointed that local authorities will only have a discretionary duty to conduct assessments for learners under 25 who are returning to education and, as such, their previous statement has ceased. It is equally important that these learners are able to access the support they need to continue their education, but NDCS Cymru is concerned that the discretionary nature of the duty will mean that the needs of these learners are not prioritised. Even if a learner in this situation were to appeal a decision not to provide an assessment of need, NDCS Cymru is concerned that the

¹ See Learning and Skills Act 2000, 13(5) “A person has a learning difficulty if – a) he has a significantly greater difficulty in learning than the majority of persons his age, or b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by institutions providing post-16 education or training.”

Consultation on the Education (Wales) Bill, September 2013

Response by NDCS Cymru and RNIB Cymru

Contact: campaigns.wales@ndcs.org.uk

underlying legislation of a discretionary duty would mean that ultimately, a local authority would not have to provide an assessment in this case. NDCS Cymru seeks assurances that the wording of the draft legislation will be reconsidered to avoid this potential difficulty. These concerns are endorsed by RNIB Cymru.

- NDCS Cymru and RNIB Cymru are very disappointed that section 40C(4) implies that local authorities will not be accountable for providing transport costs to or from a specialist placement at an FEI. In some cases, local FE provision will not be accessible or suitable for a post-16 learner with ALN and a suitable specialist placement may be some distance from the area in which the young person is normally resident. Indeed, there are no specialist deaf colleges - or colleges catering specifically to the needs of learners with visual impairment - in Wales so learners requiring this specialist provision cross the border into England. NDCS Cymru and RNIB Cymru are concerned that some families may face barriers in accessing such provision if they are unable to secure financial support for travel costs.
- NDCS Cymru and RNIB Cymru would welcome further clarification on how the Welsh Government will determine the amount of funding to be provided to each local authority for specialist FE placements. Indeed, the numbers of learners requiring such specialist placements are likely to fluctuate year on year.
- NDCS Cymru and RNIB Cymru believe that national regulations on the way in which the assessment of needs is carried out and the information that is included in a subsequent report, will be crucial to ensuring that the new system is effective and transparent. Such regulations would also ensure that learners across Wales have equitable rights and would assist with providing legal clarity where an appeal is made. Given the fundamental importance of such regulations, we seek assurances that these regulations will be **statutory**. NDCS Cymru and RNIB Cymru are concerned that non-statutory guidance would not provide the same underlying support and transparency for the new system. We would also like to take this opportunity to urge that interested stakeholders, such as ourselves, are consulted on the development of such regulations. In addition to the points outlined within the draft Bill, we would urge that the regulations include:
 - Minimum timeframes for making an assessment and providing a report. This will help to safeguard against students receiving late decisions on specialist placements, which can then have an effect on their ability to apply for an alternative course or to appeal the decision.

Consultation on the Education (Wales) Bill, September 2013

Response by NDCS Cymru and RNIB Cymru

Contact: campaigns.wales@ndcs.org.uk

- Templates of the information that local authorities should provide to students. For example, information on how students can request an assessment, access dispute resolution, lodge an appeal, as well as the core information that should be provided to students when a local authority decides not to outline a specialist placement or support.
 - The core information that FEIs and local authorities should consider within the assessment of need and resulting support plan.
- NDCS Cymru and RNIB Cymru seek clarification on how these reforms will work in conjunction with two other ongoing policy developments.

Firstly, NDCS Cymru and RNIB Cymru are aware that the Welsh Government intends to devolve funding for post-16 students with ALN who require a specialist placement to local authorities and funding for post-16 students who require support on a mainstream course directly to FEIs. Both organisations are concerned that this will leave local authorities, in the role of assessor of need, with a bias incentive towards supporting learners with ALN within a mainstream FEI placement. NDCS Cymru and RNIB Cymru acknowledge that the new right of appeal and the measures around independent dispute resolution will act as safeguards to some extent, but believes that further measures are needed to safeguard against this risk. For example, we would suggest that data be collated on the number of specialist placements that local authorities approve, the progress levels of post-16 learners with ALN, and details of disputes with local authorities. In addition, we would urge that Estyn inspections of local authorities are reviewed to take account of the new duties placed upon local authorities within this Bill and how local authorities can be held to account in these areas.

It is also unclear how FEIs, as holders of the purse strings for supporting learners with ALN in a mainstream setting will be held accountable to the provision outlined within a local authority's assessment. NDCS Cymru and RNIB Cymru require reassurances in this regard.

We very much welcome the proposals in the Education (Wales) Bill to improve the rights of appeal for post-16 learners and feel that these rights are necessary in light of the devolution of funding to local authorities. However, we would welcome clarification around how this legislation will work in conjunction with the planned ALN reforms, which includes the replacement of a statement with an IDP for young people aged 0-25. At present the proposals we have seen around the wider ALN reforms have focused largely on how the new system would operate within a school context as opposed to a post-16 context.

Dispute Resolution and Appeals regarding support for post-16 learners with ALN

The principle within this Bill of extending the right of appeal to post-16 learners is to be welcomed both as a right that will generally enhance equality for learners with ALN and as one way of holding local authorities to account on their new responsibilities. In particular, NDCS Cymru and RNIB Cymru welcome the fact that there will be a right of appeal both on the content of an assessment and on a refusal to provide an assessment. It is crucial that both of these rights of appeal are in place to ensure that the system is robust.

We also believe it is important to have systems and structures in place for dispute resolution and appeals as a way of encouraging compliance with regulations/the code of practice.

NDCS Cymru and RNIB Cymru are pleased to note that independent persons must be appointed to facilitate disagreement resolution. However, it is imperative that all relevant persons are aware of these services and of their rights to appeal. The current wording within the legislation could mean that informing people of their right to appeal is left to the discretion of local authorities. We recommend that local authorities have a statutory duty to inform *all* persons requesting or receiving a post-16 assessment should of disagreement resolution services and of their right to appeal. We would also suggest that regulations include templates of the information to be provided to post-16 learners with ALN on these services to ensure that learners across Wales are provided with clear information on their rights.

NDCS Cymru and RNIB Cymru are disappointed that section 40G (4)(b) of the draft Bill states that learners will need to wait six months before lodging an appeal on the basis of a local authority failing to provide a decision on whether or not an assessment will be conducted. We would urge that statutory timeframes should be in place for the new assessment process and would sincerely hope that local authorities would be required to make a decision within a shorter time scale than six months. Indeed, if learners are left waiting for such a long period of time, any disputes in relation to a subsequent assessment of need could then have an impact on their ability to secure support in time for the start of their FE course. It is also worth noting that local authorities currently have a duty to respond to a request for a statutory Assessment within six weeks.

Both NDCS Cymru and RNIB Cymru welcome the call for independent advocacy support for young people wishing to lodge an appeal or to use dispute resolution services. We would welcome the opportunity to be involved in further discussions around this support and the relevant regulations.

Consultation on the Education (Wales) Bill, September 2013
Response by NDCS Cymru and RNIB Cymru
Contact: campaigns.wales@ndcs.org.uk

Agenda Item 3

Paper 3

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : New Directions Education

Introduction

New Directions Education Limited was established in 1999, and has quickly established itself as one of the UK's leading agencies, specialising in the recruitment and training of education professionals and ancillary staff. New Directions Ltd is an umbrella body for the Disclosure and Barring Service (DBS) and has links with teacher training universities across the UK, as well as professional associations such as the Association of School and College Leaders (ASCL) and the National Association of Head Teachers (NAHT).

In 2012 New Directions were awarded the Agency Framework Agreement for the supply of staff to the education sector in Wales by the Welsh Purchasing Consortium (WPO). The business was previously a preferred supplier to a number of Welsh local authorities for the provision of education staff.

We have worked closely with the General Teaching Council for Wales (GTCW) in the past, and welcome the opportunity to comment on the Education bill for Wales.

Our response is focused on the areas that concern the registration and regulation for staff working in the education sector and also the agencies that work within this sector.

Our Response

New Directions Education fully supports the Welsh Governments commitment to ensuring that standards of Teaching in Wales are improved. The formation of the Education Workforce council to succeed the GTCW is welcomed by New Directions Education, we believe that the council is necessary to ensure that standards are raised and maintained within the teaching sector.

As a supply agency we recognise the importance of the role supply teachers within schools. Schools rely on agencies like ours to supply staff to provide cover for many reasons, including when permanent staff are attending training courses and of course unexpected absences. We would like to work with the Education Workforce Council to ensure that the quality of teaching is maintained during these periods so pupils do not suffer as a consequence.

We believe that the work our supply teachers and other education staff carry out is of paramount importance to the children they teach and has a direct effect on the standards of teaching across Wales. We are committed to ensuring our staff have the necessary qualifications and are properly vetted. We have a dedicated in-house Compliance

department who work exclusively to ensure that all our teachers meet the required standards.

We also invest in the continuing professional development of the staff we supply; we do this by providing training opportunities to all of our supply staff. Training courses range from basic literacy programmes such as Read, Write Inc. to more bespoke training including Team Teach.

We are also committed to ensuring that we continue to improve standards in the way we work. As a member of the Recruitment and Employment Confederation (REC) we abide by the REC Code of Professional Practice which governs our activities as a Recruitment Agency.

We feel the reintroduction of the Quality Mark standard which was delivered by REC on behalf of the Welsh government between 2007-2011 would be a positive step in ensuring that standards across the industry were improved. We believe the Quality Mark should be a mandatory standard that should be implemented for all agencies that offer recruitment provision for the education sector.

We endorse the principles in Section 37, which refers to the supply of information from agents and contractors, to arrangements made by one person (the "agent") for a registered person to provide relevant services at the request of or with the consent of a relevant employer (whether or not under a contract). We would welcome guidelines which make it clear on what our obligations are to supply information to the Council and also how we need to supply this information.

Conclusion

New Directions Education recognises the importance of continued improvement within the teaching sector and supports the efforts of the Welsh Government to improve standards in the quality of teaching across Wales.

We feel the establishing of the Education Workforce Council is a significant move forward by the government in improving the quality of teaching. We feel it is vitally important that the Council works in conjunction with all stakeholders including REC and ourselves.

We also feel that part of the Council's remit should include a scheme like the previous Quality Mark to ensure agencies are meeting requirements. The scheme could be run in conjunction with REC as before. We feel this Quality Mark should be mandatory to instil confidence in schools, parents and the wider community about the level of teaching provided by supply teachers.

We welcome the opportunity to comment on the changes and look forward to working with the Welsh Government in improving standards in our schools.

REC response - Consultation on the Education (Wales) Bill

Introduction

- 1 The Recruitment and Employment Confederation (REC) is the professional body for the UK recruitment industry, representing over 3,500 corporate members, who together account for around 80% of the recruitment industry by turnover. Part of the REC is the Institute of Recruitment Professionals which represents just under 5,000 individuals in recruitment.
- 2 REC Education is the specialist sector group for recruitment agencies who deal with educational staff, supply teachers and related areas. With 250 members of the sector group, we represent the majority of suppliers who work daily with schools up and down the country to ensure they have suitably skilled, properly vetted staff as and when they need them.
- 3 We have an active contingent of members across Wales and a positive relationship with the General Teaching Council for Wales. The REC delivered the Quality Mark Wales on behalf of the Welsh Government between 2007 and 2011. Quality Mark Wales was an audit for specialist recruitment agencies that provide supply teachers and other educational workers. The programme ensured they were following the rigorous application processes that are in place for checking staff before they are sent into schools. We have recently launched an audit programme - REC Audited Education – that builds on the legacy of Quality Mark to set standards for recruitment in education. REC Audited Education is overseen by an independent panel of organisations from the education sector.
- 4 In this response, we outline our view on the relevant provisions of the Education (Wales) Bill that concern the recruitment industry and the temporary staff supplied by our members to the Welsh educational system. Our response is focused on the provisions concerning the Education Workforce Council – registration and regulation of teachers and wider workforce.

The contribution of temporary staff in the Welsh education system

- 5 REC Education welcomes the commitment of the Welsh Government to the continued improvement of the standards of teaching and the quality of learning in Wales. We support the establishment of an Education Workforce Council to maintain and improve standards of professional conduct amongst teachers and persons who support teaching and learning in Wales. Such a body will build on the work of the General Teaching Council for Wales in ensuring teachers are appropriately qualified and maintain high standards of conduct and practice, to ensure all of those who work in institutes of learning across Wales are suitable and competent.
- 6 Supply teachers and other cover staff are a key part of the educational workforce in Wales. They help schools and other institutions cover unexpected absences and meet spikes in demand to ensure they can continue to support teaching and learning in Wales. We believe it is vital that a new Education Workforce Council engages effectively with the agencies that supply such teachers from its inception. They provide an essential service and enable continuity for pupil's learning when educational institutions cannot fulfil this need themselves.
- 7 We believe any code specifying the standards of professional conduct and practice expected of registered persons to be prepared and published by Welsh Ministers should pay due attention to the role of supply teachers and other cover staff in the Welsh education system. The REC – as the leading representative body for education supply agencies in Wales - would have an interest in any such code and expect to be consulted.

- 8 REC Education agrees with the principles set out in section 37 referring to the supply of information associated with arrangements made by one person (the “agent”) for a registered person to provide relevant services at the request of or with the consent of a relevant employer (whether or not under a contract). We believe guidance to agents on how they should engage with the Council to supply such information in order to comply with their obligations should be clear and relevant contacts with the Council highlighted to all agents before implementation.
- 9 Relevant employers also need to be reminded of the obligations of agents in providing arrangements for a registered person to provide relevant services at the request of or with the consent of a relevant employer, including suitable employment checks. The Education Workforce Council should compile a how to guide on how relevant employers should engage agents and supply agencies for the supply of staff. The REC would be happy to assist the Council with preparing such a document.

Maintaining high standards and compliance in education recruitment

- 10 The work of the REC to improve standards across the recruitment industry is part of our wider effort to help the Welsh educational system ensure it has the suitably qualified, properly vetted temporary workforce it needs to cover unexpected absences and meet spikes in demand. All agencies who join the REC sign up to the REC Code of Professional Practice (the Code). The Code is made up of ten key principles, which require basic statutory compliance and higher ethical standards that go beyond the statutory regulations which also govern recruiters’ activities.
- 11 The Code is enforced through the Complaints and Disciplinary Procedure (CDP), to which all members are subject. This means that any alleged breaches of the Code can be investigated via the CDP. In the first instance, we encourage whistle blowers to raise the complaint directly with the member concerned as all members will have their own internal complaints procedure in place. If the individual or company is not satisfied with the agency’s response, we will investigate the complaint ourselves via the CDP. In many cases, we are able to resolve the complaint between the parties and if the member is found to be in breach of the Code, we will request reassurances from the member about future conduct.
- 12 In cases where the agency does not cooperate with the REC or where a complainant or an agency appeals the findings of the Complaints Officer, complaint cases will be referred to the REC Professional Standards Committee. The PSC is made up of corporate and individual members of the REC and also, representatives from the Confederation of British Industry and Trades Union Congress. The PSC has the right to investigate complaints against members and to issue sanctions, which include reprimands (a warning to remain on a member’s file for a set period), a compliance order (where members must undertake a specific course of action) and ultimately, expulsion from the REC. At the PSC’s discretion, their decisions may be publicised.
- 13 The REC has introduced an online Compliance Test to further check our members’ compliance. This is made up of a series of multiple choice questions covering both key legislation (primarily, the main industry legislation i.e. the Conduct of Employment Agencies and Employment Businesses Regulations 2003) and the Code. All new applicants for membership must take and pass the test within six months of making their initial application for membership. The applicant has three attempts to pass the test and if they do not pass on their third attempt within the six month period, they will not be able to become a full member and will need to wait a further six months until they can apply for membership again. All existing members of the REC need to take and pass the test every two years. Since launching the Compliance Test for new members in July 2012, businesses have been refused entry to the REC.

- 14 The REC also conducts Compliance Reviews, carried out on a risk based basis with the aim of offering support where it is most needed. In cases where existing members get low scores on the Compliance Test, the REC provides additional support to such members and this support may include a Compliance Review. This is where a member of the REC Compliance team visits the member at their premises and carries out a check on the member's documentation, processes and procedures. The REC will provide guidance and support to the member with the aim of them passing the test on their next attempt.
- 15 REC Audited Education is a paid for compliance product. The audit goes beyond just compliance, requiring agencies to demonstrate that they operate best practice in areas such as customer service, staff development, diversity and client management. The application process includes an online diagnostic and an onsite audit. Applicants are required to demonstrate their knowledge of key legislation and procedures in the diagnostic. This is followed by a tailored on-site audit by one of our experts, who will not just check documentation, but will talk to applicants about their processes and systems, providing practical support, to ensure they are a best practice recruiter. REC Audited Education covers standards particular to education agencies with a particular focus on safeguarding. Successful members can use a specific logo to show that they have met the standards required for this award.
- 16 REC Audited Education builds on the legacy of the Quality Mark Wales scheme. The REC delivered the Quality Mark Wales on behalf of the Welsh Government between 2007 and 2011. Quality Mark Wales was an audit for specialist recruitment agencies that provide supply teachers and other educational workers. The programme ensured they were following the rigorous application processes that are in place for checking staff before they are sent into schools. With the Welsh Government's decision to stop funding the scheme due to expenditure cuts, the REC has stepped in to ensure that standards continue to improve, vulnerable groups are protected and that the quality of services are maintained in our sector.
- 17 An independent panel of organisations from the education sector has oversight of REC Education. We believe representatives of the Education Workforce Council should also sit on this panel and engage with the industry directly on relevant matters – referenced in part 7 of the Education (Wales) Bill - concerning the temporary educational workforce in Wales.
- 18 The REC and members of REC Education would welcome supporting the Education Workforce Council in promoting careers in the registrable professions in Wales. We are active members of the Wales Employment & Skills Board (Bwrdd Cyflogaeth a Sgiliau Cymru) and have a UK wide Partnership Agreement with the Department of Work and Pensions and Jobcentre Plus. This includes promoting a wide range of careers in local labour markets and highlighting career pathways across a wide range of professions. In addition, the REC convened a Youth Employment Taskforce in 2010 to suggest ways of tackling the problems of youth unemployment. Members actively support careers guidance for young people and hundreds of recruiters have signed our Youth Employment Charter, a voluntary initiative through which REC members pledge to help reduce youth unemployment, and showcase existing good practice within the industry to reach out to the next generation of workers.
- 19 REC Education believes that a period of temporary employment as a supply teacher or in other cover position provides individuals with valuable experience of the teaching sector. Such periods should count as a period of induction – complete with relevant approvals from the relevant principal - in a suitable education environment before the person may be registered.

Conclusion

- 20 REC Education welcomes the continued efforts of the Welsh Government to raise standards and improve the quality of teaching in Wales. In this response, we have detailed our view on the relevant provisions of the Education (Wales) Bill that concern the recruitment industry and the temporary staff supplied into the Welsh educational system. The launch of a new Education Workforce Council is an exciting development. We would urge that the Council has a designated supply teacher and cover staff liaison, including a member of staff whose duties include engaging with supply agencies and their representative bodies.
- 21 Our members are committed to raising standards and continuing to provide education institutions across Wales with suitably qualified, properly vetted staff as and when they need them. The REC looks forward to continuing to work with the Welsh Government in this important area.

For more information

- 22 If you would like further information on any of the points made above or if we can contribute to the on-going work of the Children and Young People Committee in this area, please contact:

Chris Wilford
Senior Policy Advisor
REC
chris.wilford@rec.uk.com
020 7009 2100

Document is Restricted

Document is Restricted

Document is Restricted