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National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : National Union of Teachers Cymru - (NUT Cymru)

About NUT Cymru:

NUT Cymru represents primary and secondary school members and is the largest teaching union in Wales. We welcome the opportunity to contribute evidence to the Children and Young People's Committee on the Education (Wales) Bill.

Areas for consideration:

Education Workforce Council – Registration and regulation of teachers and the wider workforce:

NUT Cymru welcomes the Welsh Government's proposals for a professionally-led regulator to include other education professionals. We have long argued for a more wide ranging professional body and were broadly supportive of the proposals put forward by the Welsh Government during the consultation on this issue.

We do share the concerns outlined by the GTCW regarding the failure to address the anomaly which sees teachers working in private and independent schools being excluded from the requirement to be registered and regulated. There is a strong argument for teachers and support staff at independent schools to be registered. The thinking currently is that a teacher can be dismissed following serious allegations of misconduct or incompetence in an independent school but can continue to teach both in the maintained and independent sectors (unless the teacher has chosen to register voluntarily). When a teacher in the maintained sector is subjected to similar allegations they would be referred to GTCW for investigation. While this situation exists in teaching in Wales it would be unthinkable in other professions such as medicine.

We would also echo the GTCW's position in relation to the role of the Minister. It would appear as if the Bill gives the Minister influence over the advice that the reconfigured council can provide, as well as other areas such as drafting a code of conduct.

We firmly believe that any successor to the GTCW must retain its independence from Government to ensure the confidence of the teaching profession. In Scotland the GTC is wholly independent of government and Northern Ireland has consulted on a similar approach.

NUT Cymru also has some concerns about the composition of the new education workforce council. We firmly believe the membership of the council should be determined via a process of election to ensure democratic accountability that secures the trust and support of the profession. Establishing a board via Ministerial appointment will be met with scepticism and open to accusations that it is

politically biased and lacks impartiality. There appears very little clear rationale for this structure other than to instil a political bias which will neither serve to enhance the reputation of the body or the incumbent Minister.

Finally we believe that it would be important to retain the word 'teaching' in the title of the new body to ensure continuity and to firmly identify the council as a guardian of teaching standards.

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

NUT Cymru largely supported the proposals to reform the registration and approval of independent schools in respect of special educational needs when the issue was consulted upon by the Welsh Government in November 2012.

The proposals will reduce duplication of work, and therefore bureaucracy, thus ensuring quicker and easier access to SEN provision for pupils and parents. We are also hopeful that the reforms will ensure that independent schools will have to specify the type of SEN provision they will offer. An additional benefit will be the emphasis on local authorities to monitor and judge such provisions on a local level.

Post-16 assessment of educational and training needs and specialist Further Education;

These proposals appear a positive step forward in ensuring that the SEN provisions of post-16 students are met. Placing an obligation on local authorities to determine the level of provision required and sourcing such a provision prior to the post-16 stage of education appears a sensible approach that will hopefully ensure any potential difficulties can be highlighted and addressed well before they come to fruition.

The local authority is the best place for this work to be done given it can more easily coordinate education, health and social service functions to ensure a joint approach.

One concern that does spring up from the proposal is the implications of the on-going consultation on the future of education delivery in light of the Robert Hill review. While this Bill is placing a clear, and correct emphasis on the role of the local authority in regards to SEN provisions for independent schools and post-16 education the Hill Review has proposed a weakening of the role of the middle tier of governance. There needs to be a clear focus on how one impacts on the other. It is also important to have clear guidance as to how, if at all, regional consortia will work into this model. Will the responsibility for these issues rest with individual local authorities, regardless of their make-up following Robert Hill's recommendations to cut their number by a third, or will regional education consortia be taking over the implementation?

School term dates;

We broadly supported the proposals put forward at the consultation phase and the Bill as drafted is a positive step forward. Creating a unified term structure across Wales will address a lot of concerns for teachers, pupils and parents, especially for those families with children in different schools or even different counties.

These proposals are in stark contrast to the proposals being put forward in England that will radically reduce the school holidays and lengthen the school day. Those measures are lacking in any coherent evidence and will have a detrimental impact on education standards.

The appointment of HM Chief Inspector and HM Inspectors of education and training in Wales under section 19 of the Education Act 2005;

This appears a sensible tidying up exercise to reflect the devolution of education and the powers of the Welsh Government in relation to the role of Her Majesty's Inspectorate of Education and Training in Wales.