

EB 12

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : Association of Teachers and Lecturers (Cymru)

Introduction

The Association of Teachers and Lecturers (ATL) represents over 160,000 teachers, lecturers, head teachers, principals, and support staff across the UK in maintained and independent schools, further education colleges and sixth forms. It represents over 6,500 education staff in Wales.

ATL welcomes this opportunity to share the thinking of professionals from across schools and Further Education Colleges. Our evidence is based on consultation and discussion with our members who are drawn from across the workforce.

Overview of the Bill

Education Workforce Council

We are pleased that the Bill seeks to maintain and enhance the professional standing of educational staff by proposing the retention and extension of the General Teaching Council. We are convinced that the de-professionalization agenda being pursued by the Westminster government, shown *inter alia* by the abolition of the General Teaching Council for England, will eventually lead to lower standards, poorer achievement, and a worsening of the educational experience for youngsters. We see the work done by heads, teachers and support staff as an intellectual endeavour requiring professional judgment and training. It is far more than a craft.¹ Teaching is the key component in raising standards in the classroom as many international studies have shown.² We believe that a properly constituted education Council could play an invaluable role in enhancing and

¹ See 'Teacher Professionalism' for ATL's view on the vital importance of seeing teaching as a profession - <http://www.atl.org.uk/policy-and-campaigns/policy-library/teacher-professionalism.asp>

² See, for instance, the McKinsey Reports - <http://www.shift-learning.co.uk/useful-links/153-mckinsey-report-2007-how-the-worlds-best-performing-school-systems-came-out-on-top.html>; and http://www.mckinsey.com/client_service/social_sector/latest_thinking/worlds_most_improved_schools

promoting the profession, raising standards, and improving the educational experience of youngsters.

We have always been a critical friend of the current General Teaching Council and welcomed its establishment in 2000. Although that body was not perfect we believe that it has done much to protect and advance the professional reputation and standing of teachers. We would now like to see the development of a truly independent body that would become over time an authoritative voice for all educational professionals in Wales. For this reason we welcome the provisions in the Bill that extend registration to Further Education staff and support staff. We believe these are part of a professionalization agenda which is to be applauded.

However, as it stands the Bill's provisions for the proposed Education Workforce Council are inadequate. At several points, as illustrated below, the proposed council is construed in such a way as to make it little more than a tool of government. The proposed body seems to be something that does things *to* teachers and support staff, rather than one that does something *for* them and *by* them. The focus of the new body seems almost exclusively focussed on discipline and regulation. The proposed appointments process suffers from an extreme democratic deficit. Unless the fundamental issues of purpose and ownership are addressed any new body will be hamstrung from the start. It will not command the respect of the profession it purports to promote and regulate. The proposed body as it stands will be appointed by the Minister, will make representations to the Minister only at the Minister's behest, and will engage in discussions with other stakeholders only with the Minister's permission. If it is to be credible the new body must be elected, at least in some part, and be able to express the concerns of the profession on its own initiative. We also think that to deny any element of democratic accountability and yet require as a condition of employment that staff pay to be registered with the new body infringes the fundamental principle of no taxation without representation.

Other provisions

In the main members welcomed the Bill's provision for pupils with special education needs, and we very pleased to see that the Bill contains provisions for the standardisation of school term dates across Wales.

Detailed examination of the Bill

(In this section we follow the structure of the Bill and the numbering is provided accordingly)

Part 2. Education Workforce

2.(1)(b). Education Workforce Council. The proposed renaming of the General Teaching Council for Wales to become the 'Education Workforce Council' is inadequate. Such a title is jejune and pedestrian. The title of the new body needs to establish both the professionalism of its members and also the essential role they play in teaching and learning. Doctors are registered with the General Medical Council and that the General Dental Council includes all dental professionals. We would suggest that the new body be called by some more appropriate title such the 'General Education Council' or 'Teaching Professions Wales'.

3. Aims of the Council. We would add in addition '(c) to promote the professional standing of teachers and support staff'.

6. Directions. (1) We believe the word 'must' is too strong in this context. We would suggest that it is changed to 'have due regard to'. This would ensure the independence of the new body

7. Advice (1). Conversely we believe that the use of 'may' is too weak and this construal of the relationship between the Council and the Minister too passive. We suggest that it is changed to 'The Council may provide the Welsh Ministers with advice on -'.

(4). We think this restriction is unnecessary. The Council should be able to decide to whom it should give advice on its own authority.

12. Registration fees. The failure to refund the registration fee in full created a great deal of resentment when it first occurred. The Government would be wise to proceed with caution when proposing an increase of the fee for all or any of those to be registered. It would be reckless to levy a fee while simultaneously denying any democratic representation to the workforce. We believe that as registration is a condition of employment then these fees should be met in full by employers as is the case with the fees payable by public sector employees to many other professional bodies. We are aware of the modelling contained as an Annex to the *Explanatory Notes* and are grateful for the explication of various possible solutions, but we think that the matters of principle that we have raised in regard to the new body need to be resolved first. We would expect full and meaningful consultation about the level of any proposed fee.

14. School teachers and school learning support workers. While we welcome the extension of registration to school support workers as befits their professional standing, care will need to be exercised in regard to definitions of which workers actually qualify as such. We cannot see why the definition given in regard to FE support workers at 16.2 could not *mutatis mutandis* be used for school support workers. However, we believe that

some sort of scoping exercise should be undertaken to determine the possible increase in the workload generated by the extension of the registration remit to FE and support staff before the requirement to register is rolled out.

24. Code of Conduct and Practice. We are not convinced that the Welsh Ministers are the appropriate persons to prepare and publish a code specifying the standards of professional conduct. It is provided at (4) that the Council will have powers to review that code in any case. We think it better that the current GTCW Code be appropriately modified after discussion with relevant stakeholders. This will give the profession greater ownership of the Code by which it is regulated.

26. Disciplinary Functions. 3(c). We welcome the inclusion of this clause which we hope will facilitate outcomes that are acceptable to both the Council and the member under investigation.

Part 3. Persons with learning difficulties

Members were supportive of the sections of the Bill relating to the provision of special education by independent schools. Some believed that this new registration process would improve and standardise the quality of support on offer. We are supportive of the proposal that would see yearly visits by Estyn of such registered establishments.

Members were largely supportive of the changes outlined for changes to assessments for persons with learning difficulties. It was thought this would lead to more seamless delivery of services, better provision, and also ensure that those with ALN did not ‘fall between the gaps’.

Part 4. Miscellaneous Provision

There was universal welcome for this long overdue implementation of standardised term dates across Wales for all the reasons previously rehearsed. ATL Cymru has campaigned and worked for such a change for many years.³ We believe that the new clauses outlined in **32B**, (at **49** in the Bill) giving the Minister the power to determine dates is essential. We are saddened that such a power is still necessary and that some local authorities even now are too concerned to protect their local fiefdoms than to consider the bigger picture and wider needs.

³ See our response to the consultation on School Term Dates. <http://www.atl.org.uk/Images/Reform-of-school-term-dates-120828.pdf>

Schedule 1

1.The Council. We would add after (b) as point (c) ‘is not a servant or agent of the Welsh Ministers’.

3. Membership.

(1). We are prepared to accept that the Minister can set the parameters for the size of the body.

(2). This is completely unacceptable. One member described this power of appointment as the formation of a ‘Yes Minister Club’. *All* others were opposed to this being the only route to membership and cited the loss of credibility of the new Body if this were to be enforced. We see no reason why the constitution of the General Teaching Council for Scotland should not serve as a model. The majority of its members are elected by the profession themselves and the rest appointed by key stakeholders. (We have appended an annex on the GTCS at the end of this evidence).

Dr. Philip Dixon

Director

The Association of Teachers and Lecturers

Annex: The General Teaching Council Scotland

Introduction

Established in 1965, GTC Scotland was the first such professional, regulatory body for teaching and teachers in the United Kingdom and one of the first teaching councils in the world. In April 2012 an Order conferred independent status on GTC Scotland, with enhanced powers and greater flexibility of operation. As a result GTC Scotland became the world's first independent professional, regulatory body for teaching. Under the Order the GTC Scotland's general functions are to:

- keep a register of teachers
- establish and review the standards of education and training appropriate to school teachers
- establish and review the standards of conduct and professional competence expected of a registered teacher
- investigate the fitness to teach of individuals who are, or are seeking to be, registered
- keep itself informed of the education and training of individuals undertaking courses for the education and training of teachers
- consider and make recommendations to Scottish Ministers about matters relating to teachers' education, training, career development and fitness to teach as well as the supply of teachers
- keep such registers of other individuals working in educational settings as it thinks fit
- maintain a scheme of Professional Update for teachers

The Council

- GTC Scotland is governed by a Council made up of teachers, educationalists and lay members that makes decisions on matters of strategy and policy. The Council has a significant role to play in shaping the teaching profession of Scotland and maintaining and improving professional standards. It does this by developing and monitoring the strategic direction of, and policy for, GTC Scotland.

Council membership follows a rolling programme with election, nomination and appointments processes taking place every two years and half of the members stepping down at the end of each two year period. This is based on a four year term of office for Council members.

Structure

The Council is made up of 37 individuals who fall into one of three categories:

19 elected registered teachers;

11 members nominated by educational stakeholders as follows:

- 3 by the Convention of Scottish Local Authorities (following consultation with the Association of Directors of Education in Scotland)

- 3 by Universities Scotland (following consultation with universities providing recognised teaching qualifications for individuals seeking registration as either teachers or further education lecturers)
- 1 by the governing bodies of the Further Education Colleges
- 1 by the Scottish Council of Independent Schools
- 1 by the Church of Scotland
- 1 by the Roman Catholic Church
- 1 by Parent Councils and Combined Parent Councils;

7 lay members appointed, following an open and fair selection process, by the independent Appointments Committee.