

## 1 Introduction

This paper represents the considered view of the General Teaching Council for Scotland on the proposal by the Welsh Government to introduce an Education Workforce Council in Wales. We would be grateful if it could be accepted as our response to the consultation which closes on Friday 13 September 2013.

GTC Scotland is the independent, professional regulatory body for teaching in Scotland. We set standards for entry to and governance of the teaching profession which apply to teachers at different stages of their careers; and we regulate issues of conviction, conduct and competence for teachers.

## 2 Analysis of the Bill

The publication of the Welsh Government's plans has brought to an end an unsettling period of uncertainty for the teaching profession in Wales. Although, when considered from the perspective of the independent GTC Scotland, a number of the proposals seem to be somewhat limited, we nonetheless recognise that the Bill continues to maintain and preserve the principle of professionally-led regulation in Wales. It also allows the possibility that greater independence and additional responsibility may be granted to the new body in future.

The Bill confirms the future arrangements for the regulation of the teaching workforce in Wales. It also sets out reasonable expectations of future professional development of teachers and it indicates an intention to set out further guidelines for the development of the new Education Workforce Council. GTC Scotland is happy to support these encouraging features of the Bill.

- (a) Positive Developments: There are a number of specific aspects of the Bill which should be welcomed. These include:
- (i) The retention of a professional body for teaching in Wales;
  - (ii) The allocation of a degree of financial and organisational independence to the new body;
  - (iii) The retention of the current status accorded to GTCW within the new body which will replace it;
  - (iv) The requirement to establish professional codes and standards;
  - (v) The requirement for registration within the Further Education sector;
  - (vi) The safeguarding of employment for existing staff (but not for the CEO).
- (b) Areas which might benefit from further review: It may be prudent for the Welsh Government to reconsider some of the proposals in the Bill in order to promote greater coherence and reflect emerging good practice in professional regulation. These include:
- the omission of any requirement to register for teachers and support staff in independent schools;

- the omission of any reference to the Council being able to take responsibility (not just to advise) on professional standards, the accreditation of initial training and the quality assurance of CPD (all of which featured in consultation);
  - the arrangements for the appointment of the Chief Officer. These, as currently drafted, may conflict with TUPE legislation. In any case, it would be preferable for the new body, to which the Chief Officer will be accountable, to have the power to determine its own arrangements for appointment and remuneration;
  - the omission of a mechanism to allow the independent appointment of members, as is the case in Scotland;
  - the title of the organisation. '*Education Workforce Council*' is too generic and does not immediately convey continuity from the current professional body, GTCW. Indeed, it does not take full account of the professional status of the existing teaching workforce in Wales, nor that of the future widened group of educational professionals. This fault might be rectified by the inclusion of words such as 'teaching' or 'professional' in the organisation's title;
  - the potential inclusion of youth workers. The professional role of youth workers is valuable but youth workers undertake work which is significantly different from that of others who will be registered with the new body.
- (c) Independence and Maturity: It is, of course, a matter for the Welsh Government and the people of Wales to decide on the arrangements for the new body. However, we would recommend to Welsh Ministers that they consider further recent experience of regulation in Scotland before reaching any final views about the new body.

GTC Scotland became a fully independent professional, regulatory body on 2 April 2012. The Council is responsible for all professional standards and for the requirements for entry to and maintenance of professional status within the teaching profession. Although its membership is set in statute, it uses an independent, arms-length body to select some members and to appoint those who serve on panels. It has also been charged by statute with the responsibility to introduce a scheme of professional update which requires all teachers to give evidence that they are keeping their skills up to date.

In short, GTC Scotland has wide responsibilities. In practice, it must therefore ensure that it is, and will remain, a trusted partner which seeks to initiate and develop change in Scotland as part of a shared consensus, while always keeping in mind the need to promote and protect the public interest.

Overall, we believe that there is also a case for greater independence for the new Welsh body. We consider that GTCW is a mature and trusted body and a review of its progress over the last 10 years might, we believe, have reasonably led to a decision that its successor could accept enhanced power in partnership with Government. Indeed, we had anticipated that the new Welsh body might be granted a degree of independence and/or greater power to make professional decisions which would be in line with the current Scottish model (and that now emerging in Northern Ireland).

Given this context, it is disappointing that the paper leaves a number of provisions unspecified, leaving open powers for Ministers to issue further guidance in due course. Of course, these powers may well be discharged in close liaison with GTCW and the new body itself. However, we have some concerns that the Bill, as currently worded, appears to suggest that many of the key professional decisions which will be central to the functioning of the new body will be taken by Ministers, rather than by the new body itself.

Some of the areas to which this comment is relevant are covered above. They include:

- The Council cannot offer advice of its own volition (even in specified areas) without Ministerial prior consent; it cannot determine whom it will advise without prior consent; it cannot publish its advice without prior consent.
- Determination of professional standards, the professional code and of arrangements for appraisal will, at least initially, be undertaken by the Minister, although subsequent Codes will be revised by the Council.
- Ministers will appoint all Council members without making use of an independent mechanism for selection of suitable individuals.
- Ministers may specify who is to appoint the Chief Officer, the procedure for his/her appointment, remuneration, terms and conditions.
- Ministers can make Regulations about registration fees, including the amount and who is to determine it. These fees will then be charged to education professionals who will be accountable to the new body for professional standards. This disjunction of responsibility and accountability is unhelpful.
- Ministers must approve the pay scheme for employees and must publish it in a form which Ministers may specify. This also causes a tension in the balance between the employee and the employer (the new body). The new body must, we believe, be free to set expectations and remuneration levels, and, therefore, to be publicly accountable for the decisions it takes.

### **3 Conclusion**

We trust that this submission is helpful to the work of the committee. However, in the event that any aspect of this submission should require further expansion or clarification, we would be happy to be contacted for this purpose.

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**Chief Executive**

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