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Consultation Document

Proposal for the registration of further education teachers with the Education Workforce Council

Date of issue: 7 July 2014

Action required: Responses by 6 October 2014

Proposal for the registration of further education teachers with the Education Workforce Council

Overview	This document invites views relating to the proposed exemption of some persons who would otherwise be required to register.
How to respond	Responses to this consultation should be e-mailed/posted to the address below to arrive by 6 October 2014 at the latest.
Further information and related documents	<p>Large print, Braille and alternate language versions of this document are available on request.</p> <p>The consultation documents can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations</p> <p>Further information about the Welsh Government's Programme for Government can be found at www.wales.gov.uk/about/programmeforgov/?lang=en</p> <p>Education Act 2002 – Sections 134 and 136</p> <p>The Education (Specified Work and Registration) (Wales) Regulations 2010 (SI 2010/2710)</p> <p>Further Education Teachers' Qualifications (Wales) Regulations 2002 (SI 2002/1663)</p> <p>The General Teaching Council for Wales (Functions) Regulations 2000 (SI 2000/1979)</p>
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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Contents

Summary	2
1. Background	3
2. Aims of the Education Workforce Council	4
3. Introduction	5
4. Rationale for change	6
5. Registration	7
6. Proposal under consideration	8
7. Definition for FE teachers as set out in the Education (Wales) Act 2014 and the proposed exemptions to registration	9
8. How to comment on this proposal	11

Summary

The Education (Wales) Act 2014 (the Act) reconfigures and renames the General Teaching Council for Wales (GTCW); extends the current remit of the body; and amends the composition of its membership in order for it to become the Education Workforce Council (“the Council”).

A consultation is already underway in respect of the Council’s membership. It is proposed that, from April 2015, in order to work as a further education teacher (“FE teacher”) in Wales a person must be registered with the Council. The Act sets out who will be regarded as FE teachers. This consultation invites comments on the proposal that some persons, who otherwise would be required to register under the category of FE teacher, will be exempt from that requirement.

1. Background

- 1.1 It is proposed that the Council's new functions will be introduced from April 2015. The Act provides that the Welsh Ministers may require by regulations that school teachers, FE teachers, FE learning support workers, and school learning support workers, register with the Council. A person must already be registered with the GTCW in order to work as a school teacher in a maintained school in Wales. That system will continue from April 2015 save that the registration body will be called the Education Workforce Council.
- 1.2 The Council must have the skills, knowledge and expertise to support the wider education workforce if it is to become a key partner in delivering better coherence and support the agenda to drive up standards in teaching and learning. The Welsh Government will ensure that the existing registration system for teachers will continue without interruption, and without detriment to teachers. Effective teaching and learning is at the heart of education reform in Wales. The quality of teaching practitioners and those who support them is a critical factor in determining the quality of teaching and learning and, subsequently, the outcomes for learners.
- 1.3 The options available to learners in Wales through policies such as 14-19 Learning Pathways, and collaboration between schools and post-16 providers, have led to closer working of practitioners between different sectors. There has also been a rapid increase in the number of people supporting teaching and learning in the foundation phase, with learning support assistants working in partnership with teachers to deliver the curriculum. This means that the structure and composition of the education workforce has changed significantly in recent years.
- 1.4 It is vital that all these different practitioners work together effectively and are able to access well designed qualifications, support and development. Their professionalism, suitability and standards of conduct, training, and development, are key to their success. We want to ensure that we recognise the role of all those working to support teaching and learning as part of a single and coherent education workforce in Wales.
- 1.5 It is proposed that FE teachers (lecturers) will be the first addition to the existing register of teachers, with the registration of FE and school learning support workers to be phased in over time.

2. Aims of the Education Workforce Council

The aims of the Education Workforce Council are to:

- contribute to the improvement of standards of teaching and the quality of learning in Wales
- maintain and improve standards of professional conduct amongst teachers and others in the education workforce who support teaching and learning
- maintain public trust and confidence; and to safeguard the interests of learners, parents and carers and the general public.

3. Introduction

- 3.1 The GTCW currently has a statutory duty to establish and maintain a register of school teachers. Registration is required for all teachers who wish to be employed in maintained schools in Wales, including peripatetic teachers and those in substitute/ temporary positions. All employing authorities are required to ensure that they only employ school teachers who are registered with the GTCW.
- 3.2 FE teachers are currently not required to register with any registration body but the Education (Specified Work and Registration) (Wales) Regulations 2010 and the Further Education Teachers' Qualifications (Wales) Regulations 2002 do make some provision about such teachers.

4. Rationale for change

- 4.1 In February 2011, the then Minister for Education and Skills set out his agenda to raise standards of education in Wales. Through the Programme for Government, the Welsh Government committed to review the General Teaching Council for Wales (GTCW). The Act is part of a series of measures that will help to improve educational standards and attainment for the people of Wales; and ensure that wider education workforce practitioners work together more effectively.

- 4.2 The Act recognises the increasing synergy between the schools and FE sectors and reinforces the need for a similar level of consistent, independent regulation across the whole education workforce. The Welsh Government believes that parents and the wider public are entitled to be reassured that all of those employed within the teaching professions, whether schools or institutions of further education, are subject to appropriate independent regulation and aspire to the highest professional standards.

- 4.3 Given the size of Wales and prevailing economic conditions, the creation of a separate body to regulate FE teachers (lecturers) was not deemed to be either appropriate or justifiable, from a value for money perspective. It was therefore decided to reconfigure and rename the GTCW and the Act gave effect to that. The need for an autonomous body such as the Council which operates independently from government with the appropriate powers to regulate all those employed in the teaching profession is deemed to be both necessary and timely. The Council will play a vital role in delivering the Welsh Government's key agenda to improve quality and raise standards through the teaching/lecturing profession.

5. Registration

- 5.1 The Register, currently held by the GTCW, will continue under the Council to include teachers working in maintained schools in Wales. The Act provides that the Welsh Ministers may extend registration with the Council to a wider group of practitioners.
- 5.2 A key feature of many professions is a requirement to register with a professional body that sets and maintains professional standards, retaining public confidence and demonstrating a shared commitment to professionalism. Of the education workforce, it is currently only school teachers that are required to be registered with a registration body.
- 5.3 The benefits to registration are that those who are registered will be seen as:
- credible members of the workforce
 - having professional status, meeting the specific standards for entry and continued membership of that profession
 - being suitable to be a member of the profession – maintaining public trust and confidence.

6. Proposal under consideration

6.1 This consultation seeks views on the proposed categories of service providers within an FE institute that will not be required to be registered with the Council from 1 April 2015.

6.2 The proposal is that the following categories of professions will be required to register with the Council from the following dates:

From April 2015

- Teachers
- Further education teachers (lecturers)

From April 2016

- School learning support workers
- FE learning support workers

7. Definition for FE teachers as set out in the Education (Wales) Act 2014 and the proposed exemptions to registration.

7.1 Schedule 2 to the Act provides a definition of FE teacher:

“a person who provides (or wishes to provide) education (as defined by section 140 (3) of the 2002 Act)¹ in or for a further education institution in Wales”

7.2 The definition is deliberately wide. However, at the moment for the purposes of the registration scheme, we believe that applying that definition without any exceptions will mean that a number of persons will be required to register which it would be difficult to reasonably justify. As indicated earlier, introducing the wider registration scheme is regarded as part of a number of measures to improve education standards and attainment. Requiring certain persons to register should be seen in that context. The policy intention is that anyone teaching FE for an FE institution in Wales, whatever their job title, will be required to register with the Council – whether they work on a full time, part time, sessional or supply basis.

7.3 Under the Act, the Welsh Ministers have the power to exempt some persons, who otherwise would be required to register under the category of FE teacher, from that requirement. This means that persons providing or engaged in types of activity set out in regulations (which would ordinarily fall within the definition of FE teacher set out in the Act) will be exempt from the requirement to register in relation to that activity. It is proposed that a requirement to register will not be a requirement if the following conditions are met. These are:

- (a) a person who only teaches higher education in, or for an FE institution
- (b) a person who provides on a temporary or occasional basis updates for an FE institution on current industrial, commercial or professional practice
- (c) a person who only hires an FE institution’s premises or who makes use of them with the permission of the FE Institution to provide education. The intention is to exempt recreational/social activities, to include but not limited to sports teams, cooking, painting, flower arranging and cake decorating activities
- (d) a person who is engaged by an FE institution to provide, training specific to the requirements of an external body or organisation. The intention is to cover instances such as where a manufacturing company asks an FE institution to provide a health and safety

¹ *Education Act 2002 – Part 8 Teachers Further Education. “education” includes vocational, social, physical and recreational training (the definition of ‘education’ above, includes but is not limited to the examples listed).*

training session or management course for the company's own staff.

- 7.4 It's important to note that, notwithstanding if a person falls within one of the exempt conditions above, that person will still be required to register if that person is also providing or engaging in an activity which falls within the definition of FE teacher. So, for example, a person who teaches FE in an FE institution in Wales who also hires a room each week in that institution to put on his own private lessons will still be required to register.
- 7.5 The Welsh Government believes that providing for these exemptions is a proportionate approach to registration for this category of practitioners.
- 7.6 A separate consultation will follow in relation to the FE and school learning support workers because it is currently proposed that the requirement to register for these categories will start in April 2016.

8. How to comment on this proposal

8.1 Specific questions are listed in the response form and you are invited to provide answers to these questions or to comment in more general terms, in writing or in print, electronically or in hard copy to the address at the beginning of this document.