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Consultation Document

Registration fees for the education workforce in Wales

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Action required: Responses by **7 November 2014**

Registration fees for the education workforce in Wales

Overview	This consultation document seeks views on the principles of registration fees for the wider education workforce in Wales.
How to respond	Responses to this consultation should be e-mailed/posted to the address below to arrive by 7 November 2014 at the latest (please enter 'Registration fees for the education workforce in Wales' in the subject matter box).
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>The current requirements for registration of the education workforce in Wales were established by the Teaching and Higher Education Act 1998 www.legislation.gov.uk/ukpga/1998/30/contents</p> <p>and</p> <p>General Teaching Council for Wales (Functions) Regulations 2000 SI2000/1979 (W.140)</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>
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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.

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Summary

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

The Act gives the Welsh Ministers the power to make regulations in relation to fees payable for registration with the EWC. This consultation seeks your views on the proposals for the registration fee model which will inform the development of a new set of regulations to be made under the Act.

It is intended that these new regulations will be in force from spring 2015, in time for the establishment of the EWC from 1 April 2015. The regulations will allow for a transitional year in 2015-16 (see section 6); with the final fee model to be in place for registration in April 2016.

1. Background to the Education Workforce Council

- 1.1 The Education (Wales) Act 2014 (“the Act”) reconfigures the General Teaching Council for Wales (‘GTCW’); extends the current remit of the body; and amends the composition of its membership, in order to create the Education Workforce Council (‘the EWC’). It is proposed that the Council’s new functions will be introduced from Spring 2015, in time for the establishment of the EWC from 1 April 2015.
- 1.2 The Act gives a power to the Welsh Ministers to make regulations requiring Further Education (FE) teachers; FE learning support workers; and school learning support workers to register with the EWC. This will help to improve and maintain high standards of teaching and the quality of learning in Wales by regulating and supporting the wider education workforce.
- 1.3 The EWC 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 school teachers will continue without interruption. Effective teaching and learning is at the heart of education reforms 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.
- 1.4 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.
- 1.5 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.
- 1.6 Although the Welsh Government has identified professions that will initially be required to register (under Schedule 2 to the Act), this does not preclude the future registration of other groups such as WBL and Youth Workers who also provide a valuable contribution to the education and training of our children and young people. The Act therefore, creates a framework that will enable us to add new categories of registration in the future, if and when appropriate; and subject to the agreement of the National Assembly for Wales.

2. Aims of the Education Workforce Council

2.1 The aims of the Education Workforce Council are to:

contribute to the improvement of standards of teaching and the quality of learning in Wales; and

maintain and improve standards of professional conduct amongst teachers and other persons who support teaching and learning.

maintain public trust and confidence; and to safeguard the interests of learners, parents and the general public.

3. Registration

- 3.1 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 GTCW. This 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.
- 3.2 The Register, currently held by the existing GTCW, will continue under the reconfigured body (EWC) and so continue to include teachers working in maintained schools in Wales (an existing compulsory requirement). In addition, the Act provides that the Welsh Ministers may extend registration with the EWC to a wider group of practitioners.
- 3.3 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 the GTCW in order to teach in a maintained school in Wales.
- 3.4 There are benefits to registration, it enhances the status of the workforce; and recognises that all education practitioners play a vital role in supporting teaching and learning and raising standards, as part of a single and coherent education workforce. In addition, registrants will be seen as:
- part of a credible and valued workforce;
 - having professional status, with specific standards for entry and continued membership of that profession; and
 - suitable to be a member of the profession – maintaining public trust and confidence.

4. Registration Fees – legal system and powers

- 4.1 Currently, the Teaching and Higher Education Act 1998 requires that the Welsh Ministers approve the GTCW registration fee. The powers to enable the GTCW to set a registration fee, with the National Assembly for Wales' approval, are contained in regulation 9 of the General Teaching Council for Wales (Functions) Regulations 2000, made under subsection 4(4) of the 1998 Act.
- 4.2 Under the new Education (Wales) Act 2014, the Welsh Ministers have powers to set the registration fees for the EWC (by virtue of section 12). Whilst there is provision to enable Welsh Ministers to make regulations that would give this power to the EWC (subsection 12(2) of the Act), it is anticipated that this will not take place for at least 3 years, or until such time as the Welsh Government believes it is right and appropriate to do so, given the phased implementation of registration for the wider education workforce. Any future transfer of the power to set registration fees to the EWC will be subject to a full consultation at that time. That consultation may also include consideration as to whether the National Assembly for Wales should retain the power to veto changes to registration fees, where they believe that the change is inappropriate, or without a sound evidence base of need.

5. Current fee arrangements for teachers in maintained schools

- 5.1 School Teachers' Pay and Conditions is not determined by the Welsh Ministers, but set annually by the Department for Education in the UK Government. They are reviewed annually and published every September for the start of the academic year in the School Teachers Pay and Conditions Document (¹STPCD).
- 5.2 Currently, teachers in maintained schools in Wales are required to pay an annual registration fee of £45.00 (before any subsidy), in order to maintain their registration with the GTCW. The fee is taken directly from their pay by their employers and transferred to the GTCW in April every year. At the same time, each teacher receives a subsidy, or reimbursement, of £33 towards that fee.
- 5.3 The current fee subsidy for teachers in maintained schools in Wales is specified in the STPCD and is expected to continue at £33 for the 2014-15 academic year. This will be set out in the STPCD in September this year. The financing of the subsidy is through the annual unhypothecated settlement to Wales from the UK Government; which is then distributed to Local Authorities for onward distribution to teachers in Wales through their pay.

¹ <https://www.gov.uk/government/publications/school-teachers-pay-and-conditions-2013>

6. Implementation and transitional registration arrangements for April 2015 – March 2016

- 6.1 The Welsh Government policy intention is for a phased approach to the registration of the wider workforce, thus ensuring a smooth transition to the reconfigured body. **The intention is that the EWC will become operative from April 2015, with a phased implementation plan for the registration of the wider education workforce. It is anticipated that FE teachers will be the first addition to the existing register of school teachers (from April 2015); with FE and school learning support workers' registration to be phased in from April 2016.**
- 6.2 For the first year of the EWC, (2015-2016), it is estimated that a total of approximately £2 million will need to be generated by registration fees, in order for the EWC to carry out its core duties and functions. As a result, we are proposing to keep the fee at its current level of **£45**. We think this is reasonable because Further Education (FE) teachers' salary structure is comparable to that of school teachers. (A separate consultation is currently underway in relation to the registration of FE teachers.) To ensure fairness, FE teachers will also have their fee subsidised for their first year of registration; and as a result will be required to pay a contribution of £18 towards the full £45 registration fee. (The amount school teachers actually pay following adjustments for income tax, on average, equates to approximately £18.)
- 6.3 Teachers in maintained schools will continue to receive, through their pay, the subsidy of £33 towards their registration fee for the 2015-16 financial year. The fee subsidy for FE teachers will be met by the Welsh Government for this transitional year; and will be paid directly to the EWC.
- 6.4 **From April 2016 onwards, the fee arrangements will be as set out in 1 of the models proposed in sections 7 onwards.**

7. Development of the registration fee models for the wider education workforce for 2016

- 7.1 The Welsh Government undertook two consultations regarding proposals for the registration of the wider education workforce in Wales. An overwhelming majority were in agreement that other groups within the education sector should be required to register; and that they should pay a fee for that registration. Our consultation document *Proposals for registration of the education workforce in Wales*² included some early thoughts on the fee level. Responses to the consultations suggested that the registration and disciplinary functions should be conducted independently from Government; and that there should be differential fee levels to recognise the remuneration of different sectors of the education workforce.
- 7.2 Much consideration was given to the responses to those consultations regarding a differentiated fee based on salary scales; and this was set out in the Regulatory Impact Assessment which formed part of the Explanatory Memorandum that accompanied the Education (Wales) Bill (now 'the Act'), on introduction to the National Assembly for Wales. However, further analysis of this option suggested that this method would be extremely complex to administer in practical terms, with regard to the collection of the fee itself – consequently leading to potentially higher administration costs for the EWC and employers. Higher administration costs would, as a consequence, result in higher fees for registrants; place potential additional burdens on employers, which, during a time of austerity would be disproportionate. Owing to these complexities, we do not intend to differentiate between those practitioners that work full-time and those that work part-time hours.
- 7.3 Since those consultations, the Welsh Government has undertaken further work, based on the role and functions that the EWC will need to deliver, taking account of the need for such a model of charging for registration to be fair and equitable across the whole workforce. We also recognise that salaries can vary greatly within different groups across the education workforce. This further work has resulted in the revised proposal that the **fees will be based on grouping by profession; and based on the salary data derived, the lower earning occupations should contribute the least**. Using such a methodology will be the most cost effective method; and deliver considerable savings for those administering the fee collection, both at employers' level, and the EWC itself. This will also contribute to keeping the fee rate to a minimum.
- 7.4 Working on the basis that there are an estimated 71,600 relevant employees (37,000 school teachers, 7,400 FE teachers and 27,200 Learning Support Workers (both school and FE) – all numbers are approximate); an estimated total of **£3.5 million** is required in order for the EWC to fulfil its statutory functions in relation to registration and the possible increase in the number of disciplinary cases that the EWC will be required to consider. **These costs will need to be financed entirely from registration fees. Consequently the fees models proposed are set so that the registration fee is sufficient to cover**

² <http://wales.gov.uk/consultations/education/workforceregistration/?status=closed&lang=en>

those costs. Further, all practitioners required to register will have their fee contribution deducted from their salary by their employer and transferred to the EWC.

8. Registration fee model proposals for 2016

8.1 Three key principles have influenced the development of the models set out in the following sections; and it is essential that any fee model to be implemented meets all of them. They are:

Sustainability: The fees to be paid by registrants must be at a sufficient level to ensure that the EWC has a sustainable level of funding to enable them to undertake their statutory and core functions.

Proportionality: Any level of fee for registration must be proportionate to the levels of earnings of practitioners, to ensure that all those required to register are able to do so.

Cost Effectiveness: Any proposed model must be cost effective in terms of administration costs to employers and the EWC for the practical application of the collection of the fees.

9. Proposed fee model 1 (preferred model)

9.1 As set out in paragraph 7.4, the EWC needs to raise an estimated £3.5 million in order to finance its core functions. Working on the basis of 71,600 relevant employees, **this equates to an annual registration fee of £49 per registrant.**

9.2 In order to meet all of the key principles set out above, the Welsh Government proposes to redistribute the element of funding that is currently provided to Local Authorities in Wales to subsidise school teachers' registration fees, to help meet the costs of registration for the wider workforce. This funding will continue to reduce the fees paid by **all** education practitioners within Wales, but will be paid directly to the EWC to support its core functions, rather than into practitioners' pay.

9.3 The proposed distribution of that subsidy is set out in the table below; with the resulting fee contributions reflecting proportional differences in average earnings between the groups of practitioners:

Practitioner Group	Registration Fee	Subsidy	Actual Contribution
School Teachers	£49	£4	£45
FE Teachers	£49	£4	£45
School Learning Support Workers	£49	£34	£15
FE Learning Support Workers	£49	£34	£15

9.4 The Welsh Government recognises that this is a change for school teachers, as it is the first time that they have been asked to contribute the majority of their registration fee. However, this puts them in a comparable position with other professional groups in Wales who are required to register with a registration body.

9.5 Whilst we propose to utilise the subsidy currently provided to teachers to redistribute across the wider educational workforce, all registrants will continue to have one of the lowest registration fees of all the professional bodies. For example, the annual fee for nurses and midwives is £120, whilst for speech therapists and physiotherapists it is £80 per year (the table at Annex A refers).

9.6 Given that school teachers' pay is set by the Secretary of State and not the Welsh Ministers, any change to the level of subsidy currently paid to teachers will have to be agreed by the UK Government's Secretary of State for Education; and as such, this model is dependent on his consent.

10. Proposed fee model 2

10.1 If, for any reason, the Welsh Government is unable to re-distribute the subsidy that is currently provided to school teachers, a slightly different model will be required. In order to ensure that the EWC raises sufficient funds, based on the estimates outlined in paragraph 7.4; and to continue to keep the fee contributions to the levels set out in the table at paragraph 9.3, the model required will be as follows:

Category	Registration Fee	Subsidy	Contribution
School Teacher	£78	£33	£45
Further Education Teacher	£49	£4	£45
School Learning Support Worker	£49	£34	£15
FE Learning Support Worker	£49	£34	£15

10.2 As you will see from the table above, this model results in a fee contribution equivalent to that in Model 1. The only difference being that the fee and subsidy for school teachers are greater, as they will retain their current level of subsidy through their pay. As a result, the actual fee is increased in order to off-set against that greater subsidy; and to allow for the continuation of the subsidy for other practitioners. In practice, this means that the subsidy for the wider workforce will be re-routed through individual school teachers' fees, to the EWC; rather than through the Welsh Government and provided to the EWC as a block of funding.

10.3 This model is less preferable to Model 1, as it not only creates a larger increase to school teachers' actual fee (but **not** the contribution); but it leaves the school teachers' subsidy dependent on the annual reviews of the STPCD. As this document is determined by the Secretary of State, and remains the responsibility of the UK Government's Department for Education, it could potentially be amended at any point to remove the right of school teachers in Wales to receive the subsidy.

11. Proposed fee model 3

- 11.1 If at any point (whether prior to the implementation of the fee model for the EWC, or at some other point in the future) the funding for the subsidy becomes unavailable, a third model of registration fees would be required. Again, in order to ensure that the EWC raises sufficient funds (£3.5 million), this could be achieved in a number of ways - based on a sliding scale of fees between school and FE teachers; and school and FE learning support workers.
- 11.2 The simplest way, of course, would be to equalise the contribution for all registrants to a full contribution of £49. However, this would not meet one of the key principles of the model with regards to 'proportionality'.
- 11.3 Alternatively, we could increase school and FE teachers' fees to £71 per registrant, in order to maintain a fee of £15 for learning support workers, in line with the contributions for those practitioners as proposed in models 1 and 2. However, this would be a significant increase for all teachers, without any increase for learning support workers, which would be unfair.
- 11.4 The Welsh Government considers the fairest option would be to increase the fee of both groups in order to keep a balance, whilst also keeping the fee at a proportionate level for all registrants. **The options are set out in the table below;** and the Welsh Government propose that **in the event that this model is required for registration in April 2016, option 4 would be used.** However we welcome all views on this issue.

Fee Options	School and FE Teachers	School and FE Learning Support Workers
1	£71	£15
2	£68	£20
3	£65	£25
4	£62	£30
5	£58	£35
6	£55	£40
7	£52	£45
8	£49	£49

12. Terms of the final fee model

- 12.1** It is our intention that the final fee model to be put in place for the EWC in April 2016, (that model being dependent on the responses to this consultation), will be subject to annual reviews against the core running costs of the EWC, as this can only be estimated at this time – and as such, may result in a change to the annual fee for registrants in future years.
- 12.2** In addition, should the funding for the current subsidy become unavailable; the fee model will need to be revised. As stated in paragraph 11.4, and owing to time constraints, if the subsidy becomes unavailable before registration takes place in April 2016, this will result in an automatic move to Model 3 above. However, if it occurs after that time, a further consultation will take place on the model to be used.

13. Glossary of terms

- 'School Teacher'** – A teacher in a maintained school in Wales (including supply teachers)

- 'FE Teacher'** – A teacher, lecturer or tutor in a further education institute in Wales – the term 'teacher' is used as opposed to 'lecturer' to reflect the terminology used in the Education (Wales) Act 2014

- 'EWC'** – Education Workforce Council

14. How do I comment on these proposals?

- 14.1 Specific questions are listed in the separate response form; and you are invited to provide answers to these questions, or to comment in more general terms. This may be submitted electronically or in hard copy, using the contact details on page 2 of this document.

Annex

UK Regulatory Body	Profession	Registration Fee
Solicitors Regulation Authority	Solicitors	£836 first registration / £440 renewal
General Chiropractic Council	Chiropractors	£750 first registration/ £800 renewal
General Osteopathic Council	Osteopaths	£320 on entry/ £570 year 3+
General Dental Council (GDC)	Dentists, Dental care professionals e.g. dental nurse, hygienists, technician	Dentists £576 Dental care professionals £120
General Medical Council (GMC)	Doctors	£390
Royal Society of Veterinary Surgeons	Vets, Veterinary Nurses	Vet Registration £299 / renewal £299 Veterinary Nurses Registration £112 / renewal £61
General Optical Council (GOC)	Opticians	Registration £290 renewal / £290 (£190 for those on lower incomes) Students Registration £25 / renewal £25
Royal Pharmaceutical Society	Pharmacists	£192
The Institute of Engineering and Technology	Engineers and Technicians	£146 - £186 depending on level of qualification
Nursing and Midwifery Council (NMC)	Nurses / Midwives	£120
Health Professions Council (HPC)	15 professions e.g. Physiotherapists, Speech Therapists, Chiroprodists	£80
The Teaching Council (Ireland)	Teachers in the Republic of Ireland	90 Euros (approx £75) first registration/ 65 Euros (£54 renewal)
GTCW, GTCS & GTCNI	Teachers	£45, £50, £44
Care Council for Wales (CCW)	Social workers / social care managers	£30

