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Janet Finch-Saunders AM
Chair, Petitions Committee
National Assembly for Wales
Pierhead Street
Cardiff
CF99 1NA

10th December 2020

Dear Janet

Petition P-05-1033 Abolish Education Workforce Council (EWC) registration fees and completely reform its organisation

Thank you for your letter dated 18th November 2020. I provide a response on behalf of the Education Workforce Council (EWC) below.

Background

The EWC was established under the Education (Wales) Act 2014 and came into being on 1st April 2015. Under the Act, the General Teaching Council for Wales (GTCW) was renamed (to become the EWC) and “professional registration” was extended beyond school teachers to six other groups in the education workforce spanning schools, further education, work based learning and youth work settings.

The Act and the secondary legislation which accompanies it was subject to extensive consultation by the Welsh Government and debate by the Senedd, between 2011 and 2017.

The petition

Mr Southall (the petitioner) has been required under the Act to register with the EWC since 2015 in his capacity as an FE lecturer. This requirement is consistent with the many other “regulated” professions that the public legitimately seek assurances about.

Mr Southall has written to the EWC on a number of occasions asking questions about the EWC, including a detailed request for information in August 2019. I am attaching the Council’s response to him in August 2019 as this answers many of the points he has raised with the Committee.

I also understand that Mr Southall created a similar petition in 2017, to which the Minister responded in May of that year.

In addition to the attached, I would also like to draw the Committee’s attention to the following matters covered by Mr Southall in his correspondence with the Committee:

1. The EWC’s support to its registrants
2. Council membership
3. Factual inaccuracies in Mr Southall’s submissions to the Committee

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I take each of these points in turn.

The EWC's support to its registrants

Having been formed in April 2015, the Council's priority in its first three years was to establish itself and begin to deliver its statutory responsibilities, in particular extending professional registration and regulation to the wider education workforce, as required under the Act for the **protection of learners, parents, guardians and the general public**. This was undertaken in a phased way, as stipulated in the Act and completed in 2017.

In addition to its regulatory functions, the Council helps to promote the professionalism of the education workforce and assists in raising standards of teaching and learning in a range of other ways. These activities are funded through registration fees but also through grant funding where the Welsh Government asks the EWC to lead specific work streams or initiatives in Wales. Despite the extension of the Register being completed as recently as 2017, the Council is already very active in this area, including in Mr Southall's field of further education. By way of reassurance to the Committee, since Mr Southall's correspondence in 2019 and the work referred to in our response to him at that time, the EWC is now also taking a key role in, for example:

- leading work to promote recruitment and retention within each of the education professions in Wales. This includes launching a national website (funded by the Welsh Government) in February 2021 which will promote careers, house professional learning opportunities and enable employers in Wales to advertise jobs within education at no cost to them. This is supported by a national advisory service to support such careers
- leading initiatives to promote recruitment to the education professions in specific targeted areas such as Welsh language and ethnic minority communities
- leading work nationally to review the professional standards for further education and work based learning practitioners in Wales and to develop a suite of resources and tools to help them use the standards
- working with other stakeholders in Wales as part of a national steering group to establish new arrangements for post-16 professional learning practitioners in Wales
- undertaking a second national education workforce survey in January 2021 in collaboration with UCU trade union, Colleges Wales and Welsh Government. This forms part of wider work to seek to reduce workload for FE lecturers
- leading work to look at the similarities and differences in school teacher and further education qualifications given that school teachers may teach in further education yet further education lecturers are unable to teach in schools
- sitting on a number of new national working groups which focus on key matters such as the establishment on a new Commission for Tertiary Education and Research in Wales
- delivering the Quality Mark in Youth Work in Wales

I wish to reassure the Committee that the Council is successfully delivering all of its statutory requirements, both regulatory and professional. It also continues to receive strong annual "opinions" from Audit Wales which confirm that the organisation is extremely well run.

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Further information about the EWC's vision, mission, objectives and performance can be found within the Council's strategic plan and annual report using the link below.

<https://www.ewc.wales/site/index.php/en/about/corporate-documents.html>

The strategic plan is developed in full consultation with board members, registrants and stakeholders annually. All registrants have an opportunity to provide comments on the draft.

Council membership

Mr Southall states that the EWC is not a representative body.

The Education Workforce Council (Membership and Appointment) (Wales) Regulations 2014 sets out the composition of EWC Council and as such the model was determined by Ministers, following both consultation and the opportunity for debate in the Senedd.

The size and composition of the Council is similar to many other professional bodies in professions such as medicine, nursing, the law, social care. It is important to highlight that such bodies operate in the **public interest** and therefore generally have a balance between members of a particular profession and lay members. Indeed, many such bodies have a "lay majority", although legislation requires the EWC Council to have a "registrant majority". Furthermore, there is a full opportunity within the existing appointment model for practitioners such as Mr Southall to be appointed to Council, whether through nomination by their trade union or by direct application. In fact, it is possible for the Council to be entirely made up of registrant members.

I would, however highlight that appointments to EWC Council are "public appointments", made by Welsh Ministers. This is irregular when compared to similar professional bodies that are independent of government and whose core funding is from practitioner registration fees. The EWC considers that such appointments should be more appropriately made by Council itself on behalf of its registrants rather than by the Welsh Government.

Factual inaccuracies in Mr Southall's submission to the Committee

I think it is important for me to point out a number of factual inaccuracies in Mr Southall's correspondence with the Committee:

1. *"It failed to provide comprehensive CPD or promised bursaries for career enhancement"*. These matters are not part of the EWC's remit as set out in Welsh Government legislation and were not promised to registrants.
2. *"The registration fee is a tax on education professionals"*. This is not the case. It is common for professions that the public have a legitimate interest in to be regulated for the protection of the public. The payment of fees by those registered is common practice. The fee is also "tax deductible" as determined by HMRC.
3. *"Teachers in HE and the private sector are not regulated by the EWC"*. There are a number of private settings where education practitioners are required to register with the EWC, for example those working through supply agencies, those employed by companies that provide

specific teaching and learning services to schools and colleges (such as music or sports instruction) and work based learning companies. However, the EWC has highlighted to Ministers and Government that it remains concerned that staff in independent schools and in HE are not required to register with the EWC and this represents an unnecessary safeguarding risk.

4. *“The vast majority of headteachers and managers in FE do not need to register or pay the fee”*. All headteachers in maintained schools in Wales must register and pay the fee. Most managers in FE colleges are required to register and pay the fee as they deliver teaching and learning. Those who do not deliver teaching and learning, such as the Principal of a College are not required to register under Welsh Government legislation – these are small in number.
5. *“The EWC is an organisation that is wholly dependent on the Welsh Government for its existence, its direction and its funding aside from the finance it exhorts out of registrants which barely cover the excessive salary and pension benefits of its executive staff”*. While the EWC was established under primary legislation, it sets its own direction through its strategic and operational plans. It is not dependent on Welsh Government funding to exist, rather the Welsh Government can invite the EWC to lead particular work activities nationally within its statutory remit but must meet the costs for such work (grant). The EWC does not have to agree to undertake any work that the Welsh Government invites it to lead, but will carefully consider the benefits to its registrants in making a decision to do so.
6. *“The EWC can certainly not be compared to highly regarded and representative associations such as the BMA”*. The BMA is a trade union and a professional association. It “represents, supports and negotiates” and also has a remit for “fighting for pay / conditions and for lobbying and campaigning”. This is not the purpose of the EWC or similar organisations in teaching and other professions. Trade unions and professional associations already exist and carry out these functions for education practitioners in Wales.
7. *“There are just two serving teachers, no FE lecturers, no WBL teachers / instructors and no youth workers on Council”*. In line with the requirement in legislation for a “registrant majority” there are in fact 8 members of Council who were registered on appointment by the Welsh Government. I also re-emphasise that bodies like the EWC regulate in the interests of the public and will usually comprise both practitioners and lay members, with a “lay majority” often the norm.
8. *“There are no currently employed FE interests represented at all on Council”*. There are 5 persons on EWC Council with specific expertise in FE and work based learning as well as others with a more general knowledge. Furthermore, as explained above the current appointment system provides a full opportunity for FE practitioners to seek appointment to Council.
9. *“As far as acting as an advocate for rights and improvements to conditions of service of FE practitionersthe EWC does not undertake this role”*. Mr Southall is correct in that the EWC does not perform this role. As explained above, this is a function of trade unions and professional associations. The EWC does, however have a statutory ability to provide advice to the Welsh Government and others on matters relating to teaching and learning and does so on a frequent basis through a number of means, for example by sitting on national working groups, responding to national consultations, using its unique data to highlight issues, undertaking national surveys and developing formal advice on behalf of the education workforce.

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10. *"The primary role of the EWC is to maintain the register and collect registration fees on behalf of the Welsh Government"*. This is not an accurate statement of the EWC's aims and functions as set out in legislation and illustrated by the Council's strategic plan and annual report.
11. *"FE practitioners are charged the full fee for one month or less before the renewal period"*. This is incorrect, applicants seeking to register in the last month of a fee year do not pay for this period of time at all.
12. *"There is no mechanism to stop duplicate payments for FE practitioners who work in multiple institutions. There is evidence of UCU members being charged twice for registration. Colleagues have found it difficult to reclaim"*. No registrant will be charged twice in the same registration year. The EWC has well established procedures to deal with such matters.
13. *"Additionally the period where the fee is taken is not appropriate to those who work on an annual academic basis"*. The fee is annual, therefore the fact that it is taken on a financial year basis rather than an academic year basis does not mean that some registrants have to pay twice as Mr Southall states.
14. *"There is significant evidence to suggest that the single £45 registration fee for teachers and lecturers and the lack of pro-rata fees is discriminatory to female registrants more likely to be employed in lower pay bands and proportional or part-time contracts"*. Education, like a number of other professions such as nursing and social care is female dominated. Other professions like doctors, engineering and law are male dominated. Like other professions, the fee is the same for all registrants.

I hope the information I have provided is sufficient for the Committee. Please do not hesitate to contact either myself or the Chief Executive, Hayden Llewellyn if we can be of further assistance, through Angela Guarino (Executive Assistant) at angela.guarino@ewc.wales.

Yours sincerely

Angela Jardine
Chair