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

2nd January 2021

Dear Janet

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

Many thanks to you for your email of Friday 12<sup>th</sup> December and for the inclusion of Angela Jardine's, the Chair of the EWC, responses to my letter to the Petitions Committee of 20<sup>th</sup> October.

Initially I thought I would respond to Ms Jardine's point where she refers to a similar petition I created in 2017. This was posted on the Change.org website and was actually substantively different in a number of ways from my current petition. It was titled 'Scrap the Welsh Teacher Tax!' and can be found at <https://www.change.org/p/kirsty-williams-am-scrap-the-welsh-teacher-tax>. I have attached a hard copy of that petition as an annex to this correspondence. You will, I am sure, note that this petition was not directed towards the Senedd but directly to Kirsty Williams AM, The Welsh Government's Minister for Education. I decided not to post a petition at that time with the NAFW Petitions Committee as I already had a live petition on the website regarding the reopening of the Cwmcarn Forest Drive. I am delighted to be able to inform you that the Forest Drive will reopen in March of this year – but it actually took two NAFW petitions to pressure NRW into reopening, what I consider to be, one of Wales's most important visitor attractions. Although this first petition did not achieve what I hoped I did receive a personally addressed letter from the Minister which was very much appreciated. Following this first petition it also became apparent that

the EWC has ceased to call itself a representative body which speaks for the teaching profession in Wales –it certainly cannot claim to be, or do, these things –although it has touted itself as a source of professional development and continues to do so contrary to Ms Jardine claims. It does these things but just not very well. If you look at the EWC website you will see a section entitled professional development and also the EWC promotes ‘Professionally Speaking’ events. This year’s ‘Professionally Speaking’ event is with Pasi Sahlberg, an award winning Finnish educator and experienced school teacher, teacher-educator, researcher, and policy advisor to the Finnish Government. Rather tellingly Finland, which has what is generally regarded as the best education system in the World, has no system of teacher registration and no organisation like the EWC.

As I feel that Ms Jardine’s response to your committee is rather disingenuous I would also like to dispute a few other suggestions in her letter.

Firstly as a full time lecturer working in Further Education I do not feel that I am, in anyway, supported in my professional capacity by the EWC and neither do my colleagues. We see the EWC as nothing but a burden on the teaching profession in Wales and an organization which degrades the professional integrity of teachers in the eyes of the public rather than enhancing it. I do not think that there is any evidence whatsoever that the EWC promotes anything other than itself and its executives. I suspect that most Trade unions involved in representing EWC registrants share the same view. As the Secretary-General of a Welsh teaching union recently wrote “*We also agree that its predominant function is ‘disciplinary’, and that the vast majority of these hearings are public, thereby giving the profession the feeling of being brought into disrepute rather than of maintaining public confidence. We have concerns about the level of expense relating to these hearings*”.

**It would certainly be worth the Petitions Committee canvassing the views of teachers’ and lecturers’ unions in Wales to find out their views on the EWC. It would be fascinating to see the extent of positive and negative responses from them.**

I would also like to point out that the information provided by Ms Jardine, as an annex to her letter, was in response to a Freedom of Information Request. The purpose of this was to provide evidence for a report to last year’s UCU Wales Conference. I undertook this investigation along with two UCU colleagues and the report we produced was very much a joint effort. I presented it to the FE Sector conference and it was fully supported, although due to the current crisis it has not yet been actioned by UCU in Wales.

I would also like to dispute what Ms Jardine refers to as ‘*factual inaccuracies*.’ I concede that “*The vast majority of head teachers and managers in FE do not need to register or pay the fee*” was inaccurate, however this is something that was reported to our UCU investigation and was provided by a teacher in a Gwent secondary school in error. However if you look closely at staff working in FE there are actually many more managers and other staff who do not need to register with the EWC than they have admitted to. The error about head teachers was actually pointed out to me by a teaching union after I had posted the petition on the Senedd website. As far as the other ‘*factual inaccuracies*’ are concerned, Ms

Jardine is clearly trying to hide behind semantics and the legislation which created her flawed organisation.

The point about “*There are just two serving teachers, no FE lecturers, no WBL teachers / instructors and no youth workers on Council*” is factually accurate as those members of the council who represent FE, YW and WBL are not drawn from those teaching staff who are required to register with EWC but from employer, governing body and managerial backgrounds. So they are not representative of registrants.

I would like to point out to the Petitions Committee that in Northern Ireland and Scotland where similar, but very different, organisations to EWC exist that they are representative, more democratic and less generic. This is the current regulatory set-up in Northern Ireland and Scotland and it concerns me that the EWC does not follow this model:

- *The General Teaching Council for Northern Ireland registers anyone who wants to teach in a grant-aided (publically funded) school in Northern Ireland is required to be registered with GTCNI. The annual registration fee is £44. There is a single registration fee payable every year. There is only 1 category of registration – Teachers. The GTCNI has no jurisdiction or authority in relation to other people working in schools or in other educational settings such as FE or WBL. Its council is mainly representative of the teaching profession. The current make up is 14 elected teachers; 5 teachers appointed by the Northern Ireland Teachers’ Council; 10 appointed from key educational stakeholders; and 4 Department of Education ministerial appointments including 1 representative of industry and commerce and 3 reflect the wider public interest.*
- *In Scotland the General Teaching Council for Scotland (GTCS) is wholly independent from the Scottish Government, being self-regulating in nature as a professional body. GTCS is not a membership body and instead is a body with which an individual registers, as required by statute. The GTCS currently registers teachers employed in local authority school and, since 2017, those employed in the independent sector. There is an annual registration fee which is currently £65 and this fee is not calculated pro-rata or variable for different categories of member and for those working part-time (hourly paid) and on fractional/proportional contracts. GTCS do not have the statutory basis to regulate any additional register of education professionals such as those in further education or work based learning. At present a college lecturer can voluntarily seek registration on the Register of Teachers under the Further Education section of the Register. However, a cross-organisational working group is developing processes to roll-out registration for all lecturers in the coming years the GTCS’s governing body is wholly representative of the teaching profession employed in the state funded education sector in Scotland*

Likewise the comment I made “*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*” is also accurate as without Welsh Government legislation and continuing financial support the EWC

could not continue to exist and its executives would lose their circa £100,000 salaries (including pension benefits) and civil service pensions. I would suggest that Welsh Government funding is ended, not just the registration fees, and then we could see if the EWC sinks or swims.

Furthermore regarding the statement *“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”*. This is also correct as I have, as a union rep, first-hand experience of new members of teaching staff being charged twice – they paid as they were unaware that our employer takes the fee out of our wages. I understand from our investigation that this was is an unusual occurrence. Thankfully both young teachers eventually got their duplicate ‘teacher tax’ paid back to them. One of these has since left the teaching profession.

Finally on what Ms Jardine refers to as the *‘factual inaccuracies’* I would like to say that the vast majority of teachers and lecturers do consider that the registration fee levied from our wages on behalf of the EWC is a tax, so to call it the ‘Welsh teacher tax’ is completely valid. As with other taxes it is compulsory contribution taken our salaries over which we have no control.

On the subject of the statement *“FE practitioners are charged the full fee for one month or less before the renewal period”*. I am afraid this was badly phrased by me. What I meant to say was FE practitioners are charged the full fee for any period over one month –so for example if a retired teacher comes back into the classroom to cover a period of maternity, or sickness, and this period is September to June then the temporary member of teaching staff will be required to pay the registration fee on commencement in September and again in the March/April period. I am sure that you are aware that many teaching contracts operate from September until July so the EWC collecting fees at the beginning of the financial year can cause complications.

Further to the above I would like to draw the Petitions Committees attention to the fact that the EWC is actually a very irregular and unusual organisation with no parallels among other regulatory or professional bodies in the UK.

Firstly where MS Jardine writes: *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.*

I have to say that I find this statement troubling because I would like to ask the reason for this irregularity between EWC and other professional bodies? Are education professionals in Wales not good enough to have specialist, democratic and representative bodies regulating them like Northern Ireland and Scotland?

Secondly I am concerned that Ms Jardine believes that, rather than being public appointments made by Welsh Ministers, the Council itself becomes **self-selecting** rather than democratically selected by registrants. On no account

should the Senedd allow the EWC to become the self-serving and self-selecting body it clearly aspires to be.

A colleague has also asked me to respond to Ms Jardine's claim that "*the EWC [helps] to promote the professionalism of the education workforce and assist in raising standards of teaching and learning in a range of other ways*"? She lists one of these ways as undertaking a second workforce survey; "*[forming] part of the wider work to seek to reduce workload for FE.*" The first Education Workforce Survey which was carried out by the EWC on behalf of the Welsh Government between 31 October 2016 and 9 January 2017 and my colleague points out that this was not a success. At UCU Wales Congress in 2018, the Education Minister, Kirsty Williams, spoke about the damning results of the first EWC Survey whereby staff raised concerns about administration, workload and professional development. I have to tell the Petitions Committee that nothing at all has happened in rectifying these problems. My colleague would further like it to be known that teachers and lecturers were on their knees before Covid, and now everything is exacerbated by the pandemic. Clearly she believes the EWC registration fee is not only a tax it is a ticket to a dose of Covid and potentially an early death.

Lastly, on a number of occasions in her letter MS Jardine claims that there are similar bodies to the EWC regulating other professions in the UK. This is not the case. There are no other general regulatory bodies which include as diverse a membership as the EWC. If regulation is necessary school teachers, college lecturers, WBL Instructors and youth workers should all have their own regulatory bodies. The closest parallel to the EWC's claims would be the regulatory bodies within the health and social care sector. However within these sectors there are a number of specialist professional bodies such as: General Chiropractic Council; General Dental Council; General Medical Council; General Optical Council; General Osteopathic Council; Health and Care Professions Council; Nursing and Midwifery Council; Pharmaceutical Society of Northern Ireland, and General Pharmaceutical Council. All of these organisations are statutory bodies like the EWC but they are all overseen and regulated by the Professional Standards Authority for Health and Social Care. This is a UK wide body that that regulates health professionals in the United Kingdom and social care in England. There is no such body regulating the EWC so it is accountable to no one but the Welsh Government's Minister for Education.

All of this makes me wonder whether the Welsh Government is planning to roll out general regulatory bodies to other areas of the public sector. The EWC could readily serve as a template for a Local Government Workforce Council, a Civil Service Workforce Council or a Senedd Workforce Council, however I suspect that to create these organisations would not be a vote winner for the Welsh Government, but, given the creeping influence of corporatism within Welsh public life, nothing would surprise me.

I concede that the teaching professions were sitting ducks for this kind of regulation, particularly as the idea for the EWC was originally sold to our unions as a body which would promote professional development and enhance the status of the profession. However the EWC does not do these things and it is plainly a flawed and failing organisation which should not be permitted to levy the 'Welsh Teacher Tax' from teachers in schools, lecturers in FE colleges, support

workers in both, WBL instructors and youth workers in Wales. We all work hard and are professional in our outlook and practice. We certainly do not need an unrepresentative, undemocratic and unaccountable body like the EWC to prove this.

**Please pass on my comments to Kirsty Williams AM, the Welsh Government's Minister for Education, as I would like her and her officials to respond to these points.**

I would also like to take this opportunity to wish you, your committee members and officials a very happy, healthy and Covid free New Year.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R J Southall', written in a cursive style.

Robert J Southall

Petitioner