

Cyflwynwyd yr ymateb hwn i ymchwiliad y Pwyllgor Plant, Pobl Ifanc ac Addysg i egwyddorion cyffredinol y Bil Addysg Drydyddol ac Ymchwil (Cymru)

This response was submitted to the Children, Young People and Education Committee inquiry into the general principles of the [Tertiary Education and Research \(Wales\) Bill](#)

TER 04

Ymateb gan: NASUWT

Response from: NASUWT

1. The NASUWT welcomes the opportunity to respond to the Children, Young People and Education Committee (the Committee) consultation on the Tertiary Education and Research (Wales) Bill.
2. The NASUWT – The Teachers’ Union – represents teachers and headteachers in Wales and across the United Kingdom.

GENERAL COMMENTS

3. The NASUWT maintains that Wales has a high-quality system of public education which is amongst the best in the world, and the Committee should ensure that:
 - a. the public service ethos and values which are the foundation of quality public education for all are secured for future generations;
 - b. the facts about the success of public education in Wales are promoted widely;
 - c. steps are taken to secure an informed public debate about the quality of public education in Wales;
 - d. the success of public education is publicly acknowledged and celebrated; and
 - e. international rankings of the performance of education systems are not used as the basis for driving developments in respect of national education policy.

4. The NASUWT maintains that securing high outcomes for all children and young people means that action is needed to:
- a. provide a broad, balanced and relevant curriculum experience fit for the 21st century;
 - b. ensure parity of esteem between academic and vocational pathways and the cognitive, emotional, cultural, creative, ethical and social dimensions of learning;
 - c. require all state-funded schools and colleges to work together to secure a comprehensive curriculum entitlement for all 14 to 19 year olds;
 - d. equip children and young people to be research-driven problem solvers;
 - e. extend entitlements for all children and young people to high-quality academic and vocational education, coupled with equality of access to high-quality, practical, hands-on, work-based learning opportunities;
 - f. refocus the accountability system to reflect and support the expectation that all young people should remain in education and training until the age of 18;
 - g. restore the morale of the teaching profession by tackling poor employment practices, including workload, securing professional entitlements and respect for teachers, and refocusing the efforts of teachers and headteachers on their core responsibilities for teaching and leading teaching and learning;
 - h. establish a Masters-level profession and raise the pay of teachers in recognition of the increased knowledge and skills that they bring to the job; and
 - i. ensure access to high-quality professional development for all teachers throughout their careers.¹

¹ NASUWT (2013). *Maintaining world class schools*. NASUWT; Birmingham.

5. In the view of the NASUWT, public education is a cornerstone of democratic society; it is an essential element in the framework of social rights of children, young people and adults. Public education, in our view, must also be defined by its universality. It should encourage personal fulfilment, social responsibility, knowledge, cultural acquisition and skills for life. It should deliver for society's needs for social and economic development, political participation, environmental responsibility and international solidarity.
6. The NASUWT notes that the Bill places a number of strategic duties on the Commission for Tertiary Education and Research (the Commission) to:
 - (a) encourage participation in tertiary education;
 - (b) promote:
 - life-long learning;
 - equality of opportunity;
 - continuous improvement in tertiary education and research;
 - collaboration and coherence in tertiary education and research;
 - tertiary education through the medium of Welsh;
 - a civic mission;
 - a global outlook; and
 - (c) contribute to a sustainable and innovative economy.
7. These duties do, to a lesser or greater extent, accord with the NASUWT's views. However, in some major ways, the Union departs from the overall vision contained in the Bill.
8. The NASUWT remains seriously concerned that the creation of the Commission represents the formation of a quasi-autonomous non-governmental organisation (quango) lacking in democratic accountability. The NASUWT rejects this development, as it presents a picture where accountability rests in the hands of the few, not the many.

9. The Union maintains that the vision for Post Compulsory Education and Training (PCET) cannot be left to the Commission to consider, and asserts that the Welsh Government must retain responsibility for the future of the sector and its harmonisation within education provision across Wales, with the Commission formulated in line with the vision, and bound by it, accordingly.

SPECIFIC COMMENTS

10. The NASUWT offers the following observations and comments in relation to the Terms of Reference suggested by the Committee. The Union has responded only to those elements that directly affect members.

Strategic framework for tertiary education and research

Strategic Duties

11. The NASUWT acknowledges that a coherent 14-19 phase, wherein institutional collaboration is a central feature, must be allied to a coherent system of funding across the phase, which should also provide for long-term stability. Whilst the establishment of the Commission for Tertiary Education and Research (CTER) could provide a mechanism for achieving these objectives, the NASUWT considers that the proposed scope and powers of CTER have gone far beyond what is required.
12. The NASUWT has made clear in response to earlier Welsh Government Consultations on PCET reform that it supports the 2011 Welsh Labour Manifesto position that 'FEIs [Further Education Institutions] were public assets that belonged to their local communities, staff, and learners.'² The Union does not support the provisions of the Further and Higher Education Act (1992) which removed FEIs from local authority control.

² 2011 Labour Party Manifesto for Wales.

13. The NASUWT remains of the view that FEIs should be returned to local authority control in Wales to ensure that democratic accountability in the provision of state education is re-established. Such local authority control would also enable greater alignment with the curriculum reforms in the compulsory education sector in Wales, as set out in *Successful Futures*.³
14. Indeed, the Union continues to campaign for an end to the outdated and ineffective policy of Local Management of Schools (LMS). This originated in an era when competition was more important than cooperation and collaboration and should have no part in a modern Welsh education system.
15. In addition, the NASUWT remains resolute in objecting to the continuing importance attached to institutional autonomy as set out in the Explanatory Memorandum.⁴ Whereas this may play a part in Higher Education, the Union maintains that such dogmatic insistence on autonomy has no place in an education system which prizes collaboration and cooperation.
16. The NASUWT is concerned that there remains a lack of overarching vision for PCET when compared to that of the compulsory education sector as set out in *Education in Wales: our National Mission*.⁵ The Union acknowledges that some degree of democratic leadership is enabled through the Welsh Ministers' powers to give a statement of strategic priorities and the requirement for them to approve CTER strategy. At present, however, it is unclear what the current strategic priorities of Ministers are.
17. The NASUWT notes the statement made by the Minister for Education and the Welsh Language on the launch of the Bill that the Commission:

³ [Successful futures: review of curriculum and assessment arrangements | GOV.WALES](#)

⁴ Explanatory Memorandum, pages 2, 34, 111, 147, 251, 272.

⁵ [education-in-wales-our-national-mission.pdf \(gov.wales\)](#)

‘will take a system-wide view, supporting learners throughout their lives with the knowledge and skills to succeed. It will help secure independent and diverse institutions that will make significant contributions to national wellbeing and prosperity’.

18. The Union questions what is meant by ‘independence’ in relation to school sixth-forms.
19. It is vital that the CTER Governance structures reflect the considerable breadth of the institutions in the tertiary sector in Wales. The NASUWT notes the requirement for a board member from the governing body of an FEI, but is concerned that this does not adequately acknowledge the significant differences between colleges and schools. The NASUWT calls on the Welsh Government to ensure that there is current experience at board level of both colleges and schools.

Welsh language

20. The NASUWT acknowledges the potential benefits of the remit of CTER in enabling young people to choose the setting and language through which they pursue their PCET education. The NASUWT expects that opportunities for people to use Welsh would be increased. Experience demonstrates that Welsh-medium schools are more likely to retain sixth-form provision, so it seems likely that the Welsh language will be treated no less favourably than the English language under the Welsh Government proposals. CTER will need to report on the impact of its work in this regard.
21. CTER must recognise and support the need for bilingualism across the PCET sector, as well as specific Welsh-medium provision, and encourage the Welsh language to be learnt for its own sake.

Civic Mission

22. The NASUWT has previously argued for the Welsh Government PCET reforms to adopt and promote a broad and learner-centred view of

education. The Bill's definition of the civic mission, 'action for the purpose of promoting or improving the economic, social, environmental or cultural well-being of Wales', is therefore welcome. This mission would be better assured if Section 9 (3) was redrafted as 'action for the purpose of promoting or improving the economic, social, environmental and cultural well-being of Wales'.

Securing and funding tertiary education and research

School sixth forms

23. The NASUWT remains concerned about the decision to include school sixth forms in the remit of CTER and has previously advised that the Commission's role with sixth forms should be limited to registration and reporting and should not include the planning, funding and monitoring of school sixth forms.

24. The supporting documentation published alongside the Bill gives scant attention to the workload and costs that the Bill provisions would create for schools with sixth forms. In the analysis of the different potential models for tertiary education, the Explanatory Memorandum dismisses the status quo as too complex, 'with overlapping organisations and duplication of resources and programming including complex governance, regulation, quality assurance and performance arrangements.'⁶ Yet all of these issues would appear to be multiplied for schools with sixth forms, which will (rightly) remain under local authority control, but will also be subject to the requirements of CTER. The Donaldson Review was clear that 'accountability expectations should ensure that sixth forms are seen as an integral part of the school community and are not subject to competing expectations and priorities', and yet the additional workload and cost for schools with

⁶ Explanatory Memorandum, p.103.

sixth forms which the Draft Bill creates has not been addressed in the impact assessments.⁷ The Welsh Government frequently acknowledges the existing high workload of the school sector. It is imperative that it undertakes an impact assessment of the additional workload that the Draft Bill provisions would place on schools and commits to ensuring that these are fully financed.

25. The NASUWT was pleased to receive the previous Minister's continued reassurances that the proposals do not mark the end of sixth-form education, as well as a commitment to retaining a mixed economy of provision which meets the needs of different localities and learners. However, the NASUWT has doubts over whether this can truly be a reality when in several local authority areas in Wales (Blaenau Gwent, Merthyr and Torfaen), the choice of pursuing PCET in a school has already been removed.

26. Furthermore, the Union is yet to hear similar reassurances from the current Minister, although he is quoted as saying:

“We want to recognise and reflect the diversity that already exists but to make it easier for the different providers to work together in the interests of learners.”⁸

27. Schools with sixth forms in Wales perform well despite underfunding, and the Welsh Government needs to protect and build on this area of good practice. The recent Review of School Spending in Wales shows that school sixth forms are underfunded compared with similar schools in Wales with no sixth form attached.⁹ The Review also notes that sixth forms in Wales receive £600 per pupil per annum less than comparators in England.

⁷ [successful-futures.pdf \(gov.wales\)](#)

⁸ FE Week, 1st November 2021, <https://feweek.co.uk/a-tertiary-future-for-wales/>

⁹ <https://gov.wales/sites/default/files/publications/2018-03/successful-futures.pdf>

28. A key reason given in the Explanatory Memorandum for the creation of CTER (as opposed to direct Welsh Government control) is that the latter would likely lead the Office for National Statistics to reclassify existing tertiary providers as public sector institutions and that this would work against the financial interests of those institutions. Schools are categorised as public sector, yet the consultation documentation fails to address how the Welsh Government will ensure that they will not suffer a comparative financial detriment.
29. The Welsh Government also needs to take action to mitigate the risk of an exodus of Welsh learners and teachers as a potential result of PCET reforms. A levels are a popular PCET option and 70% of publicly funded A level provision in Wales is in sixth forms.¹⁰ This is mainly led by demand, with the majority of A level students choosing to study in school sixth forms even where there is alternative Further Education (FE) provision. Unless the Welsh Government ensures the future of sixth forms under the Commission, it risks learners deciding to study in sixth forms in England. The NASUWT has already received reports of this occurring, particularly near the English border and where there is lack of provision and investment in local school sixth forms in Wales.
30. Such a trend may also extend to Wales's teachers if sixth-form provision is not protected. Most secondary school teachers enjoy the academic challenge of teaching sixth-form learners and many would not choose to work in a school which failed to offer this professional opportunity. Such teachers work across the age range, so there is a further risk that the reduction of school sixth forms will result in reducing standards of compulsory education provision in such settings.
31. Given the Welsh Government's intentions for CTER to have a role in school sixth-form reorganisation, further consultation is required in relation to amendments to the School Standards and Organisation Code. The NASUWT is concerned that Ministers may only be involved

¹⁰ [A levels Thematic survey report \(gov.wales\)](#)

in such reorganisation decisions if either CTER or the local authority object to what the other proposes. This would seem to weaken the power of other interested parties to have their objections considered.

Learner protection, complaints procedures and learner engagement

32. The format, content and communication of a Learner Protection Plan (LPP) should undoubtedly be subject to consultation, as the Consultation pro forma suggests. In relation to Learner Engagement Codes (LECs), it is not possible to assess whether these would be likely to be inclusive of all learners, or representative of the whole post-16 sector, as the measures have not yet been detailed. Further consultation is clearly required in relation to this. The draft bill currently requires that CTER 'consult with such persons as the Commission considers appropriate.' It is essential that classroom teachers and lecturers are included in such consultations if these are to be effective.
33. The NASUWT notes that the Bill (as introduced) has been amended to ensure that governing bodies of maintained schools comply with the learner Engagement Code.

COVID-19

34. Clearly, schools, local authorities and other affected institutions are currently working to their limits to maintain educational provision for learners in a safe environment during a global pandemic. Given the acknowledged lack of relevant CTER-related impact assessments for such institutions, it is particularly vital that the CYPEC ensures that the Welsh Government refrains from implementing any additional duties in relation to this proposed legislation, until it has ascertained that the institutions have the resource capacity to manage this.

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