

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 14

Ymateb gan: **Undeb Addysg Cenedlaethol Cymru** Response from: **National Education Union Cymru**

NEU Cymru key areas of interest

About NEU Cymru

The National Education Union Cymru represents teachers, lecturers, leaders, and support staff across the school and FE sectors in Wales. NEU Cymru is represented on the Joint Trade Unions (JTU) FE for lecturers and managers in FE colleges in Wales.

NEU Cymru believes we must value education by valuing educators.

Our response

NEU Cymru welcomes the opportunity to give evidence to the Children, Young People and Education Committee on the general principles of the Tertiary Education and Research Bill. Overall, we welcome the vision of the Commission, and recognise the challenges in the sector, as set out in the Hazelkorn Review.

However, there are a series of concerns with the Bill as drafted, which we believe should be addressed, in order to realise the vision, and fit in with wider Welsh Government aims.

We have set out some of our key concerns below:

Social partnership and fair work

We believe that “Promoting social partnership and fair work” should be one of the “Commissions strategic duties”, in keeping with Welsh Government’s commitment to social partnership. Social partnership could also be conditions of registration with or grant funding from the Commission. This will require amendments to the Bill.

Social partnership is an important principle which should underpin everything the Commission does, as it is about the importance of co-construction with the workforce. There should be equitable terms and conditions across the sector, ensuring fair reward for equal work. The workforce will be critical in ensuring that the Commission operates in supporting learners in Wales, and must be heard and supported, in line with principles set out in the Fair Work Wales Report¹.

Social partnership and fair work are key pins in the programme for government, as is building a strong economy, and offering a young person's guarantee. It is clear the Commission will have a key role to play in terms of life-long learning and employment, and it is therefore critical that social partnership and fair work are part of its strategic aims, and support the Commission in enabling Welsh Government's vision for a strong, fair work economy.

Since the Commission's main function appears to be Commissioning providers for the tertiary sector, it is critical that social partnership and fair work are there at its heart. We would hate to see a situation where profit comes above fair terms and conditions, as we have seen with supply teachers – providers must be committed to social partnership and fair work.

School 6th forms

We are extremely concerned that the power to close and reorganise school 6th forms is passing to the Commission, under the Bill. School 6th forms are not education providers in isolation, learners in 6th forms form part of a wider school community, and are often involved in supporting younger members of the school.

We believe learners have the right to choose the provision which is right for them after they finish their GCSEs. Some learners will flourish in schools, whilst others will prefer their local FE college – and there should be a thriving range of provision for learners to choose from close to home.

Whilst lecturers currently have a common FE contract across Wales, they do not have access to school teachers' pay and conditions, or pensions. It is therefore critical that safeguards are put in place to protect the terms and conditions of teachers in the sector – indeed,

¹ <https://gov.wales/sites/default/files/publications/2019-05/fair-work-wales.pdf>

lecturers should have the same pay and conditions, so that there is pay parity, or 'fair reward'.

We understand that some school 6th forms are already under pressure not to put on courses which are running at local FE colleges – this alone should not be a reason to stop a course, and could undermine the provision and viability of the school 6th form. Our members teaching a subject across GCSEs and A levels believe they are able to offer experience to learners which supports them continuing in their study, and it is critical we keep this vital link where possible.

We would agree with the Education Workforce Council that the power to close school 6th forms being moved to the Commission undermines local democracy and representation.²

Members would also ask that a range of income streams and long term funding be available to support 6th forms, to ensure the best possible support for young people and the education workforce. Clarity is also needed around duties on school governing bodies.

Trade union representation

The Bill as drafted allows for only two trade union representatives to be selected by Welsh Ministers as associate members of the board. This is disappointing, and does not represent the plurality of staff groups who will be employed by the Commission and its providers.

The Commissions board should have representatives from the following groups, at least, who should not be chosen by Welsh Ministers:

- Lecturers in FE
- Managers in FE
- Teachers
- Support staff
- Learning support staff

As stated above, social partnership is extremely important to the Welsh Government, so undervaluing the expertise of trade unions within the Commission is very disappointing. Training for the workforce is critical and must be supported by trade union representation on the board.

Asymmetric duties

² <https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/consultations/2716-ewc-response-to-the-welsh-government-consultation-on-the-draft-tertiary-education-research-bill/file.html>

NEU Cymru are concerned about the nature of different expectations on different providers – which could lead to a disproportionate workload on some education professionals. This appears to be a maintenance of the status quo, rather than a strategic look at the tertiary education sector as a whole.

Below we have set out an illustration of some expectations which fall on different providers:

	School 6th form	FE	HE
Estyn inspection	Yes	Yes	No
Staff register with Education Workforce Council	Yes	Yes	No
School teachers pay and conditions	Yes	No	No
Academic freedom	No	No	Yes
ALN	ALNET Act	ALNET Act	General duties
New curriculum and reform of qualifications	Future	Future	No

We are particularly concerned about the role of Estyn in the tertiary sector, and would question why Estyn has this role. If we are to have greater regulatory alignment through the CTER, the role of Estyn seems problematic.

This will be particularly important if we consider different providers roles in terms of different cohorts in the tertiary sector. For example, who is responsible for the 14-19 pathway, which currently supports some learners, including those who may otherwise be not in employment, education or training (NEET)?

Additional learning needs (ALN)

ALN support appears to differ between those learners who will continue in FE, and those disabled students who learn in HE. There are general

duties under the bill about providing support for everyone, but this is very different from the provisions set out in the ALNET Act, which applies to schools and FE.

Members were concerned the Bill has not fully considered those learners with ALN who are not in mainstream provision, or who live in more rural parts of Wales.

HE in FE

Currently, some FE colleges provide HE courses – or have HE backing. However, lecturers of HE courses in FE course are often not able to access the same terms and conditions as those within HE settings, or opportunities to be involved in research. This has huge implications in terms of workload, pay and conditions. It is vital that there is fair work in terms of terms and conditions for the whole workforce across the tertiary sector. We believe parity would mean that greater recruitment opportunities for FE, who often struggle to find subject specific specialists. Research opportunities could also support attracting staff.

FE must not be a poor relation to HE, where HE courses are provided without the proper support, terms and conditions, and facilities.

Welsh Language

NEU Cymru supports the WG aims of 1 million Welsh speakers by 2050.

There are specific challenges for those in school 6th forms, where the Welsh language offer may be different from FE provision, as they may have a wider choice for students wanting to learn through the medium of Welsh and do specific courses.

NEU Cymru is clear that the Welsh medium provision will only grow with time and support for the current workforce to ensure they can teach and support young people through the medium of Welsh. Recruiting Welsh speaking education staff is challenging, particularly in some parts of Wales. It is critical that any funding or requirements are supported by appropriate funding, and do not cause disruption to the sector, without proper support. Funding will be critical.

Members noted that the aspiration to ensure learners are prepared for a global outlook, should mean that they are equipped to learn and work bilingually – to ensure they have a range of options in learning and employment for the future.

Rurality

Rurality is a key factor in terms of PCET provision. We believe everyone should have choice about how they pursue their education and work-based learning, but alongside choice must be access for everyone in whichever community they live.

Rurality has specific challenges in terms of rural poverty³, the lack of public transport creates a particular challenge in the context of adult and community learning.

With rurality becomes a lack of choice because a range of provision may not be available locally. It is critical that rurality is a key consideration in terms of funding, and that any provision is supported to offer opportunities for learning in rural areas.

Education Maintenance Allowance (EMA)

The EMA is vital for some young people to ensure that they continue in education. We know that the EMA is not been increased for some time, which is why NEU Cymru members asked for an increase to support for learners in post 16 in our Senedd election manifesto asks.⁴ As the Bevan Foundation assert, it is critical that the support and eligibility criteria meet the needs of the young people:

“Not only did we find that the support on offer wasn’t enough, too many young people are missing out on support due to unfair eligibility criteria.”

Adult and community learning (ACL)

There are specific challenges with adult and community learning, and the critical role it can play within local communities which may be lost within the Bill as drafted. ACL can and should support people in their current employment, and to up or reskill for future work.

However, ACL has a critical role to play in communities including to improve wellbeing. Our members tell us that the full benefit of attending ACL is not always realised and a reductive, qualifications based approach can be taken, which doesn’t appreciate the wellbeing impact of participating in ACL.

³ <https://www.cardiff.ac.uk/news/view/2466609-austeritys-impact-on-rural-poverty-has-been-overlooked,-study-finds>

⁴ <https://neu.org.uk/neu-cymru-manifesto>

There are some concerns that the need to secure proper provision, on the face of the Bill, may limit the use of community settings.

As one student summarises:

“For me, as a disabled person, the most important thing is I can get there, and that the classroom can be adapted. A local church hall may not be ideal, but because it is close by, I am actually able to join the class, which I wouldn’t be able to do if it was further away. Public transport does not always fit around adult learning.”

Consistent support across the sector is critical if the Bill is to realise WG aim.