

EB 11

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : The Association of School and College Leaders - (ASCL) Cymru

The Association of School and College Leaders (ASCL) represents over 17,000 heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of maintained and independent schools and colleges throughout the UK. ASCL Cymru represents school leaders in more than 90 per cent of the secondary schools in Wales.

In brief

ASCL Cymru welcomes the Bill, and believes a great deal of it makes good sense.

There are, however, some matters that would benefit from further discussion and clarification. These relate almost completely to the proposed Education Workforce Council.

Establishing a new Education Workforce Council is a significant undertaking. It is intended to have a broad footprint and has important functions to perform. How it sets about these functions, and who does it, are important questions. Resolving these matters satisfactorily will be key to gaining the confidence of teachers and others within its footprint.

It is essential that professionals in the education workforce have confidence in the institution. It is this confidence that will lend the Council the authority - not just the power - to lead on safeguarding professional standards.

Without having confidence in this new institution, professionals might also be forgiven for wondering what they get in return for their registration fee.

In detail

Education Workforce Council

Teachers would benefit from having a truly independent professional body, which had a clear focus on the core issues for any profession: establishing and maintaining standards, promoting peer-led disciplinary mechanisms that have integrity, and contributing positively to recruitment into the profession.

The Bill seeks to create a professional body which will include teachers but also other members of the education workforce - including support staff, FE teachers and FE support staff. It is essential that the body is seen as valuable to all that are meant to be engaged by it and those that are required to pay for it. Again, it is imperative that the Council has a clear focus and sets about its core activities with purpose and clarity.

Paying for the new body is an issue that will need more discussion. It is unclear how the new categories of staff will be supported to pay their registration fee.

On disciplinary matters, there is a new provision to allow the Council to make a determination without a hearing if there is consent; this is a good thing as it secures an outcome without undue public speculation.

If the Council is to be truly representative of the profession or professions that it represents, the matter of selecting the Council members and the Chair of the Council so that all categories are represented is important.

Greatly expanding the number of staff that are covered by this new Council will increase funds (if registration fees get paid). But the number of disciplinary cases may increase greatly, too. Delay and spiralling costs are a worry.

The Bill will give Welsh Ministers the power to 'prepare and publish the first Code of Practice and Conduct' for those required to register the new body. Clearly, such a code is rightly a priority for the new Council. But it seems strange that it is not simply left as a key task for the Council to get on with in consultation with the profession, rather than having it rest with Welsh Government.

The Bill gives Welsh Ministers the function of appointing members to the Council. They would do this on the Nolan principles of public appointments. The power of appointment, used wisely, can accelerate change and ensure that there's a good fit between person and post. But it sits uncomfortably with the notion of a 'professional body' that is meant to be (or should be) 'of the profession and for the profession'. It might also create doubt about the status of the body in the minds of those that are meant to be paying their registration fees to support it.

An alternative to Ministerial control would be to follow the example being pursued for the Auditor General Service, where Board appointments are by the Assembly and not the Minister.

It is proposed that the Chair is appointed from among the Board, who are appointed by Welsh Ministers using the Nolan principles. There is a case for making the appointment of the Chair a specific appointment that conforms to the Nolan principles. It would avoid any danger that a group of interests within the Board conspire to secure a preferred Chair.

The registration and approval of independent schools in respect of SEN

This appears sensible, as long as what is brought in is less cumbersome for all concerned than what is currently in place.

Improve the assessment of ALN for post-16 learners.

Again, this appears sensible, as long as it brings in an arrangement that is less complicated for all and delivers a better outcome for the learner.

School term dates

Harmonising school term dates across Wales will be welcomed by those in and outside of school.

Appointment/removal of HMCI and HMI

Giving the First Minister the responsibility to advise Her Majesty on this appointment, rather than the Secretary of State in London, is a good thing.

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Ysgrifennydd ASCL Cymru Secretary