

EB 13

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : UNISON Cymru Wales

UNISON welcomes the opportunity to comment on the Education (Wales) Bill, on behalf of support staff. Support staff are a vital group of workers, who are often overlooked when opinions about education are invited.

UNISON is the largest education union in the UK with 350,000 members working in schools, early years, further and higher education. We have 245,000 members working in schools across the UK, around 18,000 of whom work in Wales. In some areas, support staff make up over 50% of the school team.

1. Background and General Principles of the Bill

UNISON welcomes an increased focus on support staff in the Bill. It reflects the recognition of the vital role that support staff can play in freeing up teachers to do their job, providing pastoral care and helping them improve their attainment.

In June 2012 UNISON met the then Minister for Education and Skills, Leighton Andrews AM to discuss support staff issues. Subsequently in September 2012, UNISON produced a report based on issues raised at the meeting, which was endorsed by and submitted in the name of the NJC unions of the Trade Union Side of the Joint Council for Wales. That report raised issues around registration that we expand on below.

Earlier this year UNISON also submitted evidence to the government consultation: 'The Future Delivery of Education Services in Wales' - the so-called Hill Review. (See appendix A). Since submitting that evidence we have found further evidence: a systematic academic review of the literature on the impact of Teaching Assistants on attainment by the Inclusion Review Group at Manchester University. This found that academic achievements of primary aged pupils with identified difficulties in learning, typically in literacy, improved significantly following a period of targeted intervention from TAs (Farrell et. al, 2010, The impact of teaching assistants on improving pupils' academic achievement in mainstream schools: a review of the literature).

We are mystified as to why the final report of the Hill Review failed to address the role of support staff. We see this as a serious weakness of the Review and hope that the new Minister for Education and Skills will take a wider view, when he comes to implementing it.

2. Specifics of the Bill

2.1 Education Workforce Council – registration and regulation

UNISON has been involved with a number of groups of workers facing regulation and we have learned that how changes are handled has an enormous impact on how smoothly the transition goes. It is vital to involve interested parties in the process, ensure adequate time to put procedures into place before a register starts and set aside adequate resources for it to work. There is also a danger that regulatory bodies can become over-bureaucratic, self serving and distanced from the public they are supposed to protect and the staff they are overseeing.

2.1.1 The definition of School Learning Support Workers will need to be clear to ensure that the right jobs are covered. In schools, where the employment of support staff is locally determined, job titles may not necessarily reflect the content of the job. Also many jobs are hybrid and some staff may have split contracts covering a range of jobs – some which might be covered by the title ‘Schools Learning Support Workers’ and some not.

2.1.2 UNISON would suggest that there is a need to standardise titles across Wales. We propose that the Wales Government work with local authorities and schools to implement the new NJC schools support staff job profiles. These would ensure consistency across the country and put in place the basis for improvements in professionalism.

2.1.3 The Explanatory Memorandum to the Bill states that advantages of registration include enhancement of training and development, and the maintenance of professional standards to retain public confidence. To achieve this there would need to be a set of nationally agreed professional standards established, induction programme and processes on assessment and conduct, similar to that for teachers. This is a significant amount of work that will take time and needs to be in place before a register is put in place. This will also cost and resources should be set aside both nationally to set this up, but also at school level to ensure that CPD actually takes place. Currently support staff receive a fraction of the training and development of teachers, so there should be a requirement that all staff are guaranteed time and resources to complete their CPD, so as to be able to meet the professional standards set by the EWC.

2.1.4 We would hope that UNISON as the lead union for support staff is involved in the production of relevant EWC policies and standards. We do not believe that simply changing wording on current documents to include new groups will be adequate. A wider review of all policies and procedures, taking into account the different roles and nature of support staff work, will be necessary.

2.1.5 Our members are also rightly concerned that the introduction of registration could lead to a double jeopardy, so that an unfortunate incident could lead not just to them losing their job at their current workplace, but could see them banned from working as a School Learning Support Worker. We know from statistics compiled by the Department for Education (England) in 2011 that whilst the number of official complaints made to Local Authorities against support staff are fewer than those made against teachers, the percentage of support staff suspended is twice as high and

nearly two-fifths (323) compared to 12% of teachers (336) are referred for criminal investigation. Yet at the end only 5% of support staff compared to 3% of teachers are cautioned or convicted. Further consideration must be given to the composition of disciplinary panels. It is our view that disciplinary action is only credible if a panel is composed of support staff peers from within that profession.

2.1.6 We have concerns on the cost of registration. Our position remains that low paid support staff should not have to fund the cost of registration out of their own pocket. We welcome the appendices that model potential costs and particularly welcome suggestions that progressive band rates could mean that the lowest paid would not have to pay. Low pay is endemic for many schools support staff – jobs are often part time with some just a few hours per week. The suggested boundaries and suggested rates attached to them, present some cliff edges, notably the potential increases between the models highlighted on page 13 of Annex 2 the Economic Fee model. We would want detailed discussions and the pluses and minuses of the different models shown in the tables. UNISON is concerned about the emphasis on cost neutrality as an operating principle of the EWC. Aside from increased start up costs, there is a question mark over whether the new levels of income generated will be enough to offset the increased activity of the EWC.

2.1.7 The Memorandum also discusses tax relief and notes that this should help to defray some costs. There is a wider related issue to this – as some organisations receive tax relief on their subscriptions whilst others do not. For instance members of the lecturers union UCU receive tax relief on their subscriptions, whilst others unions such as UNISON can get them only for certain groups (e.g. registered health professionals). We would argue that should School Learning Support Workers achieve registration then UNISON would be in the same position as UCU and we would seek support from the Wales government for UNISON members to receive concomitant treatment.

2.1.8 A particularly relevant example of how regulation can be unhelpful is detailed in Lord Lingfield's review of FE professionalism which touched on the regulation of associate teacher status at the Institute for Learning. This group of worker felt short changed by the requirement to register and resented paying fees when they received little benefit. We trust that the Education (Wales) Bill will not make these mistakes.

2.2 School terms dates

UNISON welcomes this part of the bill. The proposal to harmonise school dates will be extremely beneficial to parents with children at different schools. Proposals to free up school times and dates in England has unsurprisingly caused some parent to complain

2.3 Appointment of HM Chief Inspector

UNISON welcomes proposals to appoint the Chief Inspector in Wales. A Wales appointee should understand the different education system, priorities and environment. They should also understand the differences in local democracy and the role of the state in publicly provided education.

UNISON believes it would be preferable that the process for appointment should be seen to be open, transparent and credible. The current process for the appointment of the HMCI in England is not seen to be independent and the current appointee is widely

viewed as not being independent from the Secretary of State. The proposed change gives a further opportunity for the Wales Government to introduce a superior form of HMCI governance.

2.4 Appropriateness of the powers for Welsh Ministers

The preponderance of Ministerial power to amend and adapt the functions of the EWC is an area of concern for UNISON. We would suggest that future decisions about the EWC need to be made by the Assembly rather than individual Ministers. Similarly, decisions about the composition of the Council should not be the responsibility of an individual Minister. UNISON would also argue for an element of electability to the Council from within the registered membership.

2.5 Appraisal and Performance Management

UNISON recognises the positive role appraisals can have in supporting and developing staff. UNISON does not support the principle of performance related pay and therefore does not support the proposal to allow Ministers, by regulation, to link performance with remuneration (23/5) as part of the appraisal process. Remuneration of staff is currently a matter Ministers leave to the discretion of relevant employers and collective bargaining arrangements. UNISON believes there are potential risks in Ministers seeking to influence one part of the remuneration package, without taking into account the impact this may have. There are currently varying arrangements for the remuneration of different staff groups, and no apparent evidence that this specific pay related matter requires regulating. There may be some potential benefits should Ministers wish to Regulate in respect of remuneration, in which case UNISON believes it would be necessary to consider the whole remuneration package, including appropriate grading structures, levels of pay, and pay progression.

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UNISON RESPONSE TO THE FUTURE DELIVERY OF EDUCATION SERVICES IN WALES

UNISON is pleased to be able to put forward the views of support staff working in education on the future of education services in Wales. Support staff are a significant group of workers who are, more often than not, overlooked when opinions about education are invited.

UNISON is the largest education union in the UK with 350,000 members working in schools, early years, FE and HE. We have 245,000 members working in schools across the UK, around 18,000 of who work in Wales.

Improving school performance - raising standards and improving learner outcomes at all ages

Any government or opposition can find some form of succour or justification by interpreting the data from the international tables: PISA, TIMSS or PIRLS, to justify their particular policy or complaint. Similarly results and school league tables in England have been used to claim either success for the policy of academies by the Department for Education; or show that they do no better than comparable local authority schools and have used vocational exams to boost performances by the Local Schools Network and Wrigley and Kalambouka (www.changingschools.org.uk). As the Academies commission report 'Unleashing Greatness' noted "There have been some stunning successes among individual sponsored academies and academy chains.....it is increasingly clear that academy status alone is not a panacea for improvement"

What does seem to be commonly accepted is that background and environment have a significant effect on attainment, from a very early stage For instance data produced by Chris Cook at the Financial Times shows clear links between attainment and geography and demography. <http://www.ft.com/cms/s/0/e2c19bbe-7093-11e2-85d0-00144feab49a.html#axzz2NyRISCyU> .

Other widely accepted evidence includes the recognition that in general better qualified staff lead to an improvement in pupil attainment. Leadership of schools and autonomy within a regulated system also seem to have an impact. Additionally some targeted programmes such as London Challenge can lead to dramatic improvements in areas that are lagging. And, well targeted funding and investment in infrastructure has noticeable benefits.

Therefore it is important to acknowledge that Wales starts from a position of relative poverty, compared to some other parts of the UK, and that spending per pupil is significantly lower (£600+ per pupil). This is not an excuse for any worse attainment, but it will inevitably have an impact.

Support staff play a crucial role in attainment at schools, directly by TAs and learning mentors in the classroom and learning support by technicians, librarians and others including school meals, home liaison and a clean and safe environment.

UNISON has already submitted evidence to the Minister for Education and Skills on the role of support staff (see appendix 1). This includes evidence on the professional development of support staff and the value of national job role profiles. Since this report a suite of 50

nationally agreed job profiles have been produced by the National Joint Council (NJC), these are currently out for consultation. These will prove a valuable tool for schools in enduring consistency and for underpinning equal value.

The national agreement on raising standards and tackling workload in schools in England and Wales introduced in 2003 was aimed at freeing up time for teachers and head teachers to concentrate on teaching standards. This was vigorously pursued in the early days and teaching staff benefited from dedicated PPA time, cover and a reduction in hours. However recent times have seen this agreement drift and teachers are increasingly picking up non-core teaching tasks, which will inevitably have an impact,.

UNISON has recently produced a report: *The Evident Value of Teaching Assistants* http://www.unison.org.uk/education/schools/pages_view.asp?did=15215 based on a survey of over 200 school leaders. This report was produced to inform the debate that had been stimulated by the Sutton Trust Teaching and Learning Toolkit, which suggested that Teaching Assistants (TAs) had little impact. In fact the evidence they were quoting - based on the DISS report by the Institute of Education (IoE) - was an average statistic which, when broken down showed that many teaching assistants had significant impact, whilst others who were poorly trained or badly deployed had a negative impact. Clearly the issue is not about TAs, but how they are used. This was backed by a recent follow up book released earlier this year by the IoE: *Reassessing the Impact of Teaching Assistants: How Research Changes Practice and Policy*. A useful recent article in the TES (15th March 2013) by Matthew Taylor of the RSA: 'How can assistants be of more assistance' fine tuned this debate.

A few key facts from UNISON's report:

- 95% of school leaders said TAs added value to schools and that they couldn't run their schools without them.
- Generalisations on the impact of TAs do not reflect the complex variations in their deployment.
- Leaders identified problems with effective deployment as: resources, limited training and professional development opportunities, working with teachers, job demands and how they are managed.

UNISON believes that a re-statement of the value of the 2003 workforce agreement and a call for correct training development and deployment of teaching assistants, backed up by the NJC job profiles would lead to a significant improvement in improving school outcomes.

Better support and challenge to schools and quality of teaching and learning

The Minister for Education and Skills has been forthright in his criticism of the role of local authorities in their relationship with schools; one of the few areas in which he seems to reach agreement with the UK coalition government.

This debate about support, improvement and challenge has been playing in England for a while. The rapid increase in the number of academies and reduced funding has seen key local authority roles, such as performance management and school improvement, diminished. These allied to the changing responsibility for admissions, which ought to be geographic and even-handed, are leading to an incoherent education system, undermining good government policies on access and social mobility.

There is now a large number of single standing convertor academies who have limited external support or external challenge - with decreased local authority scrutiny and, as many of them are graded outstanding by Ofsted, lighter touch inspection.

We would argue that the Welsh Government should set strategic frameworks and be able to intervene if necessary – but we would caution against it sucking in support and challenge responsibilities from local authorities. On the frontline, schools should focus on the direct delivery of education, with school staff autonomy, but with strong links to the community to ensure accountability. But what of admission, improvement and support services, surely these need to be separate from schools and central government and be the responsibility of a middle tier?

Alternative middle tier structures suggested in England also have their problems. How democratic, costly and accountable would appointed school commissioners be? Elected commissioners may be democratic, but would have weak links with both local support structures and national academy chains (and as mayoral and police commissioner referenda have shown may not be widely supported), Inspection authorities could be conflicted and can be too easily influenced by central government.

So unless a better model is proposed, UNISON believes that local authorities remain the best model for the middle tier – albeit one that itself needs to be opened up to transparent inspection and critical challenge from the Welsh Government.

Value for money and effective use of resources

We have already outlined above the most significant change that could improve value for money: the effective use of teaching assistants and the freeing up of time for teachers to concentrate on improving pupil learning.

We also believe that there is a need to address the poor state of some of the school stock. Many current buildings require significant investment to improve the learning environment and also eliminate the risk of asbestos which affects around 75% of school buildings. An increase in school building investment would also stimulate the economy.

The academy programme in England has also led to significant inefficiencies and undermined the economies of scale available to local authorities. The additional funding provided to academies has also created a huge financial hole in DfE funding which has necessitated transfer from other budgets. Increased risks and liabilities have also transferred and UNISON's concerns around academies' insurance was noted in the Academies Commission report.

Coherence and strong links between all areas of education including post 16 and wider children's services

As we have already stated local authorities have crucial role in ensuring a coherent vision focussed on the needs of their local communities.

UNISON has supported shared services where the aim is better co-operation and service delivery, in return for assurances which safeguard our members' jobs, terms and conditions. Our criticism of the four consortia model, however, is that it fails to correspond with Carl Sergeant's six Regional Collaborative Footprint's which we believe would be a more effective means of raising standards and ensuring collaboration with other areas of public service. In addition we are concerned that allowing each Consortia to develop its own Governance model will lead to a lack of consistency and, depending upon the model adopted, a lack of accountability.

Looking into the future it is inevitable that the 22 Local Authorities will be re-organised. It is disappointing, therefore, that the current four consortia model fails to fit with any possible future blueprint for local government reorganisation. It is UNISON's view that this should be addressed as we see local authorities still playing crucial role in the future delivery of education services in Wales.

UNISON believes that improvements must start from the earliest age and should be inclusive and supportive. UNISON was a firm supporter of the previous government's policy: 'Every Child Matters' and the introduction of Sure Start in England and the 'Flying Start' programme in Wales. We welcome the early findings that suggest the latter programme is having an effect and the proposed additional £74 million to double the number of children benefitting from Flying Start', from 18,000 to 36,000 by 2015. Too often however our members report that links between early years programmes and schools are not joined up enough.

Support staff play a key role in ensuring that wider children's services are co-ordinated and pupils with Special Education Needs or those with health needs are able to participate in schools and improve their attainment. UNISON has recently produced a report jointly with the RCN on the role of support staff in supporting pupils with health needs <http://www.unison.org.uk/acrobat/20539.pdf> This seeks to clarify the roles and responsibilities of schools and staff, necessary training and production of individual care plans.

Conclusion

We note that some evidence suggests that increased autonomy for schools helps improve results. However we also note that strong support and critical challenge are also important and so would not wish to see the English experiment of academy conversion and unplanned and the potentially wasteful introduction of free schools.

We believe that a re-invigoration of the 2003 Workload Agreement would free up teaching staff to do what they do best. Accompanying investment in training and development for support staff and improved deployment would also have a huge benefit.

We believe that new initiatives should be piloted and subject to monitoring and evaluation. We would suggest an evolutionary rather than revolutionary change as it is difficult to pick up eggs once they have been broken.

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