



# **Consultation on the revised Code of Professional Conduct and Practice for Registrants with the Education Workforce Council (EWC)**

**Consultation opens: 14 September 2018**

**Consultation closes: 12 noon on 14 December 2018**

### **Overview**

This consultation, in accordance with the statutory requirement upon the Council in the *Education (Wales) Act 2014*, seeks the views of EWC registrants, stakeholders and the general public on a revised draft ***Code of Professional Conduct and Practice for Registrants with the Education Workforce Council (EWC)***.

### **How to respond**

Responses to this consultation can be made using the online form available via the EWC website <https://www.ewc.wales/code> or by completing the form below and emailing it to [code@ewc.wales](mailto:code@ewc.wales).

The deadline for responses is no later than midday on 14 December 2018.

### **Contact details**

For further information:

Mrs Susan Street  
Fitness to Practise Manager  
Education Workforce Council  
e-mail: [Susan.street@ewc.wales](mailto:Susan.street@ewc.wales)  
Tel: 029 2046 0099

## About the EWC

The Education Workforce Council (EWC) is the independent regulator in Wales for:

- school teachers;
- school learning support workers;
- further education teachers (lecturers);
- further education learning support workers;
- work based learning practitioners;
- qualified youth workers;
- qualified youth support workers.

The EWC was established by the *Education (Wales) Act 2014*. Under the Act, the General Teaching Council for Wales (GTCW) was reconfigured and renamed to become the Education Workforce Council (EWC). The EWC came into being on 1 April 2015.

The primary aims of the EWC are to:

- contribute to improving standards of teaching and quality of learning in Wales;
- maintain and improve standards of professional conduct amongst registrants in the education workforce in Wales;
- safeguard the interests of learners, parents and the public and maintain public trust and confidence in the education workforce.

The EWC's responsibilities include:

- maintaining a Register of persons deemed suitable to practise within the education workforce in Wales;
- investigating and hearing cases against registered persons involving professional misconduct, incompetence or criminal offences;
- providing a Code of Professional Conduct and Practice for registered practitioners;
- accrediting programmes of initial school teacher education in Wales;
- advising the Welsh Government and others on matters related to the education workforce and teaching and learning;
- specific work as requested by the Welsh Government, for example, the EWC administers a funding programme for school teacher Induction. It also administers the award of Qualified Teacher Status and Induction including the issue of certificates and hears Induction Appeals;
- promotion of careers within the education workforce.

## The Code

The current Code of Professional Conduct and Practice for Registrants with the Education Workforce Council was prepared and published on 1 April 2015 by the Welsh Government in accordance with the *Education (Wales) Act 2014*. It was largely the same in content to the previous Code developed by the General Teaching Council for Wales (GTCW) for school teachers.

The Code sets out the key principles of good conduct and practice our registrants uphold. It is intended to guide judgements and decisions and inform learners, parents, guardians, employers and the general public of the standards they can expect from registrants.

Under the Act, the EWC is required to review the Code every three years and, if appropriate, make revisions to it.

The Education Workforce Council (Main Functions) (Wales) Regulations 2015 require the Code to contain a minimum provision dealing with the following matters:

- basing relationships between learners and registered persons on mutual trust and respect;
- having regard to the safety and well-being of learners;
- working in a collaborative manner with colleagues and other professionals;
- developing and maintaining good relationships with parents, guardians and carers;
- acting with honesty and integrity;
- being sensitive to the need for confidentiality, where appropriate;
- taking responsibility for maintaining the quality of professional practice; and
- upholding public trust and confidence in the education workforce.

The Regulations also require an EWC Investigating or Fitness to Practise Committee to take into account any failure by a registrant to comply with the Code in any of the disciplinary proceedings against that person.

### **Proposed Revisions**

In drafting the revised Code, the EWC has:

1. taken account of the seven diverse workforce groups which are now required to register with the Council. Whilst meeting the requirements of Regulations in terms of matters to be included in the Code, the EWC has sought to retain the meaning and emphasis of the current Code but has also aimed to make the principles more practical and meaningful for all seven registrant groups;
2. reviewed the Codes of other Regulators, throughout the world and across a range of professions.
3. considered the professional standards that apply, have been developed or are in development for each registrant group. This is necessary as the EWC draft Code applies to registrants' practice as well as their conduct. It is of note that in most other countries and professions, the Code is entwined with the professional standards.

In consulting on the revised Code, the Council welcomes the views of registrants, stakeholders and the public. No decisions have been made on the proposed revisions and we encourage you to make your views known.

A copy of the draft revised Code and a copy of the existing Code may be found at <https://www.ewc.wales/code>

## Consultation response

We have included a number of questions about the Code which we would like you to answer. Please consider your responses in conjunction with the statutory responsibilities of EWC (see consultation document) in respect of the provision of a Code and the matters to be included within it. Responses will be collated and considered by the EWC Council who will approve final publication of the revised Code.

Please complete the online form via the EWC website <https://www.ewc.wales/code> or submit your response by email to [code@ewc.wales](mailto:code@ewc.wales)

The deadline for submission is **12 noon on 14 December 2018**

**Your name:** Margaret Phelan

**Organisation (if applicable):** University and College Union

**Email / telephone number:** mphelan@ucu.org.uk

**Which category of respondent best describes you? : Trade Union, membership body for registrants**  
E.g. registrant, stakeholder, member of the public, learner

### Questions

1. **Is the purpose, scope and status of the revised Code clear and in line with Welsh Government legislation (as set out in the consultation document)?**

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
-------	-------------------------------------	----------	--------------------------	----------------------------	--------------------------

### Supporting comments

Registrants in FE joined the EWC in 2015. UCU has over that period spent a significant amount of time developing its practice in relation to developing our own policies and practice with regard to professionalism in the FE sector in Wales.

UCU fully support the need to maintain standards of professional practice across the Education Workforce in Wales and we are of the view that this revised code is clear in the articulation of its remit and the consequences of falling short of the code in relation to personal behaviour of registrants.

2. Are the key principles (personal responsibility, knowledge, integrity and working collaboratively) appropriate in defining practitioner professionalism across all registrant groups? What revisions, if any, might be made to the key principles?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
-------	-------------------------------------	----------	--------------------------	----------------------------	--------------------------

**Supporting comments**

UCU support the four key principles of the code.

3. Are the expectations under each key principle (personal responsibility, knowledge, integrity and working collaboratively) appropriate? If not, what revisions might be made to address this?

We offer the following comments in the hope that EWC will consider amending the wording to refine the parameters of the framework used in considering cases of professional conduct, serious professional incompetence and criminal offences.

**Personal responsibility**

UCU are concerned about the latitude the Fitness to Practice hearing panel appear to take in relation to the phrase 'both in and out of the workplace.' We believe that the way this is written in the code suggests an equal consideration, whether inside or outside the workplace.

We do not accept that 'all' registrants in FE are public figures. They are certainly role models within the context of the workplace, but to suggest that they are public figures, we believe, is stretching that definition beyond its limits. They certainly become public figures within the definition of the Concise Oxford Dictionary, if they are subject to a Fitness to Practice hearing in Wales.

As a civilised, advanced society we have a legal framework for addressing the behaviour of society and we believe that it is that legal framework which should be used to sanction registrants if they are found to breach the law of the land.

Only after they have been found to be guilty in a properly constituted court, with appropriate rules of evidence, should the EWC consider the continued registration and not before, if the behaviour in

question takes place outside the workplace.

We would also contend that the requirement not to engage in activities or behaviour which may harm the professional reputation of the education workforce, should also be subject to the changes outlined above.

### **Knowledge**

In this section the following statement needs further consideration:- Requirement to keep up to date with developments in your area of practice, including changes to educational legislation, which affect your work.”

We do not believe it is reasonable to expect all registrants to keep up to date with the changes to educational legislation. As a paid official of an education trade union I find it difficult to keep up to date with all the policy and legislative changes happening in Wales and it is my job to do just that.

We would like a caveat to this requirement which requires registrants to avail themselves of employer or EWC briefings to keep up to date with changes to legislation which affects their practice.

### **Integrity**

The wording of the requirement to be law-abiding, both in your personal and professional life also needs to be re-worded in our view. The current wording suggests that there will be an equal value given to personal and professional by a Fitness to Practice panel and that should not be the case. More emphasis needs to be placed on the professional and the personal should be framed by the law of the land, not the EWC professional code of practice. Only after an offence has been proven to have been committed, should the EWC consider the licence to practice of the registrant.

#### **4. Does the Code offer reassurance to learners, parents, guardians and the general public about the conduct and practice of the education workforce?**

<b>Agree</b>	<input type="checkbox"/>	<b>Disagree</b>	<input type="checkbox"/>	<b>Neither agree nor disagree</b>	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

**Supporting comments**

UCU believe that appropriate requirements placed on registrants is sufficient to ensure the integrity of the profession.

**5. We would like to know your views on the effects the draft Code of Professional Conduct and Practice for registrants with the Education Workforce Council would have on the Welsh language, specifically on:**

- I. **opportunities for people to use the Welsh language; and**
- II. **treating the Welsh language no less favourably than the English language**

**6. Do you have any other comments?**

Please check the box if you wish for your response to remain confidential

Please check the box if you are happy for us to contact you about your submission- Yes

**What happens next?**

We will publish a consultation report on our website in February 2019 and approval for the publication of the revised Code of Professional Conduct and Practice for Registrants will be sought from EWC Council at its meeting in March 2019.