



**WALES
CYMRU**

RESPONSE TO:

**Proposals for the disciplinary functions of the Education
Workforce Council and a new code of professional
conduct and practice for registrants**

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1. The University and College Union (UCU Wales) represents more than 7,000 academics, lecturers, trainers, instructors, researchers, managers, administrators, computer staff, librarians, and postgraduates in universities, colleges, adult education and training organisations across Wales.
2. UCU Wales is a politically autonomous but integral part of UCU, the largest post-school union in the world: a force for educators and education that employers and government cannot ignore.
3. UCU was formed on the 1st June 2006 by the amalgamation of two strong partners – the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE) – who shared a long history of defending and advancing educators’ employment and professional interests.
4. We welcome the opportunity to respond to the consultation on the proposals for the disciplinary functions of the Education Workforce Council and a new code of professional conduct and practice for registrants.

Question 1 – Do you have any comments on amalgamating the professional conduct and professional competence committees into one fitness to practice committee?

YES	x	NO	
If yes, please explain.			
<p>Conduct (behaviour inside or outside of school) or competence (teaching ability) are two separate issues. Issues of competence, in particular need the provision of training, support and guidance to the individual.</p> <p>There is the danger that the term ‘fitness to practice’ is so vague and open to interpretation that support and guidance may be overlooked, as issues of competence may be blurred with issues of conduct. Terms such as ‘alleged’, ‘relevant’ and ‘appears’ are all subjective terms and do not help to clarify the meaning of the term ‘fitness to practice’</p> <p>It may well be that one committee can function more efficiently than two, but again without detail of the criteria used to make decisions by such committees and with no knowledge of the members that constitute such bodies, it is not possible to comment on their proposed effectiveness, efficiency or otherwise.</p> <p>Without a clear definition of exactly what is meant by the term ‘fitness to practice’, it is not possible to judge the proposed amalgamation.</p> <p>From our perspective competency and conduct are separate issues that require different courses of action. Issues of competency should be dealt with</p>			

under capability procedures and conduct with disciplinary procedures. Therefore, as it is the remit of the Council to perform disciplinary functions, it is not appropriate for the Council to make judgements about capability. Capability alone should not be a reason to consider suitability for registration, unless local procedures have been exhausted and have resulted in dismissal for gross misconduct or gross incompetence.

Issues of competency and conduct should be dealt with locally before being referred to the EWC. The decisions should be made at college level, with professionals being trusted to maintain levels of professional conduct. The role of the EWC should only be to decide if the outcome of a dismissal should be upheld with regard to the removal or otherwise of registrants from the register. It should not be necessary to re-run the disciplinary/capability processes. This duplication would seem to be rather a waste of an already short supply of money available to the EWC and an insulting waste of the money for those members who have no choice but to fund the organisation.

We also have concerns about conduct being defined as “behaviour inside or outside of school” (college), where behaviour outside of college does not impact on teaching.

Question 2 – Do you agree that there should be a single code of professional conduct and practice covering the wider education workforce?

YES		NO	x
If no, please explain why?			
<p>Initially it would seem sensible to have one code of conduct, however much of the proposed code of conduct, has simply been lifted from the code of conduct used by the existing GTCW for use in schools and therefore misses the subtle differences between school and further education (Please see question 3 for further details).</p> <p>Bullet point 1 of the Professional Practice section of the proposed code of conduct states that registrants should “adhere to the relevant standards for their role”. However it is unclear what these relevant standards are. This statement also implies that there are differing standards for differing roles, therefore it is questionable that one code of conduct would be appropriate for all roles.</p> <p>Many of the colleges have codes of conduct in place already, there is a risk that staff in FE will be expected to adhere to two different codes.</p>			

Question 3 – Do you have any comments on the draft code of professional conduct and practice for the education workforce as set out in Annex A?

YES	X	NO	
If no, please explain why?			
<p>There is a fundamental issue for FE from the outset if the proposed code of conduct is applied, in as much as currently policies, procedures and guidelines which form the basis of the code of conduct, differ from institution to institution. This does not lend itself to the production of a standardised and equitable system in which to judge the behaviour of staff.</p> <p>Staff will also be reliant on individual employers providing appropriate training with regard to policies and procedures. Before policies and procedures are used as a measure of educational standards on which to base the code of conduct, they need to be standardised and checks made as to whether the content of the policies support professional educational standards.</p> <p>There needs to be clarification over the development of relationships between home/parents etc. In FE this is not always appropriate or possible and is, at times, more the domain of student services rather than the lecturer. The requirement of FE staff to develop relationships with parent/guardians, needs to take into account that the ethos of FE is different to that of school. This is not to say that links with and respect for home are unimportant and should not be respected, but it should be recognised that many young people thrive in college because it is a more adult environment, where they are and should be encouraged to take responsibility for their own learning, which may mean that they do not wish for their carers to be as involved in their education as they might have been when they were at school; it is post compulsory education after all. Staff in FE must be allowed to use their professional judgement and be guided by the individual wishes of their students as to the appropriateness of communicating with parents and carers. It should also be taken into account that lecturers on P/T contracts may not be given the time to forge relationships.</p> <p>It does not seem realistic to hold staff responsible for identifying and addressing “issues <i>at all times</i>, that might impact on learner’s welfare”. This level of expected conduct requires a great deal of time to deliver, time which is not available to staff with already heavy workloads. Individuals should not be solely responsible for identifying and addressing issues; they are part of a team. This is therefore an unrealistic measure of individual professional conduct.</p> <p>With regard to registrants being held responsible for maintaining the quality of their practice, again this is not a concept that is clearly defined in this document; what are the relevant standards for the role?</p>			

Engaging in career long learning and maintaining up-to-date knowledge, is very much dependent on funding and employer discretion, particularly in FE where there is no agreed model of relevant and appropriate CPD. We note the effort that is being put into the New Deal and CPD models for teachers in maintained schools and are concerned that this will put FE staff at a disadvantage. This disparity is unlikely to engender public confidence in the EWC, if CPD is not equally promoted or available across all sectors of the workforce, and individuals are judged against inconsistent standards.

Question 4 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We still disagree with the notion that the EWC, as it stands, will improve and maintain high standards of teaching and the quality of learning in Wales. If standards of teaching and learning are to be seriously addressed, there needs to be meaningful dialogue with teaching professionals to address problems with overburdening workloads, overcrowded classrooms, lack of appropriate CPD and the general disregard there appears to be for professional opinion and expertise that is felt among the workforce.

The formation of the EWC is having the effect of compounding these feelings further by creating a body whose primary function is to discipline rather than support.

This is reflected in the code of conduct, which appears to offer a checklist for pinpointing where staff can fail the public and can be reprimanded for doing so, rather than providing advice and guidance to support staff and help them to grow and develop as professionals and therefore provide a better and more valued public service.

With the rise of the emphasis on ‘the student voice’ education professionals need support and guidance as to how to protect themselves from sometimes malicious and groundless accusations. Support such as this could avert many needless, costly and consequentially damaging investigations.

We have concerns that members of the public will be invited to make complaints or referrals directly to the EWC. We do not consider this appropriate or helpful. Matters should be referred to the individual educational institutions in the first instance and only to the EWC where a resolution cannot be reached. It should surely be encouraged that any dispute or disagreement should be dealt with at a local level wherever possible. The idea that members of the public can bypass this process and go directly to the EWC, is surely not conducive to promoting and maintaining public confidence in the profession, if anything it sends exactly the opposite message; that they cannot be trusted to make the right decision and therefore, should be overlooked.

We are concerned that there will be some conflicting and unintended consequences for FE. The tight timetable for the implementation of the new body has hampered the

opportunity for more meaningful discussion and exploration. Systems put in place for the GTCW, which have not necessarily been as successful as hoped, have been 'cut and paste' for the wider workforce and are not necessarily suitable for FE as they stand.

It is debatable as to the value of the current GTCW in promoting public confidence in the profession or promoting confidence amongst the professionals themselves and yet there is an unexplained assumption that this will occur as a result of the formation of the EWC. Again, from our point of view the key to improving the quality of teaching and learning in Wales, is to have the respect to trust the professional judgement of the education workforce.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: