

Registration fees for the education workforce in Wales (2017)

Consultation response form

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Council (EWC)

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Responses should be returned by **30 September 2016** to:

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or completed electronically and sent to:

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Question 1 – Do you agree that the fee level should be set according to practitioner categories, i.e. school teachers, FE teachers (lecturers), youth workers, youth support workers, work-based learning practitioners, school/FE learning support workers?

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

The Council supports the proposal to set fee levels according to practitioner / registrant categories. This will help to recognise and take account of the fact that the groups have differing roles, responsibilities and (in general) levels of income.

The Council understands that this was the view from the majority of respondents to previous Welsh Government consultations on proposals for the registration of the wider education workforce in Wales.

This principle is also well established amongst a number of other regulators, for example in Dentistry where Dentists and Dental Care Professionals pay different amounts.

The Council wishes to highlight that while some respondents may state a preference for a system where fees are based on actual salary, the complexity, administrative burden and cost of running such a system, both for the EWC and employers would be problematic. In turn, it would result in an increase in registration fees to cover the additional costs. Council officers have previously provided details and costs to Welsh Government officials for such a system.

Question 2 – The Secretary of State for Education is currently considering an amendment to the *School Teachers’ Pay and Conditions Document (STPCD)* to remove the reference to the existing allowance for teachers in maintained schools in Wales, in order for the allowance to be redistributed across the whole workforce, reducing the fee for all registrants from 2017, as suggested under model 1. If the *STPCD* **cannot** be amended, do you agree that model 2 is a fair and appropriate model in order to raise the funding that the Education Workforce Council will require?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The Council is aware that since the issue of the consultation document, the settlement to teachers in the STPCD has now been removed. However, the Welsh Government still requires the approval of the National Assembly for Wales Finance Minister to transfer the sum of this money to the EWC. Given that this matter has yet to be fully concluded, the EWC answers the original question asked in this consultation.

The Council emphasises that the EWC must have registration fee levels for each registrant group that generate sufficient income to enable it to effectively carry out the functions set out in the Education (Wales) Act 2014 and to establish financial

reserves that allow it to deal with unexpected costs. The Council confirms that based on its projections of registration numbers for 2017-18 onwards, model 2 would generate sufficient income to meet its operating costs.

However, the Council notes that if model 2 needs to be adopted, the Welsh Government is proposing to increase the registration fee for learning support staff from £15 in 2016-17 to £18 in 2017-18 but leave the fees for school and FE teachers unchanged. The Council invites the Welsh Government to reconsider this and suggests that it would be more appropriate to spread the very small increase between all registrant groups rather than attributing it just to learning support staff.

The Council saw a great deal of confusion by registrants and employers when collecting 2016-17 registration fees due to the way in which the Welsh Government chooses to present the table in paragraph 8.4. This resulted in incorrect fees being remitted and queries about subsidies that registrants believed they were entitled to. The Council remains concerned that this model is not simple and transparent and will continue to lead to confusion as to what the fee and subsidy levels actually are. Officers have discussed these points with Welsh Government officials previously.

Question 3a – If the funding for the subsidy becomes unavailable, model 3 will be required. Do you agree with the proposal to base the fees on scale 3 of the table, as highlighted in paragraphs 9.1–9.6 of the consultation?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Question 3b – If you disagree with the use of scale 3 in model 3, please indicate which scale would be more preferable by ticking the relevant box in the table below.

Fee option	School, FE teachers, youth workers and work-based learning practitioners	School and FE learning support workers and youth support workers
1	£68	£15
2	£65	£20
3	£61	£25
4	£58	£30
5	£54	£35
6	£51	£40

7	£46	£46
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Supporting comments

The Council agrees with the proposal to base registration fees on scale 3 of the table, confirming that based on its projections of registration numbers for 2017-18 onwards, this would generate sufficient income to meet its operating costs.

The Council highlights that the lack of government subsidies under model 3 are likely to be unpopular with registrants and their trade unions, however, the EWC has no remit for pay, terms and conditions and thus it is for practitioner trade unions and others to argue the case for subsidies of the registration fee.

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.

The Council notes that the questions asked in this consultation are the same or similar to those in the Welsh Government's consultation which closed in November 2014 in relation to fees from April 2016-17. As such, the core of the EWC's response reflects that of the GTCW in responding to the November 2014 consultation.

The Council has a number of additional comments it wishes to make in respect of registration fees:

1. The Welsh Government will inevitably receive responses to the consultation which advocate that registrants should not pay a registration fee. The Council however takes the view that a fee should be payable by registrants and therefore considers it appropriate to comment briefly on this matter here.

It is an established principle in the UK and many other countries worldwide that professions which the public have a legitimate interest in, should be regulated in order to protect / safeguard the public. In practice, this means that:

- the public can be reassured that the people working in a particular profession are suitably qualified, their knowledge and skills are kept up to date and their conduct and competence is of an appropriate standard (they are fit to practise their profession);
- those working within a particular profession are able to demonstrate that they:
 - individually and collectively, have a commitment to maintaining and raising standards, in the interests of the public;
 - are part of a profession of high status and standing, with specific entry requirements and expectations of conduct and competence rather than just being in a job which anybody can work in.

In achieving these objectives, most regulatory bodies have broadly the same statutory responsibilities, which are to:

- maintain a Register of persons able to practise;
- develop standards which those working within a profession must comply with, including a Code of Practice and Conduct;
- develop standards for education and training, which those working within a profession must comply with;
- deal with concerns raised about a person's "fitness" to practise their particular profession.

There are broadly speaking 2 models of regulation worldwide. One is that government regulates a particular profession and therefore the persons within that profession do not pay a fee. The second is that a profession has a stake in regulating itself. The second model is much more common and is regarded as the more preferable for the profession concerned as the profession itself is entrusted with certain responsibilities with minimal government intervention.

One factor with self-regulation is that those professionals have to pay for it. However, in the main such professions are prepared to do this in return for:

- having a level of control over their own registration and regulation;
- demonstrating that "what they do" is more than just an occupation, which anybody can do, but is a "profession", with specific standards for entry to that profession and for continued practice within that profession. Such an approach has potential knock-on benefits in terms of public perception / status and for negotiating pay, terms and conditions with government.

As stated earlier in this response, the Council takes the view that reimbursement of the fee is a separate consideration to the issue of the fee itself and is a matter that should be taken up with the Welsh Government by other organisations such as trade unions and associations.

2. The Council emphasises that the EWC must have registration fee levels for each registrant group that generate sufficient income to enable it to effectively carry out the functions set out in the Education (Wales) Act 2014 and also to begin to establish financial reserves that allow it to deal with unexpected costs.

The registration fees set for the education workforce are likely to be lower than those for other professions, however the fee needs to be kept under continuous review.

The Council understands that each of the fee models proposed in this consultation seeks to provide total annual fee income of approximately £3.4

million from 2017-18. The Council considers that this is an acceptable sum, however it is imperative that the fee levels must be kept under review and will inevitably increase over time.

3. Further to points 1 and 2, as an independent organisation it is essential that responsibility for setting registration fees is passed from the Cabinet Secretary to the EWC in order that it can determine its own fee structure based on the actual costs of its statutory work. Only the EWC will be able to determine these costs accurately through its planning and budgeting processes. At present, the EWC has to seek approval from the Minister for any increase in the registration fee. The Council welcomed statements made by the previous Minister during the debate on the Education (Wales) Bill that responsibility for fee-setting could be looked at again in the future. The EWC would urge the Cabinet Secretary to allow the EWC to set its own fee at an early opportunity.

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: