

School workforce data collection in Wales

Consultation response form

Your name: Hayden Llewellyn

Organisation (if applicable): Education Workforce Council

e-mail/telephone number: hayden.llewellyn@ewc.wales

Your address: 9th Floor Eastgate House, Newport Road, Cardiff CF24 0AB

Responses should be returned by 3 March 2017 to

Education Workforce Data Branch
Workforce Strategy Unit
Education and Public Services Group
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: educationworkforcedata@wales.gsi.gov.uk

Question 1 – Do you agree with (option 5) the proposal to carry out an individual level census on the school workforce that utilises the EWC Register of Practitioners?

If you disagree, would options 1 to 4 be more suitable?

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

The Council supports the general principle of the Welsh Government collecting data for purposes it reasonably requires, however in doing so it is essential that it does this in an appropriate and proportionate manner. The consultation proposals as they currently stand appear to present a number of concerns in this regard.

1. Any data requested from schools or local authorities must not duplicate existing data which are collected and publically available. To do so will create unnecessary additional burdens for them. The Council has highlighted in its response to question 7 a number of areas in the draft regulations where schools / local authorities would be required to provide data already collected and held by the Council.

2. The Council is particularly concerned about the proposal for it to be required to provide individual level data from its Register to the Welsh Government. The EWC is a professional body, which is independent of government; it is **NOT** a Welsh Government sponsored body which is directly funded by the Welsh Government.

The Welsh Government already restricts the Council's work as an independent professional regulatory body. Unlike other professional bodies, the Council has more limited powers than its counterparts and does not set its own registration fees or appoint its own Council. The Council believes that the draft regulations strike at the heart of the Council's independence, with a statutory requirement upon it to share personal information about its registrants with government likely to further blur perception of the Council's independence and worth.

The Council also highlights that there is no statutory requirement for registrants to populate or maintain their records on the Register and so the proposed regulations are likely to discourage them from sharing personal information with the EWC and in turn affect the Council's ability to maintain a Register as it is required to do in legislation.

There is also the question of who will meet the costs of providing such data to the Welsh Government. The Council is funded by registrant fees and is not funded by the Welsh Government. The Welsh Government appears to be proposing that school staff effectively pay (through their registration fees) for their personal data being supplied to the Welsh Government. This is wholly inappropriate. Furthermore, given that the draft regulations only relate to data about the school workforce, the Welsh Government seems to be expecting all registrant groups to meet the costs involved in this work.

3. The Council is unclear about the Welsh Government's intentions for using, publishing and sharing the registrant data it is requesting. Of particular concern are:

- the fact that the regulations state that the data may be shared with "partners", without any detail of who this might be and;
- the Explanatory Note of the regulations states that the information required under the regulations will '*primarily*' be used for statistical analysis. This leaves it open for the Welsh Government to use the data it is provided with for other purposes.

As an independent professional body, funded by registrants' fees, the Council considers it should be responsible for analysing and publishing data from its Register and not the Welsh Government. The Welsh Government should not duplicate the statistical analysis or publication of data that is already undertaken / available from the EWC and there is a danger that the Welsh Government could misinterpret information, which Council is better placed to analyse.

The EWC regularly publishes an extensive amount of information about the school workforce through its annual Statistical Digest, via its website and in the form of tailored analyses for the Welsh Government and a host of other stakeholders. It is unclear whether the Welsh Government is intending to duplicate such analyses and reporting. The Council is happy to discuss any requests for summary data and provide it to the Welsh Government within agreed timescales.

4. The Explanatory Memorandum (EM) refers to the benefits of each option for the Welsh Government and the local authorities and schools highlighting in particular with option 5, 'reducing the administrative burden on them by reducing the number of data items they are required to capture'. No benefits to the Council have been identified in any of the suggested options; there is merely an assumption that the Council will fund the resource and provision of data internally from registrants' fees with no benefit to the Council or the registrant groups as a whole.

In summary, the Council believes that it is more appropriate to provide summary rather than individual level data from its Register to the Welsh Government. However, it would also invite the Welsh Government to consider an alternative option to those in the consultation document which has not been explored by the Welsh Government. As part of the EWC annual registration fee renewal process, every February and April the Council exchanges data with all local authorities in order to facilitate the annual registration fee deduction from salary for employees. The Council could enhance that exchange to collect additional data on behalf of the Welsh Government. That would negate the need for the Welsh Government to hold the personal information of registrants as there would be no requirement to match records from different sources. That work could be undertaken by the EWC.

Question 2 – The draft regulations currently propose that schools, local authorities and the EWC will have a period of 27 days to complete data returns with a November census date. Do you agree with this proposal?

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

The Council reiterates that although it strongly opposes the draft regulations, it is more than happy to discuss summary level data requirements with the Welsh Government and provide these to agree timescales.

Question 3 – Currently, which sources of data on the school workforce do you use?

EWC Annual Statistics Digest	<input checked="" type="checkbox"/>	Annual PLASC bulletin	<input type="checkbox"/>	StatsWales open data	<input type="checkbox"/>	None	<input type="checkbox"/>
Other (please specify)		<input type="checkbox"/>				

Supporting comments

The Annual Digest is produced by the Council from its unique source of data and will in future years include data relevant to the whole education workforce.

Given that there is no legal requirement for registrants to maintain their records with the Council, it does undertake significant work to maintain and improve data population and completeness of the Register. The imposition of these regulations is likely to further discourage registrants from providing their data and will lead to complaints and criticism of the EWC and its perceived independence.

Question 4 – The draft regulations currently propose the collection of data items within seven categories (staff details, contract and service agreement, absences, curriculum, qualifications, recruitment and retention, Welsh language and Welsh medium). Do you agree with the collection of these categories?

Data category	Agree	Disagree	Neither agree nor disagree
Staff details	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contract and service agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Absences	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Qualifications	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recruitment and retention	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Welsh language and Welsh medium	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Supporting comments

The Council recognises the need for the Welsh Government to receive quality data analyses to inform policy direction. However, Council's concern is with the proposal that registrants' personal data should be shared in full with the Welsh Government and possibly other third party organisation.

The Council notes that supply teachers and supply learning support workers have been excluded from consideration as part of school workforce planning. This seems to be an obvious omission given that both represent a significant part of the workforce (12% of registered school teachers; 15% of registered school learning support workers).

Question 5 – We would like to know your views on the effects that the draft regulations proposed would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

The regulations would provide the benefit of more data in respect of Welsh language provision within the school workforce.

Question 6 - Please also explain how you believe the proposed draft regulations could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

Council's response is as per question 5.

Question 7 – 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 introduction to the consultation document refers to the draft regulations having been developed following extensive engagement with stakeholders. This is not true in respect of the Education Workforce Council.

The Welsh Government's Head of Education Workforce Data and Analysis met officers of the Council in September 2016 to discuss the work being undertaken to develop workforce data. This was to ensure schools/local authorities were not going to be asked to provide data which was already held by the EWC as required by *The Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended* thus reducing duplication and workload. The draft regulations were shared with the Council and did not include any reference to it providing the Welsh Government with personal data from its Register of Education Practitioners.

The Council was explicit that any data provided would be at a summary level. Indeed the GTCW and now the EWC has provided the Welsh Government with anonymised data which includes age and gender profile as well as employment and qualification information since 2007 to assist with workforce planning.

The Council only became aware that the draft regulations had been amended to include an additional schedule (Schedule 2) requiring the Council to provide the Welsh Government with a registered person's full personal record just before the Christmas holidays. At no point prior to that had the Council been consulted by the Welsh Government about their intention to place a statutory requirement on it to provide personalised data from the Register of Education Practitioners. Immediately after the Christmas break, officers of the Council met with the Head of Education Workforce Data and Analysis and were informed that the consultation was due to be launched 2 days later. Council officers confirmed that the Council would strongly oppose the regulations. The Council considers that the way the Welsh Government has approached this consultation in respect of the EWC to be inappropriate.

Officers understand that the Welsh Government may be open to further discussion with regards to the regulations and the proposals in respect of the EWC.

There are a number of inaccuracies in, and concerns with the consultation document, the explanatory memorandum (EM) and the draft regulations which are clarified below:

- *'The EWC Holds information on the qualifications of the school workforce; the EWC holdsdetails of qualifications which are directly relevant to their training as a practitioner'* - The Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended require the Council to hold qualification information *'if known'*. The Council holds qualifications for school teachers as there is a mandatory requirement for them to hold Qualified Teacher Status (QTS) in order to register with the Council and work as school teachers (save for certain exemptions).

There is no mandatory qualification requirement for school learning support workers and, in many cases, employers do not record them. Consequently the Council is implementing a data capture strategy to improve the completeness of qualification records for support workers. However, there is no statutory requirement for registrants to populate or maintain their records and the proposed legislation is likely to further discourage them from sharing personal information.

- 4.19 of the EM states that the Welsh Government will issue a 'Fair Processing Notice' to all members of the workforce covered by the Regulations. Registrants of the Council are already subject to its own 'Fair Processing Notice' and were registered with the Council with the full knowledge of that notice. It would seem highly inappropriate to issue a notice retrospectively and effectively remove an individual's right to choose whether their personal data is shared or not.
- 7.4 of the EM states there is a general consensus across stakeholders that there is a need to collect a greater level of information on the school workforce which is well managed and reported more effectively and the EWC is named as one such stakeholder. The Council contests that statement. The Council already holds a significant amount of quality data on the school workforce and regularly receives requests for analyses from other stakeholders who recognise the quality and completeness of the data held.

- Schedule 1 (9) of the draft regulations -Provision of Information by Schools and Local Authorities refers to qualifying trainees who are undertaking a course or programme of initial teacher trainings, the type of course or programme. The Council already collects this data as part of the work it does on behalf of the Welsh Government in respect of confirming the award of Qualified Teacher Status (QTS). This would be a duplication of information already available.
- Schedule 1 (13) of the draft regulations -Provision of Information by Schools and Local Authorities ‘whether or not the person is able to teach through the medium of Welsh’ – the Council already records this information on Register as required under *The Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended*. This would be a duplication of information already available.

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: