

**COHERENCE AND CONSISTENCY IN 14-19 EDUCATION**  
**- the case for professional self-regulation in Further Education**

**Executive Summary**

**This is a GTCW position paper advocating the case for professional self regulation in Further Education (FE) with the aim of bringing greater consistency and coherence to the education of 14-19 year olds across learning settings.**

***The issue***

- Under the Welsh Assembly Government's '*Transforming Education*' agenda, education and training providers are required to work in partnership in order to provide genuine choice of learning pathways to 14-19 year olds across school and college settings.
- Parents and the public are entitled to the reassurance that, regardless of school or college setting, young people are taught by teachers who are regulated and aspire to the highest possible professional standards. This is a fundamental issue of equity in the quality of learning of all young people.
- The draft *Learning & Skills Measure*, amongst other things, will require schools to ensure vocational provision for pupils and this is likely to increase the number of FE teachers in schools. As it is, many FE teachers already teach the same group of 14-19 year olds as school teachers but they are not required to adhere to the same professional expectations nor do they have parity in professional development opportunities. There should be a common set of expectations and access to continuing professional development for FE teachers and school teachers.

***What the GTCW is advocating***

- There is a need for an overarching set of high level professional standards which apply to teachers in both school and FE settings. This would help ensure comparability of qualifications and transferability of employment between school and FE sectors.
- FE teachers would benefit from a strong, autonomous, respected and high profile professional body that can inspire the highest standards of conduct and competence, regulate the FE teaching profession, improve professional development opportunities and provide a voice and direction on teaching issues.
- A coherent and consistent approach to the professional recognition of teachers across learning settings could be achieved by the GTCW becoming the professional body for teachers in both school and FE settings. The GTCW does not advocate the regulation of the wider

lifelong-learning sector at this stage.

- The GTCW advocates the need for urgent action in this area.

## COHERENCE AND CONSISTENCY IN 14-19 EDUCATION

### - the case for professional self-regulation in Further Education

#### A. Introduction

1. The General Teaching Council for Wales (GTCW) is the statutory, self-regulating professional body for teachers in Wales. It seeks to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, pupils and the general public.

The Council aims to provide an independent, representative and authoritative voice for the teaching profession in Wales and seeks to provide robust advice to the Welsh Assembly Government and other organisations on teaching issues.

2. This is the Council's position paper on the case for the introduction of professional self-regulation in the Further Education (FE) sector, thereby contributing to the further professionalisation of teaching in FE.

#### B. The GTCW's role as a professional body for school teachers

3. Under the 1998 Teaching and Higher Education Act (as amended by the Education Act, 2002), the GTCW has been established *"to contribute to improving the standards of teaching and quality of learning, and to maintain and improve standards of professional conduct amongst teachers in the interests of the public"*.
4. Council's functions are regulatory, advisory and operational.
5. Council's **regulatory functions** include establishing and maintaining a Register of Teachers; setting out professional standards in the forms of Codes of Conduct and Practice; and, maintaining those standards amongst members of the profession through investigating and, where appropriate, hearing cases involving allegations of professional misconduct or incompetence on the part of registered teachers.
6. Council's **advisory functions** involve advising the Assembly and other designated bodies on:
  - standards of teaching;
  - standards of conduct for teachers;
  - the role of the teaching profession;
  - the training, career development and performance management of teachers;
  - recruitment, retention and supply of teachers;
  - the standing of the teaching profession;
  - medical fitness to teach;
  - and, if required by the Assembly, any other matters relating to teaching;
7. Council's **operational functions** enable it, at the request of the Assembly, to engage in activities "designed to promote recruitment to the teaching profession or the continuing professional development of teachers". To date,

Council has been asked by the Assembly to administer funding programmes to support teachers' professional development, including new teachers in their first three years of their careers. The Council also determines the award of qualified teacher status (QTS) based on the recommendations of Initial Teacher Education & Training institutions and issues newly qualified teachers with their QTS certificates. For teachers who fail to meet the induction year standard after their first year of teaching and are aggrieved by the decision, the Council acts as the independent Appeals Body.

8. The Council has a key role in **raising the status** of the school teaching profession, and believes that in the eight years of its existence has played a considerable part, coupled with other approaches by the Assembly Government and others, in beginning to change perceptions after a period of negative publicity about the teaching profession in the 1980's and 1990's. Council's particular contribution to raising the status of teachers may be put down to the sum of the work described above – focusing on improving professional practice through an emphasis on continuing teacher education and training; demonstrating the ability to act as an independent self-regulating body; and publicising the positive contribution of teachers to society and the high standards and levels of commitment and qualification expected of teachers.

### **C. The need for a consistent approach to teachers of 14-19 year olds**

9. An ever increasing number of pupils of compulsory or post-compulsory school age (14-19 year olds) are being, or will be taught either in FE settings by FE teachers or by them in school settings. Conversely, some adult education takes place in school settings. This move to greater flexibility in learning settings designed to match the learner's curriculum with their desires, ambitions and aptitudes is a welcome one - but it throws into sharp contrast a number of inconsistencies in the ways that learners and teachers are treated across both sectors.
10. Under the 'Transforming Education' programme, schools and colleges in Wales are required to work together in partnership in order to deliver genuine choice to learners under *Learning Pathways 14-19*. The draft *Learning & Skills Measure* is a radical educational reform which requires new ways of working and planning the curriculum across institutional boundaries. These requirements strengthen the case for challenging a status quo where different policies and regulations apply to teachers in school and college settings. Parents do not differentiate between vocational and non-vocational courses in individual settings and will not understand why some rules and entitlements apply to schoolteachers but not FE teachers. There is a need for coherence and consistency in approach. This is already in place in some areas, for example the Ministerial decision in Wales that there should be parity for FE teachers with the main pay scale for schoolteachers, but not in other areas, for example, different arrangements exist for professional development, qualification and registration requirements and quality assurance. This situation in Wales compares poorly with the regulatory and developmental activities which have taken place in FE in England since September 2007.
11. The Welsh Assembly Government is also committed to a strategy for the development of the Children's and Young People's Workforce including the publication of a 'Common Core of Knowledge and Understanding'. The interface between schools and colleges is a particularly relevant one in the

light of children and young people's educational experiences and an area in which there is an obvious opportunity for action.

#### **D. What might a professional body contribute to the development of the FE workforce?**

12. Based on the experiences of the GTCW since its inception and those of other UK professional bodies in teaching or in other professions, we would suggest that a professional body in the FE sector could make a very strong contribution to the development of its workforce through:
  - initial and continuing professional development;
  - setting and maintaining standards of professional conduct and competence in the interests of the public and the profession.
13. We set out below some considerations supported by examples of the particular contributions that the GTCW has been able to make in relation to school teaching in these areas. We think this is a role that a professional body in FE would be able to play.

#### **Initial and continuing professional development**

14. The first and most obvious statement to make is that professional expertise requires not only subject knowledge but also teaching competence. Clearly there are likely to be variations within the FE workforce given the diversity of FE provision. By way of illustration, there may be a gap between the teaching competence of a graduate lecturer with a recognised PCET qualification that meets the Wales and England standards and, for example, a non-graduate lecturer employed part-time by an institution for their particular trade or professional skills and experience. Indeed, the latter may not have had any formal preparation for teaching.
15. As the professional self-regulating body for teachers in schools, the Council fully endorses the desire to maintain and continue to raise standards of teaching in the FE sector. One obvious area, therefore, in which a professional body in FE would contribute is the promotion of improved professional practice. Improved professional practice should have the overall effect of providing an entitlement to better quality teaching to learners in FE settings wherever they may be in Wales. This is an opportunity to remove the 'accident of geography' factor from the learner's experience.
16. Individual FE colleges may require their own staff to gain an initial teaching qualification within certain timeframes, but a regulator of standards would be in the best position to specify the requirement expected for all lecturers across the FE sector. The potential role of a regulator is even more pertinent because of the independent incorporated status of FE colleges.

#### **Teaching qualifications.**

17. Expertise about professional practice resides in large measure within any profession. It follows that a professional body is best placed to develop, maintain and own the standards which describe professional competence. This should apply both in relation to initial and further teaching qualifications.

### *Initial teaching qualifications*

18. In respect of initial teaching qualifications, in 2002 we stated that we would be particularly supportive of any moves to ensure that the then Stage 3 FE Qualification had an equivalence to QTS. Courses leading to that qualification included components which are also part of courses which lead to QTS (e.g. learning theory, educational psychology and management of programmes) and we felt that this should facilitate the consideration of its inter-relationship with QTS for teaching pupils of school age. We continue to desire the establishment of an equivalence between the two qualifications.
19. However it is frustrating that six years on, little direct progress has been made. This is despite the fact that the movement of learners and staff between schools and FE has increased and is likely to continue to do so. By way of example, teachers with PGCE(FE) qualifications may still only be employed by schools as 'instructors', whereas teachers with QTS for teaching pupils of school age, may teach in any school or college setting. Legislation is needed to tackle how best teachers with the PGCE(FE) qualification with suitable school experience or graduate lecturers who may teach a substantial part of their time in schools or who teach school pupils in FE settings may be given QTS. This would also have implications in the future for courses of Initial Teacher Education and Training which lead to a PGCE (FE) qualification being adjusted to take account of the new 14-19 contexts in which lecturers may be required to teach in schools.
20. The Deputy Minister for Skills has launched the 'Standards for Teachers, Tutors and Trainers in the Lifelong Learning Sector'. Council's view is that the attempt to encompass the diverse roles found within the lifelong learning sector inside a single framework does not reflect the complexity of the FE, WBL and community learning workforce. There is a need to differentiate the role of teachers from others involved with learning to avoid the potential dilution of standards for teachers.
21. More significantly, however, the standards fail to address issues around the fundamental issue of the equivalence with the existing Qualified Teacher Status for teachers in the school sector - although in LLUK's view, there is an 80% overlap with the QTS standards. The proposal to develop a framework that assumes a minimum of NQF Level 5, raises real concerns in terms of parity for teachers working with young people in different settings. This is of particular relevance within the context of shared delivery of teaching programmes within the *Learning Pathways*.
22. Council believes that a high level set of overarching professional standards should be developed which could be applied to teachers in school and FE settings and thus enable detailed discussions of equivalence between the QTS and the QTLS standards and the content of initial training programmes to take place.
23. However, professional regulation is a separate thing from the existence of teaching standards. It is a means by which the continued competence of an individual can be maintained via expectations of CPD and by dealing with serious professional misconduct or incompetence in a small minority of individual cases.

24. The GTCW would wish to see any regulatory body for FE teachers having direct powers over the professional standards, accreditation of the programmes of initial teacher education & training and the development of frameworks for CPD and career development. The GTCW also believes that it is right that as the professional body for teachers it should also have these powers in relation to school teachers.

*Further teaching qualifications*

25. In relation to further teaching qualifications, developments in teaching in the school sector may be instructive. In 2003, the Welsh Assembly Government introduced a statutory induction year standard which set out the standards of professional competence that a NQT was required to meet after one year of teaching. In 2005, the National Professional Qualification for Headship (NPQH) became mandatory for all new headteachers in Wales. In September 2007, the Council began piloting a Chartered Teacher programme and qualification for highly skilled teachers in the middle of their careers and intends to mainstream this from 2010, subject to the outcomes of independent evaluation. In summary, schoolteachers in Wales will soon have a coherent and progressive framework of professional milestones/standards and qualifications ranging from QTS through Induction, Chartered Teacher and on to Headship for those who so aspire. This will assist teachers in planning their most appropriate next professional development step.
26. The coherence and progression of a career long professional development framework can be recommended to FE teachers also. Because of its focus on professional standards, a professional body is well placed to drive such an initiative forward. However, it would need to be recognised that with the greater diversity in the qualification levels of FE teachers, that there would continue to be a need for a range of levels and types of both initial and further teaching qualifications – albeit these could reside within the ambit of a single professional body.
27. The Council has developed and submitted key advice documents to the Welsh Assembly Government on a Professional Development Framework for Teachers in Wales, dealing with coherence and progression in career milestones and standards; professional development, recognition and accreditation; recording of and reflection on CPD; and, the quality of assurance of CPD provision. The issues addressed by the Council's advice on the Framework would be equally a firm basis for considering qualifications and CPD in the FE setting.

Continuing professional development

28. Without a culture of professional development, a profession will remain static and lack the stimulus of the need for continuous reflection and improvement. The same principle must apply to the teaching profession. Teachers, of all professions ought to be at the forefront of learning themselves. Acquiring an initial teaching qualification can only be the beginning of the story.
29. In 2002, we set out the principles that we believed should underpin teachers' CPD, namely:
- a broad definition of CPD encompassing all formal and informal learning that developed teachers' practice;

- teachers having an entitlement to and a responsibility for their own CPD;
  - career-long access to high quality CPD irrespective of geographic location in Wales;
  - funding for CPD should recognize the needs of government, schools and individual teachers;
  - a close relationship with the performance management process through which CPD needs and provision could be discussed and agreed.
30. At the request of the Assembly, we have been seeking to make these principles a reality through our work on a Professional Development Framework (described above) and through close working with our partners.
31. Our experience in the school setting is that provision had long been made for teachers' CPD relating to government priorities and for school priorities but this did not always equate to teachers' personal, professional development needs. In 2001, we piloted and subsequently began administering an Assembly-funded programme designed to enable individual teachers to access funding for their own individual professional needs. Well over 25,000 CPD opportunities have been funded in the last 7 years with, by way of example, over 5500 teachers benefiting in 2007-08 from a £3m budget. This has had a very positive effect in enabling teachers to take control and responsibility for some of their CPD and in creating a growing self-confidence on the part of teachers about their own practice. An important part of this process has been the dissemination by teachers of their professional learning with other colleagues.
32. GTCW is aware that as autonomous, corporate institutions, the emphasis placed on the development of staff may vary from FE setting to setting. We would recommend the benefits of introducing a funding stream designed to support the individual professional needs of teachers. Our experience has been that individual teachers' professional learning can have a very positive 'bottom-up' impact on the institution as a learning community and on the confidence of the wider profession. However, such a funding stream would need to be administered by an independent body (such as a professional body) rather than colleges to ensure equality of treatment of individually identified teacher professional needs.

### **Setting and maintaining standards of conduct and competence**

33. The 'classic' work of a self-regulating professional body is to uphold high standards of professional conduct and competence and maintain the confidence of the general public. This is often seen in a negative light when certain individuals who do not meet professional standards are sanctioned or removed from the profession's register of practitioners. In reality, the professional standards work is a positive illustration of the high standards of a profession which is not prepared to accept a small number of individuals who may besmirch its reputation.
34. The GTCW's regulatory work has the following features. A professional body playing a similar role for teachers in FE would bring the same benefits.

### A Register

35. Council holds a record of qualified teachers who have registered with it on an annual basis. It also holds records of all those who have teaching qualifications but have chosen not to register. All teachers in a state school in Wales must be registered with GTCW in order to teach.
36. Teachers pay an annual registration fee (currently £45). Council has one category of registration ('full registration') although it has argued that the Assembly Government should introduce a category of 'provisional registration' for teachers in their first year of teaching.
37. Registration gives a guarantee to parents, employers and others that teachers in state schools have the requisite qualification and do not have any barrings or disciplinary orders placed on them which would otherwise prevent them from teaching. Further, the GTCW has introduced a 'suitability for registration' criterion which now requires a first time registrant or re-registrant to have a Criminal Records Bureau (CRB) check prior to registration.
38. With regard to pupils of school age who may receive part of their education in FE settings or be taught by FE staff in school, there is an obvious need for consistency. The first and most obvious example is in the field of child protection. Leaving aside the issue of professional qualifications for the moment and in the context of the high profile that child protection matters currently have, there is a strong argument for a professional body to hold a Register of FE lecturers. This would be a minimalist approach with a focus on the suitability/conduct of any person, however qualified, to be employed as a teacher in an FE setting. Beyond this, given the range of teaching qualifications amongst the FE workforce, there may be a need to consider different categories of registration to reflect different teaching competences and qualifications .

### Codes of Conduct and Practice

39. The GTCW has produced a '*Statement of Professional Values and Practice*' and supplemented this with a guide '*Professionalism in Practice*'. The Statement provides a set of principles to which teachers aspire and which should guide teachers' dealings with learners, colleagues, parents and other professionals. It also describes the expectations on teachers in terms of their commitment to their professional development. The '*Professionalism in Practice*' guidance document gives examples of situations which teachers should avoid. Together, they contain important principles for a profession that a professional body is best placed to express. The Council is currently reviewing these documents with a view to introducing a Code of Conduct and Practice which sets out the minimum standards for the regulation of the profession.

### Dealing with unacceptable professional conduct and serious professional incompetence

40. Upholding standards of conduct and practice is a responsibility of a professional body. The GTCW investigates, and where appropriate, hears cases where a teacher has been dismissed or might have been dismissed by an employer for professional misconduct or incompetence or where a teacher has been found guilty of a relevant criminal offence. This is so that there is a means by which teachers found guilty of professional misconduct or

professional incompetence are not passed on to another school setting or onto another pupil.

41. The same principle could be anticipated in operation by a professional body for FE teachers - perhaps with a common standard applying to the conduct of all staff, and, potentially, different standards of professional competence depending on the levels of qualification or category of registration for certain FE teachers.

#### **E. Need for Urgent Action**

42. As schools and colleges are required to work together in partnership and to establish outline proposals for 'learning partnerships', there is an urgent need to resolve the inconsistencies between the approach to the professionalisation of teaching between the school and FE sectors.
43. Whilst the professionalisation of school teachers in Wales is established, teachers in a FE setting do not benefit from a similar coherent approach to professionalisation. Teachers in the FE sector in England have benefited from the regulatory and developmental activities associated with professionalisation since September 2007 following the establishment of the Institute for Learning (IfL) as the professional body for FE.
44. Council believes that the arguments for introducing professional regulation in FE are very strong. A closely related question is, therefore, "Who should the professional body be?"
45. One option would be to extend the remit of England's *Institute for Learning* to Wales. On the one hand, it is an existing organisation for FE teaching, albeit with a comparatively short history as a professional body. However, post-devolution, it would be surprising if the Assembly Government took a route so radically different from the direction it has taken in establishing parallel bodies where there are England-based equivalents e.g. two separate Teaching Councils for England and Wales were established in 2000. There would be a danger of marginalization of the relatively small number of FE teachers in Wales within a primarily England-centric organisation which could fail to deliver the best solutions for teachers and learners in Wales. There are currently 9,600 FE teachers in Wales compared with 157,000 in England.
46. A second option would be for the Assembly Government to establish a Wales-only professional body for FE. It could address the FE professional issues unencumbered by other matters such as those facing schools. However, as argued in this position paper, separateness is not what is needed given the direction of travel set out in the *Learning Country: Vision into Action and the 'Transforming Education' plan*. There would be potential difficulties in establishing a separate professional body because of the rather small size of the FE sector in Wales and the consequent diseconomies of scale. For such a body to be viable, it would need to forge very close links with other bodies.
47. A third option is for the General Teaching Council for Wales's remit to be extended to include FE teachers. On the one hand, the Council is now established and has experience of the professional issues facing a teaching profession. It is a Wales organisation locked into the priorities and issues faced in our country. On the other hand, the present constitution, the composition of the governing Council and its remit is one for school teachers, and, without significant change would not be 'fit for purpose' as an

organisation to advise and regulate the FE workforce. It is this third option that Ministers appear to be contemplating as set out in the Ministerial decision of March 2007 that “*work should begin to explore the legislative and delivery requirements needed to extend the current role of the General Teaching Council for Wales (GTCW) to act as the body responsible for the license to practise for teachers, tutors and trainers in the lifelong learning sector in Wales*”.

48. Whilst the Council at this stage does not support the regulation of the wider lifelong learning sector, little tangible progress appears to have been made on the Ministerial decision and there appears to be no clear plan for implementation if the exploration supports the case for extending the GTCW's remit. This apparent ‘wait and see’ approach being adopted to developments in the FE sector in England does a disservice to FE teachers in Wales. Wales has a distinctive approach to *Learning Pathways 14-19* and a commitment to transforming education through schools and FE colleges to work in partnership. It should also have a distinctive approach in relation to professional regulation in the FE sector. It is assumed that in light of the Ministerial decision that, as a minimum, an initial evaluation will have been undertaken by the Welsh Assembly Government in support of this option. Council would be pleased to see this evaluation and to engage further with policy discussions with the Minister and Assembly officials on the matter.
49. Any decision on regulating the FE workforce in Wales will require legislation and there would be lengthy lead times prior to eventual implementation. Similarly, the need to consult extensively and build a consensus around a preferred regulatory approach will inevitably take a considerable period of time, as it will need to involve many organisations, including employers and trades unions.
50. In the light of these very lengthy lead times there is a need for policy decisions to be made as soon as is practically possible. If the GTCW is considered by the Welsh Assembly Government to be the professional body for FE, then a Legislative Competence Order (LCO) will be required to enable the NAFW to introduce a Measure to define the new role and constitution of the GTCW.

## **F. Conclusion**

51. The Council believes that the establishment of a professional body for FE with independence and sufficient funding to back up its work programme would greatly assist in the professional development of the FE workforce. It would also bring other benefits in raising the status of FE teachers; giving greater assurances to learners and employers about quality; and, bring greater consistency and coherence at the school-college interface.
52. The Council calls for a full consultation with FE teachers on both the principle behind and the key functions of the professional body. It would be essential that *fforwm* and unions representing FE teachers form a central part of any communications / consultation strategy.