

The Education Workforce Council (Registration Fees) (Wales) Regulations 2015

The Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales under Standing Order 27.1.

Minister's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education Workforce Council (Registration Fees) (Wales) Regulations 2015.

I am satisfied that the benefits outweigh any costs.

Huw Lewis
Minister for Education and Skills
14 January 2015

1. DESCRIPTION

1.1 These Regulations revoke the General Teaching Council for Wales (Fees) Regulations 2002 No 326 (W.39) and regulation 9 of the General Teaching Council for Wales (Functions) Regulations 2000 No 1979 (W.140). The Regulations implement the fee payable in connection with registration in the register established and maintained by the Council from 1 April 2015.

2. MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE

2.1 None.

3. LEGISLATIVE BACKGROUND

3.1 Section 12(1) and 47(1) of the Education (Wales) Act 2014 allow the Welsh Ministers to make regulations in relation to the fees payable in connection with registration in the register established and maintained by the Education Workforce Council (the Council) under section 9 of the 2014 Act ("the Register"). Section 36 of the Act also allows the Welsh Ministers to make regulations in relation to the supply of information to the Council by employers. They are subject to the affirmative procedure.

3.2 The Education (Wales) Act 2014 ("the Act") reconfigures the General Teaching Council for Wales ('GTCW'); extends the current remit of the body; and amends the composition of its membership, in order to create the Council.

3.3. A key feature of many professions is a requirement to register with a professional body that sets and maintains professional standards; retaining public confidence and demonstrating a shared commitment to professionalism. Of the education workforce, it is currently only school teachers that are required to be registered with the GTCW in order to teach in a maintained school in Wales.

3.4. The Act gives a power to the Welsh Ministers to make regulations requiring school teachers; Further Education (FE) teachers; FE learning support workers; and school learning support workers to register with the Council. This will help to improve and maintain high standards of teaching and the quality of learning in Wales by regulating and supporting the wider education workforce.

3.5. The intention is that the Council will become operative from April 2015, with a phased implementation plan for the registration of the wider education workforce. It is anticipated that FE teachers will be the first addition to the existing register of school teachers (from April 2015); with FE and school learning support workers' registration to be phased in from April 2016.

4. PURPOSE AND INTENDED EFFECT OF THE LEGISLATION

4.1 Under the Act, the Welsh Ministers have powers to set the registration fees for the Council (by virtue of section 12 of the Act). Whilst there is provision to enable Welsh Ministers to make regulations that would give this power to the Council (subsection 12(2) of the Act), it is anticipated that this will not take place for at least 3 years, or until such time as the Welsh Government believes it is right and appropriate to do so, given the phased implementation of registration for the wider education workforce. Any future transfer of the power to set registration fees to the Council will be subject to a full consultation at that time.

4.2 These Regulations revoke the General Teaching Council for Wales (Fees) Regulations 2002 and regulation 9 of the General Teaching Council for Wales (Functions) Regulations 2000 and are intended to set out the new registration fee payable for both school teachers and FE teachers for the period commencing on or after 1 April 2015 and ending on 31 March 2016.

4.3 Regulation 3 sets out the annual fee payable for registration with the Council for both school and FE teachers. Provision is also made under this regulation for the registration fee to be subject to a subsidy. That subsidy is to be set by the Welsh Ministers and published on the Welsh Government website.

4.4 Regulation 4 provides that an employer must, on request by the Council, supply the Council with the information set out in Schedule 2 in cases where they employ a person required to be registered.

4.5 For school teachers, the existing process for collecting the registration fee will continue. For the vast majority of teachers this will mean that the fee will continue to be paid through the 'Deducted at Source' (DAS) process - meaning that the fee is deducted by the employer directly from their salary. For FE teachers the (DAS) process will also be implemented by the Council, with procedures employed to collect the annual registration fee starting in April for 2015; and in March for each subsequent year.

4.6 Regulation 5 requires an employer who has been notified by the Council to deduct any such fee from a school teacher or further education teacher's salary; and regulation 6 requires the employer to remit it to the Council within 14 Days of the fee being deducted from the teacher's salary, together with details identifying the person.

5. REGULATORY IMPACT ASSESSMENT

5.1 For the first year of the Council, (financial year 2015-2016) it is estimated that a total of approximately £2 million will need to be generated via the registration fees, in order for the Council to carry out its core duties and functions. As a result, under these regulations, the fee has been maintained at its current level of £45 for practitioners' registration with the Council.

5.2 School teachers' pay and conditions are currently non-devolved; and remain the responsibility of Department for Education in England. Pay and conditions for teachers in maintained schools in Wales and England are set out in the School Teacher's Pay and Conditions Document (STPCD); a statutory document published in September for the start of each academic year. The £33 subsidy that teachers in Wales currently receive in their pay to subsidise the General Teaching Council for Wales registration fee is included within the current issue of the STPCD. As a result, teachers in maintained schools will continue to receive through their pay, the subsidy of £33 towards their registration fee for the 2015-16 financial year.

6. Options.

Option 1: Do Nothing

6.1 If we were to do nothing, it would not be possible to implement a Programme for Government commitment to establish the Council, which is vitally important if all education practitioners are to be part of a professional body that sets and maintains professional standards.

Cost

6.2. There would be no new cost implications from this option.

Benefits

6.3 There would be no benefits from this option.

Option 2: Make the Legislation

6.4 The introduction of these draft Regulations will implement the new registration fee payable for both school teachers and further education teachers for the period commencing on or after 1 April 2015 and ending on 31 March 2016.

Cost

6.5 During the transitional year 2015/2016 FE teachers will be the first to register with the Council and will be required to pay the same registration fee as school teachers (£45). The Welsh Government believes this is reasonable because FE teachers' salary structure is comparable to that of school teachers.

6.6 However, the Welsh Government does recognise the anomaly that exists in relation to the subsidy teachers will continue to receive during the financial year 2015/16. Concerns were raised during the 2012 consultation¹ by the FE sector that it would not be acceptable for school teachers to have their fee reimbursed, while FE teachers would have to pay the full registration fee. Given that the fee is referenced in the September 2014 STPCD, the Welsh Government has taken the decision to ensure fairness by subsidising the fee of FE teachers for their first year of registration. As a result, this category of practitioners will be required to pay a contribution of £18 towards the full £45 registration fee. (The amount school teachers actually pay following adjustments for income tax, on average, equates to approximately £18).

6.7 Regulation 3 provides that the Welsh Ministers may determine the amount by which those registration fees will be subsidised and requires them to publish the amount of that subsidy on the Welsh Government website.

6.8 The subsidy for FE teachers will require additional funding of approximately £180,000 (£27 x 6,500 (approx.) FE teachers). The costs associated with this work will be met from the Teacher Development and Support BEL 4880, through the re-prioritisation of resources.

6.9 As referred to in paragraph 6.6, FE teachers will be required to pay an annual registration fee of £18. Only those FE teachers who are registered with the Council will be allowed to work within the sector.

6.10 These regulations are not expected to impose additional administrative costs on the Council or employers.

Benefits

6.11 Professional registration is a vital element of ensuring that public trust and confidence is maintained in the education workforce; as well as safeguarding the interests of learners, parents, carers and the public. In addition, professional registration helps to maintain confidence amongst the workforce itself. Option 2 will allow the implementation of the Education Workforce Council; and ensure that all those practitioners required to register during the first year, will benefit from the support and recognition of a professional body that upholds professional standards; contributing to the improvement of the standards of teaching and quality of learning in Wales.

6.12 This approach will also ensure parity between the two sectors during the first year.

¹ <http://wales.gov.uk/consultations/education/workforceregistration/?status=closed&lang=en>

7. CONSULTATION

7.1 The Welsh Government undertook a consultation on the “Registration fees for the education workforce in Wales”, between 18 July 2014 and 7 November 2014. The consultation set out proposals for the transitional registration arrangements for April 2015 – March 2016; and from 2016 onwards (which will be dealt with in a separate set of Regulations). No issues were raised over the transitional arrangements.

8. COMPETITION ASSESSMENT

8.1 There are no market implications associated with the making of these draft regulations. It has no impact on business, charities or the voluntary sector.

9. IMPACT OF THE PROPOSED LEGISLATION ON DUTIES OF THE WELSH MINISTERS AS SET OUT IN THE GOVERNMENT OF WALES ACT 2006

9.1 The Regulations are not considered to have any specific impact on the duties of the Welsh Ministers as set out in the Government of Wales Act 2006.

10. IMPACT UPON THE VOLUNTARY SECTOR

10.1 The Regulations are not considered to have any specific impact upon the voluntary sector.

11. EQUALITY OF OPPORTUNITY AND WELSH LANGUAGE

11.1 No issues relating to these duties are considered to arise from the making of these draft Regulations.

12. SUSTAINABLE DEVELOPMENT

12.1 The aim of workforce registration is to improve the standards of teaching and the quality of learning in Wales, by ensuring that the wider education workforce are regulated and supported and that learners are supported by highly skilled and dedicated professionals.