



Northern Ireland
Assembly

Committee for Employment and Learning

OFFICIAL REPORT (Hansard)

General Teaching Council for Northern
Ireland: DEL/DE Briefing on Proposed
Reform

26 June 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Robin Swann (Chairperson)
Mr Jim Allister
Mr David Hilditch
Mr Chris Lyttle
Ms Bronwyn McGahan
Mr Pat Ramsey
Mr Alastair Ross

Witnesses:

Mr Christopher Andrews	Department for Employment and Learning
Mr Nick Gibson	Department for Employment and Learning
Mr Sam Dempster	Department of Education
Mrs Miriam Miskelly	Department of Education

The Chairperson: I welcome Mr Chris Andrews, head of further education policy and strategic development; Mr Nick Gibson — *[Interruption.]*

Mr Ross: Apologies. That was my tablet.

The Chairperson: Did you miss that training session, Alastair?

Mr Ross: I was told to play with it for the rest of the day. *[Laughter.]*

The Chairperson: I welcome Mr Nick Gibson from the further education policy and strategic development branch; Mrs Miriam Miskelly, head of the teacher education team; and Mr Sam Dempster from the teacher education team. Folks, you are very welcome.

Mr Christopher Andrews (Department for Employment and Learning): Good morning, Chair. Thank you for your invitation. You have received our presentation, and I can give you a brief overview of that or we can move straight to questions.

The Chairperson: Will you give a brief overview, Chris?

Mr Andrews: No problem. I will outline the broad proposals for a general teaching council Bill following our recent joint departmental consultation. I will also give the background to the proposals

and why they were consulted on. At the end of the briefing, we will be very happy to take any questions that members may have.

Over the past number of years, the Department has embarked on a number of initiatives aimed at raising professional standards in the further education lecturing profession. In the main, those have centred on the creation of a new two-year postgraduate certificate in education in further education, which is now a mandatory requirement for all new lecturers who do not hold a recognised teaching qualification.

The next stage on the journey was the development of proposals for professional regulation of the sector and the creation of a mandatory registration process for further education lecturers. It is the Department's ambition that all further education lecturers register with the council as a separate staff grouping in their own right. The increasing convergence with colleges in the post-primary sector to deliver the entitlement framework has highlighted an anomaly: FE lecturers, despite, at times, teaching the same cohort, are subject to entirely different policies, requirements and professional expectations. The registration and regulation of FE lecturers would ensure consistency throughout our educational landscape. That approach would help to enhance the comparability of teaching qualifications, enhance quality improvement and, most importantly, raise the status of FE lecturer as a profession.

The General Teaching Council for Northern Ireland (GTCNI) is the best-placed organisation to provide an independent regulatory function for FE lecturers. There are strong financial and administrative arguments for doing so. Given the size of Northern Ireland and the prevailing economic conditions, the creation of a separate body to regulate FE lecturers cannot be justified. We have talked about the synergy and close collaboration between the school sector and the FE sector. That adds weight to the creation of a joint body independent from government that would enforce standards equally across the entire education sector.

As a result, the two Departments issued the joint consultation document. We sought opinions on whether it was appropriate to extend the General Teaching Council's remit to register and regulate lecturers employed in FE colleges; the issue of providing greater independence for the council; and the prospect of giving the council a full range of regulatory powers relating to conduct, competence and fitness to practice across both sectors. Some 1,800 copies of the consultation document were issued to stakeholders, and both Departments published the document on their website.

We received 41 responses. Two thirds were from the school sector, and the remainder were from the FE sector. There were also a number of responses from wider educational bodies, such as the teaching councils in Scotland and Wales. The majority of responses were in favour of the proposals as a means of ensuring that the council is, and is seen to be, a robust independent regulatory body with a full range of appropriate powers and functions. Respondents also made it clear that, if lecturers and teachers are to have confidence that the council is independent from government, it should have no ties to government. However, most importantly, it would remain accountable to its members and the Assembly. It would, for example, be required to lay an annual report before the Assembly on the exercise of its functions. Both Ministers are considering a number of options on independence and how to proceed.

There is clear support from respondents for extending the council's functions to the FE sector. Some 85% agreed that teaching staff in schools and FE should be subject to independent regulation as an essential step in raising the professional standards of teachers and lecturers. That, in itself, will bring new challenges to the council, in registration and standards, given that FE is a very broad sector with a number of subdivisions. We will work with our Department of Education (DE) colleagues and the council on the details of policy proposals as we move forward.

A number of respondents expressed concern about the need to ensure absolute clarity on the respective roles of the council and the employing authority — there must be a clear separation. Employers will remain responsible for the employment or dismissal of lecturers and teachers. Only when employer action has been completed in cases of misconduct or incompetence will the council's disciplinary function kick in. As is the case now, we will place a duty on employers to inform the council of any information that it may need to carry out its functions, including its proposed new disciplinary functions.

Many respondents felt that more detail was required on a number of the proposals. To answer those concerns, we propose, with the approval of our Ministers, to publish a detailed response to the

consultation, including further information on the proposals for the way forward once that detail has been agreed.

That concludes my opening remarks. We are very happy to take questions.

The Chairperson: Is DE the lead Department?

Mr Andrews: Historically, the legislation has belonged to the Department of Education. Therefore, it has to take the lead in tabling the legislation before the Assembly. However, it is a joint proposal. We will have input to the legislative process, but our colleagues in DE will take the lead.

The Chairperson: Thanks for clarifying that. You got 41 responses from the 1,800 documents issued, which is just over a 2% return rate. Would you say that it had been well consulted on?

Mr Andrews: The most important point is that we received good responses from the teaching unions and the lecturing unions, which are, we believe, the strong voice of both sectors. We also received responses from the employing authorities in both sectors. Through that, we are pleased that we got a good spectrum of the feeling about the proposals. It is slightly disappointing that we did not get more responses from individuals, but we are very pleased that the unions and the employers responded in the way that they did.

The Chairperson: Issues have been raised in the past, and there has been a feeling that the unions in some colleges do not necessarily represent the teaching staff. How many individuals responded?

Mr Andrews: Bear with me.

Mr Allister: Nineteen.

The Chairperson: You said, I think, that, of the 41 who responded, 85% were strongly in favour.

Mr Andrews: Yes.

The Chairperson: What about the other 15%? I noticed that that detail is not in the paper.

Mr Andrews: The other 15% tended to come from the school sector, and it had been critical of the proposals, mainly because it did not necessarily see the need for a council. That is perhaps a legacy of the legislation to date and the fact that the council has not been able to have the full spectrum of powers needed to regulate the school sector. We believe that that is a hangover from the past, which we seek to correct through the legislation.

The Chairperson: I am happy enough with that answer.

Your paper refers to conduct, misconduct and professional competence. This morning's headline is the Public Accounts Committee report about how hard it is to remove a bad teacher. Will this make it easier or more difficult to remove a bad teacher or lecturer?

Mr Andrews: It is important to stress that this is not necessarily about giving schools or colleges the power to remove a teacher or lecturer. That is an employer function, and that will remain with schools. Schools and colleges will have to manage the performance of their individual staff. Where the council can add weight is that it will have the ability to set clear and transparent standards and competences to which teachers and lecturers in both sectors must adhere, and each individual and employing authority will know exactly how teachers and lecturers are supposed to reach the bar. In cases of incompetence or misconduct, the council will step in and decide whether an individual's case merits further action that could result in their removal from the register and their not being able to teach again in either sector.

The Chairperson: Point 12 of your paper is about disciplinary powers and states that the council:

"currently has no power to apply sanctions short of de-registration"

Mr Andrews: That is correct. When we visited the General Teaching Council for Scotland, we found that it could perform a number of actions, including sanctions that fell short of striking off a teacher, so it was not simply black or white. It could recommend that a teacher undertake remedial action to get themselves back up to speed or place restrictions on where that teacher could or could not be employed. It had a very wide range of powers that enabled it to take proportionate action. That did not necessarily mean that, as is the case at present, a teacher either stays on a register or is struck off.

The Chairperson: I am thinking about how the powers would transfer. If the council had the power to impose remedial action, would the teacher or lecturer stay in post?

Mr Andrews: It is likely that the process will pan out in such a way that, if a teacher is in post, there may be remedial action. It will depend on the details of what has happened. They may, for example, need more development, so, if they have not reached the bar or the competencies, it may be a matter of early professional development. So they would need further training to reach the standards required of a teacher in that phase of early professional development. Other teachers may need more continuing professional development (CPD), in which case they would undergo that while in post to achieve the standards required of them.

Mr Lyttle: I note in the report that the UK Government recently abolished the General Teaching Council for England. Can you shine any light on that?

Mr Andrews: It has been abolished. I think it important to note that the Welsh Assembly recently consulted on the prospect of extending the powers of its teaching council to include not only FE lecturers but other staff in the teaching sector, including classroom assistants. When we visited our colleagues in Scotland, we found its teaching council very keen to move into the FE sector. It is looking at strengthening how it regulates teachers. Our counterparts in the Republic of Ireland are moving towards new powers, whereby everybody who is paid by the state and teaches in any sector will be required to register with the council.

Mr Sam Dempster (Department of Education): It is also important to say that the teaching agency in England carries out the same functions as the councils here, so it is not that there is no regulation in England. It still happens; it is just a different model.

Mr Allister: I want to try to get a grasp of how big a problem deficient teaching is.

Mr Andrews: In the further education sector?

Mr Allister: Yes. How many teachers have been deregistered, for example?

Mr Andrews: By our colleagues in DE or by us?

Mr Allister: Both.

Mr Andrews: I do not have those figures to hand, but I can find out for you.

Mr Allister: Have you any idea whether it is a small or large number?

Mr Dempster: In the past 10 years, 25 teachers in the school sector have been deregistered.

Mr Allister: Of a teaching complement of how many?

Mrs Miriam Miskelly (Department of Education): Twenty-seven thousand.

Mr Andrews: It is also important to point out that the current regulatory powers that lie with the Department for Employment and Learning permit it to restrict the ability of a lecturer to teach only on the grounds of ill health or serious misconduct. Unfortunately, we do not have any powers to restrict teaching on the basis of incompetence, which is why we believe that we need a body such as a teaching council to step in.

Mr Allister: How can you evaluate, if at all, whether there is a problem with the competency of teaching in FE?

Mr Andrews: As with any profession, there is a strong need for an independent regulatory body that will look at aspects of incompetence.

Mr Allister: Do you mean regardless of whether there is a problem?

Mr Andrews: As you rightly point out, it is very hard to get a figure on the number of teachers or lecturers in FE colleges who have been dismissed on the grounds of incompetence, because we have no powers to look at that at present. It is very unlikely that every FE lecturer in the sector is performing to a very, very high standard. That is why we need professional standards and competencies that people are aware of and know that they have to adhere to and that employers can exercise. An appropriate independent regulatory body can then pick up on fitness to teach, if and when required.

Mr Allister: If there is a problem, is it one rooted in the training of those who emerge as FE teachers, is it the case that some teachers become stale or are teachers not keeping up with all the developments that they should keep up with? What is the nature of the problem?

Mr Andrews: You have picked up on a number of issues. Continuing professional development is an issue that the Department is looking at. We are very keen to strengthen opportunities for continuing professional development for FE lecturers. It is a dynamic teaching profession, and things evolve quite quickly in the FE world. We are very conscious of the need to give lecturers the opportunity to keep abreast of those developments.

As I said in my opening remarks, we have put considerable emphasis on revised teaching qualifications that are appropriate for the FE sector. We believe that the current qualification is stronger than its predecessor and enables those who come through it to have a sound grounding in teaching.

We are very aware of continuing professional development. An issue that came up in the consultation was that a teaching council, as it moves forward, should be given appropriate powers to regulate or enforce mandatory CPD standards for lecturers and teachers.

Mr Allister: I am familiar with the inspection process in our schools. Is there a parallel inspection process in FE colleges?

Mr Andrews: At present, the colleges undergo inspection by the Education and Training Inspectorate. It is called a "whole college" inspection process, which identifies areas where the curriculum is in need of improvement.

Mr Allister: Does that inspection evaluate the quality and output of teaching?

Mr Andrews: Yes. Each curriculum area is graded, and, as a result, if there is a poor inspection grade in a particular curriculum area, the college is supposed to take remedial action to ensure that that area is brought up to the appropriate standard.

Mr Allister: Is the fact that you want these proposals an indication that the current arrangements are not sufficient?

Mr Andrews: No. It is a recognition that we believe that this area needs strengthened. As I said earlier —

Mr Allister: You strengthen something only because it is not sufficient.

Mr Andrews: At present, we do not have powers to deal with incompetence. That is a void for the Department and for the employers.

Mr Allister: In the school sector, with which we are more familiar, a bad inspection report can result in a school being put into intervention. Can that happen with an FE college?

Mr Andrews: An FE college would have to put in place a college improvement plan.

Mr Allister: Could it be put into intervention and the people reported to their board?

Mr Andrews: I would need to check that; I am not entirely familiar with that process.

The Chairperson: Would the college development plan look into that?

Mr Andrews: The college would be tasked with putting in place a college improvement plan to bring those areas up to the appropriate standard. Thankfully, we have never had a situation in which a college was deemed so poor that the whole institution needed to be looked at.

Mr Allister: That takes me back to my first point. How do we know that there is a problem, and is there a problem? I am not saying that there is not; I am just curious about how —

Mr Andrews: It is sensible to have the appropriate powers in place to deal with these issues should —

Mr Allister: Whether there is a problem or not?

Mr Andrews: It is not about whether there is a problem or not. To improve, you need to have a process of improvement rather than trying to catch people out. It is appropriate to have the standards and competences in place and to have an independent regulatory body. It has been shown by other professions that independent regulation is beneficial. The Nursing and Midwifery Council and the General Medical Council, for example, are held in very high esteem, and their role is recognised by the public. That is our aspiration for teachers and lecturers.

Mr Allister: Tell me a wee bit, then, about the GTCNI and who they are.

Mrs Miskelly: The GTCNI is made up of representatives from the teaching profession, the unions, the employing authorities and the sectoral bodies. They have a range of responsibilities —

Mr Allister: How many people are on the council?

Mrs Miskelly: There are 33 members.

Mr Allister: How many of those have practical experience as teachers?

Mr Dempster: There are 14 elected teachers, principals and representatives of nursery schools, special schools, primary schools and secondary schools. There are 19 appointed members, some of whom are appointed by unions and who may also be teachers, and some of whom are appointed by the education and library boards and who may have been teachers and are now senior education officers. Others, who may also be teachers, are appointed by the sectoral bodies. There is a strong teacher representation on the council.

Mr Allister: Who represents the FE colleges on the council?

Mr Dempster: As it does not extend to the FE colleges at present, that is one of our proposals.

Mr Allister: How, then, will they be represented?

Mr Dempster: It is proposed, depending on what Ministers agree, that there will be a mix of elected and appointed members.

Mr Allister: How big will this quango be?

Mr Andrews: Currently, there are four DE-appointed members. To secure independence for the council, they will be removed, and it is likely that their positions will be taken up by the FE sector.

Mr Allister: Will the number stay at 33?

Mr Andrews: That is one of a number of options being put to both Ministers. We will see —

Mr Allister: Remind me how many of the 33 are civil servants.

Mr Dempster: Currently, none. There are four departmental appointments, and three of those four are teachers.

Mr Allister: Are they appointed under the public appointment process?

Mr Dempster: Currently, yes.

Mr Allister: Are those paid positions?

Mr Dempster: No. Expenses only.

Mr Allister: Daily allowance?

Mr Dempster: Sorry?

Mr Allister: Is there a daily allowance for sitting on it?

Mr Dempster: Yes, it is per session.

Mr Allister: Thank you.

Mr Lyttle: What sectors are represented by the sectoral bodies?

Mrs Miskelly: We have the Governing Bodies Association; the Northern Ireland Council for Integrated Education; the Transferor Representatives' Council; the Archbishop of Armagh and the Bishops of Clogher, Derry and Down; the trustees of Catholic maintained schools; and the Universities' Council for the Education of Teachers Northern Ireland.

Mr Dempster: The Irish-medium sector is also represented.

Mr Lyttle: Thank you.

The Chairperson: Nobody else has indicated that they have a question, so thank you very much for your time, folks.