

OFFICIAL RESPONSE to the Consultation on

Functions delivered by the General Teaching Council for Northern Ireland

September 2022

CONSULTATION QUESTIONS BOOKLET

INTRODUCTION

The Minister of Education announced, to the Northern Ireland Assembly on 13 December 2021, her decision to seek the dissolution of the General Teaching Council for Northern Ireland (GTCNI), the organisation currently established by statute to be the professional body for teachers. In her announcement, the Minister also stated that the Department would consult on the functions currently assigned to the GTCNI and how these can be delivered efficiently and effectively.

The Department would like to hear your views and feedback to inform, shape and improve final policy proposals and changes to legislation. This consultation process will provide you with the opportunity to consider the structures used in other jurisdictions and the differing functions these bodies provide. Your views will inform the development of a robust future model for Northern Ireland which reflects the unique needs of our education system while providing effective support to the teaching profession.

It is very important that you read the accompanying Consultation Support Document prior to completing this questionnaire.

Timescales and Submission of Responses

This questionnaire can also be completed online. The consultation will be open from **13th June 2022** until **midnight** on **30th September 2022**.

If you prefer, you can e-mail or post your response to:

GTCNIconsultation@education-ni.gov.uk

or

Teacher Education Team
Department of Education
Rathgael House
43 Balloo Road
Rathgill BANGOR BT19 7PR

Please note that translations of this questionnaire, along with its supporting documentation, can be provided on request by emailing GTCNIconsultation@education-ni.gov.uk.

Respondent's Details

Name of Respondent: **Martin Hodge**
Head of Education Policy

Organisation Name: **Community Union | Education & Early Years**
465c Caledonian Road, London, N7 9GX

Community | Education & Early Years - formerly Voice the Union and before that PAT/PANN, represents thousands of serving teachers and support staff, headteachers, lecturers, nursery and early years workers, nannies and other education professionals in schools, academies, nurseries, colleges, and universities across the whole of the UK.

We provide legal and casework support to our members and regularly engage with them in determining our response to policy proposals.

Community Union are affiliated to the Trades Union Congress (TUC), to the Irish TUC, Scottish TUC and Welsh TUC as well as the General Federation of Trades Union (GFTU).

The Department may make responses available on its website (www.education-ni.gov.uk), although contact names and addresses would be removed. Please note that under the Freedom of Information Act (2000) (Annex A), responses may be made available to the public.

1. Functions

The functions of the GTCNI, as established under [The Education \(Northern Ireland\) Order 1998](#), are listed in the table below.

Please refer to page 3, paragraph 1.2 and page 27, paragraph 6.3 of the Consultation Support Document for further information.

- a. Which of the below functions do you consider to be 'Essential', 'Helpful' or 'Non-Essential' to the teaching profession?

	Essential	Helpful	Non-Essential
i. Establish and maintain a register of teachers		✓	
ii. Approve qualifications for the purposes of registration		✓	
iii. Regulate the teaching profession	✓		
iv. Provide advice on developing and enhancing the teaching profession		✓	

- b. Which of the below functions do you consider to be 'Essential', 'Helpful' or 'Non-Essential' for schools or the wider education system?

	Essential	Helpful	Non-Essential
i. Establish and maintain a register of teachers		✓	
ii. Approve qualifications for the purposes of registration		✓	
iii. Regulate the teaching profession	✓		
iv. Provide advice on developing and enhancing the teaching profession		✓	

Additional comments: Please consider any additional functions not currently provided which you feel could positively support individual teachers, schools or the wider education system.

The functions of the General Teaching Council for Northern Ireland that are relevant to the teaching profession are not dissimilar to those which are important to the wider education system. It is important that in any professional employment that there is regulation of the necessary qualifications required to achieve competency and this could lead to a register of those qualified. These two functions allow the organisation to provide the necessary pre-employment checks. Additionally, the system needs to include regulation which can include taking action around allegations of serious teacher misconduct, safeguarding and goes hand in hand with a register of qualified teachers.

The purpose and need for a General Teaching Council for Northern Ireland are two separate issues to be determined. It is not a foregone conclusion that the regulator is the best organisation to hold a list of all teachers, nor should it be the sole authority on high-quality training and professional development.

The options in the table above list *“helpful”* and *“non-essential”* and yet neither options are mutually exclusive. Indeed, some activities of the GTCNI may have been non-essential, but yet proved helpful to the profession.

The different models of organisation and regulation throughout the UK show that there are several ways of achieving similar outcomes depending on the requirements. However, it remains essential that the Department retains overall control of teacher regulation through its executive agency, whatever model should be adopted.

2. Delivery of Functions

GTCNI in its current form is primarily responsible for the four functions listed in the table below. These functions, however, could be delivered through other mechanisms.

Please refer to page 27, paragraph 6.4 of the Consultation Support Document for further information

Which of the following mechanisms do you feel would be best suited to delivering each of the four functions?

	Government	Existing Employing Authorities	New Professional Body	Other	Not needed
a. Establish and maintain a register of teachers			✓		
b. Approve qualifications for the purposes of registration	✓		✓		
c. Regulate the teaching profession			✓		
d. Provide advice on developing and enhancing the teaching profession				✓	

If you responded 'Other' to any of the functions above, please outline what mechanism you believe would be best suited to deliver the function and why.

In many ways, the functions of the GTCNI could be carried out by many of the types of organisations listed. Although existing employers will retain records and performance details, they do not have the regulatory authority to restrict employment with other organisations that may be necessary. Nor do they have national responsibility for safeguarding.

However any new professional body is constituted, it will be vital to ensure that it is able to fulfil its responsibilities in the areas of regulation and safeguarding although, even where regulation has been delegated to an arms-length body (such as the GTCNI) the Government retains oversight.

It is possible, probable and quite right that some elements listed above receive input from more than one organisation. For example, advice on developing and enhancing the teaching profession should have input from those providing training or initial teacher education, schools and leaders as well as union stakeholders, research bodies such as those at the universities of Stranraer and Ulster also have an important part to play.

3. Professional Bodies / Models

In considering the possible establishment of a new professional body, similar models already exist across the UK and the Republic of Ireland.

Please refer to page 10, paragraphs 5.4 to 5.11 and page 28, paragraph 6.5 of the Consultation Support Document for further information.

Based on the information provided in the Consultation Support Document and/or any direct personal experience you may have, do you feel any of these models provide a helpful starting point for the structuring of a new professional body, if that is deemed the best approach?

	Yes	No	Don't know
a. The Teaching Council (Republic of Ireland)			✓
b. General Teaching Council for Scotland	✓		
c. Education Workforce Council (Wales)	✓		
d. Teacher Regulation Agency (England)		✓	

If you consider a hybrid model (drawing on elements from more than one of these models and/or our current GTCNI model), would be more beneficial, please elaborate:

We would expect the Department to consider the most effective models of regulation based on research in addition to the feedback received through this consultation process.

Hybrid models of regulation have the potential to be the most effective both in terms of cost to the department and to teachers, as well as in terms of meeting the needs of the profession – especially on issues such as providing advice on developing and enhancing the teaching profession.

We are aware there have been and remain some tensions in workforce regulation in Wales. The inclusion of the entire education workforce into the EWC, without any particular representation nor financial support for support staff, meant that the regulatory and professional benefits afforded to teachers were not obvious to support staff.

Teacher regulation – through adherence to the teacher standards as well as the minimum qualification requirements of a degree leading to QTS results in a larger annual salary. In comparison the minimum education requirements for many support staff do not have such high expectations meaning employers do not offer comparable salaries. Support staff have seen no increase in wages as a result of membership of the EWC, yet are expected to pay the same registration fee.

4. Registration / Membership

Many professions (i.e. Solicitors, GP's, Health Care providers, Architects etc) have a body which requires individuals practicing in that field to be a member. Through their membership, each individual demonstrates that they hold the required qualifications and specialist knowledge for their work, they have accepted certain standards of conduct and professional competence and that they will be regulated (and may lose their membership) if their behaviour or competence falls below expected levels.

Please refer to page 28, paragraph 6.6 of the Consultation Support Document for further information.

- a. **To what extent do you agree or disagree that it is important that teachers in Northern Ireland should be a member of a professional body?**

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	✓			

Most professional bodies charge registration and membership fees to deliver their functions.

- b. **To what extent do you agree or disagree that it would be reasonable to require teachers to pay a fee to be a member of an effective professional body?**

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
		✓		

Comments: While any membership fee would need to reflect the costs incurred in delivering an agreed set of functions, we would welcome your views on the general value of a professional body for the Northern Ireland teaching profession and your thoughts on how such a body might be financed.

As a membership organisation it would be churlish of us to say that where an organisation incurs costs to discharge its functions it should not seek to recoup those costs, however in order to make any fee to teachers palatable they must clearly understand what benefit the organisation will bring to them.

As mentioned with regards the EWC, the membership costs the same £44 regardless of the status of the member, their income or the role they are qualified and registered under. Regulation has not lead to improved conditions for employees and contributors have expressed some concerns around value for money.

During its existence, the GTC for England was funded from central government through an annual payment made to each teacher which went directly from salaries to pay the membership fees. It was operated in such a way as to ensure the regulator remained at arm's length from the government, even though it was a directly funded quango.

The GTCNI currently charge a fee for members which covers regulation and registration – which is a requirement of being able to teach in Northern Ireland. It is not unreasonable for this process to continue with the new professional body but any fee must be proportionate to the cost, and members will want to see benefits from their membership.

5. Board Composition

A new professional body, if established, will need to address those weaknesses identified in the leadership of GTCNI and the delivery of each of its functions. A recent Review undertaken by BTMM on behalf of the Department identified particular weakness in the skills and experience of GTCNI's Council members as a significant factor in its overall ineffectiveness. Council members' own self assessments, as part of the Review, also recognised that this was a significant issue.

Please refer to page 17, paragraphs 5.12 to 5.15 and page 29, paragraph 6.7 of the Consultation

Support Document for further information

- a. **Do you agree or disagree that the membership of the Board of any new professional body should be based on individuals being able to demonstrate relevant experience, skills and competences?**

Agree	Neither agree nor disagree	Disagree
	✓	

BTMM's Report also identified that the size of GTCNI's Board (33 members) was too large and was not conducive to productive debate. The report suggested that a future Board should be limited to 10 – 12 members and that members should be appointed under a public appointments competition.

- b. **Do you agree or disagree with BTMM's recommendation regarding the size of a new Board for a new professional body.**

Agree	Neither agree nor disagree	Disagree
✓		

More information on the public appointments process is provided in the Consultation Support Document, page 29, paragraph 6.7 or can be found at <https://www.publicappointmentsni.org/>.

- c. Do you agree or disagree with the BTMM's recommendation that future appointments to the Board of a new professional body should follow the public appointments process?

Agree	Neither agree nor disagree	Disagree
	✓	

Additional comments: What do you consider to be an optimal size of Board? How could the membership of any future Board be kept representative of both the profession and the wider education system? How might we construct a future Board to balance its need to be representative against the need for its members to have the skills to contribute effectively to timely decision making and the strategic leadership of the body?

Recruitment to the board needs to meet the needs of the role of the regulator. This could include personal knowledge of the education sector as well as legal knowledge, contract law or a regulatory background. It is wise to have a broad range of skills, knowledge and expertise - this doesn't necessarily have to be in a professional capacity and could include lay members too.

It is difficult to comprehend how any decision were ever made with a board of 33 members. Whilst there is a need for the board to represent it also needs to be small enough to be able to meet and make decisions. We agree with a size of around 10-12 to facilitate this.

We would not want to see members of the board appointed without a clear recruitment process. However this is done, be it through the public appointments process or through another applicant process there must be a robust vetting programme to ensure suitability for the role. The members should adhere to the highest standards in order to be able to make decisions which could affect the employment of others.

Once the board is finalised their names and business interests should be publicly available on the website of the GTCNI.

6. Regulation

The legislative basis for regulation by the GTCNI currently only permits it to invoke one sanction for a teacher found guilty of misconduct, the permanent removal of the teacher from the teaching register.

Please refer to page 22, paragraphs 5.16 to 5.19 and page 30, paragraph 6.8 of the Consultation Support Document for further information.

To what extent do you agree or disagree that a new professional body, or other regulatory mechanism, should be able to apply a range of sanctions to a teacher found guilty of misconduct?

Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
	✓			

Additional comments: In other jurisdictions, graduated sanctions are considered to support a more proportionate response to all cases of misconduct. In providing any general comments on this question we would also invite you to consider any advantages you see in the processes and sanctions used elsewhere in the UK and the Republic of Ireland.

Regulation of teaching through the TRA in England is limited to assessment of serious misconduct and judgements which remove teachers from the teaching register.

QTS is awarded on successful completion of a certified course and is followed by a period of induction (part of the Early Career Framework) to confirm full qualification.

The recognised training courses are regulated by the Department for Education and are currently undergoing a market review.

The TRA does not offer support, training or continuing professional development. This remit is fulfilled by schools themselves, in association with independent providers of mixed cost and quality.

7. Additional Comments

The Department would like stakeholders to highlight any other issues which they consider pertinent to the development of a fit for purpose registration and regulatory body (if needed). If, for example, you consider there are additional functions or processes which should be put in place to support and enhance the teaching profession, please provide details of these below.

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <https://ico.org.uk/>).