

Tertiary Education and Research Bill NEU Cymru key areas of interest

About NEU Cymru

The National Education Union Cymru represents teachers, lecturers, leaders, and support staff across the school and FE sectors in Wales. NEU Cymru is represented on the Joint Trade Unions (JTU) FE for lecturers and managers in FE colleges in Wales.

NEU Cymru believes we must value education by valuing educators.

Our response

NEU Cymru welcomes the opportunity to give evidence to the Children, Young People and Education Committee on the general principles of the Tertiary Education and Research Bill. Overall, we welcome the vision of the Commission, and recognise the challenges in the sector, as set out in the Hazelkorn Review.

However, there are a series of concerns with the Bill as drafted, which we believe should be addressed, in order to realise the vision, and fit in with wider Welsh Government aims.

We aim to submit a fuller response as part of the call for evidence, but have set out a series of key concerns below.

Social partnership and fair work

We believe that “Promoting social partnership and fair work” should be one of the Commissions strategic duties, in keeping with Welsh Government’s commitment to social partnership. This will require an amendment to the Bill.

Social partnership is an important principle which should underpin everything the Commission does, as it is about the importance of co-construction with the workforce. The workforce will be critical in ensuring that the Commission operates in supporting learners in Wales, and must be heard and supported, in line with principles set out in the Fair Work Wales Report¹.

¹ <https://gov.wales/sites/default/files/publications/2019-05/fair-work-wales.pdf>

Social partnership and fair work are key pins in the programme for government, as is building a strong economy, and offering a young person's guarantee. It is clear the Commission will have a key role to play in terms of life-long learning and employment, and it is therefore critical that social partnership and fair work are part of its strategic aims, and support the Commission in enabling Welsh Government's vision for a strong, fair work economy.

Since the Commission's main function appears to be Commissioning providers for the tertiary sector, it is critical that social partnership and fair work are there at its heart. We would hate to see a situation where profit comes above fair terms and conditions, as we have seen with supply teachers – providers must be committed to social partnership and fair work.

School 6th forms

We are extremely concerned that the power to close school 6th forms is passing to the Commission, under the Bill. School 6th forms are not education providers in isolation, learners in 6th forms form part of a wider school community.

We believe learners have the right to choose the provision which is right for them after they finish their GCSEs. Some learners will flourish in schools, whilst others will prefer their local FE college – and there should be a thriving range of provision for learners to choose from close to home.

Whilst lecturers currently have a common FE contract across Wales, they do not have access to school teachers' pay and conditions, or pensions. It is therefore critical that safeguards are put in place to protect the terms and conditions of teachers in the sector – indeed, lecturers should have the same pay and conditions.

We understand that some school 6th forms are already under pressure not to put on courses which are running at local FE colleges – this alone should not be a reason to stop a course, and could undermine the provision and viability of the school 6th form. Our members teaching a subject across GCSEs and A levels believe they are able to offer experience to learners which supports them continuing in their study, and it is critical we keep this vital link where possible.

We would agree with the Education Workforce Council that the power to close school 6th forms being moved to the Commission undermines local democracy and representation.²

Trade union representation

The Bill as drafted allows for only two trade union representatives to be selected by Welsh Ministers as associate members of the board. This is disappointing, and does not represent the plurality of staff groups who will be employed by the Commission and its providers.

The Commissions board should have representatives from the following groups, at least, who should not be chosen by Welsh Ministers:

- Lecturers in FE
- Managers in FE
- Teachers
- Support staff
- Learning support staff

As stated above, social partnership is extremely important to the Welsh Government, so undervaluing the expertise of trade unions within the Commission is very disappointing. Training for the workforce is critical and must be supported by trade union representation on the board.

Asymmetric duties

NEU Cymru are concerned about the nature of different expectations on different providers – which could lead to a disproportionate workload on some education professionals. This appears to be a maintenance of the status quo, rather than a strategic look at the tertiary education sector as a whole.

Below we have set out an illustration of some expectations which fall on different providers:

	School 6th form	FE	HE
Estyn inspection	Yes	Yes	No
Staff register with Education	Yes	Yes	No

² <https://www.ewc.wales/site/index.php/en/documents/research-and-statistics/consultations/2716-ewc-response-to-the-welsh-government-consultation-on-the-draft-tertiary-education-research-bill/file.html>

Workforce Council			
School teachers pay and conditions	Yes	No	No
Academic freedom	No	No	Yes
New curriculum and reform of qualifications	Future	Future	No

We are particularly concerned about the role of Estyn in the tertiary sector, and would question why Estyn has this role.

This will be particularly important if we consider different providers roles in terms of different cohorts in the tertiary sector. For example, who is responsible for the 14-19 pathway, which currently supports some learners, including those who may otherwise be not in employment, education or training (NEET)?

Currently, some FE colleges provide HE courses. However, lecturers of these course are often not able to access the same terms and conditions as those within HE settings. This has huge implications in terms of workload, pay and conditions. It is vital that there is fair work in terms of terms and conditions for the whole workforce across the tertiary sector.

For further information please contact:

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