

2 September 2015

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Cardiff Bay
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Dear Sarah,

Children, Young People and Education Committee (CYPEC) request for information relating to the Estyn and the Wales Audit Office (WAO) early reviews of the role and effectiveness of the regional consortia prior to evidence sessions with each of the regional consortia and the Minister for Education and Skills

Thank you for the invitation to provide input on issues relating to these early reviews prior to the evidence sessions.

The NASUWT notes that both reviews reflect many of the concerns which have been highlighted by our members and lay activists, as well as paid officials, over the lack of transparency, clarity and consistency that surrounds the role of the regional consortia, especially but not exclusively, in providing support to schools.

The NASUWT does not intend to repeat here those same concerns but will instead take the opportunity to draw to the attention of the CYPEC some fundamental shortcomings in both the Estyn and WAO reviews, and to suggest topics that could form the basis of questions which could be put to the consortia and the Minister during the evidence sessions. Indeed, the NASUWT believes that it may be appropriate for the CYPEC to hold an evidence session with both Estyn and the WAO in relation to their reviews.

Fundamental shortcomings in the reviews

Estyn

1. Although the Estyn review presents some key finding in relation to the role and effectiveness of the regional consortia, the NASUWT notes that there is no acknowledgement that the way in which the Inspectorate judged local authorities and schools changed after the Welsh Government created an artificial crisis over the provision of education in Wales, following the publication of the 2009 PISA results in December 2010.

The NASUWT remains of the view that the Welsh Government seized on the PISA results to shift the education agenda away from the years of underinvestment, as evidenced by the per pupil funding gap when compared to England, to underachievement.

Regrettably, this led to the denigration of local authorities, schools, teachers and pupils alike, with no political party at the Senedd prepared to speak up for schools and local authority services, and the body charged with the responsibility to bring a degree of independence to the debate, Estyn, producing a series of reports that appeared to be precursors to support Ministerial announcements on new initiatives for school improvement, including the 'National Model for Regional Working'.

The NASUWT believes it would be interesting to compare the bar chart produced at figure one of the review with a similar chart showing the Estyn judgements in relation to the provision for school improvement in each of the local authorities during the last inspection prior to September 2010, as the NASUWT has argued consistently that the Welsh Inspectorate compromised its independence following the panic over PISA to protect itself from blame and to support the view that it was local authorities and schools that were at fault.

It may be of interest to the CYPEC to note that in 2008 Estyn judged Pembrokeshire's support for school improvement to be at grade 2 (good features and no important shortcomings) with the prospects for improvement at grade 1 (improvement prospects are good, with significant improvements already in place), whereas the 2011 report deemed Pembrokeshire to be unsatisfactory in both categories.

2. The NASUWT questions seriously the claim at paragraph 7 of the 'Main findings' of the Estyn review that the regional consortia have engaged effectively with trade union in developing regional priorities and policies for school improvement. The NASUWT has no recollection of being contacted by the Welsh Inspectorate on this matter and, apart from the ERW consortium, engagement with the consortia on such matters has been irregular, inconsistent and usually at the request or insistence of the NASUWT.

Further, although it is acknowledged that the ERW consortium has set up a regular pattern of meeting with the trade unions representing the school-based workforce, very little positive progress had been made. The meetings have often become extremely acrimonious because of the consortium's attempts to usurp the role of the local authorities as the employers of the school-based workforce and a failure to respect the national positions of the trade unions representing the workforce, including the action short of strike action instructions that currently apply to both NASUWT and NUT members.

The latter point, in relation to the failure to respect the national action instructions issued to members of the NASUWT and NUT in furtherance of the on-going disputes with the Westminster and Wales governments, is not

only a cause for concern within the ERW consortium, it applies across the consortia and to School Challenge Cymru (SCC).

Indeed, it is noticeable that as well as failing to acknowledge the action that teachers have been taking since 2011 to protect themselves from adverse management practices, increasing workload and job loss, in the 'Background' to the Estyn review, it is suggested, at paragraph 60, that challenge advisers have a right to observe lessons on a judgemental rather than developmental basis. This demonstrates Estyn has no regard for, or understanding of, the protocol on lesson observation agreed with the Welsh Government.

3. Although it is noted in the review at paragraphs 40 to 41 that all challenge advisers are expected to successfully complete training in inspection skills with Estyn and subsequently join an Estyn inspection as a team inspector at least once per year, the report does not identify how many challenge advisers also work as inspectors for Estyn on more than one occasion per year.

The NASUWT maintains that this is an important issue that should not have been overlooked by Estyn, especially when viewed in the context of the criticism of school improvement officers and former members of school advisory services, many of whom were also Estyn inspectors, contained in paragraph 40 of the review, and the concerns over managing conflicts of interest and the integrity of consortia work being undermined, identified in the WAO review.

4. The NASUWT is appalled at the observation made by Estyn at paragraph 69 of the review as this appears to imply that teachers should use their own time to access, or even provide as secondees, training and development activities in relation to school improvement.

The fact that the review questions the use of school-to-school support on the basis that this could lead to a greater use of supply cover for teachers demonstrates a lack of vision on the part of Estyn in considering how such activity could be organised through the coordinated use of in-service training days.

The NASUWT maintains that it would have been far more constructive if the review had recommended strategies that the consortia could consider to ensure that the use of secondments and school-to-school support did not necessitate the use of supply teachers or impact adversely on teachers' time outside the normal working day, rather than continuing to cast doubt on the valuable contribution provided by supply teachers.

5. In agreeing with the overall finding at paragraph 14 of the Estyn review that regional consortia are better at challenging schools about their current performance than supporting them to improve, the NASUWT notes that the Inspectorate recognises rightly at paragraph 76 that the consortia provide little support for schools in relation to non-core subjects but fails to acknowledge that the concentration on improving literacy and numeracy has contributed to the demise of non-core subjects, as evidenced by the recent drop in GCSE

entrants, and that the situation has been exacerbated by the focus on literacy and numeracy within the inspection framework.

Further, the NASUWT maintains that the recommendation that the consortia should provide or broker better support for teaching and learning in non-core subjects presents an admission that access to subject specialist school advisory services is vital to assisting teachers in their work, an approach that Robert Hill set his face against in 2013.

6. The Estyn review appears to miss the point entirely over the Welsh Government's SCC programme. The review concentrates on the numbers of schools in the programme and questions how the two consortia with the higher number of secondary school in the programme will be able to evaluate and distinguish their work in terms of school improvement from the support provided by SCC.

The NASUWT would have expected Estyn to have acknowledged that the £20 million provided for this initiative was a clear recognition that funding and group or class size makes a difference.

WAO

7. As with the Estyn review, the WAO has failed to acknowledge that the Regional Consortia were established on the basis of an artificial crisis created by the Welsh Government following the publication of the 2009 PISA outcomes in December 2010. Indeed, it is noticeable that the WAO review highlights that only one local authority was judged as excellent by the Inspectorate during the 2010-13 inspection cycle, but fails to consider the previous Estyn judgements for each of the local authorities.

This omission presents a failure to test the integrity and/or credibility of the judgements made by the Inspectorate during the 2010-13 inspection cycle.

8. Although the WAO review identifies the total core funding for the Regional Consortia for 2014-15, presents details of the reduction in local authority school improvement expenditure between 2008-9 and 2013-14 and details grant funding provided by the Welsh Government relating to the school improvement, no details of the total expenditure, including the core funding, over which the consortia now has control has been provided.

The NASUWT maintains that it would have been reasonable to have expected the WAO review to have provided such information on a collective consortia and individual consortium basis, not least, since the school-based workforce has faced unprecedented levels of job losses in 2014-15.

9. As with the Estyn review, the WAO rightly raises concerns over the introduction of the SCC programme and the role of the consortia in relation to schools in the programme but missed the fundamental point that allocating £20 million for 40 schools is a clear admission that additional funding is vital to assisting schools to improve pupil outcomes.

10. The NASUWT is alarmed by the reference, at paragraph 3.6 of the WAO review, to the activities of the ERW consortium in relation to addressing perceived inconsistencies in the provision of specialist human resources support to schools, as it presents a positive picture of ERW's work in this area.

In fact, the activities of ERW in this area have been an unmitigated disaster. The NASUWT and NUT have been placed in the position of having to escalate national action to strike action in schools that were being forced to adopt an ERW pay policy that was unacceptable because it sought to provide a means for the suppression of teachers' pay and, regrettably, a similar situation is now arising over the consortium's meddling with the performance management arrangements for teachers.

The NASUWT questions seriously the credibility of the evidence on which the WAO relied over the activities of ERW in relation to the discussions with the trade unions representing the school workforce on employment-related matters.

Possible topics for questions for the evidence sessions


In light of the shortcomings identified in the reviews, the NASUWT asks the CYPEC to consider raising the questions based on those that follow with the consortia and/or the Minister.

- A. If the consortia were to be categorised using Estyn grades and the school categorisation colour-coding system of green, yellow, amber and red, what category would each consortium be placed in?
- B. What processes have each consortium put in place to handle complaints from service users, including individual members of the school workforce?
- C. What structures have each consortium put in place to engage regularly with the trade unions representing the school-based workforce over their approaches to the provision of school improvement services?
- D. How much transparency is there over the total amount of education funding that now comes under the control of each consortium?
- E. How is the work of the challenge advisers monitored and assessed?
- F. How many challenge advisers regularly undertake work for the inspectorate and/or for local authorities?
- G. What plans does the Minister, and each consortium, have to phase out the role of challenge advisers as schools develop their self-evaluation practice, partnership and joint working approaches?

- H. Does the Minister, and each consortium, recognise that the employer functions for the school-based workforce remain with the twenty-two local authorities and that the consortia cannot be considered to be negotiating bodies in terms of employment matters.
- I. What efforts have been made by each consortium to adhere to the Welsh Government guidance *Classroom observation – purpose and protocols*?
- J. Has each consortium considered the demands being place on teachers to raise levels of attainment across all phases of education against the contractual rights and entitlements of teachers and other school-based practitioners?
- K. What assessment, including the SCC schools, has been made of the additional teaching provided outside the normal school day and/or outside the time-tabled teaching week in order to improve pupil outcomes?
- L. Has each consortium considered whether the pressure that the drive to ensure pupils are PISA and GCSE A* to C grade ready could be having a negative effect on pupils' desire for, and joy of, learning?

The NASUWT recognises that this response exceeds the limit of four pages of A4 but seeks the indulgence of the CYPEC.

Yours sincerely,



Rex Phillips

NASUWT National Official for Wales



Catholic Education Service response to CYPEC on Regional Education Consortia

Executive summary

- The evidence is being submitted by the Catholic Education Service (CES) on behalf of the Catholic Bishops' Conference of England and Wales.
- We welcome both the Estyn and Welsh Audit reports and their recognition of the significant and formal role of dioceses in the education sector in Wales.
- In our response we have recommended ways to improve the partnership between Diocesan Authorities with Welsh Government, Regional Consortia, and Local Authorities.

Introduction

1. The Catholic Education Service is the national representative of all the Catholic schools in Wales. We work closely with the three Catholic dioceses in Wales; Archdiocese of Cardiff, Diocese of Wrexham and Diocese of Menevia, as well as with our colleagues in the Church in Wales.
2. There are 89 Catholic schools in Wales educating 29,755 pupils and employing nearly 3000 teachers and education support staff.
3. The Welsh Government's *Faith in Education* (2011) acknowledges and celebrates the place of schools with a religious character in Wales. The Bishops of Wales, working through their Diocesan Officers, are committed to building partnership-working on the foundation stones of that document.
4. Currently Diocesan Directors of Education work closely with local authorities and regional consortia to ensure the continued delivery of Catholic education.

Response to the Estyn and Welsh Audit reports

5. We welcome the findings of both the Estyn and Welsh Audit reports regarding the Regional Education Consortia and in particular the statement made in para. 2.8 of the Welsh Audit Office Report, *Achieving improvement in support to schools through regional education consortia – an early view*, that Diocesan Directors of Education have a 'significant and formal role in education in Wales' (para. 2.8).
6. We also welcome the Recommendations of the Estyn Report, *Improving schools through regional education consortia*, that Regional Consortia should 'Involve diocesan authorities effectively in the strategic planning and evaluation of regional services' (R5) and that the Welsh Government should 'Engage more effectively with diocesan authorities in developing its strategy for school improvement' (R 12) and 'Ensure that consortia, local authorities and diocesan authorities are clear about their respective roles and responsibilities for schools in the Schools Challenge Cymru programme' (R 13).
7. We are disappointed that Recommendation 3 of the Welsh Audit Office Report did not refer to Diocesan Authorities specifically, given the reference in para. 2.8 to the formal nature of their authority.

The legislative difference of schools with a religious character

8. We are concerned that to date consortia have been set up without appropriate consideration of their legal basis. Clearly in Wales diocesan representatives must be appointed onto overview and scrutiny committees appointed by a local authority for the purposes of discharging the authority's functions with respect to education. Whilst this may have been reflected in some of the consortia arrangements, we are concerned that the appropriate oversight is not reflected across the board in the governance arrangements of national consortia which are carrying out education functions on behalf of local authorities. It is essential that, going forward, all regional consortia include appropriate diocesan representation, or the relevant oversight and scrutiny is carried out at a local authority level.
9. We are of the view that there is a lack of clarity about the interaction between the role and responsibility of the local authority and the role and responsibility of the consortia. The issues of development of the regional consortia need to be urgently addressed and this needs to be done in full consultation and liaison with representatives of the Churches, including the Catholic Education Service and Diocesan Authorities.
10. As both reports make clear, there are examples of situations where the Welsh Government, Regional Consortia and Local Authorities have failed to understand the legislative basis on which the Catholic Church and the Church in Wales own and manage schools with a religious character on behalf of the nation of Wales. Our evidence demonstrates that the working partnerships at all levels have, at best, been patchy, though both reports mention occasional good practice.
11. It is our view that, in general, the Catholic sector has been unable to influence thinking and policy; that its interests as providers of schools with a religious character have not been addressed and that on occasion this has led to inequitable treatment, for example, in 21st Century Schools plans.

Recommendations

12. To improve the partnership between Diocesan Authorities and Welsh Government, Regional Consortia, and Local Authorities in the future we suggest the following four recommendations:
 - 1: The Welsh Government to engage with Diocesan Authorities at the earliest stages of educational policy change and development, for example, Diocesan Officers to be represented on all key Welsh Government fora and working groups.
 - 2: A formal protocol to be adopted by all Regional Consortia outlining the partnership between the Consortia/Local Authorities and Diocesan Authorities.
 - 3: Within that protocol, Regional Consortia to ensure at least one senior officer has responsibility for partnership working with Diocesan Officers.
 - 4: Within that protocol, Regional Consortia to ensure Diocesan Authority representation, as appropriate, on Regional Consortia governance bodies, for example, Joint Committees or Company Boards

Conclusion

13. We welcome the opportunity your deliberations are providing to help build more effective partnerships between the Diocesan Authorities and Welsh Government, Regional Consortia, and Local Authorities.

14. This improvement in partnership working will no doubt have a significant impact on the work of schools with a religious character in Wales both in terms of the education of children and young people in Wales and the greater good of Welsh society.

Catholic Education Service
02.09.2015



Promoting and developing high quality school governance

Children, Young People and Education Committee

Work of the Regional Education Consortia / Findings from the Reports

Governors Wales offers the following comments received from governors associations and Board members, based upon the recommendations and findings in the two reports, in addition to some generic comments:

Notwithstanding the National Model for Regional Working¹, in practice there is still a lack of clarity on the respective roles of consortia and local authorities in relation to school improvement and, in particular, in relation to the support that needs to be provided for schools which are underperforming. The Wales Audit Office recommendation that there is a need to clarify the nature and operation of consortia is therefore welcomed; in particular the third bullet point on the need for the Welsh Government and local authorities to *develop and agree a consistent approach to the role of regional consortia and the Welsh Government in school improvement interventions so that all parties are clear what they should be involved in and responsible for*.

In relation to governors, the proposal in the National Model for Regional Working that each consortium should establish a panel to consult with school governors does not appear to have been implemented in all regional consortia areas and this needs to be acted upon as soon as possible. Equally there is a need for governor representation in the governance structure.

The main finding in the Estyn Report concerning the fact that consortia business plans do not identify the impact expected from their actions and the fact that none of the consortia has a medium-term plan in place to guide a strategic approach to school improvement is particularly pertinent. Welsh Government, the consortia and local authorities should act accordingly.

The recommendations to the regional consortia, local authorities and the Welsh Government in the Estyn report are all appropriate and need to be taken forward. The main findings in the Estyn report also note that there is insufficient involvement of challenge advisers in the moderation of teacher assessment in the schools in the consortia: the role of the consortia and challenge advisers in standardisation and moderation of teacher assessment needs to be addressed.

¹ <http://gov.wales/topics/educationandskills/publications/guidance/national-model-for-regional-working/?lang=en>

Some general points below are noted:

- The need for consortia to be more robust so that Estyn Inspection findings on schools are not out of line with the Consortium's pre-inspection assessment.
- Some have raised that there is a tendency for consortia to go too far in trying to impose uniform systems on schools.
- There appeared to be a high turnover of staff in the first two years of the establishment of consortia, which caused some disruption and additional work for schools. This now appears to have settled down, with stability and consistency being provided. Positive feedback has been received on the role of the Challenge Advisers.
- Experience so far suggests that where consortia have incorporated governor support services, this is beneficial as it recognises that governors are part of the school improvement dimension. This has led, for example to a more rounded governor training programme, and the opportunity to attend courses in adjacent Local Authority areas.
- Schools Challenge Cymru Advisers are employed by Welsh Government and not by the consortia which can potentially create communication problems for participating secondary schools.
- Where the consortia convene termly meetings (or as appropriate) with the Chairs of the Local Governor Associations in the area, these meetings have been very constructive and useful.
- Equally where consortia arrange conferences with headteachers, chairs of governors, challenge advisers and Local Authority members, these are particularly useful for governors.