

The proposed Education Workforce Council (Interim Suspension Orders) (Additional Functions) (Wales) Order 2020

Consultation response form

Your name: Dr Cliona O'Neill

Organisation (if applicable): HEFCW

e-mail/telephone number: Cliona.oneill@hefcw.ac.uk

Your address: Tŷ Afon, Bedwas, Caerphilly, CF83 8WT

Responses should be returned by 11 December 2020 to

School Effectiveness Division
The Education Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: SMED2@gov.wales

Question 1 – Do you agree with our proposals to give the Council ISO powers? (Please see paragraphs 22–47 of the consultation document for the reasons why we think the Council should have these powers.)

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
--------------	---	-----------------	--------------------------	-----------------------------------	--------------------------

Additional comments

We think these powers are appropriate for the EWC, as the regulator. This would enable them to address safeguarding concerns.

Question 2 – Do you agree with the ‘public interest’ test and further considerations that the Council will apply when considering whether to make ISOs? (Please see paragraphs 48–57 of the consultation document.)

Agree	✓	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
--------------	---	-----------------	--------------------------	-----------------------------------	--------------------------

Additional comments

The powers are in accordance with the public interest and will enable safeguarding of learners. We welcome the proposed focus on robustness in making decisions regarding suspension.

Question 3 – Do you agree with the proposed procedure for making ISOs? (Please see paragraphs 58–72 of the consultation document.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	✓
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	---

Additional comments

It would be helpful to have clarity regarding the frequency of the review and revocation of any interim orders. Any outcome should take account of the views of the EWC regarding this consultation.

Question 4 – Do you agree with our proposals to give former Registered Persons the right to request a review of the ISOs that has been imposed on them? (Please see paragraphs 73–83 of the consultation document.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	✓
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	---

Additional comments

They should be able to request a review of the ISO, but within specific limits, as set out in our response to Q3. Again, the views of the EWC with regards to this proposal should be taken into account in finalising the legislation.

Question 5 – Do you agree with our proposals for the Council to keep ISOs under review? (Please see paragraphs 84–87 of the consultation document.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

Additional comments

We agree that review intervals should be set by the Committee imposing the ISO. However, it might not be necessary for the committee to carry out reviews, where there are no substantive changes recommended.

Question 6 – Do you agree with our proposals on when ISOs would be revoked by the Council? (Please see paragraphs 88–89 of the consultation document.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

Additional comments

Para 88 looks appropriate. There is a risk that Para 89 might not offer sufficient protection to the practitioner, by giving rise to the potential for the issues not to be addressed during the term of imposition of the ISO. It might be better to require the EWC to take an active decision by the end of the ISO term regarding whether the ISO should be extended or revoked.

Question 7 – Do you agree with our proposals for the use of the Council’s rules of procedure on decisions to impose ISOs, on the review of ISOs at the request of former Registered Persons, and on the Council keeping ISOs under review? (Please see paragraphs 90–94 of the consultation document.)

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
--------------	-------------------------------------	-----------------	--------------------------	-----------------------------------	--------------------------

Additional comments

We agree that the EWC should have the power to set out procedures relating to the decision to impose and review ISOs. It will be important for the EWC to have flexibility to develop the procedures as appropriate.

Question 8 – Are you content with the proposed Order at Annex A? (A summary of the proposed Order is at paragraphs 96–140 of the consultation document.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

Additional comments

The order should take account of issues raised through this consultation, by ourselves and others, giving due regard to the views of the EWC, as the body which would implement ISOs.

Question 9 – Do you agree with our analysis of the potential impact of ISOs on Registered Persons? (Please see paragraphs 7.14–7.33 of the RIA at Annex B.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

Additional comments

--

Question 10 – Do you agree with our analysis of the monetary cost of giving the Council the power to impose, review and revoke ISOs? (Please see paragraphs 7.34–7.55 of the RIA at Annex B.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

Additional comments

--

Question 11 – Do you agree with the conclusion of our costs benefit analysis that option 2, in which the Council is given the power to impose, review and revoke ISOs, is the preferred option? (Please see the entirety of Part 7 of the RIA, and the conclusion at paragraphs 7.62–7.64 of the RIA at Annex B.)

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
--------------	--------------------------	-----------------	--------------------------	-----------------------------------	-------------------------------------

Additional comments

--

Question 12 – We would like to know your views on the effects that our proposals to give the Council powers to impose, review and revoke ISOs would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Additional comments

The EWC would need to be able to implement these powers bilingually.

Question 13 – Please also explain how you believe the proposed policy to give the Council powers to impose, review and revoke ISOs could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Additional comments

The EWC would need to be able to implement these powers bilingually.

Question 14 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: