



## **The future delivery of education services in Wales WTUC response – September 2013**

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## Introduction

1. The Wales TUC welcomes the opportunity to respond to the Hill Review on the Future Delivery of Education Service in Wales.
2. The Wales TUC is a constituent part of the British Trades Union Congress. The Wales TUC has devolved responsibility for matters specific to Wales.
3. The Wales TUC represents over 420,000 workers across Wales through our affiliated trade unions. These workers come from both the private and the public sectors. A full list of our affiliated trade unions can be seen at [www.tuc.org.uk](http://www.tuc.org.uk).

4. Wales TUC Conference agreed in May 2013 that a joint trade union response should be submitted to this review. The affiliated trades unions with members working in the education sector have all participated in the process to agree this response. Those unions are:

Aspect	ATL	GMB
NASUWT	NUT	UCAC
UCU	UNISON	UNITE

5. The General Council of the Wales TUC has drawn up this response to ensure that the views and experiences of working people across Wales are taken into account when considering the governance and performance of devolved public services in Wales.
6. We have an unambiguous aim for all public services in Wales: to keep them in the hands of the public. The members of our affiliated unions work tirelessly to deliver world-class public services for the people of Wales and it is only by ensuring the workforce are properly protected and engaged that those services will adapt fully to any recommendations that arise from this Review and deliver the best outcomes for all learners.
7. The First Minister gave a firm commitment to the WTUC Special Conference in November 2010 that:

“I want to see best practice being shared and delivered across Welsh public services and that includes best practice in employee relations. Engagement, negotiation and agreement – not diktat.

“I want the Welsh way of Government – employers and unions working together to seek solutions – to be the only way in Welsh public services.

“And this means sticking to our principles – no two tier workforce, no knee jerk outsourcing, commitments to fair terms if transfers take place, and a continued adherence to our workforce code of practice from all sides...”
8. These commitments were reiterated in the Welsh Government publication ‘Working Together for Wales: A Strategic Framework for the Public Service Workforce in Wales’

published in 2012. We welcomed these commitments at the time and we continue to support the Welsh Government in its social partnership model.

9. The 2012 Welsh Government Consultation on Working Together for Wales: The Public Service Workforce Green Paper outlined “the need for cultural and structural change in management, engagement and support in order to move from traditional employee relations towards an approach based on partnership, mutual respect and trust” (paragraph 4).
10. We acknowledge your suggested options in the consultation questionnaire. However, each of the trade unions listed in paragraph 4 above have submitted individual responses which provide a more detailed analysis than this paper attempts to.
11. This paper provides a joint response offering the opinions, experience and knowledge of the vast majority of the workforce providing education services in Wales. The future delivery of these services, and ensuring the best for all learners, depends upon them.

### **The future delivery of education services in Wales**

12. The report from Robert Hill has presented a wide range of options for consideration which are divided into five areas:
  - a. Improving classroom teaching and learning
  - b. Strengthening school leadership
  - c. Increasing school partnership
  - d. Improving accountability
  - e. Organising school improvement
13. The focus of the Wales TUC response is upon those elements that look at organisation arrangements (primarily parts c and e), including the roles of local authorities, regional consortia and national government.
14. We do not focus on specific aspects designed to raise standards and improve learner outcomes although it is important to note that this is the primary aim of all our affiliates and their members.

### **Links with the Commission on Public Service Governance and Delivery**

15. In our recent written and oral evidence to the Commission on Public Service Governance and Delivery, the Wales TUC highlighted a number of issues that are important to draw to the fore when considering the results of the Hill Review.
16. It is vital that the responses to the review on the future delivery of education services in Wales and the Commission on Public Service Governance and Delivery reach their conclusions jointly. Wales cannot afford for the current state of confusion in public service delivery, that has evolved across Wales, to continue.

17. The Wales TUC believes that many of the current collaboration working arrangements have created confusion and added to the complexity for the workforce, the management and the user. The Welsh Government appears to have done everything it can to introduce 'streamlined' collaborative approaches in each of the public services – separately!
18. We have long argued that there is no sense in having 7 local health boards, 4 education consortia, 6 regional collaborative footprint areas in local government underpinned by 22 local authorities. This doesn't take into account the arrangements in other areas including social services, the police or transport.
19. We believe that any attempts to streamline current arrangements must be done with the full involvement of the trade unions. Those schemes that proceed with the constructive engagement of staff have often proved to be innovative, effective and efficient. Those without that engagement tend to penalise workers and become poorer and unsustainable.
20. The regional consortia approach in education that was introduced in September 2011 is inconsistent with other collaboration areas and has lacked direction and consultation – an area we return to in paragraphs 24 to 27.
21. The priority for the Wales TUC is one of balancing local democratic control and economies of scale. We remain concerned, for example, that the move towards education consortia during the past 12 months has removed democratic accountability and undermined the workforce within them. There was no early engagement with trade unions on this collaboration agenda and this has disabled the principles of mutual trust that the Welsh Government have enshrined in their Strategy Framework for the Public Service Workforce in Wales.
22. The Wales TUC is clear that any moves towards larger organisational arrangements to deliver education services must retain democratic accountability and avoid redundancies. Larger organisations could offer greater career development and long-term stability at a time of severe financial pressure from the UK Government but this is only acceptable as a principle if funding arrangements don't serve to undermine the state maintained sector and if redeployment pools are developed.
23. We have concerns and would oppose some of the proposals to divert funding through federations or hard clusters as opposed to local authorities as this firmly undermines the arguments we have consistently made in relation to democratic accountability.

## **Regional Consortia**

24. All of our affiliates agree that the current structure of statutory educational provision in Wales is no longer fit for purpose. The fragmentation has created a number of anomalies and competing elements pulling in different directions. The lack of a clear

national structure for the regional consortia has resulted in unacceptable inconsistencies. Their lack of democratic accountability is unacceptable.

25. With each of the different models that have been adopted there are different terms and conditions, different levels of employee protection and overlapping pension schemes to be taken into account. Situations have arisen where unions on the ground are being told that transfers cannot take place under TUPE. This is not acceptable to the Wales TUC.
26. While we do not believe that the regional consortia provide a coherent model for the future delivery of statutory educational services in Wales we urge the Welsh Government to take an urgent strategic national view of the consortia – their structures and outcomes – to ensure further fragmentation does not take place.
27. Looking to the future, the Wales TUC will work with the Welsh Government and the Commission on Public Service Governance and Delivery to ensure that any proposed new arrangements for the delivery of local public services are consistent, coherent and democratically accountable. This is in the best interest of the workforce who deliver these services, the public who use them and the learners who depend upon them.

### **The Co-operative Trust Model**

28. The Wales TUC welcomes the First Minister's continued opposition to 'knee-jerk outsourcing' and he has recently stated that "Public services must remain public. Their value lies in their universal availability... We cannot leave that to the market. If we turned public services into commodities, provided them competitively and allocated them according to the ability to pay, we would destroy what we have sought to preserve. That is not my agenda."
29. This quotation is at the heart of the Wales TUC's response and ties to the questions dotted throughout the review paper that hint towards more financial and governance autonomy for schools, including the use of the Co-operative Trust model.
30. The Welsh Government have shown clear, determined and welcomed opposition to the Academies agenda being followed in England. This should continue. The trade union movement has long supported the principles and values of the co-operative movement, however we do not support the use of the Co-operative Trust model for schools as we believe it is an step towards the discredited Academies and Free Schools system. Our firm commitment is to maintained schools as the best possible way to support pupils and raise standards.
31. We maintain that legislating to facilitate a broader range of organisation models for hard clusters of schools may open the door to academy-type schools under the guise of federation. This would fundamentally undermine the state provision of education and turn public services into commodities – at odds with the views of the First Minister set out in paragraph 28.

## Conclusions

32. The recognition by the Welsh Government that the public sector workforce is one of Wales' greatest assets is admirable but has to be backed by action, demonstrated by a commitment to put partnership working with the recognised trade unions at the heart of all and any proposed alterations.
33. The Wales TUC wants to see the future delivery of education through local democratically elected structures (albeit, possibly fewer than currently exist) to allow teachers and school support staff to provide a nationally determined set of standards for the best outcome of all learners in Wales.
34. Finally, the implementation of the Living Wage across the public sector would help raise the living standards of the low paid towards a fairer and more just level. This should be immediately possible in areas that are directly responsible to the Welsh Government such as the devolved civil service and the NHS. In other areas of the Welsh Public Sector (such as HE, FE and Local Government), the Welsh Government could drive forward the implementation of the Living Wage by exerting a greater influence over staff matters through linking elements of central funding to the introduction of the Living Wage.