

SL(6)352 – The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023

Background and Purpose

The Education (Wales) Act 2014 (**the 2014 Act**) confers functions on the Education Workforce Council (**the Council**) in relation to persons who are required to register with the Council. The categories of registered persons are set out in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act.

Part 6 of this Order amends Table 1 to add the following categories of registered persons:

- independent school teacher;
- independent school learning support worker;
- independent special post-16 institution teacher;
- independent special post-16 institution learning support worker.

Part 2 of this Order provides that independent school teacher services may only be provided in or for independent schools by persons who are registered with the Council in the category of independent school teacher. This Part also provides that only persons registered in the category of independent school learning support worker may support the provision of independent school teacher services in or for an independent school. However, the requirements to register set out in this Part do not apply to persons who provide the services or support the provision of services as volunteers. Part 3 makes similar provision in respect of independent special post-16 institution teachers and learner support workers.

Part 4 provides that a person is eligible for provisional registration as a youth worker if they are working towards obtaining a youth worker qualification. Also, a person is eligible for provisional registration as a youth support worker if they are working towards obtaining a youth support worker qualification.

Part 4 also imposes duties on the Council to prepare and maintain a list of youth worker qualifications and youth support worker qualifications. The Council must inform the Welsh Ministers, on an annual basis, of any amendments that should be made to the list of youth worker and list of youth support worker qualifications as set out in Schedules 1 and 2 to the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 (**the 2016 Order**).

Part 5 makes amendments to the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (**the 2015 Regulations**) in relation to school teachers and learning support workers. The definition of “specified work” in regulation 17 of the 2015 Regulations is amended to make sure all teachers who are head teachers or have another senior leadership role are



captured in the category of school teacher. The amendments also simplify the requirements in relation to school learning support workers and make clear that a school teacher does not also have to register in the category of learning support worker unless that person is employed or otherwise engaged as a school learning support worker in a school in Wales. The amendments also amend the requirements in relation to further education learning support workers to make clear that a further education teacher does not also have to register in the category of further education learning support worker unless that person is employed or otherwise engaged as a further education learning support worker in a further education institution in Wales.

Part 7 of this Order amends the Education Workforce Council (Registration Fees) Regulations 2017 to make provision in relation to the amount of registration fee payable by the new categories of registration.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Part 6 of the Order amends Schedule 2 to the 2014 Act by adding four new categories of registered persons:

- independent school teacher;
- independent school learning support worker;
- independent special post-16 institution teacher;
- independent special post-16 institution learning support worker.

Article 2 of the Order deals with the interpretation of the Order. Article 2 signposts to the meaning of “independent school teacher” and “independent special post-16 institution teacher” in Schedule 2 to the 2014 Act. However, it does not signpost to the meaning of “independent school learning support worker” or “independent special post-16 institution learning support worker” in Schedule 2 to the 2014 Act.

It is unclear why two of the new categories are included in article 2 of this Order while the other two new categories are not.



2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Schedule 1 to the 2016 Order sets out a list of approved youth worker qualifications (i.e. qualifications approved for the purposes of registration as a youth worker).

This Order updates the list; however, this Order includes two qualifications that are already in the list, namely:

- postgraduate diploma in youth and community development awarded by Bradford College;
- undergraduate degree in youth and community work awarded by the University of Bedfordshire.

It is unclear why these qualifications have been included in this Order.

We also note the inconsistent approach taken in this Order to updating the list. For example, two new awarding bodies (University of Bolton and University of Wolverhampton) have been included in respect of the undergraduate degree in community development and youth work. However, different approaches have been taken to the inclusion of those awarding bodies, meaning that the list in the 2016 Order will now look like this (red text showing the text inserted by this Order):

Qualification in relation [to] England	Awarding body
Undergraduate degree in community development and youth work	Ruskin College, Oxford University of Wolverhampton
Undergraduate degree in community development and youth work	University of Bolton

It may have been clearer if the updated entry for this qualification looked like this:

Qualification in relation [to] England	Awarding body
Undergraduate degree in community development and youth work	Ruskin College, Oxford University of Bolton University of Wolverhampton

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd



The title of this Order is “The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023”. However, this Order appears to do more than just create additional categories of persons who are required to register with the Council. For example:

- Part 4 of this Order deals with qualification requirements in respect of youth workers and youth support workers. “Youth worker” and “youth support worker” already exist as registration categories; they are not additional categories.
- Part 5 of this Order amends registration requirements within the already-existing category of “school teacher”; Part 5 does not create an additional category of registration.

Therefore, we wonder whether the title of this Order sufficiently reflects what this Order does.

4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Article 11 of this Order amends the description of “school learning support worker” in Schedule 2 to the 2014 Act. Article 11 amends the description so that the current reference to a school learning support worker ‘providing’ services is changed to a reference to a school learning support worker ‘supporting’ the provision of services.

That change is, as expected, also reflected in amendments made to the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

However, we note that the same change has not been made to the descriptions of “further education learning support worker” and “youth support worker” in Schedule 2 to the 2014 Act – those two descriptions still refer to support workers ‘providing’ services.

Given that the Explanatory Memorandum provides no explanation of the change made in respect of “school learning support worker”, it is unclear whether the same change should be made in respect of the descriptions of “further education learning support worker” and “youth support worker”.

Welsh Government response

A Welsh Government response is required to each of the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

3 May 2023



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Welsh Parliament
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