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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Pwnc / Subject:</b>	<b>New registration categories for the Education Workforce Council</b>

**Background information about Estyn**

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Response

### Introduction

Overall, we support the proposals. It is important that the whole of the paid education workforce is required to register. This has several benefits, which we highlight below including:

- the ability to ensure professionals are fit to practice
- better overall workforce information to support planning
- greater professionalism

We don't believe that volunteers should be required to register, but it may be appropriate to consider a separate category of registration for trainees currently undertaking professional qualifications while working.

We have identified a few areas that may help to strengthen the proposals:

- There is a need to ensure that the cost of registration does not act as a deterrent to the recruitment of staff in some sectors who only work small fractional contracts equivalent to a few hours a week.
- There is a need to consider how to treat staff who undertake more than one professional role – for example teachers in an independent school who are also residential care workers. There is a need to ensure registration with each relevant professional body if more than one role is undertaken, but that this does not act as a deterrent to recruitment due to cost/administrative requirements.
- Consideration should be given to the guidance and support that is a benefit of professional registration to ensure greater consistency across sectors.

### Consultation questions

**What do you think of our proposals for some staff working at independent schools to register with the Education Workforce Council (EWC)?**

**Question 1** – Do you agree registration should be broadened to include some staff working at independent schools?

<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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### Supporting comments

As outlined in our response to the independent schools regulations and guidance: call for evidence, (WG44010), we believe that requiring staff working in independent schools to register with the EWC will provide an additional step towards safeguarding learners. A registration requirement would ensure standards of professional conduct amongst teachers and persons who support teaching and

learning in independent schools, are maintained and improved. This would enable EWC to investigate and hear allegations of unacceptable professional conduct, serious professional incompetence or relevant criminal offences that might call into question a registered practitioner's fitness to practice. It is important that there is parity regarding this safeguarding issue, regardless of where staff work.

In addition, in independent special schools that have children's homes attached and where staff from these homes also carry out learning support worker roles to support pupils' learning in the classroom, the requirement to register with the EWC would ensure there is clarity about the dual nature of their role. In turn, this is likely to require employers to consider this aspect of their role more strategically, and to invest in appropriate professional training and development for this aspect of their work. Over time, this could have the potential of raising the standards of learning support in these settings.

**Question 2** – Is the description of 'specified work' in [regulation 17 of the Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#) broad enough to cover the roles and responsibilities of teaching staff at independent schools?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

We agree that the role of teaching staff is not significantly different between the maintained and the independent sectors and therefore the description of 'specified work' as outlined in the regulation above is suitable.

**Question 3** – Further to the following list of roles, are there other roles within independent schools which should fall into the category of school teacher?

- Full-time teaching staff
- Part-time teaching staff
- Those responsible for leading the learning at the school, for example headteacher or proprietor
- Supply staff – procured through an agency or otherwise
- Peripatetic teaching staff – for example music and sports teachers
- Advisory teaching staff who spend a proportion of their time in a teaching capacity, involving direct unsupervised learner contact
- Home tutors who are employed to teach learners unable to attend school on a regular basis
- Any other staff who may have more than one role within a school, one of which includes teaching – for example houseparent, careers advisor, tutors

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

Whilst there are no other roles that are specific to independent schools, we feel that more consideration should be given to the terminology used. Specifically, the person 'responsible for leading the learning' at an independent school may have a range of titles including principal and warden. In addition, the definition of 'leading learning' must be clear as in some independent schools the proprietor will also be the person responsible for leading learning, whilst in other cases the proprietor owns the school but delegates this responsibility to a school leader. Proprietors, depending on their day-to-day role at the school, will need to have a clear understanding of whether they are required to register with the EWC.

In independent schools, the last category above where staff may have more than one role will be particularly important as teaching staff may also carry out residential care roles in addition to their teaching responsibilities.

We believe that the proposals would be strengthened by including clear guidance that all staff who have a teaching responsibility should register with the EWC. This guidance should make it clear, for example, that staff need to register where they regularly carry out teaching, including regular one-to-one or small group lessons to develop pupils' independent learning skills. This may include staff who are appointed to non-teaching posts, such as catering or maintenance staff, but are subsequently regularly teaching. Where non-teaching staff occasionally provide an input, such as catering staff providing a work experience opportunity, they would not be required to register.

**Question 4** – Is the following description broad enough to cover all the roles and responsibilities of learning support workers at independent schools?

Learning support workers at independent schools are those who support school teachers to:

- plan and prepare lessons and courses of study for learners
- deliver lessons to learner (including through distance learning and virtual techniques)
- assess the development, progress and attainment of learners
- report on the development, progress and attainment of learners.

<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

We agree that the description of roles and responsibilities for learning support workers is broad enough to cover independent schools. In these aspects the role remains the same regardless of whether staff work in a maintained or an independent school.

In addition, in independent special schools, it may be argued that support workers are deployed to support pupils' health or medical needs or to manage challenging behaviours within the classroom rather than primarily to support learning. However, we do not consider this a meaningful distinction. We believe that these circumstances are included in the description above and in the second bullet point in particular, but the guidance could be strengthened through more examples of this kind of support.

It may also be helpful to clarify that professionals registered to other professional bodies who are carrying out their professional role in the school would not need to register with the EWC, for example speech and language therapists, physiotherapists, psychologists etc.

**Question 5** – Does this list cover all roles within independent schools which should be included in the learning support category?

- Teaching assistant
- Classroom assistant
- Learning support assistant
- Higher level teaching assistant (HLTA)
- Special/additional needs assistant
- Bilingual support assistant
- Pastoral/welfare assistant
- Support assistant
- Tutors (residential and non-residential)
- Early years assistants
- Instructors
- Cover supervisor
- Technicians
- Learning coaches

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

Whilst the list above includes the main learning support roles in an independent school, we have identified an additional role in question 6 that could also be considered.

As noted above, in independent special schools, it may be argued that support workers are deployed primarily to support pupils' health or medical needs or to manage challenging behaviours within the classroom. Again, it may be helpful to include this kind of support explicitly in the list above, perhaps as an illustration of the role of special/additional needs assistant. It will be particularly important to ensure that all staff undertaking learning support roles are registered with EWC, even if they also undertake roles in residential care provision.

**Question 6** – Do you think there are there any other groups of staff employed in independent education settings who should be required to register with the EWC?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

In addition to the groups of staff mentioned in question 5, many independent schools employ language assistants to support pupils' learning in modern foreign languages. In addition, gap year graduates are often employed, most often as sports coaches. These are frequently one-year appointments but it would be appropriate to register them as learning support workers if they are paid roles.

In schools with a significant proportion of learners with additional learning needs, therapeutic staff are frequently employed by the school. However, there is currently an inconsistency in the requirement for their registration. Some of these workers are currently required to be registered with their professional body and are undertaking their professional role in the school as, for example, a speech and language therapist or psychologist. However, others providing therapeutic support in areas such as behaviour or autism support do not have a professional body to register with. We therefore propose that there should be a requirement for **all** therapeutic staff to register with a relevant professional body. If they are not registered with another professional body, then they should be registered as learning support workers with the EWC.

**Question 7** – Please add here any further comments on our proposals for requiring registration of staff of independent schools.

**What do you think of our proposals to change some of the requirements for youth workers and youth support workers to register with the EWC?**

**Question 8** – Do you agree registration should be broadened to include all paid youth workers and youth support workers regardless of the setting they work in?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

We agree with the proposal that all paid youth workers who are qualified to the agreed levels and work according to the National Occupational Standards (NOS) for youth work should be registered regardless of the setting in which they work. This is important for both safeguarding reasons and for the development and acknowledgement of youth work as a recognised education profession. (See our answer to Question 9 below).

Qualified youth workers who work for a different discipline from education such as social services or play work may also be required to register with more than one professional body. However, we would recommend that all qualified youth workers, working part-time or full-time in paid employment as youth workers should also be required to register with EWC.

**Question 9** – Do you think students currently working towards a youth work or youth support worker qualification should register?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

Youth workers who already have a level 3 qualification and are working towards a degree or MA in youth work may already be registered with EWC. This gives them access to the professional learning passport where they can record their CPD and document their analysis of their reflective practice. This should be available to all students undertaking a youth work qualification. Perhaps, a category of associate membership could be considered for those not yet 'qualified' to register, with full registration status awarded on qualification.

This proposal would be beneficial to students working towards qualifications as the current arrangements for professional learning do not ensure that youth workers are treated the same as other education professions. Youth work is an education profession with a distinctive youth work skills set. There are no nationally agreed

induction arrangements for newly qualified youth workers and no national offer of further professional learning opportunities. On completion of training, youth workers, unlike newly qualified teachers, are not required to carry out a probationary year with entitlement to support, coaching and mentoring and ongoing professional learning opportunities. Currently, youth workers are subject to the same registration requirements as teachers but without the benefit of a qualified youth worker status (QYWS) equivalent to Qualified Teacher Status for teachers. Without similar arrangements to teachers, youth workers may not always be encouraged to continue on the professional learning journey.

**Question 10** – Do you think people who are paid and delivering youth work, but who are not qualified, should register?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

‘Youth work’ is a recognised methodology for working with young people, which is underpinned by National Occupational Standards, regulated professional qualifications, and has a defined ethical base. Youth work builds upon the establishment of good working relationships with young people in which their needs are put first, irrespective of whether the contacts with young people are voluntary or mandatory. The definition of young people is those aged between the ages of 11 to 25 years.

The people referred to above should only be registered if they carry out ‘youth work’ to the agreed definition (see above) and are qualified to the levels endorsed by ETS. All people delivering paid ‘youth work’ should be encouraged by their employer to train to the minimum professional standard for working independently as a youth worker (L3).

The registration of all people being paid to work with young people is desirable from a safeguarding point of view. However, the registration of unqualified ‘youth workers’ could damage the professional integrity of the profession.

A possible solution would be to establish a separate register for unqualified workers or an associate registration for those working towards qualifications.

**Question 11** – Do you agree the list of qualifications in [Schedule 1](#) and [Schedule 2](#) to the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 should be removed from the Order and held elsewhere?



Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

We are not in a position to comment on the detail of all youth work qualifications, particularly heritage ones and those of the other UK nations. However, we do not agree that the Level 2 Award in youth work principles is a sufficient level to require registration with EWC.

We recognise that qualifications are subject to change and the list needs to be regularly updated. We believe that it would be helpful to remove the list of qualifications from the Order 2016. As the qualifications are endorsed by ETS it would seem sensible for this body to hold the list of qualifications. However, we understand that this may not be possible as the body is not a legal entity. Further consideration should be given to where this list is held in the future. This could possibly be by the Welsh Government or by and national body established for youth work.

**Question 12** – Do you agree the list of qualifications at Annex A is the current list for youth workers and youth support workers?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input checked="" type="checkbox"/>
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Supporting comments

The list in Annex A appears comprehensive. However, Estyn deals specifically with the education system in Wales. In October 2020, we published a thematic report on the quality of youth work qualifications available in Wales during 2019-2020.

[The Value of Youth Work Training - A sustainable model for Wales \(gov.wales\)](https://gov.wales/the-value-of-youth-work-training-a-sustainable-model-for-wales)

It would be helpful to build in periodic review and updating of the list of qualifications to ensure it remains current.

**Question 13** – Do you agree additional information should be provided in the 2016 Order to clarify the difference expected in qualification levels between a youth support worker and a youth worker?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
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Supporting comments

We agree that further clarification around this issue would be helpful, to explain that a youth support worker is qualified to level 2 or 3 whilst a fully qualified youth worker is qualified at level 6 or above.

However, as highlighted in our [thematic report](#) (Estyn, 2020), there is confusion over the correct level of qualification for a youth support worker between the profession and the legislation and this is unhelpful, particularly to the voluntary sector. The legislation sets the level for registration as level 2 but ETS and the JNC only recognise level 3 as the professional qualification to practise unsupervised.

**Question 14** – Please share with us any thoughts you may have on our future work on volunteers in the youth work sector.

This depends on how the ‘youth work sector’ is defined. We feel that all volunteers in the publicly funded youth work sector should be encouraged to undertake a minimum level of nationally recognised training or at least induction to youth work. This should not be designed to deter people but to ensure that minimum standards of work with young people are observed.

Overall, we support the proposal to not require volunteers to register with EWC. Any work on the potential registration of volunteers in relation to youth work provision should consider implications for volunteer roles across education and training provision.

**Question 15** – Please add here any further comments on our proposals for changing the registration requirements of youth workers and youth support workers.

We would also recommend that consideration is given to renaming the term ‘youth support worker’ as it implies an over emphasis on a deficit model of support rather than a position which reflects the principles of youth work and enables the empowering of young people. The term ‘support youth worker’ would retain a similar wording but possibly avoid this misleading nuance.

**What do you think of our proposals to change the requirements for staff working in post-16 education to register with the EWC?**

**Question 16** – Do you agree all community-based adult learning providers, whether they are employed through a further education institution or a local authority, should be required to register with the EWC?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

We agree that requiring staff employed by local authorities or further education institutions who teach in the community-based adult learning should be registered with the EWC. The work carried out by these practitioners is comparable to others teaching in the post compulsory sector who are currently required to register.

However, a substantial proportion of staff in this sector are employed on hourly paid or part-time contracts, or deliver niche provision in areas where there may be a limited pool of potential staff. The registration conditions and fee must take this into account, and not become a barrier to staff who only teach a few hours a week or teach niche provision.

**Question 17** – Do you agree all principals and senior leaders, including chief executive officers, in further education and work-based learning institutions should be required to register with the EWC, even if they do not deliver any direct teaching?

<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	✓
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Supporting comments

We support the intention of this change to lead to comparable models of regulation in the post-16 and other sectors. However, because of the diversity of leadership roles in the FE and work-based learning sectors, unless the registration requirements are framed very clearly, they risk being perceived as arbitrary and may require registration of people in roles with little or no involvement in an institution's teaching role, such as estates management or human resources.

Senior leaders in the FE and work-based learning sectors may not necessarily have a teaching background or a teaching qualification or have any direct responsibility for teaching and learning in their role. For example, senior leaders (for example, directors and vice principals) may be employed in finance, corporate services or estate management roles, with little involvement in the teaching, training and learning element of the institution's work.

Large institutions, such as further education institutions, commonly have a 'group' structure, with a chief executive tier 1 leader, principals, deputy principals or vice principals as tier 2 leaders, and directors as tier 3 leaders. These are all generally considered as senior leadership roles. Work-based learning providers often have

consortium structures or partners with sub-contractors. Institutions use a range of job titles for these roles. In order to achieve the aims of this change, the registration requirements would need to be carefully framed to include the leader of the education and/or training in the provider (for equivalence with leaders in schools) but avoid including people who have little or no direct responsibility for delivery of an institution’s teaching or training role.

**Question 18** – Do you agree the exemption included in regulation 19(2)(a) of [the Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#), which means the requirement to register does not apply to a person who ‘teaches higher education in or for a further education institution’, should be removed?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don’t know</b>	<input type="checkbox"/>
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Supporting comments

We support this proposal on the basis that teaching staff at further education institutions are employed on a common contract.

**Question 19** – Do you agree with the proposition for all work-based learning practitioners employed through publicly funded programmes to be required to register with the EWC?

<b>Yes</b>	✓	<b>No</b>	<input type="checkbox"/>	<b>Don’t know</b>	<input type="checkbox"/>
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Supporting comments

We support this proposal on the basis of its intention to further professionalise the work-based learning workforce and to remove inconsistencies in the requirements for registration.

However, as noted in Q16 regarding staff in community-based adult learning providers, there may be a number of staff in this sector employed on part-time contracts or delivering specialist training for only a few hours. The registration conditions and fee must take this into account and not become a barrier to these staff. For example, there may be financial implications for assessors or trainers in sectors such as health and social care who would be dual registered for their sector specialism and the EWC for their teaching and training commitment.

**Question 20** – Please add here any further comments on our proposals for changing the requirements for registration of staff in post-16 education.

We support the proposals for changing the requirements to include practitioners at specialist FE establishments to register with the EWC on the grounds of consistency and equity with teaching staff at FE institutions. We acknowledge that there will be cost considerations for these colleges that may act as a barrier to recruitment, however on balance we consider the advantages of this proposal to outweigh these.

It is important that the guidance clearly identifies issues already highlighted in earlier responses in relation to staff working in independent schools (see responses to questions 1-6 above), particularly where schools predominantly support pupils with additional learning needs. For example, the position where specialist colleges routinely employ staff working in the residential setting to support learners in their sessions as a de facto member of the education team, or where staff may otherwise have more than one role.

**What do you think about volunteers working with young people?**

**Question 21** – Do you agree with the proposition not to require volunteers who work with young people to register with the EWC?

<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Don't know</b>	<input type="checkbox"/>
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Supporting comments

We support the proposition not to require volunteers who work with young people to register with the EWC for the reasons given in paragraphs 58-62 of the consultation document.

**Question 22** – We would like to know your views on the effects that our proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

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

**Supporting comments**

Professional registration across more sectors could provide better information about the proportion of the education workforce able to deliver through the medium of Welsh. This could impact positively on work to increase the amount of Welsh-medium education and training provision.

**Question 23** – Please also explain how you believe the proposals could be formulated or changed so as to have 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, and 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.

**Supporting comments**

**Question 24** – 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: