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**Ymateb i Ymgynghoriad / Consultation Response**

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<b>Dyddiad / Date:</b>	17.02.23
<b>Pwnc / Subject:</b>	<b>New registration categories for the Education Workforce Council: second consultation on draft statutory instrument</b>

**Background information about Estyn**

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

Our 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, we 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.

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

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have 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 in the draft Order. It is important that the whole of the paid education workforce is required to register and we believe that any negative impacts will be outweighed by the positive impacts of improved safeguarding for pupils and raising professional standards across the educational workforce.

We have identified a few areas that may further strengthen the Order:

- The definition of leaders in independent schools could be broadened to make it explicit that this may include the proprietor of a school.
- The requirement for therapeutic staff to register, if they are not registered with another professional body could be clearer.
- The definition of 'learning support workers' in ISPIs should include those staff, who may work in both the residential setting and as a member of the education team, or where staff may otherwise have more than one role.

### Consultation questions

**Question 1** – Do you agree that the draft Order accurately reflects the proposed additional registration categories for independent schools?

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

Overall, the draft Order accurately reflects the proposed additional registration categories for independent schools.

We welcome the addition of the category for those 'having **the** senior leadership role in managing the school'. However, we believe this category could be further broadened to include any staff 'having **a** leadership role in managing the school' as this could include the proprietor of an independent school who may have a role in leading learning in addition to a headteacher that may be appointed in the same school. The addition of the phrase 'including the proprietor, where appropriate' could further strengthen this category and prevent misunderstanding.

In addition, we note again that in schools with a significant proportion of pupils with additional learning needs therapeutic staff are frequently employed by the school. Not all of these staff have a professional body to register with. It should therefore be made clear that if there is no specific professional body for therapeutic staff to register with then they must register as learning support workers with the EWC.

**Question 2** – Do you agree that the draft Order clarifies the requirement for all headteachers at maintained schools to be registered?

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

We agree that the draft Order clarifies the requirement for all headteachers at maintained schools to be registered with the EWC and believe this is an important step in safeguarding pupils. In addition, this further strengthens the argument for broadening the category of 'a senior leadership role' in independent schools in Question 1.

**Question 3** – Do you agree that the draft Order accurately reflects the proposed amendments for the youth work sector?

<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 draft Order accurately reflects the proposal to register qualified youth workers and youth support workers and those who are working towards these qualifications and in employment. We agree with the decision not to impose registration upon those who are not qualified at this stage.

**Question 4** – Do you agree that the amendments made to Schedules 1 and 2 of the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 present an accurate list of youth worker and youth support worker qualifications (including equivalent qualifications across the UK and relevant historical qualifications)?

<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

Whilst not in a position to comment on the detail of all youth work qualifications we agree with the removal of the Level 2 Award from the 2016 Order.

In addition, we support the proposal that the EWC should prepare and maintain a list of qualifications and inform the Welsh Ministers on an annual basis of any changes they consider are required.

**Question 5** – Do you agree that the draft Order accurately reflects the proposed new registration categories for Independent Special Post-16 Institutions (ISPIs)?

<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 we support this proposal to ensure comparable models of regulation, the category of registration to include 'principals and teachers' would need to specify that this should include the 'leader of education and /or training' and avoid including staff who have little or no direct responsibility for delivery of an institutions teaching or training role.

In addition, the category of 'learning support workers' should include those staff, particularly in ISPIs who may work in both the residential setting and as a member of the education team, or where staff may otherwise have more than one role.

**Question 6** – Do you agree with the proposed fee and subsidy structure for the proposed new registration categories?

<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 members of the education workforce in the maintained and independent sectors should be treated in the same way.

**Question 7** – Do you agree with our analysis of the potential impacts of the proposed new registration categories?

<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 most likely negative impact is the additional cost incurred by those additional people who will have to register. However, we believe this is far outweighed by the positive impact of better safeguarding for pupils.

**Question 8** – Do you think there are any further changes to the legislation associated with registration with the Education Workforce Council (EWC) that should be considered?

<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**

**Question 9** – 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 most 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 10** – 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 11** – 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: