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Consultation Document

Proposal for the registration of school learning support workers with the Education Workforce Council

Date of issue: 1 April 2015

Action required: Responses by 1 July 2015

Proposal for the registration of school learning support workers with the Education Workforce Council

Overview This document invites views relating to the proposed definition for school learning support workers required to register.

How to respond Responses to this consultation should be e-mailed/posted to the address below to arrive by **1 July 2015** at the latest.

Further information and related documents Large print, Braille and alternate language versions of this document are available on request.

The consultation documents can be accessed from the Welsh Government's website at www.gov.wales/consultations

Further information about the Welsh Government's Programme for Government can be found at www.wales.gov.uk/about/programmeforgov/?lang=en

The Education (Specified Work and Registration) (Wales) Regulations 2010

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Summary

The Education (Wales) Act 2014 (the 2014 Act) reconfigured and renamed the General Teaching Council for Wales (GTCW); extending the remit of the body; and the composition of its membership in order for it to become the Education Workforce Council (“the Council”). This took place on 1 April 2015, which was also the point at which the requirement for professional registration was extended to Further Education (FE) teachers, in addition to school teachers.

It is proposed that, from April 2016, the requirement for professional registration will extend to learning support staff. This means that in order to work as a learning support worker in either a school or FE setting in Wales, a person must be registered with the Council.

For FE learning support workers, section 16 of, and table 1 of Schedule 2 to, the 2014 Act out the definition of those persons captured by the term ‘further education learning support worker’. The 2014 Act does not define what is meant by school learning support workers. Instead the 2014 Act provides that the Welsh Ministers may make regulations providing that specified services may not be provided by a person in a school unless that person satisfied the requirements set out in regulations made under section 14(1)(a)(ii).

This consultation invites comments on the practitioners who would be required to register with the Council based on the specified services provided by such persons in, or for a school and under circumstances set out in this consultation.

1. Background

- 1.1 The 2014 Act provides that Welsh Ministers may require that school teachers, FE teachers, FE learning support workers, and school learning support workers, register with the Council. As of 1 April 2015, a person must already be registered with the Council in order to work as a school teacher in a maintained school or an FE teacher in Wales.
- 1.2 The Council must have the skills, knowledge and expertise to support the wider education workforce if it is to become a key partner in delivering better coherence and support the agenda to drive up standards in teaching and learning. The Welsh Government will ensure that the existing registration system for teachers will continue without interruption. Effective teaching and learning is at the heart of education reform in Wales. The quality of teaching practitioners and those who support them is a critical factor in determining the quality of teaching and learning and, subsequently, the outcomes for learners.
- 1.3 The options available to learners in Wales through policies such as 14-19 Learning Pathways, and collaboration between schools and post-16 providers, have led to closer working of practitioners between different sectors. There has also been a rapid increase in the number of people supporting teaching and learning in the foundation phase, with learning support assistants working in partnership with teachers to deliver the curriculum. This means that the structure and composition of the education workforce has changed significantly in recent years.
- 1.4 It is vital that all these different practitioners work together effectively and are able to access well designed qualifications, support and development. Their professionalism, suitability and standards of conduct, training, and development, are key to their success. We want to ensure that we recognise the role of all those working to support teaching and learning as part of a single and coherent education workforce in Wales.

2. Aims of the Education Workforce Council

The aims of the Education Workforce Council are to:

- contribute to the improvement of standards of teaching and the quality of learning in Wales
- maintain and improve standards of professional conduct amongst teachers and others in the education workforce who support teaching and learning
- maintain public trust and confidence; and to safeguard the interests of learners, parents and carers and the general public.

3. Introduction

- 3.1 The Council currently has a statutory duty to establish and maintain a register of school teachers and FE teachers. Registration is required for all teachers who wish to work as teachers in maintained schools or FE institutions in Wales, including peripatetic teachers and those in agency, substitute or temporary positions. All employers are required to ensure that they only employ persons to work as teachers who are registered with the Council.
- 3.2 School learning support workers are currently not required to register with any registration body, but the Education Workforce Council (Main Functions) (Wales) Regulations 2015 do make some provision about persons who are not qualified teachers; who may carry out specified work in order to assist or support the work of qualified teachers.

4. Registration

4.1 The 2014 Act provides that the Welsh Ministers may extend registration with the Council to a wider group of practitioners.

4.2 A key feature of many professions is a requirement to register with a professional regulatory body that sets and maintains professional standards, retaining public confidence and demonstrating a shared commitment to professionalism.

4.3 The benefits to registration are that those who are registered will be seen as:

- credible members of the workforce having professional status;
- meeting the specific standards for entry and continued membership of that profession; and
- being suitable to be a member of the profession – maintaining public trust and confidence.

5. Proposal under consideration

- 5.1 This consultation seeks views on the proposed definition of those practitioners working within a maintained school that will be captured within the requirement to register under the category of school learning support worker.
- 5.2 The structure and composition of the education workforce has changed rapidly in recent years. It is vital that education practitioners work together and are able to access well designed qualifications, support and development.
- 5.3 The Minister recognises that this category of practitioners can play a key role in supporting the delivery of quality teaching and a modern curriculum. It is important for school learning support workers and the learners whose education they help provide, be recognised as professionals, alongside the teachers whom they support on a day to day basis.
- 5.4 It is vitally important for all those education practitioners who directly support teaching and learning to be part of a professional body, which sets and maintains professional standards. School learning support workers will benefit from the support and recognition of a professional body that upholds professional standards and monitors the registration, qualification and professional development of its members. This approach will maintain and improve the standards of teaching and quality of learning in Wales.
- 5.5 We need to move away from a system where school learning support workers are often at the end of the queue for training and development opportunities. The 2014 Act enables us to start to address these long-standing issues. Learning support workers can expect to have in place appropriate arrangements for appraisal and professional learning, similar to the teachers they work with.
- 5.6 We are building on the success of the arrangements already in place for teachers in schools; and to do that effectively for the wider education workforce, we need a strong and effective Council that accurately reflects all the registered categories.
- 5.7 The proposal is that the following categories of professions will be required to register with the Council from the following date:

From April 2016:

School learning support workers, and
FE learning support workers

6. Description for school learning support workers as set out in the Education (Wales) Act 2014 and the proposed definition for their registration

6.1 Schedule 2 to the 2014 Act provides a description of a school learning support worker:

“a person who satisfies the requirements specified in regulations made under 14(1)(a)(ii) and who provides (or wishes to provide) any service specified in regulations made under that section in a school”.

6.2 Therefore, the regulations made by the Welsh Ministers under section 14(1)(a)(ii) of the 2014 Act will set out the requirements for being a school learning support worker (i.e. the full definition of that role) and the services persons will not be allowed to provide unless they are registered in that category of registration with the Council.

6.3 The list of service providers identified under paragraphs 6.5 and 6.12 are not exhaustive and are set out merely to assist and guide respondents in identifying the types of practitioners which may be captured within the definition for a school learning support worker (as set out in paragraph 6.13); and those who will not be required to register with the Council.

6.4 The Council will play a key role alongside the Welsh Government in engaging with schools, employees and the unions in identify those service providers who will be required to register, prior to 1 April 2016.

6.5 We will need to consider the role that practitioners undertake in a particular setting, as in most cases there is a plethora of job titles being used to describe someone undertaking the same role. School learning support worker is the term used in the 2014 Act to describe the title/ role of these individuals who support teachers. These may also include:

- teaching assistant;
- higher-level teaching assistants;
- classroom assistant;
- learning support assistant;
- special needs assistant;
- additional needs assistant;
- pastoral/welfare support assistants;
- bilingual support assistant;
- support assistant;
- instructor;
- cover supervisor;
- foundation stage assistant;
- technician; and
- learning coaches

(This list is only for illustration purposes only.)

6.6 Although there are a number of titles in use, these individuals all undertake specified activities under the discretion and direction of another specified person (e.g. teacher/ head teacher) to support the delivery of a range of learning activities to children and young people.

6.7 A practitioner's role may be to support teachers and help children with their educational and social development, both in and out of the classroom. Their exact job will depend on the school and the age of the children.

The role may include:

- getting the classroom ready for lessons;
- listening to children read, reading to them or telling them stories;
- helping children who need extra support to complete tasks;
- helping teachers to plan learning activities and complete records;
- supporting teachers in managing class behaviour;
- supervising group activities;
- looking after children who are upset or have had accidents;
- clearing away materials and equipment after lessons;
- helping with outings and sports events;
- taking part in training; and
- carrying out administrative tasks.

6.8 These practitioners may also support children with particular needs, working with them individually or in small groups. In some schools you may have a specialism, such as literacy, numeracy or special educational needs (SEN). If you are bilingual, you might do more work with children whose first language is not English.

6.9 At secondary level, practitioners are likely to concentrate on working with individuals and small groups; and depending on the subject, may assist with the practical aspects of lessons, for example in science.

6.10 Another category of practitioners who will be required to register will fall under the job title of Higher Level Teaching Assistant, who may have more responsibility. This could include:

- working alongside teachers to support learning activities;
- helping to plan lessons and prepare teaching materials;
- acting as a specialist assistant for particular subjects;
- leading classes under the direction of the teacher, and
- supervising other support staff.

They may also assess records and report on the progress of the learners they work with.

6.11 The key goal is to ensure that we cover every practitioner who undertakes specified work in a school whilst supporting teaching and learning.

6.12 Those practitioners who will not be required to register, because they do not directly support the work defined as specified activity, would include:

- caretakers;
- career advisor;
- educational psychologist;
- school nurse
- administrative staff;
- catering staff;
- attendance and inclusion officer;
- lunchtime supervisors;
- breakfast club supervisors (who will be paid);
- finance controller;
- data manager; and
- those who work in a voluntary capacity such as voluntary reading helpers and individuals who run after school clubs on a not for profit basis (i.e. not a commercial company).

(This list is for illustration purposes only.)

6.13 It is proposed that a requirement to register will fall on practitioners who carry out one or more specified activity in the circumstances in the proposed definition as set out below:

“(1) A school learning support worker means a person other than a school teacher who provides the following services or supports the provision of the following services by a school teacher in a maintained school-

- (a) planning and preparing lessons and courses of study for pupils;*
- (b) delivering lessons to pupils;*
- (c) assessing the development, progress and attainment of pupils; and*
- (d) reporting on the development, progress and attainment of pupils.*

(2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.”

(3) A person is to be regarded as providing the services in paragraph (1) in the following circumstances-

(a) they provide services with direct interaction with learners to assist or support the work of school teachers or nominated teachers in the school;

(b) they are subject to the direction and supervision of such school teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and

(c) the head teacher is satisfied that they have the skills, expertise and experience required to carry out work specified in paragraph (1).

(4) In determining whether a person has the skills, expertise and experience required to carry out work specified in paragraph (1) in a school, head teachers must have regard to—

(a) such standards for higher-level teaching assistants, or guidance concerning the qualifications for school learning support workers and other such matters that may be published from time to time by the Welsh Ministers; and

(b) such guidance as to contractual matters relating to school learning support workers as may be published from time to time by any local authority or other employer.”

6.14 Any practitioner captured within the scope of this definition will be required to register as a school learning support worker. In carrying out their role they will be paid and employed by either the school, local authority or contractor (supply agency).

7. Description for FE learning support workers as set out in the Education (Wales) Act 2014

7.1 In respect of FE learning support workers, there is no requirement for the Welsh Government to make regulations, as the 2014 Act describes the services that can be carried out by this category of registrant under section 16(2).

7.2 Schedule 2 to the 2014 Act provides a description of a FE learning support worker as:

“a person, other than a further education teacher, who directly or indirectly provides (or wishes to provide) any of the services described in section 16(2) in or for a further education institution in Wales”

7.3 As with school learning support workers, the Council will play a key role alongside the Welsh Government in engaging with FE institutions, employees and the unions in identifying those service providers who will be required to register, prior to April 2016.

8. How to comment on this proposal

- 8.1 Specific questions are listed in the response form and you are invited to provide answers to these questions or to comment in more general terms, in writing or in print, electronically or in hard copy to the address at the beginning of this document.