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Consultation – summary of responses

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

Date of issue: October 2015

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

- Audience** All bodies involved in the education fields including unions, local authorities, practitioners, education training providers, awarding bodies and national organisations and charities.
- Overview** This document provides a summary of responses and feedback 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.
- Action required** None – for information only.
- Further information** Enquiries about this document should be directed to:
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- Additional copies** This document can be accessed from the Welsh Government's website at www.gov.wales/consultations

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Background

The Education (Wales) Act 2014 (“the Act”) reconfigured the General Teaching Council for Wales (‘GTCW’); extends the current remit of the body; and amends the composition of the Council’s membership, in order to create the Education Workforce Council (the Council).

The Act provides that the Welsh Ministers may require by regulations that school teachers, FE teachers, FE learning support workers, and school learning support workers, register with the Council.

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. 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.

For FE learning support workers, section 16 of, and table 1 of Schedule 2 to, the 2014 Act set 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).

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

“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”.

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.

The consultation

The consultation was circulated across a number of key sectors using a range of networks.

23 written responses to the consultation were received.

The responses were received from the following sectors

Respondent	Number of responses
Awarding Bodies	3
Unions	6
Schools Colleges and Universities	2
Local Authorities	3
Education Training Providers	1
National Organisations and Charities	6
Individuals	2
Total	23

This document sets out the result of the consultation structured around the responses to each question. It does not aim to capture every point raised by respondents, but rather highlights the key issues and themes. A list of respondents along with responses can be seen in the attached Annex.

Summary of responses

Question 1

Do you agree with the proposal that a requirement to register will fall on service providers who carry out one or more specified activity defined under paragraph 6.13?

Consultation response:

We received 23 responses to this question, the majority of respondents (20) agreed with the definition set out at 6.13, 1 respondent did not agree; and 2 either did not respond or did not give a definitive answer. It was interesting that many respondents simply agreed with the proposal and did not feel the need to provide supporting comments.

The respondents made the following comments to this question:

- UNISON is in agreement with the proposal set out in Question 1.
- ASCL is content with the proposals as made. It will be important that the definition of “school learning support workers” is clear, both in terms of which employees are to be included and which institutions are to be counted as schools for this purpose. With the proviso, ASCL welcomes the approach.
- Two thirds of ATL Cymru members who work as support staff and who answered our (ATL) survey were supportive of using activities rather than job titles to describe who should be registered with EWC as support staff.
- Some clarification is needed as the definition given in paragraph 6.13 captures certain duties, as defined by statute, which apply predominately to HTLAs. It seems that this definition is also intended to include support staff who, whilst not being qualified or legally entitled to carry out such ‘specified work’, nevertheless assist such work.

Question 2

‘School learning support worker’ is a category of registrant within the 2014 Act which is used to describe a person who wishes to provide specified services within a school. However, there could be a range of other titles/job roles which are used to describe this role and these are set out under 6.5 (for illustration purposes only).

Are there any other service providers not captured within this list who you feel also fit within this description (taking account of the definition as set out under paragraph 6.13)?

Consultation response

We received 23 responses to this question, a greater number of respondents (14) suggested other service providers who should be included within the definition of a school learning support worker, a small number (6) did not wish to add any other service providers, whilst the remaining respondents (3) did not respond or did not give a definitive answer.

The respondents made the following comments to this question:

- Our members suggested other job titles should be included in the list provided of those who should register:

Nursery Nurses
Play and learning coordinator
Family engagement officers
Behavioural support assistants
Emotional literacy support assistant
Speech and language support assistant
Assistant SENco

- Unqualified teachers who provide basic skills support or intervention programmes for a wide range of needs including literacy and numeracy support
Literacy/numeracy/reading/number support assistants
Intervention assistant/teacher
Pupil support assistant
Reading intervention coordinator
Learning Mentor
Youth workers
Learning coach

The proposals should clarify whether foreign language assistants should be required to register or be exempt. They are not required to be registered by any other professional organisation.

- The NASUWT maintains that unqualified teachers should be included in this category. This would include trainee teachers on work based routes to qualified teacher status, such as trainee teachers employed under the Teach First initiative.
- Examination officers
- No, the list appears to be comprehensive as it stands.
- All covered in examples set out under 6.5.

Question 3

Paragraph 6.12 lists (for illustration purposes only) those service providers who will not be required to register with the Council.

Is there any other job title/role you feel should be exempt from registering with the Education Workforce Council under the category of 'school learning support worker' (taking account of the definition as set out under paragraph 6.13)?

Consultation response

We received 23 responses to this question, the majority of respondents (9) suggested job titles/roles that should be exempt from registration, a similar number of respondents (8) either not responding or not giving a definitive answer; with a small number of respondents (6) felt that the job titles captured those who should be exempt.

The respondents made the following comments to this question:

- The Council considers that the following are not captured by the list under paragraph 6:12:
 - Business manager/bursar
 - I.T Manager
 - Examinations officer

However, again the Council points out that that in some schools, the persons above may actually undertake the duties described in paragraph 6:13. If so then they will need to register.

- Providers of music tuition/specialist after school clubs
- We have identified the following job titles/roles that should also be exempt:
 - Pastoral Officer/Manager
 - Cleaners
 - Examination Officers and Invigilators
 - School Governors
 - Business Managers
 - Site Managers
- It is important that school and college chaplains can not be included in the list set out in paragraph 6.5.
- Family liaison worker/assistant
 - Accounts clerk
 - Mid day supervisor
 - Exam invigilator
 - Facilities officer
- No, this seems appropriate

Question 4

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.

This final question was not designed to solicit an answer, but allowed respondents to record their general thoughts and comments. From the 23 responses received, only 13 respondents provided comments and the responses covered a range of issues.

Many of the issues raised related to the registration fee, the role of the Education Workforce Council, the registration of other groups (including those in the independent sector) and professional qualifications/standards; however these are outside the scope of this consultation. Some responses considered the definition too limiting and did not take account of staff from contracted companies.

The respondents made the following comments to this question:

- Although it will not be a requirement for Learning Support Assistants in Independent Schools to register with the EWC, will they be supported in doing so in order to ensure continuity between both sectors.
- It is important to clarify whether all levels of learning support work are to be included, or whether only the higher levels (as implied by the statutory definition of the term 'specified work') are applicable.
- Paragraph 6.13 – the wording referenced looks more appropriate to the HTLA and cover supervisor roles than the basic L1 or 2LSA roles. The wording possibly needs to be reviewed to ensure the scope is widened, as per the rest of the document.
- In discussing the lists under paragraphs 6.5 and 6.12 and the duties under paragraphs 6.13 with a number of schools and trade unions, the following point has been made regularly. In some schools, especially small primary schools and special schools, some administrative or voluntary staff that fall predominately under the list in paragraph 6.12 also undertake some duties under paragraph 6.13. The Council emphasises that lists under paragraph 6.5 and 6.12 are illustrative only and of more importance is the list of duties under paragraph 6.13. The Council will seek to make this clear in guiding employers as to who will and will not need to register.
- “6.14 Any practitioner captured within the scope of this definition will be required 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).”

Any legislation should recognise that the use of 'contractors' in school goes far wider than "supply agencies" There should be specific provision in the legislation to ensure the requirement of registration of staff from contracted companies such as those mentioned above, in addition to and not limited to

staff from supply agencies.