

Proposal for the registration of school learning support workers with the Education Workforce Council: Full list of respondees and published responses

List of respondees

Published responses

Below are all the responses from the respondents who have agreed for their comments to be published. These responses are published in the language that they were received in.

- GTCS
- Paul Jones
- Education Workforce Council
- Estyn
- NUT Cymru
- Governors Wales
- Flintshire County Council
- Chair of the Dell Primary School Chepstow & Chair of the Monmouthshire Association of School Governors
- Chair of Governors CIW Primary School
- National Deaf Children's Society Cymru
- Wales Centre for Equity in Education
- Gareth Nocolai
- Children's Commissioner for Wales
- Wrexham Country Borough Council
- Catholic Education Service
- ATL Cymru – the education union
- NASUWT Cymru
- Association of School and College Leaders
- Voice Cymru
- UNISON Cymru

Annex

Published responses

Below are all the responses from the respondents who have agreed for their comments to be published. These responses are published in the language that they were received in.

CR01

Name: Kenneth Muir

Organisation: GTCS

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?

Agree/Disagree/Don't know

Agree

Supporting Comments

It is good to see the level of public protection and public confidence being given by this development, and by those more widely through the creation of the Education Workforce Council (EWC).

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)?

Supporting comments

- The inclusion of "pastor/welfare support assistants" raises a question about whether or not school chaplains/ministers might be part of this category
- English as an Additional Language Assistants
- Does "instructor" need clarification? For example, does it include sports instructors?
- What about "supply teachers" – or are they part of the "cover supervisory" category

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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)?

Supporting comments

- Bursars
- Business Managers

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.

Comments

N/A

CR02

Name:

Organisation:

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?

Agree/Disagree/Don't know

Agree

Supporting Comments

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)?

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Supporting comments

All covered in the 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)?

Supporting comments

No

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.

Comments

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?

CR03

Name: Paul Jones

Organisation:

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?

Agree/Disagree/Don't know

Agree

Supporting Comments

Please bear in mind that the post of Teaching Assistant is a low paid job. Therefore, should not be subject to the level of registration fees that are applied to teaching staff for registration.

For instance the full time equivalent wage that I am on is just under £16,000. However, we don't get paid for school holidays. Furthermore, full time teaching assistant is only 25 hours a week. Moreover, many of the positions

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are part time workers and do less than 25 hours a week. As such wages (before tax) are low:

$$\frac{16000}{12 \text{ months}} \times 9 \text{ months} = \text{£}12,000$$

$$\frac{12000}{37 \text{ hours (Normal full time)}} \times 25 \text{ hours (TA full time)} = \text{£}8,108.11 \text{ (2.d.p)}$$

$$8108.11 \times 16 \text{ hours} = \text{£}5189.19 \text{ (annual salary for TA working 16 hours a week)}$$

Considering that the starting salary for a teacher is £21,000 the contrast is stark.

Many unions have scaled memberships for the amount of hours that a teaching assistant work. This approach limits the impact of membership fees on the disposable income of low paid workers.

Scaled membership fees (5 hour increments) for EWC membership for teaching assistants should be introduced. At a level that reflects the low paid nature of the job

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)?

Supporting comments

Examination Officer

Pastoral Support Assistant

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)?

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Supporting comments

N/A

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.

Comments

Please bear in mind that the post of Teaching Assistant is a low paid job. Therefore, should not be subject to the level of registration fees that are applied to teaching staff for registration.

For instance the full time equivalent wage that I am on is just under £16,000. However, we don't get paid for school holidays. Furthermore, full time teaching assistant is only 25 hours a week. Moreover, many of the positions are part time workers and do less than 25 hours a week. As such wages (before tax) are low:

$$\frac{16000}{12 \text{ months}} \times 9 \text{ months} = \text{£}12,000$$

$$\frac{12000}{37 \text{ hours (Normal full time)}} \times 25 \text{ hours (TA full time)} = \text{£}8,108.11 \text{ (2.d.p)}$$

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Considering that the starting salary for a teacher is £21,000 the contrast is stark.

Many unions have scaled memberships for the amount of hours that a teaching assistant work. This approach limits the impact of membership fees on the disposable income of low paid workers.

Scaled membership fees (5 hour increments) for EWC membership for teaching assistants should be introduced. At a level that reflects the low paid nature of the job

CR04

Name: Hayden Llewellyn

Organisation: Education Workforce Council

Annex

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?

Agree/Disagree/Don't know

Agree

Supporting comments

The Council understands that the Welsh Government is not consulting on the principle of whether school learning support workers should be registered or not. This has previously been consulted upon by the Welsh Government and the principle has been established under the Education (Wales) Act 2014. Here, the Welsh Government is consulting on “the definition of who should be registered” under the category of school learning support worker. This definition will subsequently be included in Regulations.

The Council notes that the definition proposed under paragraph 6.13 has been drawn from the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (and previously the Education (Specified Work and Registration) (Wales) Regulations 2004 and 2010). The Council believes that using this existing legislation as the basis for formulating the definition of who needs to be registered is a sensible approach to take and one that ought to be understandable to local authorities, schools and supply agencies, given their existing statutory responsibilities in this regard.

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)?

Supporting comments

The Council recognises that the list under paragraph 6.5 is provided as exemplification and is not exhaustive. Furthermore, it can be the case that two members of staff in different schools could have the same job title but undertake very different roles in practice.

As has been the case with both school and FE teachers, the Council will develop detailed guidance for employers and supply agencies in order that they are clear as to who will and will not need to register under the category of learning support worker. The outcomes of this consultation will greatly assist the Council in undertaking this task.

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The Council considers that the following are not captured by the list under paragraph 6.5:

- Centrally employed local authority / consortia staff, such as peripatetic music teachers
- Self employed persons such as sports coaches or music instructors who schools use for a small number of hours per week
- Inclusion officers
- Some school librarians
- Some support staff with behavioural support responsibilities

In the latter two cases above, the Council emphasises that the registration requirement will not apply in every school, but only where the person actually undertakes the duties described in paragraph 6.13.

The Council also invites the Welsh Government to clarify whether or not Challenge Advisers will need to register or not.

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)?

Supporting comments

The Council again notes that the list under paragraph 6.12 is not exhaustive and is presented for illustration purposes.

The Council considers that the following are not captured by the list under paragraph 6.12:

- Business manager/bursar
- I.T Manager
- Examinations officer

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.

Comments

In discussing the lists under paragraphs 6.5 and 6.12 and the duties under paragraph 6.13 with a number of schools and trade union groups, the

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following point has been made regularly. In some schools, especially small primary schools and special schools, some administrative or voluntary staff that fall predominantly under the list in paragraph 6.12 also undertake some duties listed under paragraph 6.13. The Council emphasises that the lists under paragraphs 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.

CR05

Name:

Organisation: Estyn

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?

Agree/Disagree/Don't know

Agree

Supporting comments

The definition of support worker as outlined in paragraph 6.13 (1) applies to those who work in maintained schools:

“(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.”

Therefore those who support teaching in the independent sector will not be required to register. This should have been made clear in paragraph two of the summary which states that the requirement for registration will apply to learning support workers who work in schools in Wales.

The benefits of registration outlined in paragraphs 4.3 and 5.4 apply equally to the maintained and independent sectors and as such this is a missed opportunity to improve standards in independent schools in Wales.

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).

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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)?

Supporting comments

Other service providers and roles currently being employed in schools include:

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 services

Intervention assistant/teacher

Pupil support assistant

Reading intervention coordinator

Learning mentor

Youth workers

Learning coach

Foreign language assistant

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.

Foreign language assistants work in schools within the definition of 6.13 and therefore should be required to register. However, it may be necessary to distinguish between permanent and temporary FLAs. The regulations could allow for temporary registration of those individuals from other countries who take on these roles on a short term basis. The cost, in these cases, could reflect the temporary nature of the registration.

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)?

Supporting comments

The consultation document is not clear whether the definition in paragraph 6.13 applies to practitioners who provide *specialist* in class and withdrawal support for pupils with additional learning needs. These include school based:

Physiotherapists

Occupational therapists

Speech and Language Therapists

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Counsellors
Music therapists

In many special schools these practitioners carry out the specified activity outlined in paragraph 6.13. However, as they are registered with their own professional bodies and carry out roles similar to nurses, they could be listed with those exempt from registration under paragraph 6:12.

Care support workers, registered with the Care Council for Wales also provide in class support for pupils in maintained and independent residential special schools. The proposal should clarify whether these staff will be required to register separately as part of 5th education workforce.

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.

Comments

Generally, this proposal is to be welcomed. It can support schools in providing good value for money by ensuring that support workers adhere to a set of professional standards and have access to training relevant to their roles.

This applies in particular, to the large number of (temporary) basic skills intervention support assistants or unqualified “teachers” employed by schools, for example, through use of the pupil deprivation grant.

Learners stand to benefit from the improvements to the quality of support that they receive. However, it is also important that the proposal does not create an administrative burden on schools that would prohibit them from appointing staff to these roles. This would be to the detriment of those learners who make good progress under these arrangements. This also applies to any additional requirement to require the registration of foreign language assistants.

6.5 the consultation document refers to the “foundation stage” and it should read Foundation Phase.

6.7 should include the delivery of intervention sessions or lessons for example “helping students to develop their basic number or literacy skills”.

External agencies/ contractors

Many primary schools use outside companies (such as Super Stars, Creazione, PlaySports etc) to deliver sports, music or drama in curriculum on a regular basis to cover teachers’ PPA. Under 6.13 of the consultation document these companies will have to register their staff.

At present, they are an unregulated/unregistered part of school’s systems - yet they teach pupils for up to 10% of their week. However, 6.14 has an

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unhelpful bracket at its end as it appears to qualify the nature of contractors that provide services to schools to those from supply agencies:

“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).”

Any legislation should recognise that the use of ‘contractors’ in schools 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.

We welcome the proposal as it should ensure that those who support pupils have the relevant training and supervision. However, the legislation should extend to the independent sector and clarify that all those who perform the role outlined in 6.13 are registered unless they are already registered in the children’s workforce e.g. care workers, health professionals. This includes those provided by private contractors / supply agencies.

CR06

Name: Owen Hathway

Organisation: NUT Cymru

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?

Agree/Disagree/Don’t know

Agree

Supporting comments

N/A

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).

Annex

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)?

Supporting comments

Librarians

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)?

Supporting comments

N/A

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.

Supporting comments

Under point 4 we believe, specifically in relation to the issue of delivering lessons, that in addition to skills, expertise and experience a head teacher should also expect and ensure an individual has the right qualifications. We would not want these regulations to be seen as providing cover for the employment of non-qualified teachers

CR07

Name:

Organisation: Governors Wales

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?

Agree/Disagree/Don't know

Agree

Supporting comments

N/A

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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)?

Supporting comments

The list seems appropriate.

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)?

Supporting comments

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.

Comments

- There is one error to note – Paragraph 7.2 should read “a person, other than ...”
- Paragraph 6.13 – the wording referenced looks more appropriate to the HLTA 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.

CR08

Name:

Organisation: Flintshire County Council

Annex

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?

Agree/Disagree/Don't know

Agree

Supporting comments

N/A

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)?

Supporting comments

No

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)?

Supporting comments

No

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.

Comments

N/A

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CR09

Name: Ann Holloway

Organisation: Chair of the Dell Primary School Chepstow & Chair of Monmouthshire Association of School Governors

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?

Agree/Disagree/Don't know

Agree

Supporting comments

Their role is becoming increasingly a critical part of school improvement and best practice and therefore the individuals need access to training and support. Good schools provide this but not all do.

It is not fair for all teaching assistants who need to be recognised for the role that they do and be given feedback on their performance- appraisals.

This will provide more cost to the schools in term of staff time but it is critical to be done properly.

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)?

Supporting comments

3rd party providers: such as Prostars or FA coaches who deliver PE lessons and cover for PPA time and are contracted/paid by school to deliver part of the curriculum and are subject to a contract review of performance- but not appraisals per se-

or Gwent music teachers who teach individual pupils for a fee but the provision is extra curricular.

neither category seems to be mentioned any where

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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)?

Supporting comments

6.12 only talks about volunteers who provide after school clubs.

No mention is made about After school Clubs who charge for pupil attendance and who pay their staff to provide care and coaching- but not as part of the school curriculum?

This needs clarification and should not need registration as the HT has no direct management responsibility for their conduct etc

Categories listed in 6.13 must link to appropriate qualifications and a code of conduct, other wise it would be difficult to dismiss through lack of competence!

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.

Comments

N/A

CR10

Name: Hillary Baker

Organisation: Chair of Governors Usk CIW Primary School

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?

Agree/Disagree/Don't know

Agree

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Supporting comments

I agree with the principle of having a professional registration, however, this should not be implemented before the professional body responsible for standards is in place and capable of confirming / auditing standards.

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)?

Supporting comments

None

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)?

Supporting comments

Providers of music tuition / specialist after school club supporters

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.

Comments

Point 5.5 says ” Learning support workers can expect to have in place appropriate arrangements for appraisal and professional learning similar to the teachers they work with.”

When will the performance Management Policy be updated to include this group? They should not have to pay for registration if the associated benefit of development is not available.

Point 5.5 says “...we need a strong and effective Council that accurately reflects all the registered categories”

When will this be in place?

Annex

Point 6.2 refers to the regulations made by the Welsh Ministers setting out the requirements for being a school learning support worker – have these been published?

6.4 says that the Council will play a key role in identifying those service providers who will be required to register before April 2016 – when will this information be available of the proposal is accepted ?

CR11

Name:

Organisation: National Deaf Children's Society (NDCS)

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?

Agree/Disagree/Don't know

Agree

Supporting comments

NDCS Cymru considers that there are benefits to registering support staff at schools and FEIs. We believe that such registration should be utilised to:

- enhance avenues for communicating key information to support staff (i.e. relevant training opportunities, changes to legislation, availability of new guidance)
- liaise with Welsh Government, Regional Consortia and Local Authorities in order to gain an accurate picture of support available to specialist groups, such as deaf learners, and to assist forward planning.

NDCS Cymru also considers that it would be useful to record information about appropriate qualifications. For example, it would be useful to have a record of the level of BSL (Stages 1-6) held by Communication Support Workers working with deaf children and young people. Qualifications among such staff can vary and recording this information as part of registration could help to drive up standards and identify regional training requirements.

We welcome that the registration requirement would apply to support staff at both schools and FEIs. It is important that we have an accurate picture of support staff in all educational institutions.

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However, it is important to consider professions which may be utilised within the education context but are not solely used within education. For example, deaf learners (particularly within FE) may require a BSL interpreter or a lip-speaker. These professions are not limited to education and by requiring registration prior to working in an educational context, we could limit the availability of such professionals to deaf learners. While it would still be desirable to record information on such workers, it is important to carefully consider how this is achieved with this type of profession.

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)?

Supporting comments

NDCS Cymru believes it is important that the registration of support workers is categorised appropriately in order to maximise the potential and usefulness of the information for the purposes as outlined in our answer to question 1. For example, 6.5. lists “special needs assistant”, but we would wish for more detailed subcategories within this category.

In particular we would wish to include Communication Support Workers and LSAs with specialist skills.

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)?

Supporting comments

N/A

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.

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Comments

In addition to the recording of Communication Support Workers as a distinct group, we would also welcome the distinct recording of Teachers of the Deaf. Although these professionals should already be registered as teachers, it would be useful to have central information on the Teacher of the Deaf workforce specifically. In particular, information around their qualification status (i.e. whether they hold the mandatory qualification for Teachers of the Deaf; whether they hold a BSL qualification; and if so, what level of BSL – stage 1-6) would be useful.

CR12

Name: Natalie Macdonald

Organisation: Wales Centre for Equity in Education

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?

Agree/Disagree/Don't know

Agree

Supporting comments

I feel it is an important step towards a highly qualified and motivated childcare workforce and will be a step forward to creating a more valued and recognised profession alongside the teaching profession.

It is an important step in line with the draft 10 year plan for the early years, childcare and play workforce in Wales 2014, and a move towards stronger CPD for the childcare workforce beginning with school support staff.

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)?

Supporting comments

Childcare workers within Flying Start settings (some are run by schools and LA)

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One to one support workers (Flying Start)

Deputy childcare managers (Flying Start)

Childcare (Flying Start)

I also feel that lunchtime supervisors and breakfast club supervisors should also be included in these lists due to their role in the care for children during these times which often includes

- supporting teachers in managing class behaviour;
- supervising group activities;
- looking after children who are upset or have had accidents; as set out in your consultation document.

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)?

Supporting comments

No

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.

Comments

N/A

CR13

Name:

Organisation:

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?

Agree/Disagree/Don't know

Agree

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Supporting comments

N/A

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)?

Supporting comments

Whilst not a comment in relation to whether there are any other service providers **not** captured within this list (6.5), we ask for further clarity in relation to the proposal to include the role of learning coach. As a valued complimentary education service, youth work is increasingly carried out alongside formal education institutions and their staff (teachers, lecturers, tutors, learning support workers etc.), often seeking similar outcomes for young people. However, it does so via a different approach which is based on non-formal/informal learning via a voluntary engagement, so therefore does not fall into the category of teacher or learning support worker.

As the required skill sets of learning coaches map across to a number of youth work skills, for a number of youth workers learning coaching is part of their role within schools as well as in communities e.g. with young people NEET.

Therefore, whilst not a school learning support worker, it may be problematic in this respect should the learning coach role be retained. This may become an unintended consequence of registration for LSA's and youth workers and needs to be considered in respect of potential dual registration. A further example would be a qualified and practicing teacher may also be a qualified and practicing youth worker

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)?

Supporting comments

It is difficult to answer this question in relation to youth work without knowing

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the final scope of the intended registration of youth workers in 2017 i.e. the sector is made up of full time qualified youth workers, full time unqualified youth workers, part time qualified youth workers, part time unqualified youth workers and volunteers.

Prior to the debate on youth work registration in this regard, (and having considered the previous point raised about learning coaches), might it bring further clarity at this stage to include youth workers in this list of exemptions?

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.

Comments

However, some schools (and FEI's) employ their own youth workers. These youth workers may then fall under the 'discretion and direction of a Headteacher' but (as with those who do not fall under the discretion and direction of the head-teacher) would also not usually deliver or support 'lessons' (it might help to further define this) as part of their role.

CR14

Name: Gareth Nicolai

Organisation:

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?

Agree/Disagree/Don't know

Disagree

Supporting comments

Support staff over the last few years have come into countless pressures from the local and wider government. Back a few years ago support staff within Cardiff experienced job evaluation and single status simultaneously, leaving many staff out of pocket or having to work more hours to make the same as they had a week before. This sadly led to very experienced staff with excellent skills leaving the education sector. Can we afford to lose such staff? On the Welsh gov website there are articles named, "Teaching the teacher of tomorrow". How does the Welsh gov propose to do this if we are constantly pushing out staff, who have the skills and the ability to support these pupils?

Sadly lower wages often means lower skill and experience level!

This proposal will only push more staff from the roles they hold. Pay cut after pay cut and one 1% pay increase in ten years has caused a feeling of

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disbelief from Council and gov proposals. So finding out we now have to pay for the privilege of working at the same job many of us have been doing for years is preposterous.

Once again it also reads like it is the SEN sector who will be most affected, as the majority of hired teaching staff populate special schools/units in comparison to mainstream education.

As I hope you can understand most roles in Special schools are never straight forward. Personal care and behaviour management are not standard “teaching assistant” responsibilities. However now we have to register, at our own expense, to work at an already challenging job.

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. This is surely something the school itself should address and monitor. I currently work at a school where if it wasn't for the support of management via training many of our schools specialist areas would not be able to run.

We currently have 87 support staff who are all supported by training on Inset days, after school hours - 3:30-4:30 every Tuesday, advanced initial training to all new staff including manual handling and behavioural support, 4-5 NVQ placements for staff yearly as well as a high amount of HLTA applications and spaces every year. We currently have 16 members of teaching assistant staff, HLTA trained, as well as over 15 holding a NVQ level 3 outside of their current post. This is all because our Management sees the obvious need to support staff and get the best from them.

Once again bringing in this registration will only result in many of these staff taking the skills learned and approaching other avenues.

We have also recently been assessed for the “Investors In People – Gold Award”, which is also looking like we as a school community will receive. I understand we are probably the exception when it comes to training however maybe the focus should be on the management of schools to make sure TA's are trained because it can obviously be done if our school has managed it.

I agree there is a need for making support staff's jobs professional however making it essential for support staff to do this and be out of pocket is terrible knowing the amount we have lost in the last 5 – 10 years.

Like I have said previously this comes across as targeting special schools and the expert staff we have in post. If the government is happy to possibly lose many very experienced staff then this does seem to be the final nail in the coffin.

Many Thanks

Annex

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)?

Supporting comments

School life guards – completes assessments and helps direct educational targets

Lunchtime staff – help with communicational development, social development and behavioural support

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)?

Supporting comments

N/A

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.

Comments

N/A

CR15

Name: Professor Sally Holland

Organisation: Children's Commissioner for Wales

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?

Annex

Agree/Disagree/Don't know

Agree

Supporting comments

Children and young people in Wales have the right to expect that the practitioners and professionals with whom they have daily contact through education settings have been subject to a thorough consideration of their suitability to fulfil positions of trust. I therefore welcome the proposals for service providers who exercise one or more functions outlined in paragraph 6.13 to register with the Education Workforce Council. Doing so would strengthen safeguarding measures and give greater effect to article 19 of the UNCRC (take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardians(s) or any other person who has care of the child).

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)?

Supporting comments

I welcome the proposal to require the majority of the job roles included in paragraph 6.5 to be registered under the definition of 'school learning support worker' outlined in paragraph 6.13. Job roles such as teaching assistant, higher-level teaching assistants, classroom assistants and bilingual support assistants, and foundation phase assistants, included in the list, are reflective of the distinct formal education and classroom-based practice requirements outlined in the proposed definition. Registration of these job roles under the 'school learning support worker' definition would support service providers to uphold and work towards a common set of professional standards.

In seeking to uphold professional standards, an opportunity exists for Welsh Government to establish a set of national minimum standards related to the job roles captured in the paragraph above. It is, however, unclear to me within the Act or the proposal document as to what the minimum levels of qualification would be to satisfy eligibility criteria of registration. I would welcome more detail on these requirements and further clarity on how Welsh Government intends to raise the professional aspiration, status and skills of the proposed 'school learning support workers' to ensure that learners afforded the maximum extent of opportunities to fulfil their own individual

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potentials in line with Article 29 of the United Nations Convention on the Rights of the Child.

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)?

Supporting comments

Whilst I agree with proposals to require the registration of special education assistants and additional needs assistants, I would not welcome these job roles to be registered under the proposed definition of 'school learning support workers'. Whilst these persons might exercise the same or similar activities outlined within the proposed 'school learning support worker' definition, these roles are bespoke to the specific vulnerabilities of children and young people with additional learning needs. In a written statement, the Minister for Education and Skills announced that he would be laying the Additional Learning Needs and Education Tribunal (Wales) Bill before the National Assembly for Wales prior to the summer recess for 2015. The Minister also outlined his intention to produce a new Additional Learning Needs Code of Practice (subject to consultation) to support the implementation of the Bill should it receive Royal Assent. Should this be the case, it is likely that a new Additional Learning Needs and Education Tribunal Act and supporting Code of Practice for Wales would extend the professional functions, requirements and standards of additional learning needs/special educational needs roles beyond those required under proposed definition of a more general 'school learning support worker'.

Under Schedule 2 of the Education (Wales) Act 2014, Ministers have the power to extend the categories of registration for wider groups of educational practitioners. It, therefore, makes sense to me that the additional learning needs practitioners and support workers should be registered as a separate category with the Education Workforce Council in line with the professional duties and standards contained within a new Additional Learning Needs and Education Tribunal (Wales) Act and a new Code of Practice for Additional Learning Needs.

I welcome the proposals to require registration of the wider education workforce and I appreciate the challenge facing Welsh Government in drafting a definition that is equally meaningful for all (but not exclusive to) the roles outlined in paragraph 6.5. Nonetheless, the proposed definition for 'school learning support worker' does not sufficiently reflect the range of other job titles and roles that might conduct the same or similar activities outside of the traditional definition of 'formal education' and classroom-based settings.

Annex

In practice, many of the roles outlined in paragraph 6.5, including learning coaches, pastoral/welfare support assistants, support assistants, are being carried out by youth support workers and youth workers. Whilst youth work practitioners in Wales might carry out the same or similar activities outlined in the proposed definition to add value to and compliment the work of schools, it extends beyond the provision of learning support within formal education settings. As a distinct rights-based professional practice in Wales, the provision of youth work is informed by its own set of occupational standards and is centred on the delivery of informal and non-formal learning experiences for children and young people, up to the age of 25.

In our Annual Report 2012/13, the Office raised concerns surrounding the narrowing scope of youth work in Wales, and my predecessor called upon Welsh Government:

“to ensure that the rights based approach to youth services in line with the UNCRC as presented in Extending Entitlement is not lost in the change to a strategic focus on outcomes related to the narrower NEETs agenda.” (p.69) Implementing the registration of youth support workers and youth workers (under the guise of learning coach roles, pastoral or welfare support roles) as ‘school learning support workers’ may narrow their professional focus and limit the availability of informal/non-formal learning experiences and support for children and young people who have disengaged from or left formal education settings. In addition, registering youth support workers and youth workers under the category of ‘school learning support workers’ would undermine the principle of voluntary relationships between the child/young person and supporting adult, as there are legislative obligations for children and young people to engage with schools and other formal education settings. Under Schedule 2 of the Education (Wales) Act 2014, I would therefore welcome further regulations for Ministers to extend the categories of registration to youth support workers and youth workers as distinct and unique member of the education workforce.

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.

Comments

No

CR16

Name:

Organisation:

Annex

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?

Agree/Disagree/Don't know

Cytuno

Supporting comments

O ran y ffi, ni fyddwn fel Cyngor yn talu nag yn digolledu staff perthnasol am gost cofrestru.

Cefnogi'r egwyddor o sicrhau bod y gweithlu yn gweithio i safonau proffesiynol.

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)?

Supporting comments

Agen rhoi ystyriaeth i gymorthyddion sydd yn rhoi gofal personol ond efallai gyda dyletswyddau cefnogi dysgu.

Cymorthyddion cynnal ymddygiad neu Gymorthyddion cynhwysiant.

Agen rhoi ystyriaeth i swyddogion cynllun 5:60 sydd yn gweithio yn rheolaidd gyda disgyblion ysgol ar agweddau ymarfer corff ond nid yw eu cyflogaeth yn cael eu rheoli gan Gorff Llywodraethol.

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)?

Supporting comments

N/A

Annex

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.

Comments

N/A

CR17

Name: John Davies , Head of Lifelong Learning

Organisation: Wrexham County Borough Council

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?

Agree/Disagree/Don't know

Agree

Supporting comments

We agree, however there is a need for consistency within each authority in relation to what they expect the service provider / practitioner to pay for and what the LA pays for across different practitioners e.g. social care practitioners, education practitioners.

There is also a need for consistency across all authorities in Wales so that the approach is equitable across the board on a national basis.

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)?

Supporting comments

No, the list appears to be comprehensive as it stands

Annex

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)?

Supporting comments

We have also 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

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.

Comments

We would question who is picking up the cost of registration, the practitioner or the LA?

and

Who will be responsible for the training and continual professional development of school learning support workers to ensure that they are monitored to a certain standard – schools, the LA, Regional School Improvement consortia?

CR18

Name: The Revd Dr Philip Manghan

Organisation: Catholic Education Service

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?

Annex

Agree/Disagree/Don't know

Agree

Supporting comments

The Catholic Education Service broadly supports the proposed definition set out in paragraph 6.13(1), provided it does not include school chaplains. Chaplaincy is an important element in Catholic and other schools and colleges, and Catholic chaplains provide pastoral and spiritual support to pupils and staff under the auspices of the Catholic Church. We therefore want to be certain that school and college chaplains are not included within the proposed definition (despite their omission from the list set out in paragraph 6.12).

School and college chaplaincy follows a wide range of models, depending on the local circumstances of each school or college and the local diocese that supports it. Some schools and colleges have lay chaplains, others may have chaplains who are ordained priests, and sometimes a mixture of the two. Chaplains may be employed by the school or college, by the local diocese, they may be volunteers, or (particularly for clergy) the chaplaincy may be part of their wider responsibilities. All chaplaincy arrangements in Catholic schools must have the approval of the diocesan bishop, in accordance with canon law.

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)?

Supporting comments

See above. It is important that school and college chaplains cannot be included in the list set out in paragraph 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)?

Annex

Supporting comments

As above, school and college chaplains should not be required to register with the Education Workforce Council, for the reasons set out above, and there should be complete clarity about this distinct and important role within schools and colleges

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.

Comments

N/A

CR 19

Name: Mary van den Heuvel

Organisation: ATL Cymru – the education union

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?

Agree/Disagree/Don't know

Neither agree or disagree

Supporting comments

Two thirds (65.5%) of ATL Cymru members who work as support staff and who answered our survey were supportive of using activities rather than job titles to describe who should be registered with EWC as support staff.

Some members asked for more clarity around who is responsible for ensuring they are on the register. ATL Cymru believes there needs to be a **clear communication plan** about who is required to register with EWC, which clearly engages members of the workforce in the expectations placed upon them and the type of support they can expect

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).

Annex

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)?

Supporting comments

As mentioned above, two-thirds of ATL Cymru members said they would support the use of job roles over job titles.

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

Nursery Nurses

Play and learning coordinator

Family engagement officers

Behavioural support assistant

Emotional literacy support assistant

Speech and language support assistant

Assistant SENco

We would particularly note those in early years settings who should be included within the EWC's registration arrangements.

Members were concerned about those members of the support staff workforce who will not be expected to register with EWC. Members noted there should be parity of esteem with other support staff colleagues, including pay and training opportunities.

Safeguarding

Members highlight the confusion about the reason to register learning support staff. The Education Workforce Council's aims include to:

“safeguard the interests of learners, parents and the public and maintain public trust and confidence in the education workforce”

Our members suggest that the current recommendation for who should be registered **does not safeguard learners** at it does not include the registration of enough of the education workforce.

For example, the suggested list of exemptions includes the 'attendance and inclusion officer'. As money is increasingly delegated to schools from local authorities, schools are expected to 'buy in' such services. The school therefore employs people directly, who may previously have been **registered** social workers with the local authority. These people are not expected to register with the EWC, which is a concern for our members. They also believe having different registers (EWC and Care Council Wales) could be confusing and cause safeguarding issues.

Our members would like to have the safeguarding assurance registration brings. It would also help ensure that those in the education workforce, but not currently eligible for registration with EWC, are equally entitled to CPD and pay opportunities

Annex

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)?

Supporting comments

As detailed above, we have concerns about parity of esteem with other support staff in schools.

One member who answered our survey suggested that 'examination officers' should not be expected to register.

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.

Comments

Cost of registration

93% of members surveyed were concerned about the cost of registration. ATL Cymru believes no one should be expected to pay for their own registration if they **earn below the living wage**.

Access to CPD

The Consultation does set out learning support staff as part of the education workforce, and it could be supposed that increased access to Continued Professional Development could form part of this:

"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."

We broadly welcome the increased professionalisation of the education workforce, especially the extension of CPD opportunities to those in support staff roles. However, we would have serious concerns about introducing minimum qualifications for support staff without the proper support for them to achieve these.

Minimum qualifications

Whilst four out of five (82%) of our members were supportive of minimum qualifications in principle, many raised the following concerns:

Training should be during paid hours

How will training be paid for?

How will experience be valued?

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More than half (57%) of members who answered our survey felt that **Welsh Government should pay for any update to training** which learning support staff need to take should minimum qualifications be brought in. 25% felt this should be the local authority's responsibility, whilst only 7% thought schools should pay and 7% support staff themselves. 3.6% felt EWC should pay. Many commented on the cost of registration and said it should be based on **actual wages rather than type of registration**. Many also pointed out that support staff have term-time only contracts, and that if they are to be registered as professionals they should be treated as such.

One commented: "If we are required to register to a professional body, we need to be valued and paid appropriately. A full job evaluation and set standards of pay should be established with recognised qualification requirements for a tier based career structure for TAs and HLTAs in the same style as teacher career progression".

Availability of courses

Over a third (35%) of respondents thought they would have **trouble accessing courses in their local area**. With availability of suitable courses and time to under-take them given as examples of why it would be difficult.

The restricted access to community and adult learning opportunities, through the shrinking of the FE 'offer' to those over 19, will also have an impact on the availability of courses available to obtain these qualifications.

One commented: "I took extra qualifications which I paid for myself, but I did have to travel and it cost quite a lot and took up a whole evening every week and also time for homework, revision etc. Plus I had to take two mornings off to sit the exams. I was lucky the school gave the time off with pay, how many will?"

Whilst another said: "I have wanted to take a Level 4 teaching assistants NVQ equivalent qualification for several years but have always been told that these courses are only available in England. So if the Welsh Government are going to require a minimum qualification then they need to make sure that these qualifications are available in colleges in Wales."

These responses chime with members' experiences in Further Education at the moment. Indeed, FE colleges are facing 6% cuts to their budgets, with some courses being cut. Welsh Government needs to ensure the funding and courses are available before setting minimum qualifications.

Support worker contract

Registration with EWC is an ideal opportunity to introduce a fair support worker contract, which guarantees a living wage for the whole education workforce.

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Whilst teachers are expected to be NQTs or have QTS to register with the EWC, FE lecturers are expected to be on the FE lecturer contract, and therefore have no minimum qualifications.

Support staff are often poorly paid and would have limited funds and access to courses allowing them to gain these minimum qualifications.

ATL Cymru firmly believes in fair pay and conditions for support staff and now is a perfect opportunity to implement this.

The registration of learning support staff could be used in a similar way that the registration of FE lecturers meant they all had to be on the same contract. The expectation for learning support staff to register with EWC should come hand in hand with a **support worker contract**.

Communications plan

Learning support workers will be expected to adhere to the **code of practice** which is set by the EWC, and may be reported to the EWC for matters relating to their competence or conduct, as is the case now with teachers.

We are concerned that a **clear communication plan** needs to be engaging learning support staff now, to ensure they are ready for this next April, and aware of their responsibilities in terms of registration.

Consistent registration

We have particular concerns that those registering with the EWC may, or indeed may not, include those who work within a day care setting other than in schools.

We would also be concerned if early years professionals are not included within the education workforce as the Donaldson Review looked at education from 3 – 16 years. We would be concerned should children be following a separate curriculum outside of school nursery settings and would hope that the whole early years workforce have the same CPD and other opportunities.

We stated clearly in our response to the early years workforce consultation that the workforce should be able to move freely between school and other day care settings, without having to register with both EWC and the Care Council. For full details please see our early years workforce consultation response [here](#) and our response to the Regulations and Inspection Bill [here](#).

Role of the Education Workforce Council (EWC)

The expansion of the role of EWC as more than just a regulatory body is a concern. With the expectation of minimum qualifications for learning support staff and an increase in CPD expectations for registrants, together with collecting an increased fee and having a board appointed by the Minister, the EWC is in danger of losing the respect of the workforce, in the case of the learning support staff, especially in FE settings, before it has registered them.

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CR 20

Name:

Organisation: NASUWT

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?

Agree/Disagree/Don't know

Agree

Supporting comments

The NASUWT agrees with the proposal subject to acceptance of the thrust of the amendment proposed for paragraph 6.13, suggested in paragraph 4 of this response.

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)?

Supporting comments

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.

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)?

Supporting comments

The NASUWT maintains that it must be made clear that if a practitioner in any of the categories listed was used, albeit on a very infrequent basis, to carry

Annex

out a specified activity, the employer would be a duty to inform them of the need to register.

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.

Comments

The NASUWT notes that the proposals have not addressed the anomaly, identified by the Union in previous responses on the establishment of the EWC, that requires workers in the FE sector who do not hold an FE teaching qualification (this could include lecturers and instructors who, in relation the classification of school teachers (qualified and unqualified), could be classified as 'unqualified teachers' pay range) will have to register as school learning support workers.

The NASWUWT cautions that this situation will create obvious disparities and inequalities in the registration fee between unqualified teachers and unqualified FE teachers, with the latter group being financially disadvantaged.

CR 21

Name: Martin Ward

Organisation: Association of School and College Leaders (ASCL)

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?

Agree/Disagree/Don't know

Agree

Supporting comments

ASCL is content with the proposals as made. It will be important to ensure that the definition of "school learning support worker" 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 that proviso, ASCL welcomes the approach.

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

Annex

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)?

Supporting comments

N/A

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)?

Supporting comments

N/A

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.

Comments

N/A

CR 22

Name: Nicholas Griffin

Organisation: Voice Cymru

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?

Agree/Disagree/Don't know

Neither agree nor disagree

Annex

Supporting comments

Some clarification is needed as the definition given in paragraph 6.13 captures certain duties, as defined by statute, which apply predominantly to HLTAs. 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)?

Supporting comments

Again, some clarification may be required (see above), but the following categories/roles may also come under this designation:

Special training assistant
Learning mentor
Learning support worker
Support worker
Nursery nurse
Nursery assistant

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)?

Supporting comments

Family liaison worker/assistant,
Accounts clerk,
Mid-day supervisor,
Exam invigilator,
Facilities officer

Annex

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.

Comments

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.
