

Number: WG44232

Welsh Government
Consultation – summary of response

New registration categories for the Education Workforce Council

Proposals to add to the categories of those required to register with the
Education Workforce Council

September 2022

Overview

This report presents a summary of the views and perspectives held by respondents with regard to some inconsistencies in the current registration requirements of those working with our young people.

Action required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: <https://gov.wales/new-registration-categories-education-workforce-council>

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Introduction

1. Those working in education and youth work are at the core of helping learners fulfil their potential as valued members of society. The Welsh Government seeks to positively reinforce the professionalism of this vital workforce.
2. A consultation ran between 1 March 2022 and 24 May 2022 and sought opinion about how some inconsistencies in the current requirements of those working with our young people could be rectified. The Minister for Education and Welsh Language is grateful to those who took the time to respond to the consultation. Your views will help to address the inconsistencies through new legislation.
3. It is our plan to introduce new legislation in spring 2023. This will enable the EWC to introduce the new categories of registrations by September 2023. The Council will need to undertake preparatory work to get to this point. This will include a programme of engagement with employers and prospective registrants to explain the new legal requirements.
4. These proposals support the work to review the current arrangements for regulating independent schools in Wales. The review seeks to identify the necessary changes to the relevant independent school regulations to reflect current Welsh Government policy. The changes will ensure they safeguard and protect the wellbeing of learners in independent schools.
5. A range of views were received from 338 responses. This document summarises the key themes from the responses. However, given the high prevalence of self-selection in responding to the consultation, this analysis should be considered to provide an indication of some of the views and perspectives held by the public, rather than a definitive account of people and communities across Wales.

How does registration currently work?

6. Professional standards within the education workforce in Wales are regulated by the Education Workforce Council (EWC). People working in the following categories are required by law to register:
 - School teachers in maintained schools
 - Learning support workers in maintained schools
 - Further education teachers
 - Further education learning support workers
 - Work based learning practitioners
 - Qualified youth workers
 - Qualified youth support workers.
7. The register is available to the public via the [EWC's website](#). Currently, the EWC has approximately 80,000 registrants.

Our original proposals

8. This consultation was opened because it had been brought to our attention that there are gaps in the current registration requirements. These gaps mean the level of professional regulation differs across the education workforce, even when individuals are carrying out the same or very similar roles.
9. In addition to the current groups of registrants, it was proposed that the following categories would be required to register with the EWC:
 - Teaching staff and learning support workers at independent schools
 - Those working in specialist FE institutions, also known as ISPIs
 - Practitioners providing community based adult learning for or on behalf of a local authority
 - Those who only deliver higher education courses at FE institutions
 - Publicly funded WBL providers who are not funded directly by the Welsh Government to deliver apprenticeship programmes
 - Principals and senior leaders (including Chief Executive Officers) in non-teaching roles in post-16 institutions and work-based learning practitioners.
 - Qualified and paid youth support workers and youth workers working in all settings.
10. It was also proposed to require paid but unqualified youth workers and youth support workers to register. Following responses to the consultation it has been decided not to proceed with introduction of registration requirements for unqualified paid youth workers or youth support workers at this time. However, the comments we received will be used to undertake further work with our stakeholders on how best to address this issue.
11. The proposals did not intend to limit the freedom to organise and deliver education. In adding these categories to the requirements to register the aim was to:
 - Strengthen the safeguarding measures in place to protect learners and staff
 - Provide parity for those working in similar roles
 - Ensure a level of professionalism across all parts of education sector
 - Set expected behaviours across the sectors
 - Provide staff across the education sector access to a range of training and development tools provided through the EWC
 - Provide a route for individuals or organisations to raise concerns and have those concerns investigated independently.

Respondents

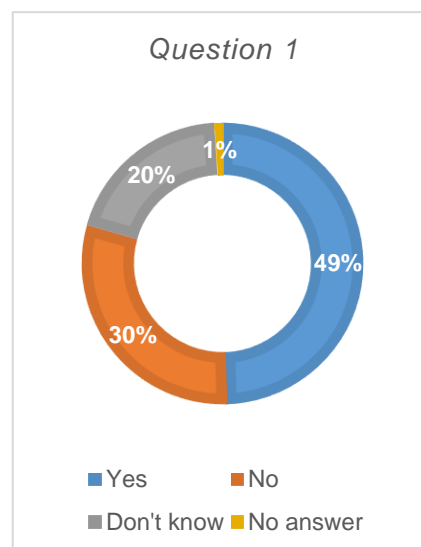
12. The consultation received 338 responses from a cross-section of society, including the public, trade unions, regulatory bodies and various representative bodies, mostly within the education sector in Wales.

13. A total of 138 responses were provided where no name or organisation was given, or where the respondent asked for their response to be treated anonymously. Wishes expressed by respondents to remain anonymous have been respected throughout this summary report. A list of respondents is provided at Annex A.

Summary of responses about staff working at independent schools

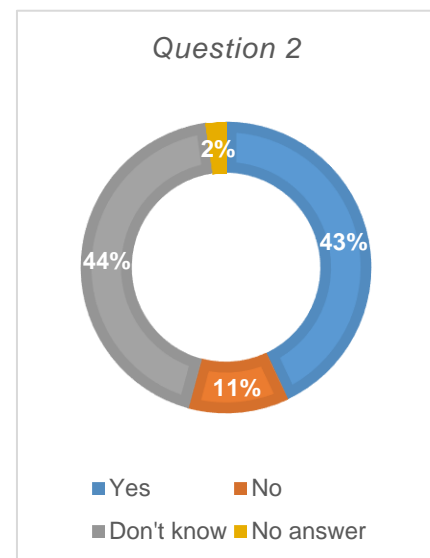
14. Following her 2020 review of the exercise of functions of the Welsh Government under Section 72B Care Standards Act 2000, the Children’s Commissioner for Wales recommended the Welsh Government widen the scope of the EWC to require registration of staff at independent schools. The Welsh Government [accepted](#) the recommendation, and so our consultation proposed a requirement for staff at independent schools to register with the EWC.
15. The following sets out a summary of the responses received for questions which sought to establish views on the proposals to require some staff working within independent schools to register with the EWC. There was overall support for the proposals and so draft legislation will be drawn up to include teaching staff and learning support workers at independent schools.

16. There were 204 responses to Question 1 – *Do you agree registration should be broadened to include some staff working at independent schools?* Of these, 49% of respondents agreed that registration should be broadened and 30% did not agree with the proposals. In addition, 20% were unsure and 1% did not give an answer to this question but provided comments.



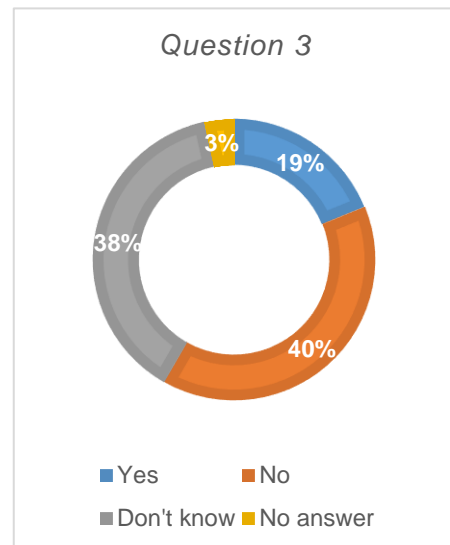
17. Among those in agreement, the general feedback was that requiring registration of staff at independent schools would ensure better safeguarding and make sure standards of professional conduct are maintained. Ultimately, it would create consistency across the education sector and parity with maintained schools. It was also highlighted that by allowing extra categories, those with teaching qualifications that are not currently granted EWC registration as a teacher would be held to the same standards as teachers.

18. However, many respondents were not convinced by the benefits of registration and felt that there were already various checks and procedures to ensure that the most suitable staff were appointed, with mechanisms in place for dealing with non-compliance and disciplinary matters. Concerns were also shared regarding the additional costs which would be incurred as well as the additional administrative burden. There would also be issues around recruitment, with some categories of staff unable or unwilling to register with the EWC. There was a feeling that any changes would need to be justified and require a sound evidence base.
19. A number of respondents highlighted the uniqueness of independent schools and felt that the proposals were a step too far, resulting in unnecessary interference and state-run control and regulation. They felt that it challenged the independent nature of independent schools and the freedom it gave them to develop and meet their diverse needs.
20. There was also a comment regarding specialists that independent schools can access. These individuals are often freelancers who do not have the same qualifications as teachers. They provide real benefit to independent schools and there was a worry that requiring registration would limit their availability.
21. There were 179 responses to Question 2 – *Is the description of 'specified work' in [regulation 17 of the Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#) broad enough to cover the roles and responsibilities of teaching staff at independent schools?*
22. Of these, 43% agreed that the description was broad enough and 11% did not think it was. In addition 44% were unsure and 2% provided comments but did not give an answer to the question.
23. From the comments made, the consensus was that the description appeared sufficient and was in alignment with the responsibilities of teaching staff within the maintained sector. There were suggestions that it could be expanded to include the roles of advisory and peripatetic staff as well as those involved in co-curricular activities.
24. It was highlighted that the definition for 'qualified teacher' should be clarified and that a wide range of teaching qualifications should be considered. QTLS (Qualified Teacher Learning and Skills status) should be recognised as there appeared to be teaching staff at independent schools who hold this qualification.
25. There were a few comments querying the framing of the question, as they felt it inferred that the respondent was in support of registration.



26. Question 3 gave a list of roles which were considered to fall into the category of school teacher within independent schools. The question asked if there are other roles which could be included.

27. There were 175 responses to this question. Of these, 19% of respondents felt that there were other roles within independent schools which should fall into the category of school teacher and 40% felt the categorisation was fine as it currently stands. In addition, 38% were unsure and 3% did not answer the question but left comments.



28. It was highlighted that there should be consistency with all schools across the education sector. Some suggested that the categories should not just relate to independent schools but also mainstream schools so that all forms of teaching require EWC registration.

29. Although it is a comprehensive list, a number of respondents felt that youth workers should be included within the school teacher category. Outdoor activity instructors, unqualified teaching staff, headteachers with teaching were among the other suggestions. It was suggested that anyone who works in a vocational role should be included.

30. One recommendation was that there should be a degree of separation between those teachers who teach the curriculum and those involved in extra-curricular activities outside the classroom.

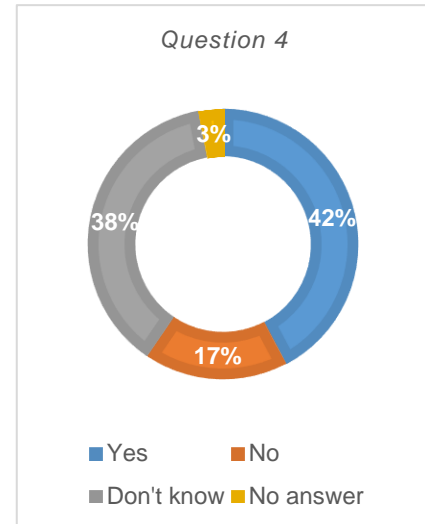
31. A number of responses suggested that categorisation should be defined by the duties and responsibilities of staff rather than just the job title and should consider staff at all levels. One respondent warned of the dangers in using a broad-brush approach and if used across other categories, would create barriers in the appointment of staff.

32. Further clarity was also required around the terminology used. It was highlighted that the proprietor may also be the person responsible for leading the learning or have a range of job titles. In other cases, they may delegate learning responsibility to another individual.

33. There were a few respondents who felt that peripatetic teaching staff such as music and sports teachers should not be included in the same category as school teachers (unless they are employed directly by the school). This is because teaching is just one aspect of their career and they would normally have different commitments outside of independent schools. If registration is required, it would have an impact on the availability of peripatetic staff and affect partnerships independent schools have with academic organisations.

34. Question 4 described the roles and responsibilities of learning support workers and asked whether they are broad enough to cover those at independent schools?

35. Of the 168 who responded to this question, 42% felt that the description was broad enough to cover all the roles and responsibilities of learning support workers at independent schools. However, 17% disagreed, 38% were unsure and 3% provided comments but did not answer the question.



36. There was a wide range of comments for this question. It was felt that the description would need to incorporate the variety of roles that support staff hold. Among the suggestions for inclusion was the supervision of learners, to assist in the preparation of resources for specific subjects and to support learners with well-being. It was highlighted that support staff are also involved in many co-curricular activities, so this would need to be considered.

37. It was also suggested that it should reflect the specific support for those pupils with additional learning and support needs. Rather than just supporting learning, it was suggested the guidance could be strengthened to include support for pupils' health and medical needs as well as managing challenging behaviours within the classroom.

38. It was identified that because every school was different, the description needed to be adaptable. Given the breadth of qualifications and experience among staff, one respondent felt that a single category for staff should be sufficient. Another felt that the delivery of lessons required definition. One suggestion was that the description should include leadership roles too.

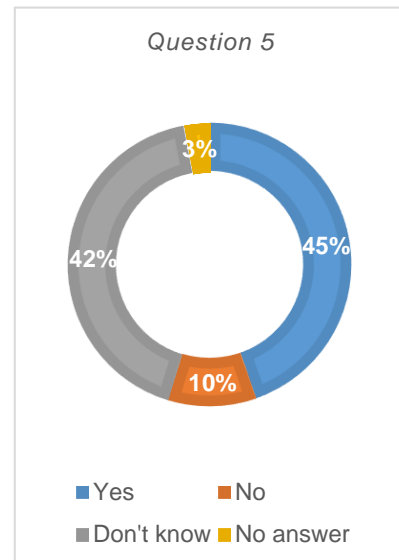
39. There were a couple of comments that suggested that support staff are only there to support teaching staff and are not teachers themselves, so should not be considered in the same way.

40. Similar to the previous questions, there was also support for consistency with the categorisation in maintained schools.

41. One comment identified that there should be clear exceptions for teachers of religious faiths in both a school and church context.

42. Finally, there was a suggestion that individuals who carry out professional roles within schools (i.e., speech and language therapists), and are already registered to professional bodies should not need to register with the EWC.

43. Question 5 set out a list of the roles within independent schools which were considered should be included in the learning support category and asked whether it was complete. Of the 170 responses to this question 45% felt that the list covered all the roles which should be included. However, 10% disagreed with 42% unsure. The final 3% did not provide a response but left a comment.



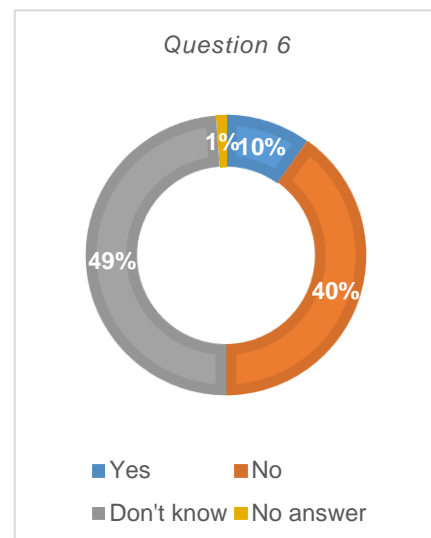
44. Youth worker roles and careers advisors were among the most popular suggestions for roles to add. Other suggestions included sports coaches, supply staff, boarding staff, administrative staff, health and well-being staff, religious chaplains and grounds staff. Freelance staff and professionals who attend to host workshops should also be considered. It was highlighted that there are numerous job titles for similar roles which would need to be consolidated.

45. There were a few comments regarding the categorisation of staff. It was felt that the role being undertaken should determine whether registration is required rather than the job title. One such example was headteachers or deputy heads who may have some teaching or support commitments but are not categorised in the same way.

46. Among the other comments, it was felt that pastoral assistants should not be included within the learning support category. It was also highlighted that an independent school should be able to create a new role as and when it is required.

47. There was also an indication that the category should be reviewed and maintained on a regular basis.

48. Question 6 asked *Do you think there are there any other groups of staff employed in independent education settings who should be required to register with the EWC?* Of the 172 responses received, 40% did not think there were any other groups which should be included and 10% thought there were other groups which should be added. In addition, 49% were undecided and 1% did not provide a response to this question but left a comment.



49. There was a wide range of suggestions for groups which should be included. Examples include peripatetic staff, outdoor education staff, youth workers, catering staff, sports coaches, careers advisers and therapy staff. There was a suggestion that all staff working within schools should be included regardless of role (including headteachers). This would also include non-educational staff who may still come into contact with pupils such as cleaners, caretakers and catering staff.
50. It was suggested that all therapeutic staff should be required to register with the relevant professional body. If not, they should be required to register with the EWC. Freelance staff were also suggested but a concern was raised around the effect this would have on costs as they would have other commitments outside of independent schools.
51. Another recommendation was those staff who are not directly employed by the school but are suitably engaged on a regular basis. An example would be voluntary staff as they may have similar responsibilities to those employed by the school full-time. A separate set of criteria similar to those used for EWC registration was suggested.
52. Like the responses for previous questions, a small number of respondents felt that independent school staff should not need to register with the EWC. Added costs and bureaucracy in recruiting new staff were some of the reasons given, as well as the feeling that sufficient safeguarding procedures are already in place.
53. Question 7 offered the opportunity to add any further comments on our proposals for requiring registration of staff of independent schools. A total of 56 respondents left comments.
54. The majority of which disagreed with the proposals and touched on a number of issues that had been brought up in the responses for previous questions. It was felt that a suitable system was already in place and that the proposals would duplicate what was already available whilst presenting additional costs for schools. Respondents did not think it would necessarily change anything and wouldn't directly improve safeguarding above what was currently in place.
55. Many respondents also felt that the proposals would negatively affect teaching and support staff. Groups of staff such as freelancers and volunteers including those in the arts and music industries would be most affected as they would have other commitments and costs outside of independent schools. The consensus was that it would create a staff shortage within these areas which would affect the enrichment activities provided to children and young people who attend independent schools.

56. The comments also felt that the proposals closely correspond to the requirements used in maintained schools and failed to recognise that independent schools operate in a different way. It was highlighted that the benefit of being an independent school was the flexibility to be able to recruit the most appropriate and effective staff in order to meet the requirements of the pupils who attend. Many respondents felt that there was already too much state interference and requirements placed on independent schools and the proposals would only add to this.
57. However, there were several comments that were in agreement with the proposals and felt that there should be parity with maintained schools. These respondents felt that staff working within education establishments should be registered. They felt that change was essential to protect learners, the reputation of the profession and to uphold conduct standards.
58. Although in agreement, a couple of respondents felt that faith views should be independent and that churches should not be part of these changes. It was felt that these might affect volunteers who were paid by the church to assist and support learners in independent schools.
59. Among the other comments, it was felt that the proposals did not consider the number of various qualifications teachers hold in independent schools. QTLS was identified as qualification that should be acknowledged, as well as those who hold a PCET PGCE.
60. There was also a comment on temporary opportunities offered to university graduates who may come into independent schools and therefore have a high degree of contact with learners. Their roles are often loosely defined and would not necessarily fall into any of the categories contained within the proposals.

Summary of responses about youth workers and youth support workers

61. The [Interim Youth Work Board's report](#) recommended that the “Welsh Government should strengthen the current Education Workforce Council (EWC) legislation so that the gaps in registration criteria are closed”. The Board believes implementing this recommendation will address “a fundamental safeguarding issue arising in relation to youth work services, thus ensuring that all youth work in Wales takes place in safe and secure environments” and will “help to improve standards within the youth work sector by ensuring that all youth workers are registered and qualified to work with young people”. These views are similar to those expressed by some stakeholders in response to the previous consultation ahead of registration being brought in, including the view that regulation can help drive up the quality of youth work provision and help raise awareness of the impact of youth worker interventions, as well as creating parity across the education workforce.

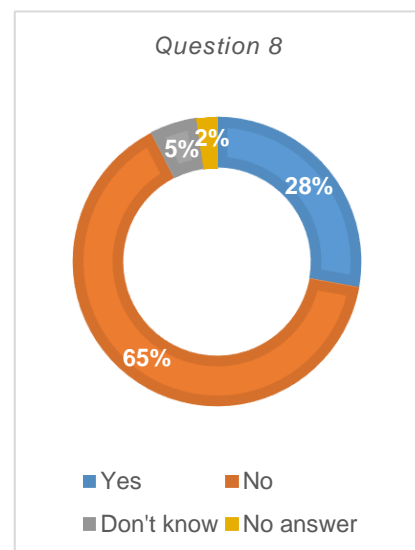
62. Overall the responses were supportive, with the exception of those submitted by the religious sector and many in the arts-based sector who largely opposed the proposed registration requirements. A consistent message across the responses, including those from these sectors, highlighted a need to clearly set out who would be considered a youth worker or youth support worker in terms of the provision being delivered to young people. Therefore the introduction of registration requirements for unqualified paid youth workers and unqualified paid youth support workers will not proceed at this stage. This will enable further stakeholder engagement to develop a clearer understanding of youth work for the purposes of registration. All interested sectors will be involved in that engagement.

63. The intention is to draft legislation to require the following groups to register with the EWC:

- paid qualified youth workers (with provisional registration for those working towards qualified youth worker status) in any setting; and
- paid qualified youth support workers (with provisional registration for those working towards qualified youth support worker status) in any setting.

64. The following questions sought to establish views on the proposals to update the categories of youth workers and youth support workers who are required to register with the EWC.

65. Question 8 asked *Do you agree registration should be broadened to include all paid youth workers and youth support workers regardless of the setting they work in?* Of the 266 responses received, 28% agreed that all paid youth workers and youth support workers should register, 65% disagreed, 5% were unsure and 2% provided a null response.



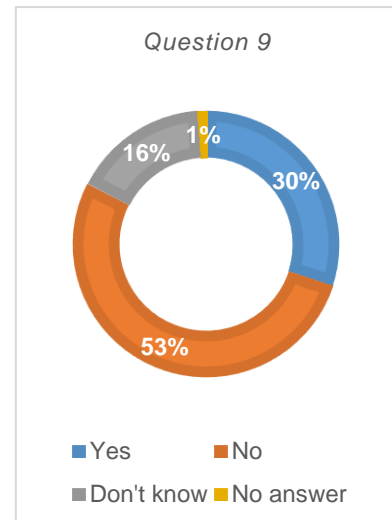
66. The majority of respondents thus disagreed with the proposal to extend registration to all paid youth workers and youth support workers.

67. However, the majority of those respondents who are not supportive of the proposal (127 of 172, 74%) are attributable to a campaign organised by the Evangelical Alliance. This campaign seeks to highlight concerns about extending registration to faith-based settings, in particular raising concerns about the following key issues:

- That the need to register represents an attempt to restrict Christian teaching by youth workers in faith-based settings through the imposition of secular codes of conduct.
- That the regulation of the work of church youth work threatens to place the authority of the state over the freedom of the churches.
- That churches are already required to be regulated by the Charity Commission and that existing safeguards are adequate and proportionate.

- The campaign responses also highlight the concern that the requirement to register all paid staff with the EWC creates an unnecessary, additional bureaucratic burden which will impact on the ability of churches to deliver youth work services and lead to a reduction in provision.
68. The remaining 46 respondents who oppose the extension of registration represent 32% of total responses when the campaign responses are set aside. Comments from these respondents focused on the need for Welsh Government to clearly define the role of youth worker and youth support worker to avoid overreach. This was of particular concern to the youth arts sector with notable responses from the Arts Council of Wales and Youth Arts Network Cymru who consider the need to register arts practitioners working with young people often on a freelance basis to be disproportionate, particularly when many practitioners are already governed by their own professional bodies.
 69. A similar concern was expressed by South Wales Police in respect to its Youth Volunteer Scheme with a call for a distinction to be made between those who are professional youth workers in paid roles and those who undertake elements of youth engagement as a small part of their role. There was a call for Welsh Government to recognise that existing safeguarding provisions are adequate with limited evidence presented to demonstrate that a requirement to register with the EWC would lead to a reduction in safeguarding risk. There was an additional concern about the cost of registration on individuals and the administrative burden placed on organisations already struggling to maintain services.
 70. There were 74 respondents who agreed that registration should be extended to all settings. This represents 52% of those not associated with the campaign responses. Many of these responses focused on the importance of registration being extended to all settings to ensure consistency and as a means of ensuring more robust safeguarding.
 71. Many of those supporting the call for registration to be extended to all settings link registration with qualification, specifically JNC recognised youth work qualifications at level 2, 3, 6 and 7, arguing that this would reinforce the professionalism of the workforce and further establish youth work as a recognised education profession.

72. Question 9 asked *Do you think students currently working towards a youth work or youth support worker qualification should register?* Of the 183 responses received, 30% agreed, 53% disagreed, 16% were unsure and 1% provided a null response.



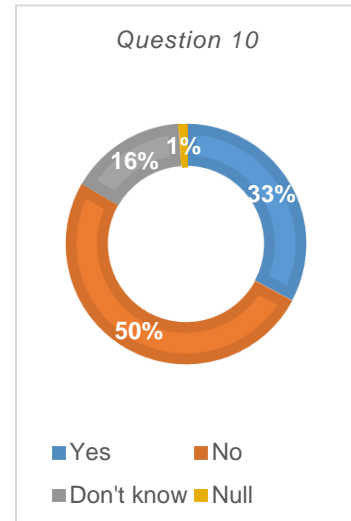
73. Just over half of the respondents to this question disagreed with the proposal to introduce a registration requirement for those working towards a qualification.

74. Comments from those who did not support this proposal expressed concerns that registration requirements could present a barrier to individuals going into youth work, for example because of the registration fees. Others felt that students should only register if they were also in paid employment, while some felt that individuals should only register once qualified. Several respondents questioned parity in terms of the registration of teachers in training. The Principle Youth Work Officers Group was opposed to compulsory registration of students, but noted the benefits of registration to the individual in terms of professional development and suggested that registration for students should be offered on a voluntary basis instead. There was a large response to this question from the religious sector, which opposed the registration of youth workers based in faith settings for similar reasons to those set out for question 8.

75. Some of the comments from those in support of this proposal noted the benefits of registration to students in terms of their professional development. Others felt that it could provide a better understanding of the workforce and improved safeguarding for young people. Some felt that because students are in contact with young people they should abide the same code of conduct and standards as those across the profession. It was also noted by some respondents that the registration of students studying towards a qualification should be on a provisional basis, with consideration about an appropriate registration fee, until they are fully qualified.

76. Of the respondents who answered "don't know" or provided a null response, some questioned parity with students in other professions; consideration of what setting the student would be working in and the appropriateness of registration on that basis; and consideration of the fee levels for students.

77. Question 10 asked *Do you think people who are paid and delivering youth work, but who are not qualified, should register?* There were 193 responses received. Of the responses, 33% agreed that people who are paid and delivering youth work but who are not qualified should register with the EWC, 50% disagreed, 16% were unsure (of which 12 were campaign responses) and 1% provided a null response. Of those who disagreed, 50 responses can be attributed to those supportive of the Evangelical Alliance campaign.



78. The need to clearly define what is meant by 'youth work' in order to provide clarity regarding who should register was reflected in many of the comments. In particular, questions were raised around whether individuals employed by organisations to work with young people, for example as qualified paid outdoor education instructors in the arts, sports etc. would be required to register. The Council for Wales of Voluntary Youth Services (CWVYS) added that such workers are delivering specialist services, which enable young people to participate in youth work-based activities as part of an overall menu of opportunities for young people.

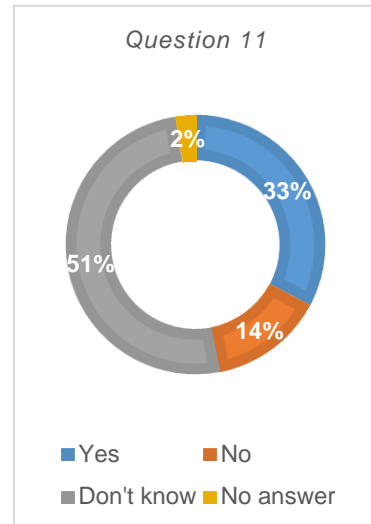
79. Some respondents, including Estyn and the Principle Youth Officers Group, expressed that individuals delivering paid youth work should only be registered if they are qualified, and advocated the importance of encouraging such individuals to work towards qualification to ensure consistency and quality of service, and uphold the professional status of youth work.

80. Some of the comments in support of this proposal expressed that requiring paid unqualified youth workers to register would better safeguard young people; maintain standards, consistency and professionalism of services; and uphold the professional status of youth workers. However, there were a few comments around cautiousness to not undermine the qualified status of youth workers and it was suggested that there should be a separate provisional registration category for paid unqualified youth workers.

81. Further comments included concern about registration requirements deterring people from entering the youth work profession. There was also concern this proposal would set an expectation for those employed to deliver youth work to qualify as youth workers. There were some questions about why existing safeguarding procedures in organisations were not sufficient, and a suggestion that the requirement for paid youth workers to register should be based on a minimum number of hours worked.

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

83. Of the 162 responses received, 33% agreed, 14% disagreed and 51% were unsure. The majority of responses to this question therefore did not know if the list of qualifications should be removed from the Order. However, this could be expected as some people will be less concerned about where the list of qualifications is held as long as it is clear and easy to find and up to date.



84. Overall there was a recognition amongst respondents that the current list of qualifications being held in Schedule 1 and 2 impacts on the ability to update it regularly in line with changes to youth work qualifications. It was recognised that the changes proposed will add flexibility to update the qualifications as needed. However there was also a need to ensure that the approval of qualifications on any future list must remain robust and based on the professional quality of the course. Education Training Standards (ETS), as the endorsers of youth work qualifications in Wales, was suggested by some as the organisation who should have responsibility for updating the list. In response to question 12, it was noted that ETS could also have responsibility for updating the list working with the Education Workforce Council.

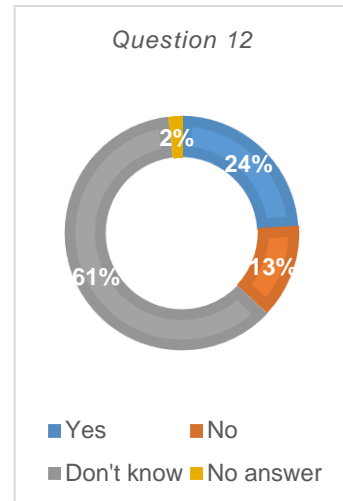
85. There was some concern that removing the qualification list from the schedule could make it difficult for those with historic qualifications and employers to find information on equitable qualifications.

86. Some respondents indicated specific qualifications were missing from the current list. One respondent noted that the qualifications needed for work based learning was not included, but did recognise that this may be as they are not mandatory for this sector.

87. There was recognition that in developing an updated list, consideration should be given to those qualifications held in other parts of the UK and the wider world which would be equivalent but may not currently be listed.

88. One respondent suggested a new Youth Workforce Council should be established to oversee youth work as a growing sector.

89. Question 12 asked if the list of qualifications provided at Annex A is the current list for youth workers and youth support workers. There were 162 responses to this question. Of the responses, 24% agreed that the list of qualifications was correct, 13% disagreed and 61% were unsure.



90. In asking this question it was anticipated that the number of respondents that would be aware of the accuracy of the list of qualifications may be limited. However, this provided an opportunity for respondents to note where there may be omissions which can be added to the revised list.

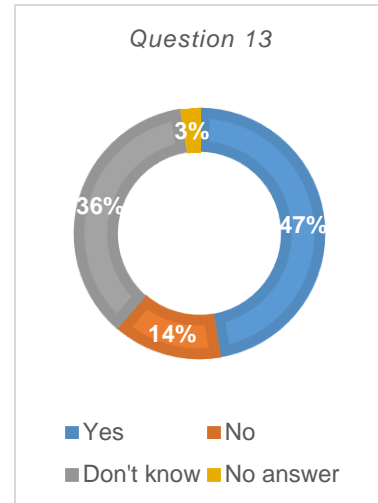
91. In addition to the comments raised under question 11, it was noted by Estyn that it would be helpful to build in a periodic review of the list to ensure it remains current. Several respondents recommended that Education Training Standards (ETS) would be best place to undertake this work.

92. There was a suggestion that there are many omissions from the list as it lacked flexibility to consider omitted qualifications. It was considered this could cause inequality of opportunity to work or join the workforce, especially if qualifications currently held by individuals had expired or were not currently listed.

93. A number of responses received from faith-based organisations included suggestions that there should not be formalised qualifications as youth work has a variety of execution, that employers should be able to adapt the list as needed for specific roles, and youth work qualifications may be irrelevant for faith-based education.

94. Several respondents noted that the list currently is based on just youth work qualifications, noting that there may be some individuals working in the sector but with other qualifications (which could include qualifications in art, sport or media for example) and may have been employed for their expertise/qualifications in those areas, but who are using youth work methodologies to deliver their services or provide support, would be outside the scope of registration.

95. There were 163 responses to Question 13 which asked 'Do you agree additional information should be provided in the 2016 Order to clarify the difference expected in qualification levels between a youth support worker and a youth worker?'. Of the responses received, 47% agreed, 14% disagreed and 36% were unsure. A further 3% were null responses.



96. Many respondents were supportive of the additional information being provided to be provided to add clarity to the differences between the youth support worker and youth worker level of qualifications.

97. Many respondents agreed that the wording should be amended to provide greater clarity between the various levels of qualification and how they align to the job titles of youth support worker and youth worker. The Principal Youth Officer's Group recommended that levels 4 and 5 are included in any new Order at Youth Support Worker level. Several responses asked for clarification of the difference between the level 2 certificate and award to achieve 'youth support worker' status, and for a timeline for those with the level 2 certificate to undertake the level 2 award to achieve that status. This proposal was also supported by both Education Training Standards and the Education Workforce Council.

98. Responses also indicated that a common understanding needs to be developed about the differences expected at each level of registration including the difference in pricing.

99. Some of the responses noted that consideration needs to be given to people who are not qualified youth workers but who have other professional qualifications and transferable skills, and who are not covered by either the qualifications listed, or the definition of youth worker or youth support worker. Some concerns were raised about the potential for people whose principal work was not youth work, but who may be using youth work methodologies to deliver that may be required to register.

100. It was noted that this list needs to include the professional progression route.

101. One respondent suggested that a basic level of competencies should be established to enable education providers to map their courses and gain accreditation. This could enable course names to be changed without affecting the fundamental qualifications needed. However, another advised that there is already a difference in the expected competencies which is outlined in the National Occupational Standards at each level.

102. Question 14 asked for any thoughts on our future work on volunteers in the youth work sector.

103. The consultation document highlighted the important role volunteers play in the delivery of youth work. It explains that we do not feel it is reasonable, proportionate or appropriate to require youth work volunteers to register with the EWC. Other approaches, such as the introduction of an informal non-regulated register for volunteers, were suggested in the consultation document and comments were invited from respondents to inform future work on registration for volunteers in the youth work sector.
104. A significant majority of respondents agreed that it was not appropriate to require youth work volunteers to register with the EWC. Comments from these respondents included that placing a requirement on volunteers to register would be disproportionate, could deter individuals from volunteering and may exacerbate current challenges to attract volunteers to deliver youth work services, particularly for smaller organisations. Some noted that requiring volunteers to register was deemed as an unnecessary level of bureaucracy and would be inconsistent with the approach taken to volunteers in other sectors and that current arrangements, for example DBS, already provide a level of safeguarding for those delivering youth work as volunteers.
105. Over 65% of respondents who oppose registration for volunteers were received from faith-based settings. Respondents on behalf of faith settings were opposed to the introduction of registration for volunteers on the basis that it would represent state interference in their work and would in addition create a heavy bureaucratic burden which could impact services.
106. A small number of respondents felt that anyone working with young people, including volunteers, should be required to register.
107. Other comments regarding registration for youth work volunteers included that omitting volunteers from registration arrangements could create a perception of a two-tiered system. It was also noted that providing a route for volunteers to register, for example via their organisation, could improve the support available to volunteers, provide enhanced safeguarding measures whilst avoiding or minimising some of the issues with regards to registration acting as a deterrent or barrier to volunteering. Given that volunteers play such an important role in youth work, some respondents argued that introducing registration arrangements would improve the data available on the numbers of volunteers across the sector and could in turn inform future work on a qualification for youth work volunteers.
108. There were 131 responses provided to Question 15 - *Please add here any further comments on our proposals for changing the registration requirements of youth workers and youth support workers*. Of these, 90 are attributable to the campaign organised by the Evangelical Alliance.

109. Some who provided a response to this question felt that all qualified youth workers should be registered, and non-qualified youth workers should be registered as 'in training', with a timeline for completing youth work training to encourage attainment in the field and not discourage people working towards qualifications. In addition, some noted that the requirement to register must be for both the voluntary and statutory sector.
110. The Principal Youth Officer Group welcomed the proposals to amend the legislation to ensure that qualified and practicing youth workers and youth support workers should be registered, closing gaps that have existed for some time. This also will provide an opportunity for registrants to receive support from the EWC in terms of professional development, as well as recruitment and training.
111. The Children's Commissioner for Wales strongly supported the proposals to extend registration for the purpose of safeguarding young people. This included students working towards a qualification. They also supported the transfer of the qualifications list to somewhere outside of the current order to enable it to be easily updated.
112. Comments from faith-based organisations suggest the responsibility of managing safeguarding lies with church trustees and others within the church. It was further suggested that the proposals would have a detrimental impact on the church and its activities.
113. It was suggested that there needs to be a clear route through youth work for volunteers, non-qualified and qualified staff to enable people to see where they want to go (career wise), and what may need to be undertaken to enable them to progress, including the pay levels that could be expected at each level. This should encourage people to undertake qualifications as appropriate.
114. CWVYS suggested that if there was no requirement for volunteers to be registered, for example under an organisational register, it could suggest that registration does not lead to greater safeguarding standards.
115. Many respondents commented that there needed to be additional clarity on what would be included in the 'not qualified but paid' element of the proposals. This is especially true in their view where people have been recruited on the basis of their knowledge or expertise, for example artists, football coaches, fire cadet instructors or to deliver religious teachings, but who happen to work with young people, rather than being youth workers, although they may be using youth work methodologies in their work. It was again noted that these changes would impact on people who are already in roles and it would need to be clear who would be responsible for paying the fees should they be required to register. It was also suggested that consideration should be given to the registration of leaders not just practitioners.

116. There were concerns raised that requiring volunteers to register could deter them from undertaking their role in youth work and could have a substantial services. It was also suggested that there are already appropriate checks in place, for example DBS checks, to provide the safeguarding needed.

Summary of responses about staff working in post-16 education

117. The consultation asked questions about proposals to update the category of those working in post-16 education who are required to register with the EWC. There was overall support for the proposals.

118. Having considered the responses, publicly funded WBL providers who are not funded directly by the Welsh Government to deliver apprenticeship programmes will not be included in the new legislation. Defining and requiring such a diverse range of practitioners to register would be an impractical administrative burden. Moreover, many people in this group may also be captured through registration in other groups. It is therefore the intention to draft legislation to require the following groups to register with the EWC:

- Those working in specialist FE institutions, also known as ISPIs
- Practitioners providing community-based adult learning for or on behalf of a local authority
- Those who only deliver higher education courses at FE institutions
- Principals and senior leaders (including Chief Executive Officers) in non-teaching roles in post-16 institutions and work-based learning practitioners.

119. A consistent message across all questions in this section related to a lack of understanding of the benefits of registration for the registrant. Clarity is needed on what the EWC provides for members of the profession, and this will be clarified in the next consultation on the draft legislation.

120. The following sets out a summary of the responses received for questions about staff working in post-16 education.

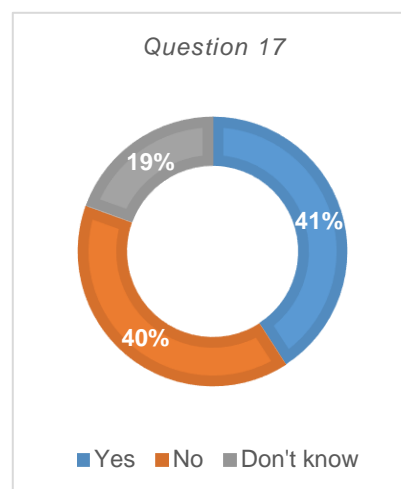
121. Question 16 asked *Do you agree all community-based adult learning providers, whether they are employed through a further education institution or a local authority, should be required to register with the EWC?* There were 162 responses.

122. Of these, 41% agreed to this proposal, especially in terms of the additional layer of safeguarding for learners and parity for teachers within the profession.

123. However, there was some discussion within the comments of the need to have a fair fee structure for teachers within adult learning who may not work the hours associated with the wider post-compulsory education and training (PCET) sector. In addition, the question of whether registration should be required for those who taught only 'one-day' classes, or who were not formal teachers (e.g., jewellery makers, etc.) but provided evening classes to supplement their income.

124. Other comments referenced the importance of having consistent standards across all sectors but again cautioned against having measures that were too restrictive for those in the third sector.

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

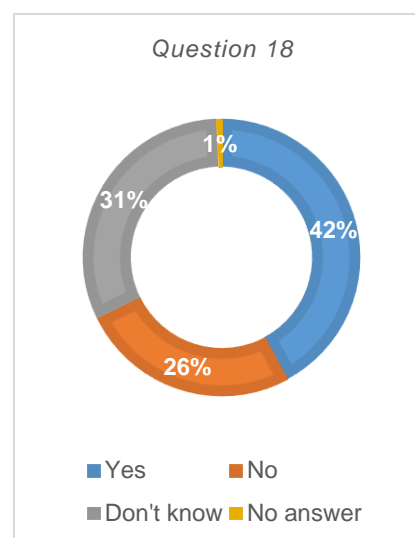


126. There were 164 responses received which were close, with 41% agreeing and 40% disagreeing. Comments by those in favour of the proposal agreed that even though they may not have any direct teaching role, principals and senior leaders were ultimately responsible for all learning that takes place under their management and as such should be registered to safeguard learners.

127. Again, there was a comment relating to parity [with schools] and with all teaching staff within the sector.

128. The comments received from those who disagreed with the proposals, included concern that it would create an unnecessary administrative burden on some providers, especially third sector providers, whose Chief Executives are distanced from learners. Questions were also asked of the benefits of registration for the practitioners.

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



130. Of the 152 responses received, 42% were in favour of the proposal. Based on the comments provided, support for the proposal was on the basis of improving safeguarding and the importance of parity across the sector, including that all HE teaching staff should be registered.

131. Of those who did not support the proposal, two questioned what had changed to the original reasoning for the exemption therefore requiring its removal.

132. There were 158 responses to Question 19 – *Do you agree with the proposition for all work-based learning practitioners employed through publicly funded programmes to be required to register with the EWC?*

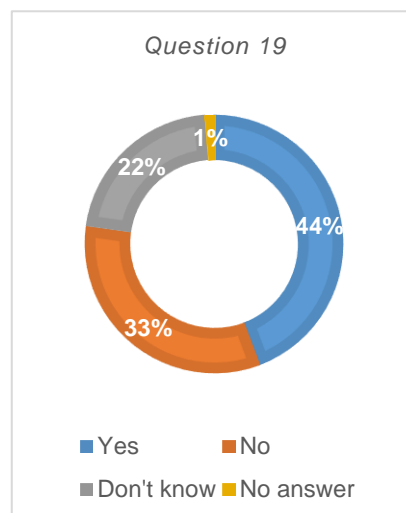
133. Of these, 44% were in favour of the proposal, stating the importance of parity across the post-16 sector and improved safeguarding. Of the other comments received, stakeholders required further clarification of the scope of registration in order to express their opinion either way.

134. There were 17 responses to Question 20 which asked for any further comments on proposals for changing the requirements for registration of staff in post-16 education.

135. The comments reflected the importance of parity across the sector and urged for greater portability for staff within colleges and schools, through some form of qualified teacher status (QTS).

136. There was concern raised again that registration should not be necessary for experts, especially those in the arts and crafts sector, who provide evening classes, or for charitable organisations and third sector volunteers.

137. Further clarity was sought by several respondents on the parameters of registration on all the questions.

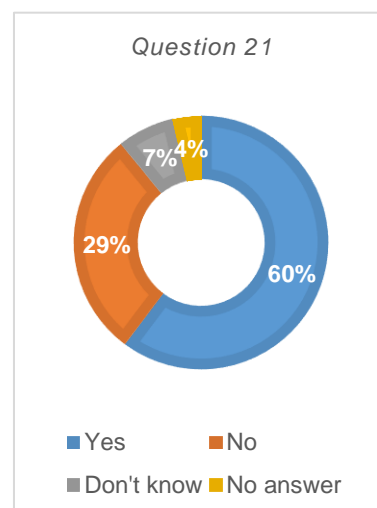


Summary of responses about volunteers working with young people

138. The consultation sought to establish views on whether volunteers who work with young people should be registered with the EWC.

139. Question 21 asked *Do you agree with the proposition not to require volunteers who work with young people to register with the EWC?* Of the 83 responses received, 62% agreed with our proposition and 31% disagreed. In addition, 7% were unsure and 4% did not answer the question but left comments.

140. The main points raised by those who agreed with our proposal included points on the cost of registration, that registration would be likely to prevent people volunteering and that DBS checks are already required for volunteers undertaking certain roles.



141. In addition, and connected to question 22, there were concerns that requiring volunteers to register would impact the number of people volunteering, deterring people and therefore further reduce the numbers of those using the Welsh language when working with our young people.
142. The EWC advised that it *'has extensive experience over many years working with regulators in education and other professions and it would be highly irregular to register volunteers. No other professional / regulatory body in education and other professions worldwide maintains a public register of volunteers.'*
143. However, the respondents who thought volunteers who work with young people should be required to register with the EWC were mainly of the opinion that whether paid or unpaid, they are still working with young people and so should be subject to the same registration requirements. There were also some arguments put forward to require the organisations who make use of volunteers to register with the EWC.
144. The Children's Commissioner for Wales understood the argument for not requiring volunteers to register with the EWC especially when it might cause a barrier to attracting volunteers. However, the response stated *'further exploration is needed as to how volunteers in education can be better supported, and how proportionate safeguarding measures can be ensured.'*
145. The Commissioner stated *'This is particularly pressing if the aspirations of the new curriculum to enable wide community involvement and experience in learning are met, and also given the developing focus on community involvement in the community schools approach. Both of these areas of educational reform may, if successful, increase the extent of community volunteering in schools.'*

Summary of responses about the Welsh language

146. The consultation asked the following questions to establish views on the effect on and opportunities for use of the Welsh language:
- **Question 22** – *We would like to know your views on the effects that our proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.*
 - **Question 23** – *Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.*

147. Question 22 received 61 responses and 42 responses were received to Question 23. Many of the comments did not consider the proposals would have any effects on the use of the Welsh language. Moreover, there were some concerns there might be an adverse effect should volunteers be required to register. It is not considered there are any issues raised through this consultation that would disproportionately affect the Welsh language and therefore alter the proposals.

Summary of responses about related issues

148. Question 24 gave the opportunity for respondents to comment on any further related issues, not specifically addressed by the specific questions. There were comments from 37 respondents.

149. The views included requiring further details to understand why the changes are necessary and how they will be applied. There were also comments raised about whether fees would be applicable and if so, what the fees will be. We will aim to clarify our intentions in the next consultation.

150. Some of our stakeholders were of the opinion some anomalies in the registration groups remain, causing safeguarding loopholes. The Children's Commissioner for Wales expressed the view that student teachers should be considered as a potential registrant group. Whilst student teachers are not required to register with the EWC, they are subject to safeguarding checks as a condition of entry to initial teacher education programmes. They are also encouraged to register with the EWC voluntarily as a school learning support worker until they gain QTS.

151. In addition, when they receive QTS they have a one year induction for which they receive a provisional school teacher registration. Following satisfactorily completing induction they will be fully registered as a school teacher. The EWC was of the opinion a similar approach could be used with respect to student youth workers and student youth support workers.

152. The Teachers' Union (NASUWT), also suggested that unqualified teachers, as prescribed by Order under section 122(5) of the Education Act 2002, be required to register with the EWC. There were also calls to include home tutors and specialists, such as Teachers of the Deaf, as a registration group. There are many issues here and so engagement with stakeholders will need to be carried out to consider these issues further.

Welsh Government response and next steps

153. The Welsh Government is grateful to everyone who took the time to respond to the consultation. As a summary document, not all the issues raised in responses will have been reflected fully, but each response has been considered carefully. Therefore, it is the intention to prepare draft legislation and to consult on this in the autumn term.

154. The question of the addition of student teachers and home tutors as registrants has not been consulted on, and so they cannot be included in this draft legislation. However, these groups will be considered for any future changes to the registration groups. However, in the meantime work will be done to explore whether there are methods for encouraging student teachers and home tutors to opt to register with the EWC.
155. The consultation did not ask questions about the appropriate level of fees for the proposed new registration categories in this consultation. Later this year there will be a consultation on the new draft regulations where a proposed fee structure will be provided for comment.

Annex A: List of respondents

A total of 338 responses to this consultation were received. Of these, 138 respondents asked to remain anonymous and a further 100 replied anonymously. In addition to the 53 private citizens who replied, those listed here are the people and organisations who gave their permission to publish their details.

Philip Blaker, Qualifications Wales
Elizabeth Brimble, Education Workforce Council
Alys Byrne, Freelance Drama and Forest School practitioner
Rocio Cifuentes, Children's Commissioner for Wales
Rebecca Cooper, ACT Training
Donna Crossman, South Wales Fire and Rescue Service
Steve Drowley, Education Training Standards Cymru | Wales
Tegwen Rosemary Ellis, National Academy for Educational Leadership
Amy Evans, ColegauCymru / CollegesWales
Owen Evans, Estyn
Benson Ferrari, St. Michael's School, Llanelli
Alistair Gittins, UNISON Cymru Wales
Paul Glaze, Council for Wales of Voluntary Youth Services
David Gobbett, Highfields Church, Cardiff
Christopher Gray, The Methodist Church in Wales – Wales Synod
Judy Harris, United Reformed Church
Diane Hebb, Arts Council of Wales
Michell Hiller–Forster, Cardiff and Vale College
Jane Honey, North Wales Fire and Rescue Service
Rhian Hutchings, Music Partnership Forum Wales
Catrin James, Urdd Gobaith Cymru
Kirsten Jones, Natspec
Sarah Jones, Youth Arts Network Cymru
Tracy Jones, Ysgol Merllyn
David Kemp, Cardiff Vineyard Church
Chris Lewis, Mess Up The Mess Theatre Company LTD
Denise Lodge, All Wales Volunteer Police Cadets
Mason Morgan, South Wales Police Youth Volunteer Scheme
Nicole Osborne, Blaenau Gwent Youth Service
Steve Perry, Trinity Healing & Revival Church
Grant Poiner, Boys' and Girls' Clubs of Wales
David Prichard, Social Care Wales
Gethin Rhys, Cytûn (Churches together in Wales)
Dr Patrick Roach, NASUWT Cymru
Kelly Rowlands, ACT Schools
Nye Russell–Thompson, Disability Arts Cymru
Clare Sherwood, The Cathedral School, Llandaff
Victoria Smith, The General Teaching Council Scotland (GTC Scotland)
David Thomas, Swansea School Improvement Service
Emma Thorpe, Purple Dog Arts Management
Mary van den Heuvel, National Education Union Cymru
CW, The Disorganisation of Wales
Alyson Watkins, Vale of Glamorgan Council
Bethan Williams, The Prince's Trust Cymru
Rebecca Williams, UCAC
David Williams, Wales Principal Youth Officers' Group (PYOG)
Kira Withers–Jones, Citrus Arts