

Explanatory Memorandum to the draft Education Workforce Council (Additional Registration Categories) (Wales) Order 2023

This Explanatory Memorandum has been prepared by the Education Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the draft *Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023*. I am satisfied that the benefits justify the likely costs.

Jeremy Miles MS
Minister for Education and Welsh Language

PART 1

Description

1. The draft Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 proposes amendments to the categories of persons required to register with the Education Workforce Council (“the EWC”) as set out in Table 1 of paragraph 1 of Schedule 2 to the Education (Wales) Act 2014.
2. The draft Order will also amend Schedules 1 and 2 to the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016. These schedules specify youth worker qualifications and youth support worker qualifications.

Matters of special interest to the Legislation, Justice and Constitution Committee

3. None.

Legislative background

4. The draft Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 will be made in exercise of the powers conferred on the Welsh Ministers by the Education (Wales) Act 2014 (“the 2014 Act”).
5. Section 5(1) of the 2014 Act gives the Welsh Ministers an order making power to confer or impose on the EWC such additional functions as they consider appropriate. Section 10 of the 2014 Act provides that a person is eligible for registration if the person meets the conditions in section 10. Section 10(2)(b) provides a power for the Welsh Ministers to specify, by regulations, requirements for provision registration. Section 12(1) provides a power for the Welsh Ministers to, by regulations, make provision about the fees which may be payable in connection with registration. Section 13(1) of the 2014 Act allows the Welsh Ministers to make, by regulations, such further provision about the register and registration as they consider necessary or expedient. Section 14 provides powers for the Welsh Ministers to make regulations regarding services that may not be provided by a person in a school unless they are registered, a qualified teacher and satisfy specified requirements. Section 47(1) provides that any power of the Welsh Minister to make an order or regulations under the 2014 Act includes power to make such incidental, consequential, supplemental, transitional, transitory or saving provision as the Welsh Ministers consider necessary and make different provision for different purposes. Paragraph 2(1) of Schedule 2 provides the Welsh Ministers with the power to, by Order, add, amend or remove a category of registration or the description of category.

6. Section 39 of the Legislation (Wales) Act 2019 provides that where the Welsh Ministers have a power or duty to make subordinate legislation in the form of regulations, rules or an order made by statutory instrument, they may exercise the power or duty by making the subordinate legislation in any other of those forms by statutory instrument.
7. Section 47(3) of the 2014 Act provides that the negative resolution procedure will apply to regulations made under sections 10(2)(b), 13(1) and 14 of the 2014 Act. Section 47(2)(a) of the 2014 Act provides that the draft affirmative procedure will apply to an order made under section 5 of the 2014 Act. Section 47(2)(c) of the 2014 Act provides that the draft affirmative procedure will apply to regulations made under section 12 of the 2014 Act. Section 47(2)(e) of the 2014 Act provides that the draft affirmative resolution procedure will apply to an Order made under paragraph 2(2) of Schedule 2 to the 2014 Act.
8. Under section 40 of the Legislation (Wales) Act 2019, provision subject to the negative procedure may be combined in the same instrument as provision subject to the draft affirmative procedure. As a result, the draft affirmative procedure applies to this Order.

Purpose and intended effect of the legislation

9. The purpose of the draft Order is to close some gaps in the current registration requirements which mean the level of professional regulation differs across the Welsh education workforce, even when individuals are carrying out very similar roles.
10. The draft Order specifically addresses teachers and learning support workers in independent schools and independent specialist post-16 institutions (ISPIs), requiring them to register with the EWC. It also includes paid qualified youth workers and youth support workers. This will increase safeguards through professional registration.
11. This takes action on recommendations set by the [Children's Commissioner](#) for Wales and the [Independent Inquiry into Child Sexual Abuse](#) (IICSA) report into residential boarding schools. The changes to the youth work categories also address recommendations made by the [Interim Youth Work Board](#).
12. The main aim of the draft Order is to strengthen the safeguarding measures in place to protect children, young people and staff. Registration provides a route for individuals or organisations to raise concerns and have those concerns investigated independently.
13. In addition, the draft Order will provide increased parity for those working in similar roles and ensure a level of professionalism and expected behaviours across the mainstream and independent education sector, as well as in youth work. The added benefit of requiring registration is that staff across the education sector can access a range of training and development tools provided through the EWC.

14. Therefore, the draft Order makes the following amendments:

Category	Amendments
School teacher	Extended to ensure all heads of maintained schools, who may or may not have teaching responsibilities, are required to register
Youth worker	Extended to include paid qualified youth workers (with provisional registration for those working towards qualified youth worker status) in any setting in Wales.
Youth support worker	Extended to include paid qualified youth support workers (with provisional registration for those working towards qualified youth support worker status) in any setting in Wales.

15. The draft Order amends Table 1 of paragraph 1 of Schedule 2 to the Education (Wales) Act 2014 to add the following categories:

Category	Description
Independent school teacher	A person who provides (or wishes to provide) independent teacher services in or for an independent school in Wales. Independent school teacher services are services specified as such in an order made under paragraph 2 of Schedule 2 to the 2014 Act.
Independent school learning support worker	A person, other than an independent school teacher, who supports (or wishes to support) any of the services specified as independent school teacher services in or for an independent school in Wales.
Independent specialist post-16 institution teacher	A person who provides (or wishes to provide) independent special post-16 institution teacher services in or for an independent special post-16 institution. Independent special post-16 institution teacher services are services specified as such in an order made under paragraph 2 of Schedule 2 to the 2014 Act.
Independent specialist post-16 institution learning support worker	A person, other than an independent special post-16 institution teacher, who supports (or wishes to support) any of the services specified as independent special post-16 institution teacher services in or for an independent special post-16 institution in Wales.

16. The Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 sets out in Schedules 1 and 2 the qualifications specified as youth work and youth support worker qualifications. A youth worker or youth support worker must possess at least one of these qualifications in order for them to be eligible to register with the EWC.

17. The draft Order updates the list of youth work and youth worker qualifications in the Schedules. The Order also imposes duties on the EWC to prepare and maintain a list of youth worker and youth support worker qualifications outside of the Order. The Joint Negotiating Committee (JNC) for Youth and Community Workers approves youth worker and youth support worker qualifications and these are the qualifications that will need to be reflected in the list maintained by the EWC. By preparing and maintaining the list, the EWC will add new JNC approved qualifications to the list and remove any qualifications that are no longer JNC approved. The duties also require the EWC to inform the Welsh Ministers on an annual basis of any changes they consider are required to the lists in the Order.
18. This will provide a structured approach to the updating of the list of youth worker and youth support worker qualifications in the Order. It will assist the Welsh Government to identify the impact of the changes to this list held by the EWC, so that decisions can be made on what action is required. This should ensure that list is updated when necessary, so that individuals holding relevant approved qualifications can register at the earliest opportunity.

Consultation

19. Before making an order under section 5 of the 2014 Act, the Welsh Ministers must consult such persons as they consider appropriate. Before making an order under paragraph 2 of Schedule 2 to the 2014 Act, the Welsh Ministers must consult such persons as they consider appropriate.
20. An initial 12-week consultation ran from 1 March 2022 to 24 May 2022 setting out the proposed changes to registration categories, which were to add the following groups:
 - teaching staff and learning support workers at independent schools
 - paid youth workers and youth support workers who are not qualified or who work in a setting which is not a 'relevant body'
 - those working in independent 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.
21. In addition, the consultation set out to identify what changes were needed to the lists of youth worker and youth support worker qualifications, which are currently included in Schedules 1 and 2 to the 2016 Order. It also proposed to hold the list of qualifications outside of the Order to enable it to be updated more frequently.

22. The consultation was drawn to the attention of a wide audience of key stakeholders including independent schools, local authorities and other stakeholders such as the Children’s Commissioner for Wales, National Independent Safeguarding Board (NISB), Estyn, Care Inspectorate Wales (CIW). In addition, officials engaged with the EWC, Education Training Standards, the Interim Youth Work Board and wider youth work sector, further education and work-based learning practitioners to ensure their views were considered.
23. The consultation received 338 responses, and there was general support for the proposals that we have included in this draft Order.
24. The consultation responses asked for a clearer definition of youth work, to provide clarity for those who would be required to register as an unqualified youth worker or youth support worker. Considerable further work is required to explore and agree definitions. This needs to align with the work being taken forward to strengthen youth work legislation, as recommended by the Interim Youth Work Board. Therefore, the draft Order does not include a requirement for unqualified paid youth workers and unqualified paid youth support workers to register with the EWC.
25. Detailed consideration of how best to action the proposal to remove the list of youth worker and youth support worker qualifications from the 2016 Order and hold it elsewhere has led to the conclusion that paragraph 2 of Schedule 2 to the Education (Wales) Act 2014 does not allow the Welsh Ministers to change where the list is held.
26. This means that the list of qualifications (which would in turn define what is meant by a qualified youth worker or qualified youth support worker) cannot be changed without amending the Order through the legislative procedure.
27. Our original proposals included the mandatory registration of additional groups in the post-16 compulsory education and training sector. However, on further consideration we do not feel it is feasible to go further with these options currently. There is further work we must do to update the categories, which cannot be done within the timescale for this draft Order. In addition, it is not possible to establish who the work-based learning (WBL) providers might be or how they are publicly funded, as there is no central repository for this information. This may be an area we consider in more detail in the future should the situation change.
28. A second consultation is now being carried out from 9 December 2022 to 17 February 2023 and views will help finalise the Order. Fees associated with registration will also be discussed in this consultation.
29. The first consultation is available to view at: <https://gov.wales/new-registration-categories-education-workforce-council>.

PART 2 – REGULATORY IMPACT ASSESSMENT

30. A key feature of many professions is a requirement to register with a professional body that sets and maintains professional standards, retaining public confidence and demonstrating a shared commitment to professionalism. Professional standards within the education workforce in Wales are regulated by the Education Workforce Council.
31. The Education (Wales) Act 2014 sets out the requirements for practitioners to register in the category or categories of registration for the role they undertake. [Schedule 2](#) of the 2014 Act sets out the current categories of those required to register with the EWC:

Category	Description
School teacher	A person who is a qualified teacher and who provides (or wishes to provide) any services specified in regulations made under section 14 in a school.
School learning support worker	A person who satisfies the requirements specified in regulations made under section 14(1)(a)(ii) and who provides (or wishes to provide) any services specified in regulations made under that section in a school.
Further education teacher	A person who provides (or wishes to provide) education (as defined by section 140(3) of the 2002 Act) in or for a further education institution in Wales.
Further education learning support worker	A person, other than a further education teacher, who directly or indirectly provides (or wishes to provide) any of the services described in section 16(2) in or for a further education institution in Wales.
Youth worker	A person who provides (or wishes to provide) youth development services and who— (a) possesses at least one of the qualifications specified as youth worker qualifications in an order made under paragraph 2, or (b) otherwise meets such alternative requirements as are specified in an order under that paragraph.
Youth support worker	A person who provides (or wishes to provide) youth development services and who— (a) possesses at least one of the qualifications specified as youth support worker qualifications in an order made under paragraph 2, or (b) otherwise meets such alternative requirements as are specified in an order under that paragraph.
Work based learning practitioner	A person who provides (or wishes to provide) work based learning practitioner services.

32. Several gaps and/or anomalies were identified in the requirement of the education workforce to register with the EWC, leading to consultation with the sector and this draft Order. In particular:

- staff working in independent schools;
- paid youth workers who are not qualified (including those who are working towards qualifications);
- post-16 teachers who work for or on behalf of a local authority;
- staff working in independent specialist FE institutions, also known as ISPIs.

Independent Schools

33. According to the latest school census, which takes place in January every year and which is completed by all schools in Wales, the total number of pupils in the independent sector in Wales is just over 10,000 with approximately 850 teachers and 1,200 support staff such as teaching assistants. Under existing rules there is no requirement for such staff to be registered with the EWC, which is a significant inconsistency compared to maintained schools.

34. This draft Order includes the requirement for staff working in independent schools to now register with the EWC. There will be two new categories:

- a. A teacher in an independent school, which includes those having the senior leadership role within the school and who may or may not also have teaching responsibilities.
- b. A learning support worker in an independent school

35. All independent schools are required to register with the Welsh Government and as a condition of registration and of remaining registered, must comply with [The Independent School Standards \(Wales\) Regulations 2003](#) (“the Standards”). *Keeping Learners Safe*, Welsh Government statutory guidance on safeguarding in education, also applies to independent schools. Independent schools are inspected by Estyn to ensure their compliance with the Standards. Independent special schools are inspected annually.

36. If a school fails to meet one or more of the standards and it is considered that there is a risk of serious harm to the welfare of the pupils, the Welsh Ministers may order that the school be removed from the register of independent schools, subject to a right of appeal. The Welsh Ministers have no powers to direct an independent school to dismiss a member of staff.

37. However, the EWC investigates allegations of professional misconduct relating to registered persons providing additional and important protection for both the workforce and children and young people. Although some teachers in independent schools have registered on a voluntary basis, independent school teachers are currently not required to register with the EWC.

38. In 2020 the Children’s Commissioner for Wales undertook a [review](#) of the exercise of functions of the Welsh Government under Section 72B Care Standards Act 2000, which was focussed on home education and independent schools. The review recommended *“the Government’s aim must be to substantially update the regulatory position in respect of independent schools, and to ensure that teachers are registered with the Education Workforce Council.”*

39. The Welsh Government [accepted](#) the Commissioner’s recommendation and recognised “the importance of updating the regulatory position in respect of independent schools to ensure that staff are registered with the Education Workforce Council”.

40. In addition, since the consultation was published, the Independent Inquiry into Child Sexual Abuse (IICSA) has published a report on residential boarding schools. IICSA made several recommendations regarding the safeguarding of children in independent schools. Specifically relevant to this Draft Order is [Recommendation 7 \(bullet 4\)](#) which requires Welsh Government to:

‘ensure that all teachers and learning support staff in independent schools in Wales are required to register with the Education Workforce Council.’

41. In addition to the regulatory changes covered by this regulatory impact assessment, the Welsh Government is also working to strengthen the [Independent Schools Standards \(Wales\) Regulations 2003](#) and the [Independent Schools \(Prohibition on Participation in Management \(Wales\) Regulations 2016](#).

42. Strengthening these regulations will help improve the quality of education and the welfare, health and safety of pupils in independent schools. This is in addition to enhancing the governance of independent schools in Wales.

43. If this draft Order, alongside changes to the Independent Schools regulations and supporting guidance, is not made the concerns around the robustness of safeguarding measures in independent schools and the professionalism of the management will continue. It is critical to make changes to require the independent school workforce to register with the EWC. Safeguarding learners in all settings must be a priority and this draft Order is one step towards this.

Headteachers in maintained schools

44. There is currently no requirement set out in the legislation for headteachers of maintained schools to register if they do not provide the specified services in a school. However, they can register if they wish to provide the specified services and, in practice, currently all headteachers of maintained schools register in the school teacher category.

45. We need to ensure all safeguarding measures are in place, now and for the future. Therefore, the draft Order updates the definition of “specified work” to ensure that all headteachers are required to register.

Youth workers

46. Schedule 2 to the 2014 Act and the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 (“the 2016 Order”) outline when those working in the youth sector must register with the EWC.
47. The Interim Youth Work Board's [report](#) (published on 16 September 2021) contains the following recommendation:

Recommendation 8: Welsh Government should strengthen the current Education Workforce Council (EWC) legislation so that the gaps in registration criteria are closed. ... We recommend that the Welsh Government should revise existing legislation to ensure that all those working in youth work services in Wales must register with the EWC.

48. The Interim Youth Work 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.”
49. A separate but linked issue is that currently youth workers and youth support workers can only register with the EWC if they possess a qualification listed in Schedules 1 and 2 to the 2016 Order. If an education establishment changes the title of a qualification this can impact whether individuals can then register with the EWC, as the exact qualification gained by an individual no longer matches with the details listed in the Schedules.

Options

Option 1: Do nothing

50. If this legislation remained unchanged, the Welsh Government’s view is that learners’ safety while in the care of education practitioners in certain settings could be compromised. Safeguarding learners in all settings must be a priority and mandatory registration with the EWC is one step towards this. Furthermore, the Welsh Ministers have committed to act upon the crucial recommendations to improve safeguarding in Independent Schools made by the Children’s Commissioner, and IICSA.

Option 2: Delay making the legislation

51. When the Welsh Government consulted in spring 2022, the original proposals included the mandatory registration of:

- 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 organisations
- practitioners providing community-based adult learning for or on behalf of a local authority
- publicly funded work-based learning (WBL) providers who are not funded directly by the Welsh Government to deliver apprenticeship programmes.

52. This work has not been included in this current draft Order, as there is further work we must do to update the categories, which cannot be done within the timescale for this draft Order. Whilst there is an option to delay the legislation time frame to allow this work to be completed, we are prioritising the urgent changes to protect the workforce and children in independent schools. Therefore, this is not considered a viable option.

Option 3: Make the legislation

53. By making the proposed amendments, the Welsh Government will be able to address the recommendations of the Children's Commissioner, IICSA and the Interim Youth Board.

Other options

54. There are no feasible alternative, non-legislative options for closing these safeguarding gaps. The establishment of the EWC was a *Programme for Government* commitment, to ensure all education practitioners are part of a professional body that sets and maintains professional standards. This change builds on that legislation and cannot be achieved without these legislative changes.

Costs and benefits

Option 1: Do nothing

Costs

55. The ethical, safeguarding, legal and financial costs of carrying the risks of ignoring these recommendations is high. This is especially so if a child or young person were to be harmed where there is inadequate legislation to keep them safe.

Benefits

56. There are no benefits from this option.

Option 2: Delay making the legislation

Costs

57. As with option 1, the costs of carrying the risks of delaying these recommendations further is high. Again, harm may be caused to children or young people if legislation did not keep them safe.

Benefits

58. There would be a financial benefit to this option. It had originally been planned for all changes currently sought to the regulations to be made at the same time, making a saving on administrative costs. However, this cannot be balanced against the ethical and safeguarding costs at risk.

Option 3: Make the legislation

Costs

59. There is a cost to registrants for complying with Regulations to register with the EWC. [The Education Workforce Council \(Registration Fees\) Regulations 2017](#) set out in Regulation 4 that the cost for each category (as set out in [Schedule 2](#) of the 2014 Act) is £46 per annum.

60. Currently, the fees are subsidised by the Welsh Government, so the fees payable differ depending in which category a person is required to register. The intention is that each of the new and amended categories will have a fee set at £46 per annum, with subsidies applied bringing the total fee payable to individuals down to either £45 or £15. The second consultation on the draft Order seeks views on fees and the appropriateness of any subsidies. Although the draft Order provides eligibility for all students working towards a recognised youth work or youth support qualification to register provisionally with the EWC, compulsory registration of that cohort is restricted to students who are being paid to deliver youth work.

61. The effects of the draft Order do not require additional funding from the Welsh Government but clearly there are additional costs to individuals who will be required to register. There will also be an impact on business, charities and the voluntary sector who may decide to contribute to those fees for their employees or volunteers.

62. The removal of the Level 2 qualifications from the list of youth support qualifications in the draft Order means the individuals who hold those qualifications will no longer be required to register with the EWC, unless they are working towards a higher level qualification. According to the data included in the EWC Register of Education Practitioners published on 1 March 2022, there were 235 individuals registered with a Level 2 qualification. However, some of these may be working towards qualified status and will be enrolled on relevant courses to achieve this. In such a case, under the new proposals these individuals would need to switch to provisional registration until they achieve full qualification status. The exact number of individuals enrolled on a higher-level course is unknown at present, but we will work with the EWC to gain more insight into this.
63. Although this may lead to a reduction in registrants, we expect that, overall, this reduction will be balanced out by the increase in registrants resulting from the introduction of provisional registration of students working towards a youth work or youth support worker qualification.
64. However, despite the removal of the Level 2 qualifications from the Order, those already registered with a Level 2 qualification will be able to continue to register in the category of youth support worker for two years from the commencement of the Order. This would provide an opportunity for any individuals not currently working towards a higher qualification (i.e., Level 3 or above) to consider their options and enrol on a course that would provide eligibility for provisional registration, which would in turn avoid a gap in their ability to register with the EWC.
65. Currently, around 85,000 are registered with the EWC and this number is expected to rise by around 3,000 as a result of these proposals. The EWC is able to accommodate the additional registrants within its existing set-up and with no increase to annual fees for individuals. These additional registrants paying between £15 and £45 would provide an aggregate additional income to the EWC of £45,000 to £135,000. The cost of fees to the individual, together with the subsidy provided by the Welsh Government, covers the costs of the administration of processing registration and are therefore cost neutral. The Welsh Government will work closely with the EWC to ensure this remains the case over the coming years.
66. We estimate that based on the predicted increase in registrants a further 18 registrants could be subject to fitness to practice hearings. Again, the costs of providing the hearings will be covered by the additional fees.

Benefits

67. Professional registration is a vital element of ensuring that public trust and confidence is maintained in the education workforce; as well as safeguarding the interests of learners, parents, carers and the public. In addition, professional registration helps to maintain confidence amongst the workforce itself. The fee paid enables all those practitioners required to register with the EWC, to benefit from the support and recognition of a professional body that upholds professional standards. This in turn contributes to the improvement of the standards of teaching and quality of learning in Wales.
68. This is one of a series of measures intended to help improve educational standards, safeguarding and attainment for the people of Wales and ensure that all members of the education workforce are deployed effectively. It will bring increased synergy through consistent, independent regulation across the workforce.
69. Alongside this regulatory change, further work is being done by Welsh Government to review and strengthen the Independent Schools Regulations and produce updated guidance. This is an important programme of work to increase safeguarding protections, improve the professionalisation of the workforce and strengthen governance arrangements in independent schools in Wales.
70. The Welsh Government wants to ensure that, whichever career pathway practitioners take, they continue to develop and deepen their pedagogy and leadership skills through effective professional learning. This will be underpinned by new standards, professional learning opportunities, and the Professional Learning Passport.
71. Restricting the list of youth worker and youth support worker qualifications to those that provide fully qualified status will ensure the integrity of the list and provide clarity to all on the status on the qualifications. In addition, removing the Level 2 qualifications from the list of youth support worker qualifications draft Order (because they do not provide full qualification status) presents an opportunity to raise awareness of the route to fully qualified youth support worker status and encourage these individuals to progress on this career. This could result in longer term benefits to the youth work workforce and ultimately improve Wales' youth work offer for young people.

Summary of findings of integrated impact assessment process

Welsh language

72. No impact – either positive or negative – is expected on the Welsh language.
73. The EWC has had a Welsh language strategy in place since its inception in 2015 and complies with 148 Welsh language standards imposed by the Welsh Language Commissioner covering service delivery, operational, policy making, record keeping and promotion.

Children's Rights

74. The main reason for making the draft Order is to close some of the gaps causing a safeguarding risk posed by individuals working in the education sector without having to register, and therefore prove their suitability for registration, with the EWC. Therefore, we anticipate these proposals will have a positive impact for those children who would not otherwise have been protected.

Equality and Human Rights

75. The draft Order to require additional registrant groups does not negatively affect any group, save for individuals from low income households. This is because any additional cost could be a burden for them. However, the costs are low and the Welsh Government subsidises these costs, particularly for the lowest earners in the education workforce.

76. Children and young people are the group who will benefit most from the additional safeguards put in place by requiring more individuals to register with the EWC.

77. The recent [Independent Inquiry into Child Sexual Abuse IICSA Report](#) highlights the urgent need to further protect children and young people. It found that *“In surveys, girls were at least three times as likely as boys to describe experiences of child sexual abuse. Disabled participants were twice as likely to describe such experiences as non-disabled participants, and those who lived in a care home were nearly four times as likely to have experienced child sexual abuse. Those who had experienced childhood neglect were nearly five times as likely to have experienced child sexual abuse as those who had not.”* Therefore, strengthening safeguards in education through increased requirements for members of the education workforce to register with the EWC will have a positive impact on the lives of children with certain protected characteristics.

78. The Education Workforce Council (Main Functions) (Wales) Regulations 2015, as amended, stipulate a code must be published which specifies the standards of professional conduct and practice expected of persons registered with the EWC.

79. This [Code of Professional Conduct and Practice](#) sets out the key principles of good conduct and professional practice EWC registrants uphold, and is intended to inform, support, and guide all in their day to day conduct and practice. It is also information for parents, the public, and stakeholders involved in the education of learners and young people in Wales, and learners and young people themselves, as to the standards they can expect from registrants. The Code includes a requirement for registrants to demonstrate a commitment to equality and diversity. This sits alongside a duty of care for the safety, physical, social, moral, and educational wellbeing of learners and young people.

Privacy

80. The Welsh Government will not be processing any additional data as a result of the Draft Order. The EWC is the data controller and is fully compliant with all data protection legislation.

Justice Impact Assessment

81. Whilst no formal Justice Impact Assessment has been undertaken, no impacts have been identified when considering this draft Order.

Summary

82. The Welsh Ministers have agreed to take forward Option 3 and are making the legislation.

Competition Assessment

83. There are no market implications associated with the making of this draft Order. Whilst there will be a pecuniary impact on business, charities and the voluntary sector, there is not impact from a competition perspective.

Post implementation review

84. The Welsh Government will work with the EWC to monitor the registration of the new and amended categories following the coming into force date of this Order. However, the fee required will need to be reviewed within the next three to five years. This will ensure that any fees are adjusted to ensure the EWC is fully covering the costs of its service.

85. If it is considered appropriate to adjust the fee, a full consultation will be undertaken to make further changes to the legislation.

86. A full integrated impact assessment has been prepared and will be made available during the second consultation on the draft Order. We will keep this under review throughout implementation and for the coming years to ensure any negative impacts on particular groups are mitigated.