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Welsh Government
Consultation – summary of responses

New registration categories for the Education Workforce Council 2024

Proposals to add to the categories of those required to register with the Education Workforce Council – consultation on draft statutory instrument.

December 2023

Overview

This report presents a summary of the views and perspectives held by respondents regarding how we intend to strengthen the current registration requirements of those working in the post-16 sector in Wales.

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.

[Education Workforce Council](#)

[Education \(Wales\) Act 2014](#)

[The Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#)

[The Education Workforce Council \(Registration Fees\) Regulations 2017](#)

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

Contact details

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This document is also available in Welsh



[@WG_Education](#)



[Facebook/EducationWales](#)

Additional copies

This summary of responses 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:

[Education Workforce Council \(Additional Categories of Registration\) \(Wales\) Order 2024 | GOV.WALES](#)

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Introduction

1. Those working in post-16 education, whether in designated institutions or within the community, are at the core of helping people to be safe, learn and thrive in Wales. The Welsh Government seeks to positively reinforce the professionalism of this vital workforce. We have consulted twice on our proposals to address some inconsistencies in the current registration requirements for those working within further education, work-based learning, and community-based adult learning.
2. The second consultation on the draft instrument ran from 26 September to 21 November. The Welsh Government is grateful to everyone who took the time to provide their feedback on these proposals. The responses will feed into the development of the final legislation.
3. It is our plan to introduce the new legislation on 1 April 2024. The Education Workforce Council (EWC) is undertaking preparatory work to introduce the new categories of registration. This includes a programme of engagement with employers and prospective registrants to explain the new legal requirements.
4. A range of views were received from 31 responses. This document summarises the key themes from the responses.

How does registration currently work?

5. Registration gives people the right to practise a particular profession. The range of regulated professions in the UK is extensive and growing. Examples include the legal profession, the health and social care sectors, accountancy, engineering, and architecture.
6. Registration means the public can be reassured the people working in a particular profession are suitably qualified, their knowledge and skills are kept up to date and their conduct and competence is of an appropriate standard.
7. As an independent statutory regulator, the Education Workforce Council's (EWC) role is to protect the public. It does this by maintaining a register of education practitioners (the Register). Further to recent amendments to the categories of registration, as contained in the Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 which came into force in May 2023, there are now 11 separate categories of registration:
 - maintained schoolteacher.
 - further education teacher
 - independent schoolteacher
 - independent special post-16 institution teacher
 - work-based learning practitioner
 - youth worker
 - maintained school learning support worker.
 - further education support worker
 - independent school learning support worker

- independent special post-16 institution learning support worker.
 - youth support worker
8. The register is available to the public via the [EWC's website](#). Currently, the EWC has approximately 85,000 registrants.

What was the proposal for change?

9. The draft Order proposes the following:
1. A requirement for Further Education Teachers to hold a minimum of a Level 5 teaching qualification to work in the sector.
 2. A requirement for adult learning practitioners based in the community to register.
 3. A requirement for adult learning practitioners to hold a minimum Level 3 teaching qualification.
 4. A requirement for Senior managers and principals working in Further Education Institutions to register.

Summary of responses

10. The consultation received 31 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.
11. A total of 21 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.

Further Education Teachers.

12. 30 responses were received for question 1 "Do you agree with the proposal that Further Education Institution Teachers will have to hold a minimum Level 5 teaching qualification to be able to work in the sector?" There was a mixed response with just over a third agreeing to the proposal and the same number disagreeing. The final 8 respondents neither agreed nor disagreed.
13. There was some concern from respondents on the impact this new legislation may have on some of the workforce, especially those from a vocational background.
14. Whilst several agreed that further educational teachers should be highly qualified, there was a stress on the importance of teachers having a level that was applicable to their professional background.
15. Whilst it was understood that those delivering education should be suitably qualified to teach, there was concern that a demand for a level 5 or above could

risk the sector losing excellent practitioners who did not wish to or were not able to gain this level of qualification.

16. Several respondents reinforced the message that continuous professional development is of equal importance to the profession as a minimum level of teaching qualification.

Level 5 qualifications

17. 29 responses were received to Question 2 “Do you agree with the proposed list of Level 5 (and above) teaching qualifications included within the draft Order (including equivalent qualifications across the UK and relevant historical qualifications)?” Of these, 38% agreed with the proposed list, 17% disagreed, and 48% neither agreed nor disagreed.

18. Most of those who agreed felt it covered the requirements well. Some questioned why it did not include higher level qualifications, for example the PGCE with QTS. The list includes qualifications at Level 5 only to enable the EWC to advise registrants on whether their qualification meets the required standard.

19. Some respondents were concerned that level 5 was too high for some working in the sector.

20. There were concerns that the list, and requirement, could have a detrimental impact on recruitment and could put some individuals off working in the sector.

21. The EWC raised concerns over the “hard coding” of the list of qualifications into the legislation, which they consider a flawed approach. They raised concerns that any amendments to the list would be problematic if it required a change in the legislation to allow professionals in the sector to use it as evidence of their qualification level. They had experienced this problem when a list of qualifications accompanied the legislation relating to youth workers and had concerns that the problem would be repeated here.

Community-based Adult Learning Practitioners

22. 30 responses were received to question 3 “Do you agree with the proposal to add a registration category for practitioners of community-based adult learning?” Two thirds of respondents agreed to the proposal with 4 disagreeing and 6 neither agreed nor disagreed.

23. Most respondents felt that it was right that adult learning practitioners were held to the same standards as teachers in other parts of the sector, and that this was a significant step towards professionalising the sector. Respondents also agreed that including adult learning practitioners would strengthen the safeguarding of learners and practitioners across the post-16 sector.

24. Concerns were raised by some in relation to the number of hours some practitioners in community learning work and urged caution in expecting too much from these individuals. Others cautioned that expecting practitioners who worked low hours to register could discourage them from joining the profession.
25. Respondents also reflected on the need to ensure the registration and regulation does not prevent institutions and local authorities from hiring experts to provide learning opportunities who are not educators by profession.

Definition

26. 30 responses were received to question 4 “Do you agree with the definition of adult learning practitioner and community-based venue included in the legislations?”. 70% of those agreed to the definition provided, with 20% disagreeing and 10% neither agreeing nor disagreeing.
27. Several of the respondents felt that there should be a clearer distinction within the legislation between Further Education and Community-based education as they felt that the two represent very different parts of the sector.
28. One respondent provided an alternative definition of community learning as *“Community Learning provides accessible and inclusive learning opportunities for people from all backgrounds and abilities and is often delivered in a familiar environment (e.g., children’s school or community centre) where people feel more confident to engage.”*
29. One respondent also stressed the importance of making it clear within the legislation that the requirement to register related only to those that deliver government funded provision and not those who delivered self-funded leisure activities.

Qualification level requirement.

30. 29 Responses were received to question 5 “Do you agree with the proposal to require practitioners of community-based adult learning to hold a minimum Level 3 teaching qualification?”. 76% of respondents agreed to this proposal, whilst 17% disagreed and 12% neither agreed nor disagreed.
31. Most respondents agreed that the level was appropriate to the type of provision, especially in relation to the delivery of Essential Skills Wales qualifications and welcomed the fact that it was at a slightly lower level than that required for FE teachers.
32. Respondents felt that the approach and standard would help to create parity and raise the standards of education to ensure that all practitioners and all delivery represents a commitment to high quality and standards.
33. Several respondents stressed the need to ensure that funding and provision of the Level 3 Essential Skills for practitioners qualification is made available for people in the sector to undertake once the legislation comes into force.

34. The EWC questioned why the Welsh Government is not proposing a minimum qualification for work-based learning practitioners, as it seems irregular that it is now the only part of the sector that does not require a minimum qualification.
35. Others stressed the need to ensure experience contributed towards the qualification as well as the practitioners of adult learning in the community often have many years of experience in the sector despite not having the relevant teaching qualifications.
36. One respondent felt having a minimum qualification for the sector was unnecessary and would have a detrimental impact on the ability of the sector to hire people with appropriate skills.

Level 3 qualifications

37. 30 responses were received for question 6 “Do you agree with the proposed list of Level 3 (and above) teaching qualifications included within the draft Order (including equivalent qualifications across the UK and relevant historical qualifications)?” Again, there was a very mixed response. 13 agreed with the proposal, 4 disagreed and a further 13 neither agreed nor disagreed.
38. Respondents questioned why higher level qualifications, including the PGCE and BEd, were not included in the list.
39. The EWC again expressed concern over having a hard-coded list of qualifications as they had experienced difficulties with the same system when it was introduced in the Youth Sector. This was reinforced by other respondents who were concerned that if this list can't be easily updated because of its statutory status, practitioners will be severely limited by what teaching qualifications they can take in the future.
40. Others felt the list was comprehensive.

Senior Leaders

41. 31 responses were received to question 7 “Do you agree with the proposed requirement for all senior leaders and principals in FE Institutions to be registered?”. 71% of respondents agreed with the proposal, 13% disagreed and 13% neither agreed nor disagreed. One respondent did not respond to the survey question.
42. Several respondents felt that it was appropriate that senior leaders should be required to uphold the same standards as teaching staff, as they have significant influence and responsibility. Some felt that it should be clearer that the expectation is for all senior leaders to register, not just those from a teaching background. One felt that it is crucial to ensure that the code of conduct is consistently applied, and that accountability is maintained across all levels within educational institutions.

43. There was support for bringing Principals and CEOs of FEIs into line with the requirements for head teachers in schools, creating more parity across the sector.
44. Respondents urged caution for those from technical vocational backgrounds who might also have responsibilities to register within their chosen profession.
45. The EWC questioned why this requirement was not being extended to include Independent Training Providers as well.

Third sector volunteers

46. 30 responses were received to question 8 “Do you agree with the proposal that that volunteers or those providing training in relation to a profession on a temporary or occasional basis for a Further Education Institute are not required to register with the Council?”. Of these, exactly half agreed to the proposal, 9 disagreed and 6 neither agreed nor disagreed.
47. Most respondents agreed that requiring volunteers to register would not be favourable, acknowledging the vital role they play in delivering provision, but also the fact that they give up their time for free.
48. Most felt that asking volunteers to register would have a negative impact on the numbers of people willing to volunteer.

Fees

49. 30 responses were received to question 9 “Do you agree with the fee structure for the proposed new registration categories?” 7 agreed with the proposal, 9 disagreed, and 14 neither agreed nor disagreed.
50. Many of the comments received related to the limited hours many community learning practitioners work, and the impact the fee might have on them.
51. One respondent noted that due to funding reductions for the community-based adult learning sector, it would be difficult for providers to cover the cost of registration for all its staff. There was concern that this could result in a reduction in classes to pay for the fees.
52. One respondent urged for a pro-rata system to be put in place, whilst another recommended a fee scale equitable to the numbers of hours worked by the practitioner.

Additional changes

53. 30 responses were given to question 10 “Do you think there are any further changes to the legislation associated with the proposed changes to the categories and qualification for registration with the Education Workforce Council (EWC) that should be considered?”, although only 27 responded to the survey. Of these 3 said they agreed, 3 disagreed and 21 neither agreed nor disagreed.

54. Very few comments were received in response to this question.
55. One respondent felt all staff should be regulated, whilst others felt the regulations already went too far.
56. The EWC reinforced their recommendations that there should not be a list of qualifications formally attached to the legislation, that there should be a minimum qualification level linked to registration for Independent Training providers and the registration of senior leaders should be extended to include Independent Training Providers.
57. Another respondent felt due consideration should be given to the overall costs of working in the profession for new teachers, including DBS checks and potential costs of registration with their own professional bodies if they come from a technical vocational background.
58. One respondent felt the need to extend registration to those who deliver Higher Education courses within FE Institutions.

The Welsh language

59. The consultation asked the following questions to establish views on the effect on and opportunities for use of the Welsh language:
- Question 11– What, in your opinion, would be the likely effects of the new registration categories for the Education Workforce Council on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. Do you think that there are opportunities to promote any positive effects? Do you think that there are opportunities to mitigate any adverse effects?
 - Question 12 – In your opinion, could the legislation on the new categories for registration be formulated or changed so as to: have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?
60. Question 11 received 19 responses and 12 responses were received to Question 12.
61. Most respondents did not consider the proposals would have any negative effects on the use of the Welsh language. Respondents raised concerns about the difficulty in recruiting Welsh speakers within the sector, and the need to ensure provision was available to support training through the medium of Welsh.

62. One respondent felt that one way to positively impact on the use of the Welsh language would be to specify that any teaching qualification must give some grounding to practitioners in bilingual pedagogy. Implementing a nationally accredited system of qualifications would allow this to be achieved.

Related issues

63. 14 responses were received in relation to the final question which offered respondents the opportunity to comment on any related issues.

64. One respondent wished to see better promotion of benefits available for EWC members and more face to face training opportunities provided by EWC in rural geographical areas.

65. Another stressed the importance of the EWC and employers having clarity from the Welsh Government as to what action is to be taken if these new legal requirements are not met by the practitioner.

66. One respondent asked that the EWC publish statistics identifying the range of the different teaching qualifications held by FE teachers and by community-based adult learning practitioners in order that trends in the qualification levels of the workforce can be identified.

67. Another felt that the Welsh Government should produce a clear rationale for this work and ensure that practitioners have time to undertake any associated professional learning. They stressed the need to ensure that the regulation of the workforce did not prohibit hard working professionals from enabling people to learn critical skills – whilst ensuring the integrity of the professionalism within the workforce is maintained.

Welsh Government response and next steps

68. 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. It is the intention to publish the final Order for enforcement in the spring.

69. The EWC raised some issues with the Welsh Government concerning the list of qualifications and the need to include Independent Training providers within the legislation, both in terms of having a minimum qualification for registration, and for their senior leaders to be captured by the register. The Welsh Government will work with the EWC to consider how to approach these concerns in the future, but Independent Training Providers will not be included in the legislation at this time.

70. Respondents raised concerns about the impact the fees may have on those who work in the sector for only a few hours a week. The fee structure for the EWC is set out in The Education Workforce Council (Registration Fees) Regulations 2017 and is set for all registrants as £46 per annum. The Welsh Government works with the EWC each year to determine any subsidies it wishes to make to these fees. The Welsh Government will consider the points raised in this consultation when discussing the ongoing fees with the EWC.
71. The Welsh Government will also explore any additional, related issues raised in this consultation and decide if further changes are required.

Annex A: List of respondents

A total of 31 responses were received to this consultation. Of these, 20 respondents asked to remain anonymous. In addition to the private citizen who replied, those listed here are the people and organisations who gave their permission to publish their details.

Bridgend College
Colegau Cymru
Education Workforce Council
Estyn
UCAC
NEU Cymru
Helene Ramm, Aberystwyth University
Holly Donohoe, Gower College Swansea
Fran Green, NPTC Group
Andy Philips RCTBC
Dawn Bunn, Clybiau Plant Cymru Kids Clubs
Stuart Riby