



Llywodraeth Cymru
Welsh Government

PUBLICATION

Education Workforce Council (EWC): impact assessments

Assessment of the impact of amended registration categories
for the EWC.

First published: 22 May 2023

Last updated: 22 May 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

Contents

What action is the Welsh Government considering and why?

Conclusion

Children's Rights Impact Assessment

What action is the Welsh Government considering and why?

The Education Workforce Council (EWC) is the independent statutory regulator for the education workforce in Wales. The EWC is required to maintain a register of education practitioners (the Register) and to allow the public access to that Register. The Register lists everyone registered with the EWC (registered persons) and is available to the public via the EWC's website. There are currently approximately 85,000 registered persons across the following categories:

- school teachers
- school learning support workers
- further education teachers
- further education learning support workers
- work based learning practitioners
- qualified youth workers
- qualified youth support workers

The Welsh Government has made legislation to require the EWC to regulate additional categories of professionals and include them in the register.

Overview of proposals

There are gaps in the current registration requirements which mean the level of professional regulation differs across the education workforce, even when individuals are carrying out very similar roles. The new legislation will strengthen the safeguarding of children and young people, together with increasing the professionalism of the workforce. Therefore, in addition to the current categories of registrants, the Order provides a requirement for the senior leaders, teachers

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

and learning support workers, at independent schools and independent special post-16 institutions (ISPIs) to register. The Order also updates the categories of maintained school teacher and further education teacher to ensure that all head teachers and senior leaders who are responsible for managing teaching and learning are required to register, whether or not they have a teaching role. Senior managers at independent schools and independent special post-16 institution who are responsible for managing teaching and learning are also required to register.

The Order amends the provisions relating to youth workers and youth support workers to require qualified youth workers and youth support workers paid to deliver youth work in any setting to register. The Order also requires those working towards a youth worker or youth support worker qualification and paid to deliver youth work in any setting to provisionally register.

Independent schools

There are currently just over 80 registered independent schools in Wales. This number is fairly equally split between mainstream schools and those providing for children and young people with additional learning needs (ALN) or special educational needs (SEN). The age range catered for varies, with some schools accepting children and young people up to 18 years while others will provide for specific age ranges. There is also significant variation in their size; the smallest is registered for a maximum of four learners and the largest a maximum of 1,500 learners.

The latest data shows there are just over 10,000 pupils in the independent sector in Wales. These schools employ approximately 850 teachers and 1,200 support staff. Under existing legislation there is no requirement for independent school teaching staff to be registered with EWC. It is for this reason, the Children's Commissioner for Wales and the Independent Inquiry into Child Sexual Abuse (IICSA) recommended that staff in independent schools should be

required to register with the EWC.

The **Independent Inquiry into Child Sexual Abuse** (IICSA) found that “historically, inadequate measures were in place to protect children from the risk of being sexually abused – sometimes there were none at all”. There have been measures in place in independent schools to protect children but have now been strengthened through this Order. We have taken steps in Wales to address the gap in registration for the workforce in independent schools to ensure that children and young people are further protected.

Youth workers and youth support workers

The **Interim Youth Work Board's report** (published on 16 September 2021) recommended “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”.

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”.

Independent special post-16 institutions

Currently, there are no requirements for some staff in independent special post-16 institutions (ISPIs) to register with the EWC. This means they are not subject to the same level of professional regulation as others in the education workforce carrying out similar work. The new legislation addresses this anomaly.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

Long-term

There are two main long-term benefits of introducing these extra groups to the register.

The first is to ensure all children, young people and staff benefit from the additional safeguards of professional regulation. This will provide a route for individuals or organisations to raise concerns and have those concerns investigated independently.

In addition to the regulatory changes covered by this integrated impact assessment, Welsh Government is also working to strengthen The Independent Schools Standards (Wales) Regulations 2003, **The Independent Schools (Provision of Information) (Wales) 2003** and make The Independent Schools (Prohibition on Participation in Management (Wales) Regulations 2016 so as to help improve the quality of education and the welfare, health and safety of pupils in independent schools as well as enhancing the governance of independent schools in Wales.

The second is that our education, learning and teaching professionals will have parity of professionalism, regardless of where they work. The behaviours expected for professionals will be set more widely across professionals in the education sector.

In addition to the benefits of professionalism and public trust, those registered with the EWC have access to a range of support and professional development opportunities. Currently these include access to training and jobs through Educators Wales, access to events, good practice guides and online books and research journals, plus the Professional Learning Passport which supports registrants to capture, reflect upon, share and plan their learning. Via the regular newsletters and updates, they also have the opportunity to shape policy by responding to consultations and surveys and joining working groups.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

It is anticipated that an extra 1,900 professionals will be required to register with the EWC under the new legislation.

As we have made a legislative change, the costs and benefits of these proposals have been assessed in more detail. A regulatory impact assessment accompanies the Order.

Prevention

Our main aim is to strengthen the safeguarding of children and young people in the education sector. We want to ensure we can prevent safeguarding issues happening and prevent them escalating if they do occur. It is important to update the regulatory position in respect of those who work with children and young people.

Registration with the EWC means registrants must meet and uphold set standards. The EWC must investigate when it is alleged a registered person is guilty of unacceptable professional conduct, serious professional incompetence or has been convicted of a relevant offence. An investigation can lead to a disciplinary order, which can in the most serious cases result in removal from the register.

Preventing harm to children and young people and their families, is important for their future well-being.

Integration

Integration with other policy areas across the Education Directorate and stakeholders with an interest in the education workforce has been key in developing the 2023 Order. The Education Workforce Council has spent time working with the affected sectors who will be subject to the new legislation to

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

ensure they integrate the new requirements into their systems, Working with the Children’s Commissioner for Wales and the EWC, we have made this legislation to help remove some gaps relating to the safety of children and young people. Requiring these additional groups to register will further safeguard their physical and mental well-being, and therefore supports the Welsh Government’s commitment, in the **Programme for Government**, to prioritise investment in improving mental health. In addition, improved safeguarding of children and young people directly contributes to objectives such as education reform, protecting vulnerable people and eliminating inequality.

Collaboration

We are grateful to the EWC for help identifying the gaps. The EWC has been key to our understanding of professional regulation, whether our proposals would be practicable and in ensuring that those affected are aware of the proposals. Ultimately, we have been working with those in the new registration categories and their representative bodies or workforce unions to understand the impact on them and to ensure any concerns or unintended consequences for each sector were addressed in a collaborative way.

The Welsh Government worked closely with the EWC to consult with stakeholders. An initial consultation on the principles behind the proposals was launched at the beginning of March and concluded in May 2022.

The proposed Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 (“the draft Order”) which would bring these proposals into force was made available for consultation in November 2022 and concluded in February 2023. The draft explanatory memorandum and regulatory impact assessment for the draft Order was published for comment. This has enabled active collaboration to draft the Order.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

Involvement

It has been essential that key stakeholders have been involved in the development of the Order and we have taken time to discuss issues. These discussions have provided essential advice and enabled us to further understand the impact and practical implications of the policy. There has been a blend of ongoing discussion and formal consultation. The majority of stakeholders have been supportive of the provisions sets out in the Order.

Officials involved the following stakeholders to discuss the proposals and their impact:

- The Welsh Independent School Council (WISC).
- Natspec – the association for organisations which offer specialist further education and training for students with learning difficulties and/or disabilities aged 16 to 25.
- Colegau Cymru Principals Forum (Principals of Further Education Institutions in Wales).
- Adult Learning Wales Partnership Network (Representatives of all Community based adult learning practitioners in Wales in Further Education Institutions and Local Authorities).
- Education Workforce Council.
- Education Training Standards (ETS).
- The Children’s Commissioner for Wales.
- Interim Youth Work Board.
- Youth Work Strategy Implementation Board.
- Principle Youth Officers Group.
- Council of Wales for Voluntary Youth Services (CWVYS).

Where there have been issues that would impact them or those they represent, the Welsh Government has worked with stakeholders to ensure the legislation does what is required to improve safeguarding. Officials will continue to meet

with practitioners and stakeholders as the legislation comes into force to discuss its potential impact.

Most respondents to the formal consultation held in spring 2022 were supportive of the proposals to extend registration requirements or to amend them. Reasons for this included safeguarding, upholding professional status and improving and maintaining high standards of practice.

On the other hand, some individuals were against the proposals to register entirely for reasons such as opposing state interference with particular methods of teaching (for example, the religious sector), negative impacts on specialist services (for example, arts, music and sports sectors) and some expectations that there will be a requirement for those registered to gain a specific qualification.

We have engaged with specific groups to provide clarity on who would and would not be expected to register under the proposals. For example, we have worked with practitioners and their representative bodies to clarify that the proposals set out in the spring 2022 consultation looked to extend registration to those employed to deliver services to young people using youth work methodologies and approaches, rather than to every individual working with young people in any context. We continue to engage with current and future registered persons, the EWC and other relevant partners on the practicalities of the new arrangements.

Conclusion

How have people most likely to be affected by the proposal been involved in developing it?

A formal consultation on the proposed additional registrant groups ran from

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

March to May 2022, and a further opportunity to provide comments on the draft Order and fee structure ran from November 2022 to February 2023.

The consultations were publicised with all relevant groups of the education sector and we have worked closely with stakeholders, including the EWC, the Children's Commissioner for Wales, and the former Interim Youth Work Board and the Youth Work Strategy Implementation Board.

We have engaged extensively with our stakeholders throughout the development of these proposals and will continue to do so. The first consultation received over 300 responses and there were 29 responses to the second. These helped us reshape some of the proposals and ensure the final legislation is fit for purpose and fair.

What are the most significant impacts, positive and negative?

The most significant positive impact will be increased safeguards in place for all children and young people across all education sectors in Wales, by ensuring that all relevant practitioners are registered with the professional regulator. The registration of educators provides assurances to children, young people, parents and other professionals that employees are checked for suitability to register – through police and criminal records checks, disclosure of convictions and disciplinary proceedings against them.

It will also provide a clear and well understood route for individuals or organisations to raise concerns about the conduct of a registered individual and have those concerns investigated independently by an external professional body. In addition, through the inclusion of additional groups who will be required to register, the profession will be put on a more equal footing, no matter in which sector a person works. This provides an opportunity to maintain or drive-up professional standards across the education workforce, which would improve

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

services for children and young and benefit society in the longer term.

The most significant negative impact is for those individuals who have not previously been required to register. The additional cost of registering may be considered by those who will be registered persons, as unpopular and unfair.

In light of the impacts identified, how will the proposal:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

We have made this change in the law to protect our children and young people from harm. It will ensure more practitioners have the confidence of the public because they can demonstrate they have the skills, knowledge and character to safely and effectively carry out the duties required of their profession.

We believe the negative impact of paying a fee is more than balanced by the positive impact of better safeguarding and driving up professional standards in the education workforce.

How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

The EWC is the foremost organisation we have to help us with workforce planning. They have the data to help us understand what happens post implementation. Their continuous review and evaluation aided our change in this

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

law.

Going forward, the EWC will continue to monitor numbers of registrants, including those entering the education sector as trainee practitioners. We will use the information provided by the EWC, together with feedback from practitioners, the bodies which represent them and other stakeholders, to ensure the legislation is sufficient to ensure the ongoing safety of children and young people.

This is the first phase of a programme of work to increase the professionalisation of our education workforce. The second phase will look at further potential steps within the youth work sector and staff in the post-16 sector. The feedback from this work in the first phase will help build the work required for the second phase.

Children’s Rights Impact Assessment

New registration categories for the Education Workforce Council

Background

The Welsh Government has made legislation to give the Education Workforce Council (EWC) the power to regulate additional groups of professionals and include them in the education workforce register (“the Register”).

Some staff in independent schools, in youth work, in independent specialist further education institutions, also known as independent special post-16 institutions (ISPIs) and those providing some community-based adult learning are not currently required to register with the EWC. This means they are not subject to the same level of professional regulation as others in the education

workforce carrying out the same or very similar work.

Expected impacts on children

The main reason for bringing forward these proposals is to ensure more practitioners have the confidence of the public. This is because they can demonstrate they have the skills, knowledge and character to safely and effectively carry out the duties required of their profession. It also closes 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 this legislation will have a positive impact for those children and learners across all the included education settings who would not otherwise have been protected. Due to the importance of this safeguarding benefit, we would describe this impact as “significant”.

It is anticipated that a further 1,900 practitioners across the sectors listed above will now need to register with the EWC. This substantially increases the professional standards of education practitioners and will provide increased protection for children.

The Order will require some staff in independent schools and independent specialist post-16 institutions (both day provision and residential) to register with the EWC. This will strengthen the safeguarding measures in place to protect all children and young people in these setting including those with complex additional learning needs or who may be disabled.

Consultation with children

We have not consulted directly with children and young people on our proposals. It will be those practitioners who are now required to register with the EWC who

are directly affected.

To give effect to our proposals, the Welsh Government has made an Order to amend legislation which is primarily of interest to education practitioners, registered persons, their employers and union representatives.

While it is not necessary for children and young people to be consulted directly on this matter, it is useful to note that the Children's Commissioner for Wales has advocated for the proposed changes and has provided a full and helpful response to both formal consultations. The Children's Commissioner is an influential advocate of children and young people, with sound knowledge of issues relating to children and young people across Wales.

Whilst the Children's Commissioner would have liked the Welsh Government to have consulted directly with children and young people about this new legislation, she has welcomed in her responses the approach taken, advocating it as positively affecting children and young people who are in contact with the education workforce.

How these proposals are likely to impact on children's rights?

Requiring the additional groups to register with the EWC enhances the Articles of the UNCRC set out below.

Article 3: all organisations concerned with children should work towards what is best for each child

Impact

We believe the Order supports article 3, as requiring additional groups to register will enable more education settings and the EWC to "work towards what

is best for each child” by protecting them from this safeguarding risk.

Article 19: the right to protection from violence, abuse and neglect

Impact

The new Order provides protection to children and young people by ensuring that a greater number of people in education settings are required to register.

Article 29: education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment

Impact

Registration with the EWC provides professional education providers with support and guidance to ensure they are delivering according to the code of conduct. This in turn provides the Welsh Government, schools and education providers with reassurance that the staff are equipped to work at the level expected and to provide young people and children with provision that meets their needs.

Article 34: the Government should protect children from sexual abuse

Impact

We believe this Order will have the outcome of increasing protections for children from sexual abuse. This is because the expected impact is to only

register people who are suitable, and therefore preclude anyone unsuitable from employment in the relevant sectors. This is in addition to the existing safeguarding in education measures which must be implemented in all education settings, as set out in Keeping Learners Safe statutory guidance.

Gathering evidence and engaging with children and young people

Requiring the additional groups to register with the EWC addresses recommendations on independent schools set by the **Children's Commissioner for Wales 'A review of the Welsh Government's exercise of its functions'** and the **Independent Inquiry into Child Sexual Abuse (IICSA) 'The residential schools investigation'**. They also contribute to the recommendations made by the **Interim Youth Work Board 'Time to deliver for young people in Wales'**.

The practitioners who are required to register with the EWC work with children and young people between the ages of 3 and 25. This is regardless of their race, gender, sexual identity, language, religion, disability, age, background or personal circumstances. Extending EWC registration requirements to additional groups will increase safeguarding measures and potentially improve the quality and standards for learners and practitioners. For example, the professional benefits of EWC registration will give parity across the sector. It will also benefit the children and young people receiving the services being delivered by those professionals.

Monitoring and Review

The impact of the legislation to increase and update the categories of those professionals required to register with the EWC will be monitored and evaluated as it progresses. The EWC is the foremost organisation we have to help us with workforce planning. They have the data to help us understand what happens

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).

post implementation. Their continuous review and evaluation aided our change in this law, and they will continue to offer this data. This will mean any changes to the categories can be made as required in the future.

This legislation supports 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 to the existing Independent Schools Regulations will ensure that children and young people learning in independent schools will be appropriately safeguarded and their well-being protected.

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/education-workforce-council-ewc-impact-assessments-html> for the latest version.

Get [information on copyright](#).