



Llywodraeth Cymru
Welsh Government

PUBLICATION, DOCUMENT

Education Workforce Council (Additional Categories of Registration) (Wales) Order 2024

We want your views on how we intend to strengthen the registration needs of those working in the post-16 sector.

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Summary

What are the main issues?

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 first consulted in March 2022 on proposals to address some inconsistencies in the current registration requirements for those working within further education as part of our proposals to extend the registration categories for those working in independent schools and the youth sector. Following this consultation, the decision was taken to remove the post-16 categories from the legislation being made at that time and to develop separate legislation focused on the post-16 sector.

The Welsh Government is grateful to everyone who took the time to provide their feedback on those initial proposals. The responses have fed into the development of this legislation.

This consultation seeks specific views on the draft statutory instrument, including the new proposed fee and subsidy structure. It is our plan to introduce this new legislation in spring 2024.

We have been careful to analyse the potential impacts of the draft statutory instrument on the education workforce in Wales, whilst being mindful of the need to ensure there is parity regardless of where a person works. You are invited to comment on our analysis through this consultation.

The consultation response form allows you to give us your opinions and thoughts. You are welcome to comment on all or some of our proposals, and to make such additional comments as you consider may be relevant.

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How does registration currently work?

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.

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.

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 school teacher
- further education teacher
- independent school teacher
- 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

The register is available to the public via the [EWC's website](#). Currently, the EWC has approximately 85,000 registrants.

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Persons registered with the EWC benefit from being able to demonstrate they are part of a profession of high status and standing, with specific entry requirements and expectations of conduct and competence.

This means the public can be confident those on the Register can demonstrate they have the skills, knowledge, and character to safely and effectively carry out the duties required of their profession. The EWC's Code of Professional Conduct and Practice sets out the key principles which the public can expect.

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.

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.

The responsibility for ensuring only registered practitioners are employed to undertake the work specific to their category of registration lies with the employer or agency, as well as the practitioners themselves.

What do we want to change?

The consultation we carried out earlier in 2022 set out the 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

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very similar roles. For example, a teacher delivering Essential Skills to adults on behalf of a Further Education Institute must register with the EWC, whereas a practitioner who may be doing an almost identical job in the community does not.

Our aims in making these changes are 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 the education sector
- set expected behaviours consistently across the sector
- provide staff across the education sector with access to a range of training and development tools provided through the EWC
- provide a route for individuals or organisations to raise concerns about those working in the sector and have those concerns investigated independently

We need to ensure appropriate measures are in place. Therefore, the draft Order includes:

- a requirement for Further Education Teachers to hold a minimum of a Level 5 teaching qualification to work in the sector
- a requirement for adult learning practitioners based in the community to register
- a requirement for adult learning practitioners to hold a minimum Level 3 teaching qualification
- a requirement for Senior managers and principals working in Further Education Institutions to register

Further Education teachers

Teachers working in Further Education Institutions have been required to register since 2017. From 2024, they will also be required to hold, or be working

towards, a minimum Level 5 teaching qualification.

Those working towards a Level 5 teaching qualification will have between 3 and 5 years to achieve the qualification, depending on whether they work full or part time.

Adult Learning Practitioners

This is a new category which will require practitioners of community-based adult learning to register prior to commencing work in the sector.

This requirement will apply to individuals who are providing further education and training for adults in the community which is funded or otherwise provided by the local authority, the Welsh Government or the Commission for Tertiary Education and Research established under section 1 of the Tertiary Education and Research (Wales) Act 2022.

We are also proposing to require staff delivering adult learning within the community to hold or be working towards a minimum Level 3 teaching qualification. Those working towards a Level 3 teaching qualification will have between 3 and 5 years to achieve the qualification, depending on whether they work full or part time. This will begin to provide some level of equity for staff across the sector, and provide employers and learners with confidence that the people employed to teach them have the right qualifications and skills for the job.

Senior Leaders in Further Education Institutions

Currently, senior leaders and principals in Further Education Institutions are required to register only if they fall into the category of 'FE Teacher', i.e., they are qualified teachers and deliver educational provision. However, if senior

leaders do not carry out the specific work of FE teachers there is no requirement for them to register with the EWC.

We propose to introduce a new category which will require all principals and senior leaders, even those in non-teaching roles, to be registered. This will include all those who have a leadership role in managing teaching and learning in or for a further education institution. This will also include Chief Executives who may be responsible for more than one institution or group.

This proposal will bring parity to the Further Education workforce and ensure that Senior Leaders are held to an equitable standard as the rest of their staff.

Fees and subsidies

Registration with the EWC comes with an annual fee for all registrants. This is set out in the Education Workforce Council (Registration Fees) Regulations 2017 at £46 per registrant. The Welsh Government can choose to subsidise the fees if it wishes to do so.

Where an individual is registered in more than one category, they are only required to pay one fee. This is the highest fee once any subsidies are considered.

Please tell us what you think

Thank you for taking the time to read this document and the associated draft Order. Please feel free to make any comment you wish. However, we would particularly welcome comments on any or all the questions within the consultation response form. If you would like to add more, please make use of the space available in the form.

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Question 1: Do you agree with the proposal that FE Teachers will have to hold a minimum Level 5 teaching qualification to be able to work in the sector?

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)? If you consider any qualifications should be omitted or that any qualifications need to be added, please list these in the Supporting comments box and explain why.

Question 3: Do you agree with the proposal to add a registration category for Practitioners of community-based adult learning?

Question 4: Do you agree with the definition of adult learning practitioner and community-based venue included in the legislations?

Question 5: Do you agree with the proposal to require Practitioners of community-based adult learning to hold a minimum Level 3 teaching qualification?

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)? If you consider any qualifications should be omitted or that any qualifications need to be added, please list these in the Supporting comments box and explain why.

Question 7: Do you agree with the proposed requirement for all senior leaders and principals in FE Institutions to be registered?

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?

Question 9: Do you agree with the fee structure for the proposed new registration categories?

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?

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?

Question 13: We have asked several specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please use the consultation response form to respond to the above questions.

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for Welsh Government consultations and for any personal data you provide as part of your response to the consultation.

Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information

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legislation and that the Welsh Government may be under a legal obligation to disclose some information.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

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0303 123 1113

Website: [Information Commissioner's Office](#)

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