

The Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016

The Explanatory Memorandum has been prepared by the Education and Public Services Group of the Welsh Government and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and under Standing Order 27.1.

Cabinet Secretary's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016.

'I am satisfied that the benefits justify the likely costs'

Julie James
Minister for Skills and Science
14 November 2016

1. DESCRIPTION

1.1 This Order amends Schedule 2 of the Education (Wales) Act 2014 (“the 2014 Act”) so as to add additional categories of persons to the Table in that Schedule who must register with the Education Workforce Council (“the Council”). The Order provides that a person may not provide youth development services (i.e. work as a youth worker or youth support worker) for or on behalf of a local authority, further education institute (“FEI”), school governing body or a voluntary body unless registered within their relevant category.

1.2 The Order makes similar provision in respect of work based learning practitioners. A work based learning practitioner may not provide work based learning practitioner services for or on behalf of a work based learning body unless registered in the category of work based learning practitioner.

2. MATTERS OF SPECIAL INTEREST TO THE CONSTITUTIONAL AND LEGISLATIVE AFFAIRS COMMITTEE

2.1 None.

3. LEGISLATIVE BACKGROUND

3.1 The 2014 Act makes provision in relation to the Council. Part 2 of the 2014 Act confers functions on the Council in relation to persons who are required to register in the register the Council maintains in accordance with section 9 of that Act.

3.2 The Act reconfigured the General Teaching Council for Wales’ extended the remit of the body and composition of its membership, in order to create the Council.

3.3. 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. Of the education workforce, only school teachers, FE teachers and school/FE learning support workers who are already required to be registered with the Council in order to teach in a maintained school/ FE institution in Wales.

3.4. Phase 3 will see the registration of youth workers, youth support workers and work based learning practitioners from April 2017. Part 2 of this order amends Table 1 of Schedule 2 to the 2014 Act to add the new category of registered persons. This will take place as of 1 April 2017, and will continue to help to improve and maintain high standards of teaching and the quality of learning in Wales by regulating and supporting the wider education workforce.

4. PURPOSE AND INTENDED EFFECT OF THE LEGISLATION

4.1 Although the Welsh Government initially identified professions required to register (under Schedule 2 to the Act), this did not preclude the future registration of other groups such as work-based learning practitioners, youth workers and youth support workers; who also provide a valuable contribution to the education and training of young people. The 2014 Act

creates a framework that enables the Welsh Ministers to add new categories of registration, if and when appropriate; and subject to the agreement of the National Assembly for Wales.

4.2 It is vital that all these different practitioners work together effectively and are able to access well designed qualifications, support and development. The professionalism suitability; standards of conduct, training, and development of practitioners, are key to their success. The Welsh Government wants to ensure that we recognise the role of all those working to support teaching and learning as part of a single and coherent education workforce in Wales.

4.3 A key feature of many professions is a requirement to register with a professional regulatory body that sets and maintains professional standards, retaining public confidence and demonstrating a shared commitment to professionalism.

4.4 The benefits to registration are that those who are registered will be seen as:

- credible members of the workforce having professional status;
- meeting the specific standards for entry and continued membership of that profession; and
- being suitable to be a member of the profession – maintaining public trust and confidence.

4.5 The registration of youth workers, youth support workers and work-based learning practitioners with the Council will strengthen their profile in ways that are supportive, rather than in ways that negatively impact on the diversity that is observable within the sector. We will be recognising the value of their work and the contributions that they make in the lives of young people.

Registration of Youth Workers and Youth Support Workers

The registration requirement will be placed on two roles. These are:

- Youth worker.
- Youth support worker.

4.6 The Order has the effect that a person may not provide youth development services (as defined in the Order) for or on behalf of a local authority, governing body of a school, FEI or a voluntary body (“relevant body”) unless registered with the Council. The Order also creates a voluntary registration system for youth workers and youth support workers who are providing youth development services other than for or on behalf of a relevant body. Such persons may choose to register if they wish but will not be required to do so.

4.7 The work undertaken by both youth worker roles is broad and this is reflected in the definition of youth development services. The Order inserts a definition of youth development services into Schedule 2 of the 2014 Act. We have also defined the youth worker roles by reference to qualifications that such persons possess. In other words, it is a key part of the definition of both youth worker roles that they must possess one or more of the qualifications set out in the Schedules attached to the Order. Youth workers must possess one or more of the higher level qualifications set out in Schedule 1 to the Order, and youth

support workers must possess one or more of the more vocational level qualifications set out in Schedule 2 to the Order.

4.8 The list of qualifications prescribed in the Order reflects the qualifications that are recognised by the Joint negotiating Committee (“the JNC”). The JNC recognises youth and community workers’ qualifications which have been professionally approved by the Education Training Standards Wales (ETS). The JNC endorses youth support worker qualifications and have a process of professional validation for higher education programmes. The JNC is also the body that sets the national framework used to grade and pay youth work jobs.

4.9 The policy approach in defining both youth worker roles has been to mirror the qualification aspect of this existing system by listing within the Schedules to the Order the qualifications recognised by the JNC. There is no direct reference to ETS (Wales) or the JNC within the main body of the Order as neither are statutory bodies.

Registration of Work based Learning Practitioners

4.10 The requirement to register with the Council will fall on work based learning practitioners who provide work based learning practitioner services for or behalf of work based learning bodies. Such bodies are defined by the Order to mean those which receive funding from the Welsh Ministers pursuant to section 34 of the Learning and Skills Act 2000. A list of such bodies can be found at www.learning.gov.wales.

4.11 Work based learning as defined by the Order means education or training for person aged 16 or above and which develops the knowledge and skills relevant to a particular trade, occupation or employer. Work based learning practitioner services are the co-ordination and delivery of work based learning or the assessment of the knowledge and skills of a person receiving work based learning.

4.12 There are many different roles involved in the delivery of work based learning. Those roles are often known within the profession as:

Trainers;
Assessors;
Learning coaches, and
Mentors.

4.13 All of whom work with post-16 young people in a training and learning capacity and are employed to play a key role in:

- The co-ordination and delivery of work based learning, and
- The assessment of the knowledge and skills a person receiving (or about to receive) work based learning.

4.14 Part 5 of the Order amends the 2014 Act by setting out the new categories of registration and describes the category by reference to the persons who fall within it.

5. CONSULTATION

5.1 Details of the consultations undertaken are included in section 8 within the RIA below, and progress to Part 2.

6 PART 2 – REGULATORY IMPACT ASSESSMENT

Registration of Youth Workers and Youth Support Workers

6.1 The Welsh Government believes that there would be a number of benefits through affiliation with a regulatory body for this sector, such as an appropriate system of regulation and registration that will ensure the quality and professionalism of individuals employed as youth workers. It was also suggested that registration would address a perceived long-standing issue of individuals calling themselves youth workers, without holding an appropriate qualification in youth work or practicing youth work in accordance with the National Occupational Standards (2012).

6.2 The Minister for Education and Skills made clear in 'The National Youth Work Strategy for Wales 2014 - 2018' that high-quality youth work has a crucial role to play supporting many young people to achieve their full potential. Through informal and non-formal educational approaches, effective youth work practice builds the capacity and resilience of young people and can change young people's lives for the better. Through participation in youth work young people gain confidence and competence, develop self-assurance and have the opportunity to establish high expectations and aspirations for themselves.

6.3 It is clear that youth work practice can be effective in directly and indirectly supporting young people's learning outcomes and that there are significant benefits for young people from closer working between schools, colleges and youth work organisations.

6.4 Ministers recognise that youth work is a skilled profession and want to strengthen the value and status of youth work as a service and a profession.

Registration of Work based Learning Practitioners

6.5 The Welsh Government recognises that work based learning is the future of our country, our economy and our growth. The work of providers is vital to our economy - getting thousands of people into training, supporting our businesses in increasing productivity and improving social mobility. Training Providers have a strong grasp of the needs of business and providing what they need. It is through the collective efforts of training providers, youth workers, schools, colleges and employers that we have a programme that delivers the very best standards of excellence for our learners in Wales.

6.6 Work based Learning practitioners for post-16 learning help to ensure that the education and training that the Welsh Government funds is of high quality and meets the needs of learners. It is clear that training providers' practice can be effective in directly and indirectly supporting learning outcomes and that there are significant benefits for young people from closer working between schools, colleges and work based learning training providers.

7. OPTIONS

Option 1: Do Nothing

7.1 If we were to do nothing, these groups of practitioners would not be subject to same the professional registration requirements of other members of the education workforce. This could damage the reputation of these groups as professional members of the education workforce with an important role to play in driving up standards. Placing a professional registration requirement on these groups would also go some way to maintaining public trust and confidence.

Cost

7.2. There would be no new cost implications from this option.

Benefits

7.3 There would be no benefits from this option.

Option 2: Make the Legislation

7.4 The introduction of this Order will define the new categories of registered persons and further provides that a person within these new categories may not work as a youth worker, youth support worker and a work based learning practitioner unless registered within their relevant category.

Cost

7.5 There are no costs associated with the registration of these new categories as a registration fee is applicable and is met by the individual practitioners. A consultation has already been undertaken on the fees paid by practitioners¹. The proposed fees are set so that the registration fee is sufficient to cover the Council's operating costs associated with registration and regulation of the workforce. Furthermore, the vast majority of practitioners required to register will have their fee contribution deducted from their salary by their employer and transferred to the Council.

Benefits

7.6 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. Option 2 will ensure that all those practitioners required to register during the third year of the Council, will benefit from the support and recognition of a professional body that upholds professional standards; contributing to the improvement of the standards of teaching and quality of learning in Wales.

7.7 A phased implementation of the registration of the wider education workforce has seen FE teachers (lecturers) and School/FE learning support workers join the existing register of teachers. This is one of a series of measures intended to help improve educational standards and attainment for the people of Wales and ensure that all members of the

¹ <http://gov.wales/consultations/education/registration-fees-for-the-education-workforce-in-wales-2017/?lang=en>

education workforce are deployed effectively. It will bring increased synergy through consistent, independent regulation across the workforce.

7.8 The New Deal for the Education Workforce is another such measure, focusing on two strategic objectives of an excellent professional workforce with strong pedagogy based on an understanding of what works; and secondly leaders of education at every level working together in a self improving system providing mutual support and challenge to raise standards in all schools.

7.9 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 a Professional Learning Passport.

7.10 The education workforce has changed rapidly in the last ten years. There is greater collaboration between schools and post 16 providers and through policies such as the foundation phase. It is therefore, no longer feasible to only require school teachers to register.

8. CONSULTATION

8.1 The Welsh Government undertook two consultations one on the “Proposed registration of Youth Workers”² and a second on “Proposal for the registration of Work-based Learning practitioners with the Education Workforce Council”³.

8.2 A summary of responses is available at:

<http://gov.wales/consultations/education/proposal-for-the-registration-of-youth-workers-with-the-ewc/?status=closed&lang=en>

<http://gov.wales/consultations/education/proposal-for-the-registration-of-wbl-practitioners-with-the-ewc/?status=closed&lang=en>

9. COMPETITION ASSESSMENT

9.1 There is no market implications associated with the making of this Order.

10. IMPACT OF THE PROPOSED LEGISLATION ON DUTIES OF THE WELSH MINISTERS AS SET OUT IN THE GOVERNMENT OF WALES ACT 2006

10.1 The Order is not considered to have any specific impact on the duties of the Welsh Ministers as set out in the Government of Wales Act 2006.

² <http://gov.wales/consultations/education/proposal-for-the-registration-of-youth-workers-with-the-ewc/?status=closed&lang=en>

³ <http://gov.wales/consultations/education/proposal-for-the-registration-of-wbl-practitioners-with-the-ewc/?status=closed&lang=en>

11. IMPACT UPON THE VOLUNTARY SECTOR

11.1 During the 2012 consultation on 'proposals to amend the requirement for registration of the education workforce in Wales'⁴, the majority of respondents from the youth worker sector were in favour of registration with an appropriate regulatory body. However, some respondents suggested that voluntary youth workers should not be subject to compulsory registration, as it could prevent volunteers from coming forward to join the sector; with the added disincentive of a registration fee. The Welsh Government has therefore, ensured that the Order will only have an impact on areas of the voluntary sector that has involvement in youth work and those organisations who are in receipt of Welsh Government funding.

11.2 Registration will still be open to volunteers on a voluntary basis, providing they meet the necessary registration criteria; and as long as they are content to pay the associated registration fee.

12. EQUALITY OF OPPORTUNITY AND WELSH LANGUAGE

12.1 No issues relating to these duties are considered to arise from the making of this Order.

13. SUSTAINABLE DEVELOPMENT

13.1 The aim of workforce registration is to improve the standards of teaching and the quality of learning in Wales, by ensuring that the wider education workforce are regulated and supported and that learners are supported by highly skilled and dedicated professionals.

⁴ <http://gov.wales/docs/dcells/consultation/120910proposalsforregistrationen.pdf>