

Proposal for the registration of School Learning Support Workers with the Education Workforce Council

Consultation response form

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Responses should be returned by **1 July 2015** to

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Welsh Government
Cathays Park
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or completed electronically and sent to:

e-mail: ewc.enquiries@wales.gsi.gov.uk

Question 1 – Do you agree with the proposal that a requirement to register will fall on service providers who carry out one or more specified activity defined under paragraph 6.13?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The Council understands that the Welsh Government is not consulting on the principle of whether school learning support workers should be registered or not. This has previously been consulted upon by the Welsh Government and the principle has been established under the Education (Wales) Act 2014. Here, the Welsh Government is consulting on “the definition of who should be registered” under the category of school learning support worker. This definition will subsequently be included in Regulations.

The Council notes that the definition proposed under paragraph 6.13 has been drawn from the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (and previously the Education (Specified Work and Registration) (Wales) Regulations 2004 and 2010). The Council believes that using this existing legislation

as the basis for formulating the definition of who needs to be registered is a sensible approach to take and one that ought to be understandable to local authorities, schools and supply agencies, given their existing statutory responsibilities in this regard.

Question 2 – ‘School learning support worker’ is a category of registrant within the 2014 Act which is used to describe a person who wishes to provide specified services within a school. However, there could be a range of other titles/job roles which are used to describe this role and these are set out under 6.5 (for illustration purposes only).

Are there any other service providers not captured within this list who you feel also fit within this description (taking account of the definition as set out under paragraph 6.13)?

The Council recognises that the list under paragraph 6.5 is provided as exemplification and is not exhaustive. Furthermore, it can be the case that two members of staff in different schools could have the same job title but undertake very different roles in practice.

As has been the case with both school and FE teachers, the Council will develop detailed guidance for employers and supply agencies in order that they are clear as to who will and will not need to register under the category of learning support worker. The outcomes of this consultation will greatly assist the Council in undertaking this task.

The Council considers that the following are not captured by the list under paragraph 6.5:

- Centrally employed local authority / consortia staff, such as peripatetic music instructors
- Self-employed persons such as sports coaches or music instructors who schools use for a small number of hours per week
- Inclusion officers
- Some school librarians
- Some support staff with behavioural support responsibilities

In the latter two cases above, the Council emphasises that the registration requirement will not apply in every school, but only where the person actually undertakes the duties described in paragraph 6.13.

The Council also invites the Welsh Government to clarify whether or not Challenge Advisers will need to register or not.

Question 3 – Paragraph 6.12 lists (for illustration purposes only) those service providers who will not be required to register with the Council.

Is there any other job title/role you feel should be exempt from registering with the Education Workforce Council under the category of ‘school learning support worker’ (taking account of the definition as set out under paragraph 6.13)?

The Council again notes that the list under paragraph 6.12 is not exhaustive and is presented for illustration purposes.

The Council considers that the following are not captured by the list under paragraph 6.12:

- Business manager / bursar
- I.T. manager
- Examinations officer

However, again the Council points out that in some schools, the persons above may actually undertake the duties described in paragraph 6.13. If so, then they will need to register.

Question 4 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

In discussing the lists under paragraphs 6.5 and 6.12 and the duties under paragraph 6.13 with a number of schools and trade union groups, the following point has been made regularly. In some schools, especially small primary schools and special schools, some administrative or voluntary staff that fall predominantly under the list in paragraph 6.12 also undertake some duties listed under paragraph 6.13. The Council emphasises that the lists under paragraphs 6.5 and 6.12 are illustrative only and of more importance is the list of duties under paragraph 6.13. The Council will seek to make this clear in guiding employers as to who will and will not need to register.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: