

2016 No. 6 (W. 4)

EDUCATION, WALES

**The Education Workforce Council
(Main Functions) (Wales)
(Amendment) Regulations 2016**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Education (Wales) Act 2014 (“the 2014 Act”) makes provision in relation to the Education Workforce Council (“the Council”).

The Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the 2015 Regulations”) make provision in relation to a number of the Council’s functions. These Regulations amend the 2015 Regulations so as to insert a new Part 3A. The new Part 3A provides that school learning support workers must not provide the services set out in that Part 3A unless they meet the specified criteria. The specified criteria includes being registered with the Council in the register it maintains pursuant to section 9 of the 2014 Act (regulation 2(a) and (c) of these Regulations).

Regulation 2(b) of these Regulations amends the 2015 Regulations to clarify that for qualified teachers to be able to carry out the work specified in regulation 17 of the Regulations they must be registered in the school teacher category of registration.

These Regulations further amend the 2015 Regulations so as to insert a new Part 4A. The new Part 4A provides that a further education learning support worker may not provide the services set out in section 16(2) of the 2014 Act unless that person is registered with the Council in the register it maintains pursuant to section 9 of the 2014 Act (regulation 2(d) of these Regulations).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a

regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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(Main Functions) (Wales)
(Amendment) Regulations 2016

Made 6 January 2016

Laid before the National Assembly for Wales
8 January 2016

Coming into force 1 April 2016

The Welsh Ministers in exercise of the powers conferred on them by sections 14, 16, 28 and 47(1) of the Education (Wales) Act 2014(1) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016 and they come into force on 1 April 2016.

(2) These Regulations apply in relation to Wales.

Amendment

2. The Education Workforce Council (Main Functions) (Wales) Regulations 2015(2) are amended as follows—

(a) in regulation 3(1)—

(i) in the appropriate place in alphabetical order, insert—

□ “nominated teacher” (“*athro neu athrawes enwebedig*”) means a person who is mentioned in paragraphs 3, 4, 5, 6 or 7 of Schedule 3 to these Regulations and who is nominated by the head teacher where the head teacher considers that appropriate in the circumstances□; and

(1) 2014 anaw 5.

(2) S.I. 2015/140 (W. 8).

- (ii) in the definition of “serious professional incompetence” for “level of incompetence” substitute “level of competence”;
- (b) in regulation 16 after “by virtue of”, in the first place it occurs, insert “regulation 18A or”;
- (c) in regulation 18 after “(register maintained by the Council)” insert “in the category of school teacher”;
- (d) after Part 3 insert—

□PART 3A

Requirement to be registered: school learning support workers

School learning support workers

18A.—(1) A school learning support worker is a person who provides the services specified in regulation 17 (“the services”) or supports the provision of the services by a school teacher.

(2) A school learning support worker must not provide the services or support the provision of the services by a school teacher unless—

- (a) they are registered under section 9 of the 2014 Act (register maintained by the Council) in the category of school learning support worker;
- (b) they provide the services with direct interaction with learners to assist or support the work of school teachers or nominated teachers in the school;
- (c) they provide the services under the direction and supervision of school teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and
- (d) the head teacher is satisfied that they have the skills, expertise and experience to provide the services.

(3) In determining whether a person has the skills, expertise and experience required to provide the services specified in paragraph (2)(d) in a school, head teachers must have regard to—

- (a) the standards for higher-level teaching assistants, or guidance concerning the qualifications for school learning support workers that may be published from time to time by the Welsh Ministers; and

- (b) guidance as to the contractual matters relating to school learning support workers as may be published from time to time by any local authority or other employer.□;
- (e) after Part 4 insert—

□Part 4A

Requirement to be registered: further
education learning support workers

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19A. A person must not provide the services set out in section 16(2) of the 2014 Act unless they are registered under section 9 of the 2014 Act (register maintained by the Council) in the category of further education learning support worker.□; and

- (f) in Schedule 3 omit paragraph 8.

Huw Lewis
Minister for Education and Skills, one of the Welsh
Ministers
6 January 2016