

Draft Order laid before the National Assembly for Wales under section 47(2) of the Education (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2016 No. (W.)

EDUCATION, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

The Education (Wales) Act 2014 (“the 2014 Act”) makes provision in relation to the Education Workforce Council (“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 (“the Register”).

The categories of registered persons are set out in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act. The Welsh Ministers have a power in paragraph 2 of that Schedule to add, amend or remove a category of registration. Accordingly, this Order amends Table 1 in in paragraph 1 in Schedule 2 to the 2014 Act to add the following categories of registered person (Part 4 of this Order)—

- (a) youth worker;
- (b) youth support worker; and
- (c) work based learner practitioner.

The effect of Part 2 of this Order is to create a voluntary registration system for youth workers, so that any person providing youth development services may register with the Council. However, Part 2 also provides that a person must register with the Council if they want to provide youth development services for or on behalf of a relevant body (as defined in this Order) (article 3(1)).

Article 3(2) sets out an exception to the restriction in article 3(1); that exception applies where a person moves to the UK from another member state in the European Union to carry out work as a youth worker on a temporary and occasional basis. That person is not subject to the requirement to register (“the EU temporary and occasional worker exemption”). This provision ensures compliance with Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015.

The effect of Part 3 of this Order is also to create a voluntary registration system for youth support workers, so that any person providing youth development services may register with the Council. However, Part 3 also provides that a person must register with the Council if they want to provide youth development services for or on behalf of a relevant body. Article 5(2) provides that the EU temporary and occasional worker exemption also applies to the restriction in article 5(1).

The effect of Part 4 of this Order is create a compulsory registration system for work based learning practitioners, so that any person providing work based learning practitioner services for or on behalf of a work based learning body (as defined in this Order) must register with the Council (article 7(1)). There is no provision for voluntary registration of work based learning practitioners.

The amended table in paragraph 1 in Schedule 2 to the 2014 Act describes a work based learning practitioner as a person who provides work based learning practitioner services for or on behalf of a work based learning body. A work based learning body is a body which is funded by the Welsh Ministers to provide work based learning services. A list of such bodies can be found on the Welsh Government website at www.learning.gov.wales.

The description of a work based learning practitioner includes a number of professional roles involved in the delivery of work based learning. Those roles are often known within the profession as work based learning “mentors”, “coaches” and “assessors”. Article 7(2) provides that the EU temporary and occasional worker exemption also applies to the restriction in article 7(1).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Department for Education and Public Services in the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Draft Order laid before the National Assembly for Wales under section 47(2) of the Education (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2016 No. (W.)

EDUCATION, WALES

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

Made *2016*

*Coming into force in accordance with
article 1(2)*

The Welsh Ministers, in exercise of the powers conferred on them by section 47(1) of, and paragraph 2 of Schedule 2 to, the Education (Wales) Act 2014⁽¹⁾, having consulted such persons as they consider appropriate, make the following Order.

In accordance with section 47(2) of the Education (Wales) Act 2014, a draft of this Order was laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

PART 1

General

Title and commencement

1.—(1) The title of this Order is the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016.

(1) 2014 anaw 5.

(2) This Order comes into force on 1 March 2017 except articles 4, 6 and 7 which come into force on 1 April 2017.

Interpretation

2. In this Order—

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014;

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the European Union (Recognition of Professional Qualifications) Regulations 2015(1);

“relevant body” (“*corff perthnasol*”) means—

- (a) a local authority in Wales;
- (b) a governing body of a school;
- (c) a further education institution in Wales;
- (d) a voluntary body, to the extent that the youth development services provided for or on behalf of the voluntary body are provided to people in Wales;

“voluntary body” (“*corff gwirfoddol*”) means a body, other than a body exercising functions of a public nature, the activities of which are not carried out for profit;

“work based learning body” (“*corff dysgu seiliedig ar waith*”) means a body to which financial resources are provided pursuant to section 34(1) of the Learning and Skills Act 2000(2) in respect of the provision of work based learning.

PART 2

YOUTH WORKERS

Youth workers: qualifications and alternative requirements

3.—(1) Part 1 of Schedule 1 to this Order sets out the youth worker qualifications for the purposes of the description of the category of youth worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act.

(2) Part 2 of Schedule 1 to this Order sets out the alternative requirements for the purposes of that description.

Youth workers: requirement to register

4.—(1) A person falling within the category of youth worker in Table 1 in paragraph 1 of Schedule 2 to the

(1) S.I. 2015/2059.

(2) 2000 c.21.

2014 Act must not provide youth development services for or on behalf of a relevant body (other than as a volunteer) unless he or she is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of youth worker.

(2) But paragraph (1) does not apply to a person who is providing youth worker services in respect of which Part 2 of the 2015 Regulations apply (freedom to provide services in the United Kingdom on a temporary and occasional basis).

PART 3

YOUTH SUPPORT WORKERS

Youth support workers: qualifications and alternative requirements

5.—(1) Part 1 of Schedule 2 to this Order sets out the youth support worker qualifications for the purposes of the description of the category of youth support worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act.

(2) Part 2 of Schedule 2 to this Order sets out the alternative requirement for the purposes of that description.

Youth support workers: requirement to register

6.—(1) A person falling within the category of youth support worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act must not provide youth development services for or on behalf of a relevant body (other than as a volunteer) unless he or she is registered under section 9 of the 2014 Act in the category of youth support worker.

(2) Paragraph (1) does not apply to a person who is providing youth support worker services in respect of which Part 2 of the 2015 Regulations apply (freedom to provide services in the United Kingdom on a temporary and occasional basis).

PART 4

WORK BASED LEARNING PRACTITIONERS

Requirement to register

7.—(1) A person must not provide work based learning practitioner services for or on behalf of a work based learning body (other than as a volunteer) unless he or she is registered under section 9 of the

2014 Act in the category of work based learning practitioner.

(2) Paragraph (1) does not apply to a person who is providing work based learning practitioner services in respect of which Part 2 of the 2015 Regulations apply (freedom to provide services in the United Kingdom on a temporary and occasional basis).

PART 5

AMENDMENTS TO THE 2014 ACT

Amendments to the 2014 Act

8.—(1) Schedule 2 to the 2014 Act is amended as set out in paragraphs (2) and (3).

(2) In Table 1 in paragraph 1 insert at the end of the Table—

“Youth worker	<p>A person who provides (or wishes to provide) youth development services and who—</p> <ul style="list-style-type: none"> (a) possesses at least one of the qualifications specified as youth worker qualifications in an order made under paragraph 2, or (b) otherwise meets such alternative requirements as are specified in an order under that paragraph.
Youth support worker	<p>A person who provides (or wishes to provide) youth development services and who—</p> <ul style="list-style-type: none"> (a) possesses at least one of the qualifications specified as youth support worker qualifications in an order made under paragraph 2, or (b) otherwise meets

	such alternative requirements as are specified in an order under that paragraph.
Work based learning practitioner	A person who provides (or wishes to provide) work based learning practitioner services.”

(3) For paragraph 3 substitute—

“3. In this Schedule—

“school” (“*ysgol*”) means—

- (a) a school maintained by a local authority in Wales;
- (b) a special school in Wales not so maintained;

“work based learning” (“*dysgu seiliedig ar waith*”) means education or training provided—

- (a) for persons aged 16 or above (regardless of whether it is also provided for persons under 16), and
- (b) to develop knowledge and skills relevant to a particular trade, occupation or employer;

“work based learning practitioner services” (“*gwasanaethau ymarferydd dysgu seiliedig ar waith*”) are—

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

“youth development services” (“*gwasanaethau datblygu ieuencid*”) are services—

- (a) provided mainly to persons who are aged no younger than 11 and no older than 25, and
- (b) which promote—
 - (i) the development of the skills or knowledge of such persons, or
 - (ii) the intellectual, emotional or social development of such persons.”

Minister for Skills and Science under the authority of the Cabinet Secretary for Education, one of the Welsh Ministers
Date

SCHEDULE 1 article 3

Youth Workers

PART 1

Qualifications

Youth worker qualifications

1. The youth worker qualifications are set out in this Part as follows—

- (a) Table 1 sets out qualifications awarded by awarding bodies in Wales;
- (b) Table 2 sets out qualifications awarded by awarding bodies in England;
- (c) Table 3 sets out qualifications awarded by awarding bodies in Scotland;
- (d) Table 4 sets out qualifications awarded by awarding bodies in Northern Ireland;
- (e) Table 5 sets out qualifications awarded in the United Kingdom by other awarding bodies.

Table 1: Wales

<i>Qualifications in relation to Wales</i>	<i>Awarding body</i>
Higher education diploma in community education	Cardiff Metropolitan University
Higher education diploma in youth and community work	Glyndŵr University
Postgraduate degree in the community professions	Cardiff Metropolitan University The University of Wales Institute, Cardiff
Postgraduate degree in youth and community education	Glyndŵr University North East Wales Institute of Higher Education
Postgraduate degree in youth and community studies	Glyndŵr University North East Wales Institute of Higher Education
Postgraduate degree in youth and community work	Trinity College Carmarthen

	University of Wales: Trinity Saint David
Postgraduate diploma in community professions (youth and community work)	Cardiff Metropolitan University The University of Wales Institute, Cardiff
Postgraduate diploma in youth and community education	Glyndŵr University North East Wales Institute of Higher Education
Postgraduate diploma in youth and community work	Cardiff Metropolitan University Glyndŵr University North East Wales Institute of Higher Education Trinity College Carmarthen University of South Wales University of Wales: Trinity Saint David The University of Wales Institute, Cardiff University of Wales Newport Higher Education Corporation
Undergraduate degree in community education	Cardiff Metropolitan University The University of Wales Institute, Cardiff
Undergraduate degree in youth and community work	Cardiff Metropolitan University Glyndŵr University North East Wales Institute of Higher Education The University of Wales Institute, Cardiff Trinity College

	<p>Carmarthen</p> <p>University of South Wales</p> <p>University of Wales: Trinity Saint David</p> <p>University of Wales Newport Higher Education Corporation</p>
Undergraduate degree in youth and community work (sport)	<p>University of South Wales</p> <p>University of Wales Newport Higher Education Corporation</p>
Undergraduate degree in youth and community work (youth justice)	<p>University of South Wales</p> <p>University of Wales Newport Higher Education Corporation</p>

Table 2: England

<i>Qualifications in relation England</i>	<i>Awarding body</i>
Diploma in community and youth work studies	University of Manchester
Graduate diploma in youth and community development	University of Cumbria St Martin's College
Graduate diploma in youth and community development work	University of Cumbria St Martin's College
Graduate diploma in youth work	Sheffield Hallam University
Graduate diploma in youth work and ministry	Oasis College Oasis Trust
Higher education diploma in youth work and community	Bristol Polytechnic John Moores University University of the West of England
Postgraduate certificate in youth and community work	Brunel University
Postgraduate degree in applied anthropology and community and youth work	Goldsmiths College, University of London
Postgraduate degree in	University of

professional studies (youth and community work)	Huddersfield
Postgraduate degree in youth and community work	College of St Mark & St John Edgehill University Liverpool Hope University University College Plymouth, St Mark & St John Newman University University of Durham University of Hull University of Northampton University of St Mark & St John
Postgraduate degree in youth and community work development	De Montfort University
Postgraduate degree in youth work	University of Gloucestershire University of Teesside
Postgraduate degree in youth work and community development	University of Teesside
Postgraduate diploma in applied anthropology and community and youth work	Goldsmiths College, University of London Turning Point College
Postgraduate diploma in applied theology (youth and community work)	Moorlands College
Postgraduate diploma in professional studies (youth and community work)	University of Huddersfield
Postgraduate diploma in youth and community development	Bradford College Brunel University College of St Mark & St John Plymouth

	<p>Leeds Beckett University</p> <p>Leeds Metropolitan University</p> <p>Manchester Metropolitan University</p> <p>University College Birmingham</p> <p>University College Plymouth, St Mark & St John</p> <p>University of Cumbria</p> <p>University of East London</p> <p>University of St Mark & St John</p>
<p>Postgraduate diploma in youth and community work</p>	<p>Bradford College</p> <p>Brunel University</p> <p>Leeds Beckett University</p> <p>Leeds Metropolitan University</p> <p>Newman University</p> <p>Manchester Metropolitan University</p> <p>St Martin's College</p> <p>University College Birmingham</p> <p>University of Cumbria</p> <p>University of East London</p> <p>University of St Mark & St John</p> <p>College of St Mark & St John Plymouth</p> <p>University College Plymouth, St Mark & St</p>

	John
Postgraduate diploma in youth and community work development	De Montfort University Manchester Metropolitan University Leicester Polytechnic
Postgraduate diploma in youth work	University of Gloucestershire University of Teesside
Postgraduate diploma in youth work and community development	University of Teesside
Undergraduate degree in applied community and youth work studies	University of Derby University of Manchester
Undergraduate degree in applied social science, community development and youth work	Goldsmiths College, University of London
Undergraduate degree in applied theology (youth and community work)	Moorlands College
Undergraduate degree in Christian youth work	University of Chester
Undergraduate degree in community and youth studies	Bulmershe College of Higher Education University of Reading
Undergraduate degree in community and youth work studies	University of Durham
Undergraduate degree in community development and youth work	Ruskin College, Oxford
Undergraduate degree in community youth work	Sunderland University
Undergraduate degree in integrated youth work and support	Middlesex University
Undergraduate degree in theology, youth work and ministry	Nazarene Theological College
Undergraduate degree in working with young people and communities (youth work)	University of Derby
Undergraduate degree in youth and community development	De Montfort University Leicester Polytechnic
Undergraduate degree in youth and community	University of Worcester

services	
Undergraduate degree in youth and community studies	University of Cumbria University of Sunderland
Undergraduate degree in youth and community work	Anglia Polytechnic University Anglia Ruskin University Bradford College Brunel University Leeds Metropolitan University Manchester Metropolitan University Ruskin College, Oxford Sheffield Hallam University St Helens College St Martin's College Thames Polytechnic University College Plymouth, St Mark & St John University of Bedfordshire University of Bolton University of Chichester University of Cumbria University of East London University of Greenwich University of Huddersfield University of St Mark & St John

	University of Worcester York St John University
Undergraduate degree in youth and community work studies	Sunderland University
Undergraduate degree in youth and community work with Christian, Muslim and secular pathways	Newman University
Undergraduate degree in youth studies	University of Cumbria St Martin's College
Undergraduate degree in youth work	Brunel University Coventry University London Metropolitan University Middlesex University University of Brighton University of Chester University of Cumbria University of Gloucestershire
Undergraduate degree in youth work and community development	De Montfort University Leeds Beckett University Leeds Metropolitan University University of Cumbria University of Hull
Undergraduate degree in youth work and community services	University of Teesside
Undergraduate degree in youth work and ministry	Oasis College Oasis Trust

Table 3: Scotland

<i>Qualifications in relation to Scotland</i>	<i>Awarding body</i>
Diploma in adult and continuing education	University of Glasgow

Diploma in community education	Moray House Institute of Education University of Edinburgh
Postgraduate certificate in community education	Jordanhill College of Education Moray House Institute of Education Northern College of Education University of Aberdeen University of Edinburgh University of Strathclyde West of Scotland University
Postgraduate certificate in youth work	Jordanhill College of Education Moray House Institute of Education University of Edinburgh University of Strathclyde
Postgraduate degree in adult and continuing education	University of Glasgow
Postgraduate degree in community education	Moray House Institute of Education University of Edinburgh
Postgraduate diploma in community education	Northern College of Education Moray House Institute of Education University of Aberdeen University of Edinburgh
Postgraduate diploma in community learning and development	Northern College of Education University of Aberdeen University of Dundee University of Glasgow

Postgraduate diploma in community learning and development with applied theology	International Christian College
Undergraduate degree in community development	University of Glasgow
Undergraduate degree in community development and learning	University of Dundee
Undergraduate degree in community education	Jordanhill College of Education Northern College of Education Moray House Institute of Education University of Aberdeen University of Edinburgh West of Scotland University University of Strathclyde
Undergraduate degree in community learning and development	University of Glasgow Northern College of Education University of Aberdeen University of Dundee
Undergraduate degree in community learning and participation	West of Scotland University
Undergraduate degree in youth work	Edinburgh Napier University
Undergraduate degree in youth work with applied theology	International Christian College

Table 4: Northern Ireland

<i>Qualifications in relation Northern Ireland</i>	<i>Awarding body</i>
Postgraduate diploma in community youth work	University of Ulster
Undergraduate degree in community youth work	University of Ulster

Table 5: Other awarding bodies awarding qualifications in the United Kingdom

<i>Qualifications</i>	<i>Awarding body</i>
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Postgraduate degree in youth work and community learning and development	YMCA George Williams College
Postgraduate diploma in youth work and community learning and development	YMCA George Williams College
Undergraduate degree in informal education	YMCA George Williams College
Undergraduate degree in informal education (youth work and community learning and development)	YMCA George Williams College
Undergraduate degree in school, youth and community work and practical theology	Institute for Children, Youth and Mission
Undergraduate degree in working with young people/youth work	Open University
Undergraduate degree in youth and community work	Institute for Children Youth and Mission
Undergraduate degree in youth and community work and practical theology	Centre for Youth Ministry Institute for Children Youth and Mission
Undergraduate degree in youth work	Open University

PART 2

Alternative Requirements

Alternative requirements

2. A person meets the alternative requirements for the purposes of the youth worker category in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act if that person—

- (a) before 31 December 1988, was a qualified teacher within the meaning of Part 3 of the Education (Teachers) Regulations 1982⁽¹⁾ (see regulation 13), or
- (b) is authorised to practice as a youth worker by virtue of Part 3 of the 2015 Regulations (freedom of establishment in the United Kingdom).

(1) S.I. 1982/106 as amended by S.I. 1988/542 and S.I. 1989/329. S.I.1982/106 was revoked by S.I. 1989/1319.

SCHEDULE 2

article 5

Youth Support Workers

PART 1

Qualifications

Interpretation

1. In this Schedule—

“the 1996 (Scotland) Act” (“*Deddf (Yr Alban) 1996*”) means the Education (Scotland) Act 1996(1);

“the 2009 Act” (“*Deddf 2009*”) means the Apprenticeships, Skills, Children and Learning Act 2009(2);

“the 2015 Act” (“*Deddf 2015*”) means the Qualifications Wales Act 2015(3);

“the 1998 Order” (“*Gorchymyn 1998*”) means the Education (Northern Ireland) Order 1998(4);

“CCEA” (“*CCEA*”) means the Northern Ireland Council for the Curriculum, Examinations and Assessment continued in existence by article 73 of the 1998 Order;

“Ofqual” (“*Ofqual*”) means the Office of Qualifications and Examinations Regulation established under section 127 of the 2009 Act;

“SQA” (“*SQA*”) means the Scottish Qualifications Authority established under section 1 of the 1996 (Scotland) Act;

“Qualifications Wales” means the body established under section 2(1) of the 2015 Act.

Youth support worker qualifications

2. Paragraphs 2 to 5 set out the youth support worker qualifications.

Wales

3.—(1) A qualification set out in sub-paragraph (2) is a youth support worker qualification for the purposes of the youth support worker category in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act if it was awarded by a body recognised by Qualifications

(1) 1996 c.43.

(2) 2009 c.22.

(3) 2015 anaw 5.

(4) S.I. 1998/1759 (N.I. 13) as amended by S.I. 2006/1915 (N.I. 11).

Wales under Part 3 of the 2015 Act in respect of the award of that qualification.

(2) The qualifications are—

- (a) Level 2 award in youth work practice;
- (b) Level 2 certificate in youth work practice;
- (c) Level 3 certificate in youth work practice;
- (d) Level 3 diploma in youth work practice.

England

4.—(1) A qualification set out in sub-paragraph (2) is a youth support worker qualification for the purposes of the youth support worker category in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act if it was awarded by a body recognised by Ofqual under section 132 of the 2009 Act in respect of the award of that qualification.

(2) The qualifications are—

- (a) Level 2 certificate in working with young people;
- (b) Level 2 award in youth work practice;
- (c) Level 2 certificate in working with young people;
- (d) Level 2 certificate in youth work practice;
- (e) Level 3 award in working with vulnerable young people;
- (f) Level 3 award in youth work practice;
- (g) Level 3 certificate in working with vulnerable young people;
- (h) Level 3 diploma in youth work practice;
- (i) Level 4 award in working with vulnerable young people.

Scotland

5.—(1) A qualification set out in sub-paragraph (2) is a youth support worker qualification for the purposes of the youth support worker category in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act if it was awarded by the SQA, or any body approved by the SQA under section 2(1) of the 1996 (Scotland) Act in respect of the award of that qualification.

(2) The qualifications are—

- (a) Youth work SVQ 2;
- (b) Youth work SVQ 3;
- (c) SVQ youth justice 3.

Northern Ireland

6.—(1) A qualification set out in sub-paragraph (2) is a youth support worker qualification for the purposes of the youth support worker category in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act if it was awarded by the CCEA, or any body recognised by the CCEA under Part 8 of the 1998 Order in respect of the award of that qualification.

(2) The qualifications are—

- (a) Level 2 award in community relations, equality and diversity in youth work practice;
- (b) Level 2 award in understanding the role of the youth council;
- (c) Level 2 certificate in community relations;
- (d) equality and diversity in youth work practice;
- (e) Level 2 certificate in youth work practice;
- (f) Level 2 diploma in youth work practice;
- (g) Level 3 award in youth work practice;
- (h) Level 3 certificate in outreach and detached youth work;
- (i) Level 3 certificate in peer support worker – theory and practice.

PART 2

Alternative Requirements

7. A person meets the alternative requirements for the purposes of the youth support worker category in Table 1 in paragraph 1 in Schedule 2 to the 2014 Act if that person—

- (a) before 31 December 1988, was a qualified teacher within the meaning of Part 3 of the Education (Teachers) Regulations 1982 (see regulation 13), or
- (b) is authorised to practice as a youth support worker by virtue of Part 3 of the 2015 Regulations (freedom of establishment in the United Kingdom).