

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

DRAFT WELSH STATUTORY
INSTRUMENTS

2023 No. (W.)

EDUCATION, WALES

**The Education Workforce Council
(Additional Categories of
Registration) (Wales) Order 2023**

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 the power in paragraph 2 of that Schedule to add, amend or remove a category of registration. Accordingly, Part 6 of this Order amends Table 1 in paragraph 1 in Schedule 2 to the 2014 Act to add the following categories of registered person—

- (a) independent school teacher,
- (b) independent school learning support worker,
- (c) independent special post-16 institution teacher, and
- (d) independent special post-16 institution learning support worker.

Part 2 of this Order specifies independent school teacher services. These services may only be provided in or for independent schools by persons who are registered with the Council in the category of independent school teacher. This Part also provides that only persons registered in the category of independent school learning support worker may support the provision of independent school teacher services in or for an independent school. However, the

requirements to register set out in this Part do not apply to persons who provide the services or support the provision of services as volunteers.

Part 3 of this Order specifies independent special post-16 institution teacher services. These services may only be provided in or for an independent special post-16 institution by persons who are registered with the Council in the category of independent special post-16 institution teacher. This Part also provides that only persons registered in the category of independent special post-16 institution learning support worker may support the provision of independent special post-16 institution teacher services in or for an independent special post-16 institution. However, the requirements to register set out in this Part do not apply to persons who provide the services or support the provision of services as volunteers.

Part 4 of this Order makes amendments to the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016 (“the 2016 Order”). References in the 2016 Order to “relevant body” are replaced with references to “relevant employer”. A relevant employer means a person who employs or otherwise engages persons to provide youth development services in Wales.

This Part also provides that a person is eligible for provisional registration as a youth worker if they are working towards obtaining a youth worker qualification. Also, a person is eligible for provisional registration as a youth support worker if they are working towards obtaining a youth support worker qualification. A person who is eligible for provisional registration must be provisionally registered in order to provide youth development services for or on behalf of a relevant employer (unless they are providing the services as a volunteer).

This Part also imposes duties on the Council to prepare and maintain a list of youth worker qualifications and youth support worker qualifications. The Council must inform the Welsh Ministers, on an annual basis, of any amendments that should be made to the list of youth worker and list of youth support worker qualifications as set out in Schedules 1 and 2 to the 2016 Order.

Part 5 makes amendments to the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the 2015 Regulations”) in relation to school teachers and learning support workers. The definition of “specified work” in regulation 17 of the 2015 Regulations is amended to make sure all teachers who are head teachers or have another senior leadership role are captured in the category of school teacher. The amendments also simplify the

requirements in relation to school learning support workers and make clear that a school teacher does not also have to register in the category of learning support worker unless that person is employed or otherwise engaged as a school learning support worker in a school in Wales. The amendments amend the requirements in relation to further education learning support workers to make clear that a further education teacher does not also have to register in the category of further education learning support worker unless that person is employed or otherwise engaged as a further education learning support worker in a further education institution in Wales.

Part 7 of this Order amends the Education Workforce Council (Registration Fees) Regulations 2017 (“the 2017 Regulations”) to make provision in relation to the amount of registration fee payable by the new categories of registration. The fees payable for all categories of registration are set out in regulation 4 of the 2017 Regulations. Regulation 4 also provides that the Welsh Ministers may determine the amount by which those registration fees will be subsidised and requires them to publish the amount of that subsidy on the Welsh Government website.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at www.gov.wales.

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DRAFT WELSH STATUTORY
INSTRUMENTS

2023 No. (W.)

EDUCATION, WALES

**The Education Workforce Council
(Additional Categories of
Registration) (Wales) Order 2023**

Made

Coming into force

22 May 2023

The Welsh Ministers, in exercise of the powers conferred on them by sections 5(1), 10(2)(b)(1), 12(1)(2), 13(1)(3), 14(1)(4), 16(1)(5) and 47(1) of, and paragraph 2 of Schedule 2 to, the Education (Wales) Act 2014(6), 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 Senedd Cymru and approved by a resolution of Senedd Cymru(7).

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- (1) The power to make regulations under section 10(2)(b) of the Education (Wales) Act 2014 may be exercised to make an order by virtue of section 39 of the Legislation (Wales) Act 2019 (anaw 4).
 - (2) The power to make regulations under section 12(1) of the Education (Wales) Act 2014 may be exercised to make an order by virtue of section 39 of the Legislation (Wales) Act 2019.
 - (3) The power to make regulations under section 13(1) of the Education (Wales) Act 2014 may be exercised to make an order by virtue of section 39 of the Legislation (Wales) Act 2019.
 - (4) The power to make regulations under section 14 of the Education (Wales) Act 2014 may be exercised to make an order by virtue of section 39 of the Legislation (Wales) Act 2019.
 - (5) The power to make regulations under section 16 of the Education (Wales) Act 2014 may be exercised to make an order by virtue of section 39 of the Legislation (Wales) Act 2019.
 - (6) 2014 anaw 5.
 - (7) The reference in section 47(2) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by

PART 1

GENERAL

Title and commencement

1.—(1) The title of this Order is the Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023.

(2) This Order comes into force on 22 May 2023.

Interpretation

2. In this Order—

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

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Education Workforce Council (Main Functions) (Wales) Regulations 2015(1);

“the 2016 Order” (“*Gorchymyn 2016*”) means the Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016(2);

“the 2017 Regulations” (“*Rheoliadau 2017*”) means the Education Workforce Council (Registration Fees) Regulations 2017(3);

“independent school” (“*ysgol annibynnol*”) has the meaning given in section 463 of the Education Act 1996(4);

“independent school teacher” has the meaning given to it in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act;

“independent special post-16 institution” (“*sefydliad ôl-16 arbennig annibynnol*”) has the meaning given in section 56(6) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(5);

“independent special post-16 institution teacher” has the meaning given to it in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act.

virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32). See also section 40 of the Legislation (Wales) Act 2019 for provision about the procedure that applies to this instrument.

- (1) S.I. 2015/140 (W. 8), amended by S.I. 2016/6 (W. 4) and by S.I. 2019/444 (W. 107).
- (2) S.I. 2016/1183 (W. 288).
- (3) S.I. 2017/92 (W. 34).
- (4) 1996 c. 56.
- (5) 2018 anaw 2.

PART 2

INDEPENDENT SCHOOLS

Independent school teacher services

3.—(1) Each of the following activities are independent school teacher services for the purposes of this Part—

- (a) planning and preparing lessons and courses for pupils;
- (b) delivering lessons to pupils;
- (c) assessing the development, progress and attainment of pupils;
- (d) reporting on the development, progress and attainment of pupils;
- (e) undertaking a senior leadership role in managing teaching and learning at the school.

(2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.

Requirement to be registered: independent school teacher

4. A person must not provide independent school teacher services in or for an independent school in Wales (except as a volunteer) unless the person is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of independent school teacher.

Requirement to be registered: independent school learning support worker

5.—(1) A person must not support the provision of independent school teacher services in or for an independent school in Wales (except as a volunteer) unless the person is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of independent school learning support worker.

(2) Paragraph (1) does not apply to a person who is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of independent school teacher in so far as that person is supporting the provision of the services as part of the person’s role as an independent school teacher.

PART 3
INDEPENDENT SPECIAL POST-16
INSTITUTIONS

Independent special post-16 institution teacher services

6.—(1) Each of the following activities are independent special post-16 institution teacher services for the purpose of this Part—

- (a) planning and preparing education and training for learners;
- (b) delivering education and training to learners;
- (c) assessing the development and progress of learners;
- (d) reporting on the development and progress of learners;
- (e) undertaking a senior leadership role in managing teaching and learning at the independent special post-16 institution.

(2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.

Requirement to be registered: independent special post-16 institution teachers

7. A person must not provide independent special post-16 institution teacher services in or for an independent special post-16 institution in Wales (except as a volunteer) unless the person is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of independent special post-16 institution teacher.

Requirement to be registered: independent special post-16 institution learning support worker

8.—(1) A person must not support the provision of independent special post-16 institution teacher services in or for an independent special post-16 institution in Wales (except as a volunteer) unless the person is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of independent special post-16 institution learning support worker.

(2) Paragraph (1) does not apply to a person who is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of independent special post-16 institution teacher in so far as that person is supporting the provision of the services as part of the person’s role as an independent special post-16 institution teacher.

PART 4
YOUTH WORK

Amendment to the 2016 Order

9.—(1) The 2016 Order is amended as follows.

(2) In article 2—

(a) omit the definitions of “relevant body” and “voluntary body”;

(b) insert at the appropriate place—

““Education Workforce Council (*“Cyngor y Gweithlu Addysg”*) means the Education Workforce Council continued in existence by section 2(1) of the 2014 Act;”;

““relevant employer” (*“cyflogwr perthnasol”*) means a person who employs or otherwise engages persons to provide youth development services in Wales;”.

(3) In article 3, after paragraph (2) insert—

“(3) The Education Workforce Council must—

(a) prepare and maintain a list of youth worker qualifications, and

(b) inform the Welsh Ministers on an annual basis whether the list of youth worker qualifications specified in Part 1 of Schedule 1 should be amended.”

(4) After article 3 insert—

“Provisional registration of youth workers

3A. A person may be registered on a provisional basis as a youth worker if the person is working towards obtaining one of the qualifications specified as youth worker qualifications in Part 1 of Schedule 1.”

(5) In article 4—

(a) in paragraph (1)—

(i) for “falling within the category of youth worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act” substitute “within paragraph (1A)”,

(ii) after “youth development services” insert “in Wales”, and

(iii) for “body” substitute “employer”;

(b) after paragraph (1) insert—

“(1A) A person is within this paragraph if—

(a) the person falls within the category of youth worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act, or

- (b) the person is working towards obtaining one of the qualifications specified as youth worker qualifications in Part 1 of Schedule 1.”

(6) In article 5, after paragraph (2) insert—

“(3) The Education Workforce Council must—

- (a) prepare and maintain a list of youth support worker qualifications, and
- (b) inform the Welsh Ministers on an annual basis whether the list of youth support worker qualifications specified in Part 1 of Schedule 2 should be amended.”

(7) After article 5 insert—

“Provisional registration of youth support workers

5A. A person may be registered on a provisional basis as a youth support worker if the person is working towards obtaining one of the qualifications specified as youth support worker qualifications in Part 1 of Schedule 2.”

(8) In article 6—

(a) in paragraph (1)—

- (i) for “falling within the category of youth support worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act” substitute “within paragraph (1A)”,
- (ii) after “youth development services” insert “in Wales”, and
- (iii) for “body” substitute “employer”;

(b) after paragraph (1) insert—

“(1A) A person is within this paragraph if—

- (a) the person falls within the category of youth support worker in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act, or
- (b) the person is working towards obtaining one of the qualifications specified as youth support worker qualifications in Part 1 of Schedule 2.”;

(c) For paragraph (2) substitute—

“(2) Paragraph (1) does not apply to a person who is—

- (a) 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); or

- (b) registered on a provisional basis as a youth worker in accordance with article 4.”

(9) Schedule 1 (Youth Workers) is amended in accordance with the Schedule to this Order.

(10) In Schedule 2—

- (a) in paragraph 3(2) omit paragraphs (a) and (b),
- (b) in paragraph 4(2)—
 - (i) omit paragraphs (a) to (e), (g) and (i),
 - (ii) in paragraph (f) for “award” substitute “certificate”,
- (c) in paragraph 5(2) omit paragraph (a), and
- (d) in paragraph 6(2), in the English language text, omit paragraphs (a) to (f) and in the Welsh language text, omit paragraphs (a) to (e).

(11) But the provisions omitted by paragraph (10) continue to have effect in relation to persons who are registered in the category of youth support worker before the commencement of this Order until 31 May 2025.

PART 5

SCHOOL TEACHERS, SCHOOL LEARNING SUPPORT WORKERS AND FURTHER EDUCATION LEARNING SUPPORT WORKERS

Amendments to the 2015 Regulations

10.—(1) The 2015 Regulations are amended as follows.

(2) In regulation 15—

- (a) renumber the existing text as paragraph (1);
- (b) after paragraph (1) as renumbered insert—

“(2) This regulation is subject to regulation 18A (circumstances in which a learning support worker may carry out the work specified in regulation 17).”

(3) In regulation 17(1)—

- (a) in sub-paragraph (c) omit the “and” at the end;
- (b) after sub-paragraph (d) insert—

“(e) undertaking a senior leadership role in managing teaching and learning at the school.”

(4) For regulation 18A substitute—

“School learning support workers

18A.—(1) A person must not support the provision of the services specified in regulation 17 in or for a school in Wales (except as a volunteer) unless—

- (a) the person is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of school learning support worker; and
- (b) the head teacher is satisfied that the person has the skills, expertise, and experience to support the provision of the services in a school.

(2) Paragraph (1) does not apply to a person who is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of school teacher in so far as that person is supporting the provision of the services as part of the person’s role as a school teacher.”

(5) In regulation 19A—

- (a) renumber the existing text as (1);
- (b) after paragraph (1) as renumbered insert—

“(2) Paragraph (1) does not apply to a person who is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of further education teacher in so far as that person is supporting the provision of the services as part of the person’s role as a further education teacher.”

PART 6

AMENDMENTS TO THE 2014 ACT

Amendments to the 2014 Act

11.—(1) The 2014 Act is amended as follows.

(2) In Table 1 in paragraph 1 in Schedule 2—

- (a) for the description of “School learning support worker” substitute—

“A person who satisfies the requirements specified in regulations made under section 14(1)(a)(ii) and who supports (or wishes to support) the provision of any of the services specified in regulations made under that section in a school.”;

- (b) in the description of “Further education learning support worker” omit the words “, other than a further education teacher.”;
- (c) insert after the entry for “Work based learning practitioner”—

Table 1

“Independent school teacher	A person who provides (or wishes to provide) independent school teacher services in or for an independent school in Wales.
Independent school learning support worker	A person who supports (or wishes to support) the provision of independent school teacher services in or for an independent school in Wales.
Independent special post-16 institution teacher	A person who provides (or wishes to provide) independent special post-16 institution teacher services in or for an independent special post-16 institution in Wales.
Independent special post-16 institution learning support worker	A person who supports (or wishes to support) the provision of independent special post-16 institution teacher services in or for an independent special post-16 institution in Wales.”

(3) In paragraph 3, in the appropriate places insert—

““independent school” (“*ysgol annibynnol*”) has the meaning given in section 463 of the 1996 Act;”;

““independent school teacher services” (“*gwasanaethau athro neu athrawes ysgol annibynnol*”) are services specified as such in an order made under paragraph 2;”;

““independent special post-16 institution” (“*sefydliad ôl-16 arbennig annibynnol*”) has the meaning given in section 56(6) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2);”;

““independent special post-16 institution teacher services” (“*gwasanaethau athro neu athrawes sefydliad ôl-16 arbennig annibynnol*”) are services specified as such in an order made under paragraph 2;”.

(4) In Table 3 in Schedule 4 in the appropriate places in the Table insert—

Word expression	or Welsh language equivalent	Relevant provision
“Independent school	Ysgol annibynnol	Schedule 2”
“Independent school learning	Gweithiwr cymorth dysgu	Schedule 2”

support worker	mewn ysgol annibynnol	
“Independent school teacher	Athro neu athrawes ysgol annibynnol	Schedule 2”
“Independent special post-16 institution	Sefydliad ôl-16 arbennig annibynnol	Schedule 2”
“Independent special post-16 institution learning support worker	Gweithiwr cymorth dysgu mewn sefydliad ôl-16 arbennig annibynnol	Schedule 2”
“Independent special post-16 institution teacher	Athro neu athrawes sefydliad ôl-16 arbennig annibynnol	Schedule 2”
“Work based learning	Dysgu seiliedig ar waith	Schedule 2”
“Work based learning practitioner	Ymarferydd dysgu seiliedig ar waith	Schedule 2”
“Work based learning practitioner services	Gwasanaethau ymarferydd dysgu seiliedig ar waith	Schedule 2”
“Youth development services	Gwasanaethau datblygu ieuenctid	Schedule 2”
“Youth support worker	Gweithiwr cymorth ieuenctid	Schedule 2”
“Youth worker	Gweithiwr ieuenctid	Schedule 2”

PART 7

AMENDMENTS TO THE 2017 REGULATIONS

Amendments to regulation 4

12. In regulation 4 of the 2017 Regulations, after paragraph (1)(g) insert—

- “(h) £46 per year for an independent school teacher⁽¹⁾;
- (i) £46 per year for an independent school learning support worker⁽²⁾;

(1) As defined in the entry for independent school teacher in Table 1 in Schedule 2 to the 2014 Act.

(2) As defined in the entry for independent school learning support worker in Table 1 in Schedule 2 to the 2014 Act.

- (j) £46 per year for an independent special post-16 institution teacher⁽¹⁾;
- (k) £46 per year for an independent special post-16 institution learning support worker⁽²⁾.”

Name

Minister for Education and Welsh Language, one of the Welsh Ministers

Date

(1) As defined in the entry for independent special post-16 institution teacher in Table 1 in Schedule 2 to the 2014 Act.

(2) As defined in the entry for independent special post-16 institution learning support worker in Table 1 in Schedule 2 to the 2014 Act.

SCHEDULE article 9(9)
Youth Worker Qualifications

Youth worker qualifications: Wales

1.—(1) Part 1 of Schedule 1 to the 2016 Order is amended in accordance with this Schedule.

(2) In Table 1: Wales, in the appropriate place insert—

<i>Qualifications in relation to Wales</i>	<i>Awarding body</i>
“Postgraduate degree in working for children and young people (youth work initial qualifying)”	University of South Wales”
“Postgraduate degree in youth and community work	Wrexham Glyndŵr University”
“Postgraduate degree in youth and community work with postgraduate diploma in youth and community work	Cardiff Metropolitan University”
“Postgraduate degree in youth work and social education	University of Wales Trinity Saint David”
“Postgraduate diploma in working for children and young people (youth work initial qualifying)”	University of South Wales”
“Postgraduate diploma in youth and community work	Wrexham Glyndŵr University”
“Postgraduate diploma in youth work and social education	University of Wales Trinity Saint David”
“Undergraduate degree in youth work and social education	University of Wales Trinity Saint David”
“Undergraduate degree in youth work and social education with foundation year	University of Wales Trinity Saint David”

(3) In Table 2: England—

(a) in the appropriate place insert—

<i>Qualifications in relation to England</i>	<i>Awarding body</i>
“Postgraduate degree in childhood and youth studies (youth work)”	University of Sunderland”
“Postgraduate degree in youth and community	University of Northampton”

leadership	
“Postgraduate degree in youth work, leadership and practice	Nottingham Trent University”
“Postgraduate diploma in childhood, youth and family studies: youth work pathway	University of Bedfordshire”
“Postgraduate diploma in youth and community development	Bradford College”
“Postgraduate diploma in youth work, health and community leadership	De Montfort University”
“Postgraduate diploma in youth work, leadership and practice	Nottingham Trent University”
“Undergraduate degree in applied studies children and youth work	Bishop Grosseteste University”
“Undergraduate degree in community and youth work	York St John University”
“Undergraduate degree in community development and youth work	University of Bolton”
“Undergraduate degree in education studies: youth and community work	University of Hull”
“Undergraduate degree in professional studies childhood and youth (youth work pathway)	Bishop Grosseteste University”
“Undergraduate degree in professional studies in children and youth work	Bishop Grosseteste University”
“Undergraduate degree in social science, community development and youth work	Goldsmiths College, University of London”
“Undergraduate degree in youth work and communities	Birmingham City University”
“Undergraduate degree in youth work and community development (with pathways)	University of Derby”
“Undergraduate degree in youth work and community practice	University of Central Lancashire”

- (b) in the entry for “Postgraduate degree in youth and community work”, in the column headed “awarding body” insert “London Metropolitan University” in the appropriate place;

- (c) in the entry for “Undergraduate degree in community development and youth work”, in the column headed “awarding body” insert “University of Wolverhampton” in the appropriate place;
- (d) in the entry for “Undergraduate degree in youth and community development”, in the column headed “awarding body” insert “Bradford College” in the appropriate place;
- (e) in the entry for “Undergraduate degree in youth and community work”, in the column headed “awarding body” insert “Newman University” and “University of Bedfordshire” in the appropriate places;
- (f) in the entry for “Undergraduate degree in youth work”, in the column headed “awarding body” insert “Nottingham Trent University” and “University of East London” in the appropriate places; and
- (g) in the entry for “Undergraduate degree in youth work and community development”, in the column headed “awarding body” insert “Liverpool Hope University” in the appropriate place.

(4) In Table 3: Scotland, in the appropriate places insert—

<i>Qualifications in relation to Scotland</i>	<i>Awarding body</i>
“Postgraduate diploma in adult education, community development and youth work	University of Glasgow”
“Postgraduate diploma in community education	University of Dundee”
“Undergraduate degree in community education and community development	University of Glasgow”
“Undergraduate degree in community development and learning	University of Glasgow”
“Undergraduate degree in community education (including work based route)	University of Dundee”
“Undergraduate degree in learning in communities	Moray House Institute of Education University of Edinburgh”

(5) In Table 4: Northern Ireland, in the appropriate place insert—

<i>Qualifications in relation to Northern Ireland</i>	<i>Awarding body</i>
“Undergraduate degree in applied theology (youth and community work)	Moorlands College and Youth Link”

(6) In Table 5: Other awarding bodies awarding qualifications in the United Kingdom, in the appropriate places insert—

<i>Qualifications</i>	<i>Awarding body</i>
“Postgraduate diploma in mission and ministry (youth and community work)”	Institute for Children, Youth and Mission”
“Undergraduate degree in children, young people and families	YMCA George Williams College”
“Undergraduate degree in practical theology (community youth work)”	Institute for Children, Youth and Mission”