

## 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 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](http://www.learning.gov.wales).

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 1 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 1 para. 2 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 1 Table 1 words inserted by S.I. 2023/551 Sch. para. 1(2)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(a)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(b)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(c)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(d)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(e)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(f)
- Sch. 1 Table 2 words inserted by S.I. 2023/551 Sch. para. 1(3)(g)
- Sch. 1 Table 3 words inserted by S.I. 2023/551 Sch. para. 1(4)
- Sch. 1 Table 4 words inserted by S.I. 2023/551 Sch. para. 1(5)
- Sch. 1 Table 5 words inserted by S.I. 2023/551 Sch. para. 1(6)
- Sch. 2 para. 1 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 2 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 3 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 4 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 5 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 6 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 7 coming into force by S.I. 2016/1183 art. 1(2)
- Sch. 2 para. 3(2)(a) omitted by S.I. 2023/551 art. 9(10)(a)
- Sch. 2 para. 3(2)(b) omitted by S.I. 2023/551 art. 9(10)(a)
- Sch. 2 para. 4(2)(a)-(e) omitted by S.I. 2023/551 art. 9(10)(b)(i)
- Sch. 2 para. 4(2)(g) omitted by S.I. 2023/551 art. 9(10)(b)(i)
- Sch. 2 para. 4(2)(i) omitted by S.I. 2023/551 art. 9(10)(b)(i)
- Sch. 2 para. 5(2)(a) omitted by S.I. 2023/551 art. 9(10)(c)
- Sch. 2 para. 6(2)(a)-(f) omitted by S.I. 2023/551 art. 9(10)(d) (amendment to English text only)
- Sch. 2 para. 6(2)(a)-(e) omitted by S.I. 2023/551 art. 9(10)(d) (amendment to Welsh text only)
- Sch. 2 para. 4(2)(f) word substituted by S.I. 2023/551 art. 9(10)(b)(ii)
- art. 1 coming into force by S.I. 2016/1183 art. 1(2)
- art. 2 coming into force by S.I. 2016/1183 art. 1(2)
- art. 2 words inserted by S.I. 2023/551 art. 9(2)(b)
- art. 2 words omitted by S.I. 2023/551 art. 9(2)(a)
- art. 3 coming into force by S.I. 2016/1183 art. 1(2)
- art. 4 coming into force by S.I. 2016/1183 art. 1(2)
- art. 4(1) word substituted by S.I. 2023/551 art. 9(5)(a)(iii)
- art. 4(1) words inserted by S.I. 2023/551 art. 9(5)(a)(ii)
- art. 4(1) words substituted by S.I. 2023/551 art. 9(5)(a)(i)
- art. 5 coming into force by S.I. 2016/1183 art. 1(2)
- art. 6 coming into force by S.I. 2016/1183 art. 1(2)
- art. 6(1) word substituted by S.I. 2023/551 art. 9(8)(a)(iii)
- art. 6(1) words inserted by S.I. 2023/551 art. 9(8)(a)(ii)
- art. 6(1) words substituted by S.I. 2023/551 art. 9(8)(a)(i)
- art. 6(2) substituted by S.I. 2023/551 art. 9(8)(c)
- art. 7 coming into force by S.I. 2016/1183 art. 1(2)
- art. 8 coming into force by S.I. 2016/1183 art. 1(2)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 3(3) inserted by S.I. 2023/551 art. 9(3)
- art. 3A inserted by S.I. 2023/551 art. 9(4)
- art. 4(1A) inserted by S.I. 2023/551 art. 9(5)(b)
- art. 5(3) inserted by S.I. 2023/551 art. 9(6)
- art. 5A inserted by S.I. 2023/551 art. 9(7)
- art. 6(1A) inserted by S.I. 2023/551 art. 9(8)(b)