

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## PERSONNEL COMMITTEE

22<sup>nd</sup> February 2016

### HEAD OF HUMAN RESOURCES – S.REES

#### **Matter for Decision**

**Wards affected: all wards**

#### **Registration of School Learning Support Workers**

##### **1. Purpose of report**

To ask Members to approve the reimbursement to School Learning Support Workers for payment of the registration fee, set at £15.00 per registrant, for the registration year 1 April 2016 to 31 March 2017.

##### **2. Background Information**

From 1<sup>st</sup> April 2016, under the Education Wales Act 2014 and the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (as amended), the requirement for professional registration will be extended to learning support workers in both school and Further Education settings in Wales. This means that in order to work as a learning support worker in Wales, a person must be registered with the Education Workforce Council (EWC).

A school learning support worker is defined as a person who is not employed as a qualified school teacher but who provides or supports the provision of any of the services listed below by a school teacher in a school maintained by a Local Authority:

- Planning and preparing lessons and courses of study for pupils;
- Delivering lessons to pupils (including delivery via distance learning or computer aided techniques);
- Assessing the development, progress and attainment of pupils; and
- Reporting on the development, progress and attainment of pupils.

A person can only be employed as a school learning support worker to provide the above services if all of the following requirements are met:

- They are registered with the EWC in the category of School Learning Support Worker;
- They provide the above services with direct interaction with learners to assist or support the work of school teachers in the school;
- They provide the services under the direction and supervision of such school teachers in accordance with arrangements made by the head teacher of the school; and
- The head teacher is satisfied that they have the skills, expertise and experience to provide the services.

The legal responsibility for ensuring that only registered school learning support workers are employed in posts providing the services above lies not only with the practitioner but also the employer (Local Authority and School).

### **3. The Registration Fee**

The EWC state on their website that the fee for registration of learning support workers is “expected to be” £15.00.

The recently published Education Workforce Council (Registration Fees) (Wales) Regulations 2016 state that the registration fee payable for the year commencing on 1 April 2016 and ending on 31 March 2017 and each subsequent year is £49.00 for a school learning support worker. However, the Regulations also state that “Regulation 4 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”.

To date, Welsh Government have not published subsidy amounts (an update will be provided at Committee), however advice sought from the Welsh Local Government Association and the EWC indicates that the subsidy is expected to be confirmed by Welsh Government at £34.00 per registrant, with the remaining £15.00 of the fee to be paid by the registrant.

Whilst Welsh Government have provided funding to Local Authorities in respect of the statutory £33.00 allowance provided to each registered school teacher towards the cost of their £45.00 registration fee, no such funding has been made available in respect of School Learning Support Workers.

#### **4. Payment of the Registration Fee**

In October 2015 the Welsh Local Government Association (WLGA) Co-ordinating Committee meeting agreed that local authorities in Wales would seek to take a consistent approach regarding the reimbursement of Education Workforce Council Registration Fees for Learning Support Staff. The WLGA reaffirmed its position that that any new burdens and responsibilities on local authorities should be appropriately funded. Whilst there was sympathy with Learning Support Workers it was agreed that local authorities are not in a position to reimburse the Education Workforce Council Registration Fees as they are an unfunded burden. The only exception to this is where local authorities are committed to pay such statutory fees through existing policy arrangements should those arrangements not be able to be changed.

Since then, a number of Councils have now agreed to pay the registration fee including Cardiff and Flintshire (pre-existing contractual agreements), Swansea (time limited for one year), Merthyr Tydfil, Rhondda Cynon Taf, Torfaen and Bridgend.

#### **5. Neath Port Talbot's position**

Neath Port Talbot County Borough Council does not have a contractual obligation to reimburse employees for payment of registration fees. However, setting teachers aside as the Council has a statutory obligation to reimburse their registration fees, the Council does reimburse the cost of statutory registration fees paid by some other employee groups, e.g. social workers and practising solicitors.

The trade unions have formally requested that the Council consider paying the fee for School Learning Support Workers for one year, pending ongoing discussions with Welsh Government in relation to the funding of the EWC and the related costs of registration. The trade unions have made this request on the grounds that school support staff

have contributed to the Council's Forward Financial Plan through the Workforce Strategy Collective Agreement, but have not necessarily benefited to the same extent from the commitment to safeguard employment set out in those agreements.

Taking into account the position across Wales, pre-existing arrangements in respect of registration fees within the Council, the position of the trade unions and the ongoing discussions taking place with Welsh Government in relation to funding, an offer has been made to trade unions, subject to Member approval.

The offer is to reimburse School Learning Support Workers for payment of the registration fee, set at £15.00 per registrant, for the registration year 1 April 2016 to 31 March 2017. The offer is subject to the following points:

- This does not include renewal fees due by 1 April 2017.
- This offer does not create a precedent should other employee groups become subject to statutory registration in the future, or where current registration arrangements change e.g. a fees increase. The offer is also made on the basis that there is no commitment from the Council to extend reimbursement beyond the one year period.
- A review of statutory registration fees across the Council will be undertaken and discussed further with trade unions as part of the review to take place later this year in relation to the Workforce Strategy Collective Agreement 2013.
- That should the Welsh Government announce that no subsidy is to be made available or that the subsidy is anything less than the value of £34.00 per registrant, the Council will not reimburse more than £15.00 per registrant.

The Chair of the LGS Joint Trade Unions has accepted this offer, subject to Member approval.

## **6. Recommendation**

It is RECOMMENDED that members approve the reimbursement to School Learning Support Workers for payment of the registration fee, set at £15.00 per registrant, for the registration year 1 April 2016 to 31 March 2017, and a review of statutory registration fees across the Council.

## **FOR DECISION**

## **7. Equality Impact Assessment**

An Equality Impact Assessment Screening Form has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an equality impact assessment, as based on what is known at the time of writing this report, this proposal has a positive impact on the workforce affected. It is proposed that as part of the review of statutory registration fees across the Council, a full equality impact assessment will be undertaken. Should the Welsh Government announce that no subsidy is to be made available or that the subsidy is anything less than the value of £34.00 per registrant, the equality impacts will be reassessed to determine if a full equality impact assessment is required.

## **8. Workforce Impacts**

This will have a positive impact on the workforce.

## **9. Consultation**

There is no requirement to externally consult on this proposal.

## **10. Implementation**

This proposal is for implementation on 1 April 2016.

## **11. Financial Appraisal**

The one year cost of reimbursing £15.00 per registrant is approximately £20k.

## **12. Reason for Proposed Decision**

To enable a review of statutory registration fees across the Council to take place and further discussions with Welsh Government in relation to the funding of the EWC.

## **13. Officer contact**

Sheenagh Rees – Head of Human Resources

[s.rees5@npt.gov.uk](mailto:s.rees5@npt.gov.uk)

Tel: 01639 763315