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NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2004 No. (W.)

EDUCATION, WALES

**The General Teaching Council for
Wales (Functions) (Amendment)
Regulations 2004**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for Wales (Functions) Regulations 2000 (“the 2000 Regulations”) so as to provide that a teacher who has failed induction is eligible for registration with the General Teaching Council for Wales (“the Council”) during the time limit for lodging an appeal and, if he or she lodges an appeal, whilst awaiting the outcome of the appeal.

The Regulations also make other minor amendments to the 2000 Regulations. They enable the Council to make its own provision as to the form and manner of applications for registration. They add a diocesan authority in relation to a Church in Wales or Roman Catholic Church school, and the Ministry of Defence as bodies to whom the Council is required to supply certain information. They require the Council to supply information set out in Schedule 2 to the 2000 Regulations to the General Teaching Council for Northern Ireland and to supply information relating to school teachers’ induction to appropriate bodies (i.e. those bodies responsible for the supervision of school teachers’ induction periods). They restrict the particulars of academic and professional qualifications recorded on the register to qualifications that are relevant to employment as a teacher. They also make amendments consequential on the Education Act 2002, updating references to it.

2004 No. (W.)

EDUCATION, WALES

**The General Teaching Council for
Wales (Functions) (Amendment)
Regulations 2004**

Made 2004

Coming into force 2004

In exercise of the powers conferred on the Secretary of State by sections 3(4), 4(1), (2), (3) and (5), 14(3) and 42(6) and (7) of the Teaching and Higher Education Act 1998(a) and now vested in the National Assembly for Wales(b), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, the National Assembly for Wales makes the following Regulations:

Name and commencement

1. These Regulations are called the General Teaching Council for Wales (Functions) (Amendment) Regulations 2004 and come into force on [].

Amendment of the General Teaching Council for Wales (Functions) Regulations 2000

2. The General Teaching Council for Wales (Functions) Regulations 2000(c) are amended as follows —

- (a) in regulation 2 —
 - (i) omit the definition of “the 1988 Act”;
 - (ii) insert after the definition of “advanced skills teacher” the following definition —

(a) 1998 c.30. Sections 2 to 7 apply in relation to the General Teaching Council for Wales by virtue of section 9. Sections 3(4) and 4 are amended prospectively by paragraphs 3(6) and 4(2) of Schedule 12 and paragraph 77 of Schedule 21 to the Education Act 2002 (c.32). For the meaning of “prescribed” and “regulations” see section 43(1).

(b) See the National Assembly for Wales (Transfer of Functions) (Order) 1999 (S.I. 1999/672).

(c) S.I. 2000/1979 (W.140) as amended by SI 2001/2496 (W.200).

““appropriate body” (“*corff priodol*”) has the same meaning as in the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003(a);”;

(iii) substitute for the definition of “qualified teacher” the following definition —

““qualified teacher” (“*athro neu athrawes gymwysedig*”) has the same meaning as in section 132(1) of the Education Act 2002(b);”.

(b) insert after regulation 3 —

“Eligibility for registration

3A.—(1) This regulation applies to a person who, having served an induction period in accordance with regulations made in relation to England or Wales under section 19 of the Teaching and Higher Education Act 1998(c), has failed to complete it satisfactorily for the purposes of those regulations.

(2) Such a person is eligible for registration —

(a) during the time for making an appeal under those regulations against the decision that he or she has failed satisfactorily to complete an induction period; and

(b) where such an appeal is made, pending the outcome of the appeal.”.

(c) for regulation 4 substitute the following regulation —

“4. The Council may make provision as to —

(i) the form and manner in which applications for registration are to be made; and

(ii) the documentary and other evidence which is to accompany applications for registration.”;

(d) in regulation 16, for paragraph (3) substitute the following paragraph —

““(3) The following are to be treated as an employer or prospective employer to whom paragraph (1) applies —

(a) S.I. 2003/543 (W. 77).

(b) 2002 c.32. *See* the Education (School Teachers’ Qualifications) Regulations 2003, S.I. 2003/ (W.).

(c) The regulations in force at the time of making these regulations were, in relation to Wales, the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003, S.I. 2003/543 (W.77) and in relation to England, the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001, S.I. 2001/2897, as amended by S.I. 2001/3938, S.I. 2002/2063 and S.I. 2003/106.

- (i) a local education authority where the employer or prospective employer is the governing body of a school maintained by that authority (whether or not the governing body has made a request under paragraph (1));
 - (ii) the appropriate diocesan authority in relation to a Church in Wales or Roman Catholic Church school (within the meaning of section 142 of the School Standards and Framework Act 1998(a)) where the employer or prospective employer is the governing body of the school or the local education authority maintaining the school (whether or not the governing body or the authority have made a request under paragraph (1)); and
 - (iii) the Ministry of Defence in relation to a person appointed, or being considered for appointment, as a teacher at a school maintained or assisted by the Ministry of Defence.”;
- (e) after regulation 17 insert the following regulations —

“Supply of information to the General Teaching Council for Northern Ireland

18.—(1) The Council must on request supply the information set out in Schedule 2 in relation to -

- (a) a registered teacher; or
- (b) an unregistered person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act,

to the General Teaching Council for Northern Ireland.

(2) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Northern Ireland not to disclose that information to any person other than the teacher to whom the information relates.

(a) 1998 c. 31.

Supply of Information to Appropriate Bodies

19.—(1) The Council must on request supply the information contained in paragraph 10 of Schedule 2 in relation to —

- (i) a registered teacher; or
- (ii) a person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act

to an appropriate body.

(2) Information is only to be supplied pursuant to paragraph (1) on condition that the appropriate body does not disclose information supplied under this regulation to any person other than the teacher or person to whom the information relates.”;

- (f) in Schedule 1 —
 - (i) in paragraph 16(a) substitute for the words “regulation 11, 12 or 13 of the Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999” the words “regulation 6, 7 or 8 of the Education (School Teachers’ Qualifications) (Wales) Regulations 2003”;
 - (ii) in paragraph 16(c) add at the end the words “which the Council considers relevant to employment as a teacher”;
 - (iii) in paragraph 19 substitute for the words “section 218(1) and (2) of the 1988 Act” the words “section 133 of the Education Act 2002”; and
 - (iv) substitute for paragraph 21 the following paragraph —

“21. The terms of any restriction for the time being in force in relation to the teacher as the result of a direction given by the National Assembly or the Secretary of State under section 142 of the Education Act 2002 ”; and
- (g) in Schedule 2 —
 - (i) for the words “Regulations 16 and 17” adjacent to the heading, substitute the words “Regulations 16, 17 and 18”;
 - (ii) in paragraph 8(a) substitute for the words “regulation 11, 12 or 13 of the Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999” the words “regulation 6, 7 or 8 of the Education (School Teachers’

Qualifications) (Wales) Regulations 2003”;

(iii) in paragraph 11 substitute for the words “section 218(1) and (2) of the 1988 Act” the words “section 133 of the Education Act 2002”; and

(iv) substitute for paragraph 12 the following paragraph —

“12. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as the result of a direction given by the National Assembly or the Secretary of State under section 142 of the Education Act 2002

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

Date

The Presiding Officer of the National Assembly

(a) 1998 c.38.