

# **Education and Lifelong Learning Committee ELL (2) 14-04(p.4)c**

To: Business Committee:

From: Jane Davidson

## **Minister for Education and Lifelong Learning**

### **Explanatory Memorandum**

#### **Education, Wales**

#### **The General Teaching Council For Wales (Additional Functions) (Amendment) Order 2004**

#### **Summary**

The order will amend the General Teaching Council for Wales (Additional Functions) Order 2000 which requires the GTCW to maintain records relating to specified categories of persons other than registered teachers, e.g. persons currently barred or suspended from teaching. The amendments made by this Order mirror those in the proposed General Teaching Council for Wales (Functions) (Amendment) (No.2) Regulations 2004, requiring the Council to indicate the date on which a person was first employed as a supply teacher under the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003. The Order also makes other minor amendments to the 2000 Order so that the particulars of a person's academic and professional qualifications maintained by the GTCW are restricted to those that are relevant as a teacher and so as to update references to the Education Act 2002.

This memorandum is submitted to the Assembly's Business Committee in relation to the General Teaching Council for Wales (Additional Functions) (Amendment) Order 2004, in accordance with Standing Order 24.6.

A copy of the Instrument is submitted with this Memorandum.

#### **Enabling Power**

The powers enabling this Instrument to be made are contained in sections 7(1) and (4) and 42(6) and (7) of the Teaching and Higher Education Act 1998.

It is confirmed that the powers enabling this instrument to be made have been transferred to the National Assembly for Wales and in turn functions relating to them have been delegated to my portfolio as Minister for Education and Lifelong Learning.

## **Effect**

The intended effect of this Instrument is to amend the General Teaching Council for Wales (Additional Functions) (Wales) Order 2000 which requires the GTCW to maintain records relating to specified categories of persons.

The amendments require the GTCW to indicate on its register the date on which a person was first employed as a supply teacher under the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003. In this way we can ensure that such information is not lost should a person, for whatever reason, be removed from the register. This will enable the GTCW to monitor a person's ability to work as a supply teacher without first completing an induction period, should that person return to teaching in the maintained sector.

The Order also makes other minor amendments to the 2000 Order so that the particulars of a person's academic and professional qualifications maintained by the Council are restricted to those that are relevant as a teacher. This amendment is being made to mirror the provisions included in the recently introduced General Teaching Council for Wales (Functions) (Amendment) Regulations 2004. The requirement to record the date on which a teacher training course started and ended is removed. These amendments reflect our commitment to taking steps to avoid placing unnecessary burdens on the GTCW or teachers. Other minor amendments update references to the Education Act 2002.

## **Target Implementation**

It was originally envisaged that this Instrument be made on 30 November to come into force on 10 December. The ELL committee, however, at its meeting on 13 October, identified this Instrument (as well as the General Teaching Council for Wales (Functions)(Amendment) No.2 Regulations 2004) for scrutiny. It is now intended that the proposed instrument will be made on 11 January 2005 and to Come Into Force on 21 January 2005. These are the first dates we can bring the Instrument forward following ELL Committee's approval of the Draft Instrument and recess over the Christmas period.

If the Coming into Force date were not achieved then the GTCW would be unable to effectively monitor the four term rule which would result in teachers and LEAs having to keep their own records which would create problems in terms of accuracy.

## **Financial Implications**

There are no financial implications for the Assembly. The additional costs associated with the proposed Regulations and Order requiring the Council to keep additional information on the database in terms of

induction are minimal, and are out-weighted by the reduction in data to be kept by the GTCW and maintained by teachers.

## **Regulatory Appraisal**

A regulatory appraisal has been carried out in relation to this Instrument and is attached.

## **Consultation With Stakeholders**

Formal consultation took place from 7 July 2004 to 24 September 2004. Stakeholders consulted included local education authorities, schools, diocesan organisations, professional associations, teaching and support staff unions, General Teaching Councils, the Higher Education Funding Council for Wales, Initial Teacher Training Providers, the Universities Council for the Education of Trainers (UCET Cymru), Estyn, the Teacher Training Agency, Central Government Education Departments and other interested parties.

There were 10 formal responses to the consultation, all supportive of the proposals. Two amendments were suggested. The teaching unions asked that, for the sake of clarity, the explanatory paragraph be amended to reflect that the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 had been amended in May 2004. The May amendments included provision for an appropriate body to recommend extending the four-term limit on supply work without completion of Induction by one year.

The General Teaching Council for Wales drew attention to the fact that the Order appeared to indicate that the information recorded on the Register would need to be removed once a teacher had successfully completed an Induction Period. This would cause the GTCW unnecessary and additional work and the order has, therefore, been amended.

In view of the consultation the explanatory note and the Order have been amended to reflect the two suggestions.

## **With Subject Committee**

The Education and Lifelong Learning Committee identified this Instrument for detailed scrutiny at its meeting on 10 November 2004.

## **Recommended Procedure**

I recommend that the Instrument proceed to Plenary under the Accelerated procedure given the positive response from the consultation [include ELL Committee's recommendation if any in due course].

## **Compliance**

The legislation will (as far as possible):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- be compatible with the Assembly's scheme for sustainable development (Section 121);
- be compatible with community law (Section 106);
- be compatible with any international obligations of the United Kingdom (section 108) and
- take account of the Assembly's obligation under section 107 of the Government of Wales Act (Human Rights Act 1998) and its duties under Section 120 of the act to promote equality of opportunity.

The information in this memorandum has been cleared with the Office of the Counsel General and the Assembly Compliance Officer

The drafting lawyer is Catrin Huws, extension 6122.

The head of the policy division is Mike Harper, extension 1331.

The policy division contact is Catherine Dixon, extension 3039.

Jane Davidson November 2004

Minister For Education and Lifelong Learning