

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

To: Business Committee:

From: Jane Davidson

Minister for Education and Lifelong Learning Memorandum

Explanatory

Education, Wales

The General Teaching Council For Wales (Functions) (Amendment) (No.2) Regulations 2004

Summary

These regulations will amend the General Teaching Council for Wales (Functions) Regulations 2000 so that they require the General Teaching Council for Wales (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. The Regulations also remove the requirement on the GTCW to record on its register the date on which a teacher's teacher training course started and was completed.

This memorandum is submitted to the Assembly's Business Committee in relation to the General Teaching Council for Wales (Functions) (Amendment) (No.2) Regulations 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 4(1), (2), (3) 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 (Functions) Regulations 2000 which prescribe the content of the Council's register of teachers and make provision in relation to access to the register.

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 (as amended in May 2004). This will enable the GTCW to monitor if a person is eligible to continue in employment as a supply teacher under the Induction Regulations. The Induction Regulations impose limits on the periods during which a person, who has not served an induction period, may be employed as a supply teacher.

The Regulations also amend Schedules 1 and 2 to the 2000 Regulations to remove the requirement on the Council to record on its register the date on which a teacher's teacher training course started and was completed. This reflects the limited use of this information and our intention to avoid placing unnecessary burdens on the Council in terms of record keeping and on teachers in terms of updating/adding information.

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 (Additional Functions) (Amendment) Order 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 requiring the Council to keep additional information on the database in terms of induction are minimal, and are out-weighed 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 amended paragraph 13 of Schedule 1 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 involve an additional, unnecessary work for the GTCW, and the regulations have, therefore, been amended so that the GTCW is no longer required to remove this information.

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

With Subject Committee

The Education and Lifelong Learning Committee has identified this Instrument for detailed scrutiny at its meeting on 13 October 2004 and will be scrutinised by the Committee 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 (OCG) and the Assembly Compliance Officer (ACO Ref JD/10/04/2309).

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Jane Davidson November 2004

Minister for Education and Lifelong Learning