

**Explanatory Memorandum to The General Teaching Council for Wales (Functions) (Amendment) Regulations 2012**

This Explanatory Memorandum has been prepared by the Department for Education and Skills (DfES) and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The General Teaching Council for Wales (Functions) (Amendment) Regulations 2012.

*Leighton Andrews*

Minister for Education and Skills

20 January 2012

## 1. Description

The regulations amend the General Teaching Council for Wales (Functions) Regulations 2000 (“the 2000 Regulations”) as a consequence of the Education Act 2011 which provides for the abolition of the General Teaching Council for England and makes new provisions in relation to the prohibition of persons from carrying out teaching work. The regulations also take account of the coming into force of parts of the Public Services Reform (General Teaching Council for Scotland) Order 2011.

## 2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

## 3. Legislative background

The statutory powers of the Welsh Ministers to make the regulations are found in section 3(3D), 4(2) and 42( 6) and (7) of the Teaching and Higher Education Act 1998.

The regulations follow the negative resolution procedure.

## 4. Purpose & intended effect of the legislation

The General Teaching Council for Wales (GTCW) is the independent professional body for teachers in Wales established under the Teaching and Higher Education Act 1998 on 1 September 2000. The General Teaching Council for England was established at the same time and has similar powers and functions as the GTCW.

The Education Act 2011 provides for the abolition of the General Teaching Council for England on a date to be appointed by the Secretary of State and gives responsibility to the Secretary of State to regulate teachers’ conduct in England including issuing a prohibition order (i.e. a bar) against a teacher if found guilty of professional misconduct. The Secretary of State’s powers to issue a prohibition order in this respect are provided for by the Education Act 2011 which inserts a new section 141B into the Education Act 2002 (“the 2002 Act”).The 2000 Regulations will need to be amended to reflect this change. The proposed amendments are:

**Regulation 2(2)** substitutes a new provision for regulation 3(a) of the 2000 Regulations. The new provision takes account of the coming into force of parts of the Public Services Reform (General Teaching Council for Scotland) Order 2011 which makes changes to the criteria that will determine removal of a person from the register of teachers in Scotland;

**Regulation 2(3)** adds a new paragraph to Schedule 1 of the 2000 Regulations which provides that the terms of any prohibition order made by the Secretary of State under section 141B of the 2002 Act under which

a person is prohibited from carrying out teaching work shall be recorded in the register of teachers maintained by the GTCW. The new regulation also removes references to the General Teaching Council for England; and

**Regulation 2(4)** provides that the terms of any prohibition order made by the Secretary of State under section 141B of the 2002 Act under which a person is prohibited from carrying out teaching work may be supplied to employers and others. The new regulation also removes references to the General Teaching Council for England in paragraphs 13A and 13B of Schedule 2 of the 2000 Regulations.

## **5. Consultation**

No formal consultation exercise has taken place as the proposed amendments are technical in nature and are consequential following the abolition of the General Teaching Council for England.

The GTCW has, however, been consulted on the amending regulations in line with regulation 42(9) of the Teaching and Higher Education Act 1998, and they support the proposed change.

## **6. Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment has not been prepared as the regulations do not impose any additional costs on businesses, employers or third parties. No additional requirements will be placed on the GTCW as a consequence of the regulations.

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