

Explanatory Memorandum to The General Teaching Council for Wales (Additional Functions) (Amendment) Order 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 (Additional Functions) (Amendment) Order 2012.

Leighton Andrews

Minister for Education and Skills

20 January 2012

1. Description

This Order amends the General Teaching Council for Wales (Additional Functions Order 2000 (“the 2000 Order”) 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 2000 Order confers additional functions on the GTCW over and above the functions provided for under the Teaching and Higher Education Act 1998 and the General Teaching Council for Wales (Functions) Regulations 2000.

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 Order are found in sections 7(1) and (4) and 42(6) and (7) of the Teaching and Higher Education Act 1998.

The Order follows 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 is provided for by the Education Act 2011 which inserts a new section 141B into the Education Act 2002 (“the 2002 Act”). The 2000 Order will need to be amended to reflect this change. The proposed amendments are:

Article 2(2) amends Part II of the Schedule to the 2000 Order by adding a new paragraph 22B which provides that the GTCW shall include in its records the terms of any prohibition order made by the Secretary of State under section 141B of the 2002 Act prohibiting a person from carrying out teaching work; and

Article 2(2) also removes references to the General Teaching Council for England from paragraphs 23 A and 23B of Part II of the Schedule to the 2000 Order.

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 Order 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 Order does 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 Order.