

Explanatory Memorandum to The General Teaching Council for Wales (Constitution) (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 (Constitution) (Amendment) Regulations 2012 .

Leighton Andrews

Minister for Education and Skills

20 January 2012

1. Description

The regulations amend the General Teaching Council for Wales (Constitution) Regulations 1999 (“the 1999 Regulations”) which provide for the constitution of the General Teaching Council for Wales (GTCW). The new regulations amend the 1999 Regulations as a consequence of the Education Act 2011 which provides for the abolition of the General Teaching Council for England and makes provision in relation to the prohibition of persons from carrying out teaching work.

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 1(5) and (7) and 42(6) and (7) of, and paragraph 3 of Schedule 1 to, the Teaching and Higher Education Act 1998.

The regulations follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

The 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 as the GTCW with similar powers and functions.

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. 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 1999 Regulations will need to be amended to reflect this change. The proposed amendments are:

Regulation 2 amends regulation 5(2)(a) of the 1999 Regulations by making provision so that a person who is subject to a prohibition order issued by the Secretary of State under section 141B of the 2002 Act is not eligible for election, appointment or to vote in GTCW elections; and

Regulation 3 amends regulation 10(5)(a) of the 1999 Regulations by making provision whereby a Council member shall cease to hold office if that person’s employment is subject to a prohibition order made by the Secretary of State.

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.

.....

