

Government Response: The Education Workforce Council (Interim Suspension Orders) (Additional Functions) (Wales) Order 2021

Merit Scrutiny point:

The effect of article 12 is that the EWC may have to convene a hearing to review an ISO at the request of a former registered person at 6 monthly intervals (or more often if evidence becomes available that is relevant to the case or there is a material change of circumstances since the interim suspension order was made).

It is possible that a former registered person could request that the ISO be reviewed at the end of the 6th month period (as in the example set out), but the EWC will be aware of the 6th monthly deadlines and will have had the opportunity to prepare for that eventuality.

As pointed out in the report, if new evidence did become available the former registered person is able to request a review at any time and the EWC would have 10 working days within which to convene a hearing.

This instrument has been drafted having regard to extensive consultation and input from stakeholders including the EWC who did not express any concern with regard to the timescale presented. Article 12 was drafted in order to prevent the EWC from having to convene a hearing more frequently than every 6 months unless there was evidence provided by the former registered person that there were material changes in circumstance. The suggestion formed part of the EWC's consultation response and was supported by other consultees.

Ymateb y Llywodraeth: Gorchymyn Cyngor y Gweithlu Addysg (Gorchymynion Atal Dros Dro Interim) (Swyddogaethau Ychwanegol) (Cymru) 2021

Pwynt Craffu ar Rinweddau:

Effaith erthygl 12 yw ei bod yn bosibl y bydd rhaid i Gyngor y Gweithlu Addysg gynnal gwrandawriad i adolygu gorchymyn atal dros dro interim ar gais cyn-berson cofrestredig fesul ysbaid o 6 mis (neu'n fwy aml os daw tystiolaeth ar gael sy'n berthnasol i'r achos neu os oes newid sylweddol mewn amgylchiadau ers i'r gorchymyn atal dros dro interim gael ei wneud).

Mae'n bosibl y gallai cyn-berson cofrestredig ofyn bod y gorchymyn atal dros dro interim yn cael ei adolygu ar ddiwedd y cyfnod o 6 mis (fel yn yr enghraifft a nodir), ond bydd y Cyngor yn ymwybodol o'r terfynau amser bob 6 mis ac wedi cael y cyfle i baratoi ar gyfer hynny yn y pen draw.

Fel y'i nodir yn yr adroddiad, pe deuai tystiolaeth newydd ar gael gallai'r cyn-berson cofrestredig ofyn am adolygiad ar unrhyw adeg a byddai gan y Cyngor 10 niwrnod gwaith i gynnal gwrandawriad.

Mae'r offeryn hwn wedi ei ddrafftio gan roi sylw i ymgynghoriad a chyfraniad helaeth gan randdeiliaid gan gynnwys Cyngor y Gweithlu Addysg nad oeddent yn mynegi unrhyw bryder ynghylch yr amserlen a gyflwynwyd. Drafftiwyd erthygl 12 er mwyn atal y Cyngor rhag gorfod cynnal gwrandawriad yn fwy aml na phob 6 mis oni bai bod tystiolaeth wedi ei darparu gan y cyn-berson cofrestredig fod newidiadau sylweddol mewn amgylchiadau. Roedd yr awgrym yn rhan o ymateb y Cyngor i'r ymgynghoriad ac yn cael ei gefnogi gan ymgynghoreion eraill.