
WELSH STATUTORY INSTRUMENTS

2000 No. 1979 (W. 140)

EDUCATION, WALES

**The General Teaching Council for
Wales (Functions) Regulations 2000**

Made - - - - 24th July 2000

Coming into force

Regulations 12 and 17 1st February 2001

Regulation 16 1st December 2000

Remainder 1st September 2000

In exercise of the powers conferred on the Secretary of State by sections 3(3)(d), 4, 5, 14, and 42(6) and (7) of the Teaching and Higher Education Act 1998(1) and now vested in the National Assembly for Wales(2), the National Assembly for Wales makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the General Teaching Council for Wales (Functions) Regulations 2000.

(2) Regulations 12 and 17 shall come into force on 1st February 2001, regulation 16 shall come into force on 1st December 2000, and all other regulations shall come into force on 1st September 2000.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires —

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- (1) 1998 c. 30 Sections 1(9), 2 to 7 and Schedules 1 and 2 apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 and the General Teaching Council for Wales Order 1998 (S.I.1998/2911) with effect from 30th December 1998, in the case of section 1(9) and Schedule 1, and 1st September 2000 in the case of the remaining provisions. For the meaning of “prescribed” and “regulations” see section 43(1).
- (2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

- “the 1988 Act” (“*Deddf 1988*”) means the Education Reform Act 1988(3);
- “the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998;
- “advanced skills teacher” (“*athro neu athrawes uwch-fedrau*”) means a teacher who has been certified by an assessor appointed by the Secretary of State for Education and Employment as eligible for appointment to an advanced skills teacher post;
- “Code of Practice” (“*Cod Ymarfer*”) means the code of practice authorised to be issued under regulation 13;
- “the Council” (“*y Cyngor*”) means the General Teaching Council for Wales;
- “employer” (“*cyflogydd*”) in relation to a teacher includes a person who engages or makes arrangements for the engagement of that teacher to provide his or her services as a teacher otherwise than under a contract of employment, and “prospective employer” (“*darpar gyflogydd*”), “employed” (“*cyflogi*”) and “employment” (“*cyflogaeth*”) shall be construed accordingly;
- “fast track teacher” (“*athro neu athrawes cynllun carlam*”) means a classroom teacher who has been certified as such by the Secretary of State for Education and Employment or by an assessor appointed by the Secretary of State;
- “independent school” (“*ysgol annibynnol*”) has the same meaning as in section 463 of the Education Act 1996(4);
- “induction period” (“*cyfnod ymsefydlu*”) means an induction period served in accordance with regulations made in relation to England or Wales under section 19 of the 1998 Act(5);
- “institution within the further education sector” (“*sefydliad yn y sector addysg bellach*”) has the meaning given to it by section 91(3) of the Further and Higher Education Act 1992(6);
- “institution within the higher education sector” (“*sefydliad yn y sector addysg uwch*”) has the meaning given to it by section 91(5) of the Further and Higher Education Act 1992;
- “the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;
- “non-maintained special school” (“*ysgol arbennig nad yw'n cael ei chynnal*”) means a special school which is neither a community special school nor a foundation special school;
- “qualified teacher” (“*athro neu athrawes gymwysedig*”) has the same meaning as in section 218(2) of the 1988 Act(7);
- “the Register” (“*y Gofrestr*”) means the register of teachers which the Council are required to establish and maintain in accordance with section 3 of the 1998 Act and these Regulations, and “registration” (“*cofrestru*”) shall be construed accordingly;
- “registered teacher” (“*athro neu athrawes gofrestredig*”) means a person for the time being registered under section 3 of the 1998 Act;

(3) 1988 c. 40.

(4) 1996 c. 56; section 463 is amended by paragraphs 57 and 124 of Schedule 30 and by Schedule 31 to the School Standards and Framework Act 1998.

(5) At the time these Regulations were made, no regulations had been made under section 19 in relation to Wales; the regulations in force for England at the time of making these Regulations were the Education (Induction Arrangements for School Teachers) (England) Regulations 1999 (S.I. 1999/1065) amended by S.I. 1999/2211.

(6) 1992 c. 13.

(7) At the time of making these Regulations, the regulations in force for Wales under this provision were the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2817 (W.18)); at the time of making these Regulations, the regulations in force for England under this provision were the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 (S.I. 1999/2166).

“school maintained by a local education authority” (“*ysgol a gynhelir gan awdurdod addysg lleol*”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998⁽⁸⁾;

“special school” (“*ysgol arbennig*”) has the same meaning as in section 337(1) of the Education Act 1996⁽⁹⁾;

“teacher who has passed the threshold” (“*athro neu athrawes sydd wedi croesi'r trothwy*”) means a teacher who has been certified by an assessor appointed by the Secretary of State for Education and Employment as having passed the performance threshold determined by the Secretary of State, or who has been so certified by a head teacher or other person under arrangements approved by an assessor; and

“unregistered person” (“*person anghofrestredig*”) means a person who is not a registered teacher.

- (2) Any reference in these Regulations to—
- (a) a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule bearing that number in these Regulations;
 - (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and
 - (c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

PART II

REGISTRATION OF TEACHERS

Disqualification from registration

3. For the purposes of section 3(3)(d) of the 1998 Act, a person is not eligible for registration if he or she is ineligible for registration as a teacher, or disqualified from being a teacher in any school, by virtue of—

- (a) section 11 of the Teaching Council (Scotland) Act 1965⁽¹⁰⁾;
- (b) regulation 9 of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997⁽¹¹⁾; or
- (c) regulations made under article 36 of the Education (Northern Ireland) Order 1998⁽¹²⁾.

Applications for registration

- 4.—(1) An application for registration shall include —
- (a) the official reference number, if any, assigned to the teacher;
 - (b) the applicant's full name;
 - (c) the applicant's date of birth;
 - (d) the applicant's home address or other contact address; and
 - (e) the date on which the applicant qualified as a teacher.
- (2) The Council may make further provision as to—

⁽⁸⁾ 1998 c. 31.

⁽⁹⁾ 1996 c. 56; section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

⁽¹⁰⁾ 1965 c. 19.

⁽¹¹⁾ S.R. (N.I.) 1997 No. 312.

⁽¹²⁾ S.I. 1998 No. 1759 (N.I. 13).

- (a) the form and manner in which applications for registration are to be made; and
- (b) the documentary and other evidence which is to accompany applications for registration.

Registration on establishment of the Register

5.—(1) On the establishment of the Register, the Council may register persons eligible for registration who have not made applications for registration.

(2) The Council shall send written confirmation of their registration to all persons registered under paragraph (1).

(3) The Council shall provide free of charge a copy of the information recorded on the Register against the name of a person registered under paragraph (1), if that person so requests.

Content of Register

6.—(1) There shall be recorded in the Register against the names of those registered in it the matters listed in Schedule 1.

(2) The Council may make provision as to additional matters to be recorded in the Register.

Division of Register into separate parts

7. The Council may make provision as to the division of the Register into separate parts.

Amending entries on the Register

8. The Council may make provision as to the restoration and alteration of entries on the Register, and the transfer of entries between different parts of the Register.

Charging of registration fees

9. The Council may make provision—

- (a) to charge fees fixed by them with the approval of the National Assembly in respect of—
 - (i) applications for registration or for the restoration of entries in the Register, and
 - (ii) the retention of entries in the Register;
- (b) for there to be exceptions where fees are not charged; and
- (c) for them to refuse an application for registration until the appropriate fee has been paid.

Removal of entries from the Register

10. The Council may make provision as to the removal of entries from the Register where the persons concerned have ceased to be eligible for registration, have failed to pay a registration fee, or otherwise.

Issue and form of certificates of registration

11. The Council may make provision as to the issuing of certificates of registration to registered teachers, and as to the form of such certificates.

Public access to the Register

12.—(1) The Council may on receipt of a request from a member of the public inform that person whether or not a person is a registered teacher.

- (2) A request under paragraph (1) shall contain such particulars as the Council determine.
- (3) The Council may make available the names of teachers on the Register in such manner as the Council determine.

PART III

CODE OF PRACTICE

Issue and revision of Code of Practice

13. The Council may issue and from time to time revise a Code of Practice laying down standards of professional conduct and practice expected of registered teachers.

Provision of copies of the Code of Practice

14.—(1) The Council shall make copies of the Code of Practice available free of charge to all registered teachers —

- (a) when the Code of Practice is first issued or on a teacher's first registration (if the teacher was not a registered teacher when the Code of Practice was first issued); and
- (b) if the Council so determine, when the Code of Practice is revised.

(2) The Council may make available a copy of the Code of Practice at any website maintained by them on the internet, and if they do so, it shall be free of charge.

(3) Subject to paragraphs (1) and (2), the Council shall on request provide copies of the Code of Practice on payment of such reasonable charge as they shall decide.

PART IV

SUPPLY OF INFORMATION

Supply of information to teachers and others

15.—(1) The Council shall supply a registered teacher, upon request, with a copy of the information entered on the Register against that teacher's name.

(2) The Council shall supply a person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act, on request, with a copy of such records as they maintain about him or her.

Supply of information to employers

16.—(1) The Council shall if requested by an employer or prospective employer to whom this paragraph applies of —

- (a) a registered teacher; or
- (b) an unregistered person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act,
supply that employer or prospective employer with the information set out in Schedule 2 in respect of the teacher or unregistered person concerned.

(2) Paragraph (1) applies to an employer or prospective employer who is —

- (a) a local education authority;

- (b) the governing body of a school maintained by a local education authority;
- (c) the governing body of a non-maintained special school;
- (d) the proprietor of an independent school;
- (e) an institution within the higher education sector;
- (f) an institution within the further education sector;
- (g) a supply teacher agency; or
- (h) the Service Children's Education.

(3) Paragraph (1) also applies to a local education authority where the employer or prospective employer is the governing body of a school maintained by that authority (whether or not the governing body has made a request under paragraph (1)).

(4) A person to whom paragraph (1) applies shall not disclose information supplied under this regulation to any person other than the teacher to whom the information relates.

(5) Paragraph (4) does not prevent a local education authority from disclosing information supplied to them under this regulation to the governing body of the school at which the person concerned is or is proposed to be employed.

(6) The supply of any information under paragraph (1) shall be subject to the condition that the information is only to be used for the purposes of ascertaining the suitability of the teacher or unregistered person for employment or continued employment (as the case may be).

Supply of information to the General Teaching Council for Scotland

17.—(1) The Council shall on request supply the information set out in Schedule 2 in relation to —

- (a) a registered teacher; or
- (b) an unregistered person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act,
to the General Teaching Council for Scotland.

(2) Where information is supplied under paragraph (1), a condition shall be imposed requiring the General Teaching Council for Scotland not to disclose that information to any person other than the teacher to whom the information relates.

Signed on behalf of the National Assembly under section 66(1) of the Government of Wales Act 1998(13).

24th July 2000

Jane Davidson
The Deputy Presiding Officer of the
National Assembly

SCHEDULE 1

Regulation 6

Matters to be recorded in the register against a teacher's name

1. The official reference number, if any, assigned to the teacher.
2. Whether the teacher is male or female.
3. The teacher's date of birth.
4. If known, any name by which the teacher was formerly known.
5. If known, the racial group to which the teacher belongs.
6. If known, whether the teacher is disabled.
7. The teacher's home address, or other contact address, and if known the teacher's telephone number, facsimile number and electronic mail address.
8. The teacher's national insurance number.
- 9.—(1) If known, where the teacher is employed as a teacher—
 - (a) the name, address, telephone and facsimile numbers and electronic mail address of the school or institution at which the teacher is employed to teach;
 - (b) details of the type of school or institution at which the teacher is employed to teach and the name of the local education authority maintaining the school or institution if applicable;
 - (c) whether the employment is full-time or part-time;
 - (d) the post held by the teacher; and
 - (e) the date on which the teacher took up his or her current post.

(2) If known, where the teacher is not currently employed as a teacher, the date on which he or she was last so employed, and the details specified in paragraphs (a) to (e) of sub-paragraph (1) in relation to his or her most recent teaching post.
10. If known, if the teacher is retired, on a career break, unemployed or employed otherwise than as a teacher.
11. If known, where the teacher holds a degree or equivalent qualification—
 - (a) the date of its award;
 - (b) its title;
 - (c) the institution by which it was awarded;
 - (d) the class of the degree or qualification; and
 - (e) the subject.
12. The date on which the teacher qualified as a teacher.
13. If known, the date on which the teacher took up his or her first post as a qualified teacher.
14. Where the teacher has successfully completed a course for the initial training of teachers—
 - (a) the name of the institution providing the course;
 - (b) the title or description of the course;
 - (c) the subject or subjects studied by the teacher;
 - (d) the ages of pupils the course was designed to prepare the teacher to teach; and
 - (e) the date on which the course started and was completed.

15. Where the teacher qualified as a teacher other than by successfully completing a course for the initial training of teachers—

- (a) the type of training programme completed;
- (b) the name of the school or institution at which the teacher training was undertaken; and
- (c) the date on which the training programme was completed.

16. If known—

- (a) particulars of any qualification held by the teacher for teaching the visually or hearing impaired such as is referred to in regulation 11, 12 or 13 of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999⁽¹⁴⁾;
- (b) where the teacher has been awarded the National Professional Qualification for Headship, an indication of that fact and the date of the award;
- (c) particulars of any other academic or professional qualification held by the teacher;
- (d) where the teacher is able to teach through the medium of Welsh, an indication of that fact; and
- (e) where the teacher is able to teach Welsh second language, an indication of that fact.

17. If known —

- (a) where the teacher is a teacher who has passed the threshold, an indication of that fact, the date on which the teacher passed the threshold and the name of the school at which the teacher was employed when he or she passed the threshold;
- (b) where the teacher is an advanced skills teacher, an indication of that fact, the date on which the teacher was certified as such, and the school at which the teacher was employed when he or she was certified as an advanced skills teacher;
- (c) where the teacher is a fast track teacher, an indication of that fact, the date on which the teacher joined the fast track, and the school at which the teacher was employed when he or she joined the fast track.

18.—(1) Where the teacher has served an induction period or part of an induction period, whether in England or Wales, —

- (a) the identity of the appropriate body (within the meaning of section 19 of the 1998 Act);
- (b) the date on which the teacher started the induction period;
- (c) where applicable, an indication that the teacher successfully completed the induction period, and the date of its completion;
- (d) where applicable, an indication that the teacher has had the induction period extended, and the period of the extension; and
- (e) where applicable, an indication that the teacher has completed only part of an induction period, and the period served.

(2) Where the teacher has not served an induction period —

- (a) if the teacher is exempt from the requirement to serve an induction period, the reason for the exemption; or
- (b) if there was no requirement for the teacher to serve an induction period at the relevant time, a statement of that fact⁽¹⁵⁾.

⁽¹⁴⁾ S.I. 1999/2817 (W.18).

⁽¹⁵⁾ When these Regulations were made there was no requirement for induction for teachers in Wales; no regulations had been made under section 19 of the 1998 Act in relation to Wales. The requirement to serve an induction period in England applies from 1st September 1999 (S.I. 1999/1065).

19. If applicable, an indication that the teacher has failed a period of probation, and whether the National Assembly or the Secretary of State has consented to his or her employment as a teacher under regulations made under section 218(1) and (2) of the 1988 Act(16).

20. The category in which the teacher may vote for the election of members to the Council.

21. The terms of any restriction for the time being in force in relation to the teacher as the result of a direction given by the National Assembly or the Secretary of State by virtue of section 218(6) of the 1988 Act(17).

22. The terms of any restriction for the time being in force in relation to the teacher as a result of disciplinary action taken by the General Teaching Council for Scotland.

23. An indication of whether or not the teacher has paid any registration fee.

24. If applicable, an indication that the teacher has retired under regulation E4(4) of the Teachers' Pensions Regulations 1997(18) (ill-health retirement).

SCHEDULE 2

Regulations 16 and 17

Information to be supplied to employers and others

1. Whether or not the teacher is registered.
2. Whether or not the teacher is a qualified teacher.
3. The date on which the teacher qualified as a teacher.
4. If known, where the teacher holds a degree or equivalent qualification —
 - (a) the date of its award;
 - (b) its title;
 - (c) the institution by which it was awarded;
 - (d) the class of the degree or qualification; and
 - (e) the subject.
5. If known, the date on which the teacher took up his or her first post as a qualified teacher.
6. Where the teacher has successfully completed a course for the initial training of teachers—
 - (a) the name of the institution providing the course;
 - (b) the title or description of the course;
 - (c) the subject or subjects studied by the teacher;
 - (d) the ages of pupils the course was designed to prepare the teacher to teach; and
 - (e) the date on which the course started and was completed.
7. Where the teacher qualified as a teacher other than by successfully completing a course for the initial training of teachers—
 - (a) the type of training programme completed;
 - (b) the name of the school or institution at which the teacher training was undertaken; and

(16) See note (c) on page 5 above.

(17) At the time of making these Regulations, the regulations in force under this provision were the Education (Teachers) Regulations 1993 (S.I. 1993/543); the relevant amending instruments are S.I. 1995/2594 and 1998/1584.

(18) S.I. 1997/3001 to which there are amendments not relevant to these Regulations.

(c) the date on which the training programme was completed.

8. If known —

- (a) particulars of any qualification held by the teacher for teaching the visually or hearing impaired such as is referred to in regulation 11, 12 or 13 of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999;
- (b) where the teacher has been awarded the National Professional Qualification for Headship, an indication of that fact and the date of the award;
- (c) particulars of any other academic or professional qualification held by the teacher;
- (d) where the teacher is able to teach through the medium of Welsh, an indication of that fact; and
- (e) where the teacher is able to teach Welsh second language, an indication of that fact.

9. If known —

- (a) where the teacher is a teacher who has passed the threshold, an indication of that fact, the date on which the teacher passed the threshold and the name of the school at which the teacher was employed when he or she passed the threshold;
- (b) where the teacher is an advanced skills teacher, an indication of that fact, the date on which the teacher was certified as such, and the school at which the teacher was employed when he or she was certified as an advanced skills teacher;
- (c) where the teacher is a fast track teacher, an indication of that fact, the date on which the teacher joined the fast track, and the school at which he or she was employed when he or she joined the fast track.

10.—(1) Where the teacher has served an induction period or part of an induction period, whether in England or Wales, —

- (a) the identity of the appropriate body (within the meaning of section 19 of the 1998 Act);
- (b) the date on which the teacher started the induction period;
- (c) where applicable, an indication that the teacher successfully completed the induction period, and the date of its completion;
- (d) where applicable, an indication that the teacher has failed successfully to complete the induction period;
- (e) where applicable, an indication that the teacher has had the induction period extended, and the period of the extension; and
- (f) where applicable, an indication that the teacher has completed only part of an induction period, and the period served.

(2) Where the teacher has not served an induction period, —

- (a) if the teacher is exempt from the requirement to serve an induction period, the reason for the exemption; or
- (b) if there was no requirement for the teacher to serve an induction period at the relevant time, a statement of that fact.

11. If applicable, an indication that the teacher has failed a period of probation, and whether the National Assembly or the Secretary of State has consented to his or her employment as a teacher under regulations made under section 218(1) and (2) of the 1988 Act.

12. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as the result of a direction given by the National Assembly or the Secretary of State by virtue of section 218(6) of the 1988 Act.

13. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as the result of disciplinary action taken by the General Teaching Council for Scotland.

14. If applicable, an indication that the teacher has retired under regulation E4(4) of the Teachers' Pensions Regulations 1997 (ill-health retirement).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the functions of the General Teaching Council for Wales, a body corporate established by the General Teaching Council for Wales Order 1998, made under the Teaching and Higher Education Act 1998, section 8. The aims of the Council are to contribute to improving the standards of teaching and the quality of learning and to maintain and improve the standards of professional conduct amongst teachers in the public interest.

Section 3 of the Act confers on the Council the function of establishing and maintaining a register of teachers. Part II of these Regulations makes provision as to the form and manner in which the register is to be kept, and other matters relating to registration. Part II also prescribes circumstances additional to those set out in section 3 of the Act in which teachers are eligible and ineligible for registration.

Part III authorises the Council to issue and from time to time revise a Code of Practice laying down standards for the professional conduct and practice expected of registered teachers, and makes provision about the provision by the Council of copies of the Code.

Part IV requires the Council to supply copies of information held about them to registered teachers and other persons such as qualified teachers who are not registered about whom the Council hold records pursuant to the General Teaching Council for Wales (Additional Functions) Order 2000. The Council are also required to supply the information set out in Schedule 2 to employers and prospective employers of teachers and to the General Teaching Council for Scotland.