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WELSH STATUTORY INSTRUMENTS

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**2015 No. 140**

**The Education Workforce Council (Main Functions) (Wales) Regulations 2015**

**PART 1**

**Introduction**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education Workforce Council (Main Functions) (Wales) Regulations 2015 and they come into force on 1 April 2015.

(2) These Regulations apply in relation to Wales.

(3) Part 7 of these Regulations does not apply where a relevant employer or an agent is required to provide information to the Disclosure and Barring Service under sections 35, 36 or 39 of the Safeguarding Vulnerable Groups Act 2006(1) in relation to a registered person's case, the facts of which they would otherwise be required to report under regulation 45(1) or 46(1) in Part 7 of these Regulations.

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**Commencement Information**

**I1** [Reg. 1](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

**Revocation, savings and transitional provisions**

2.—(1) Subject to paragraph (2) the Regulations in Part 1 of Schedule 1 are revoked.

(2) The savings and transitional provisions mentioned in Part 2 of Schedule 1 have effect.

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**Commencement Information**

**I2** [Reg. 2](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

**Interpretation**

3.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Employment Rights Act 1996(2);

“the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998(3);

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(1) 2006 c. 47.  
(2) 1996 c. 18.  
(3) 1998 c. 30.

- “the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002(4);
- “the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014;
- “the 1959 Regulations” (“*Rheoliadau 1959*”) means the Schools Regulations 1959(5);
- “the 1982 Regulations” (“*Rheoliadau 1982*”) means the Education (Teachers) Regulations 1982(6);
- “the 1989 Regulations” (“*Rheoliadau 1989*”) means the Education (Teachers) Regulations 1989(7);
- “the 2002 Regulations” (“*Rheoliadau 2002*”) means the Further Education Teachers’ Qualifications (Wales) Regulations 2002(8);
- “the 2004 Regulations” (“*Rheoliadau 2004*”) means the Education (School Teachers’ Qualifications) (Wales) Regulations 2004(9);
- “advanced skills teacher” (“*athro neu athrawes uwch-sgiliau*”) means a teacher who has been certified by an assessor appointed by the Secretary of State as eligible for appointment to an advanced skills teacher post;
- “agent” (“*asant*”) has the meaning given by section 37 of the 2014 Act;
- “An Chomhairle Mhúinteoireachta or the Teaching Council” (“*An Chomhairle Mhúinteoireachta neu’r Cyngor Addysgu*”) means the Teaching Council established under section 5 of the Teaching Council Act, 2001(10) (which body has functions corresponding to those of the Council in relation to the Republic of Ireland);
- “appropriate body” (“*corff priodol*”) has the same meaning as in the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(11);
- “arrangements” (“*trefniadau*”) means arrangements of the kind referred to in section 37(1) of the 2014 Act for a person who is a registered person to provide relevant services in Wales;
- “assistant head teacher” (“*pennaeth cynorthwyol*”) means a qualified teacher (within the meaning of section 132 of the 2002 Act) with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;
- “Code of Practice” (“*Cod Ymarfer*”) means the code of practice prepared and published under section 24 of the 2014 Act;
- “disciplinary proceedings” (“*achos disgyblu*”) in relation to a registered person in Wales means disciplinary proceedings under sections 26 to 32 of the 2014 Act;
- “employer” (“*cyflogwr*”) means a person who employs or engages to provide a registered person to provide relevant services;
- “<sup>F</sup>Fitnes to Practise] Committee” (“*Pwyllgor Addasrwydd i Ymarfer*”) means a committee established under regulation 22;
- “further education teacher” (“*athro neu athrawes addysg bellach*”) means a person registered in the further education teacher category of registration;

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(4) 2002 c. 32.

(5) S.I. 1959/364 as amended by S.I. 1968/1281, S.I. 1969/1777, S.I. 1971/342, S.I. 1973/2021 and S.I. 1978/1144. Now revoked by S.I. 1982/106.

(6) S.I. 1982/106 as amended by S.I. 1988/542 and S.I. 1989/329. Now revoked by S.I. 1989/1319.

(7) S.I. 1989/1319 as amended by S.I. 1989/1541, S.I. 1990/1561, S.I. 1991/1134, S.I. 1991/1840, S.I. 1991/2240 and S.I. 1992/1809. Now revoked by S.I. 199/543.

(8) S.I. 2002/1663 as amended by S.I. 2003/1717 and S.I. 2004/1745.

(9) S.I. 2004/1729 as amended by S.I. 2007/2811 and S.I. 2008/215.

(10) Number 8 of 2001. An Chomhairle Mhúinteoireachta or the Teaching Council, is established under section 5 of the Teaching Council Act 2001, and has functions corresponding to those of the Council in relation to the Republic of Ireland.

(11) S.I. 2005/1818 (W. 146). These Regulations will be revoked and re-made as a consequence of the commencement of the repeal of the enabling powers by the Education (Wales) Act 2014, but at the date the Regulations are made the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005 remain in force.

“independent school” (“*ysgol annibynnol*”) has the same meaning as in section 463 of the Education Act 1996<sup>(12)</sup>;

“induction period” (“*cyfnod sefydlu*”) means an induction period served in accordance with regulations made in relation to England or Wales under—

- (a) section 19 of the 1998 Act;
- (b) section 135A of the 2002 Act; or
- (c) section 17 of the 2014 Act;

“Induction Regulations” (“*Rheoliadau Sefydlu*”) means the regulations made under the powers set out in the definition of “induction period”;

“Investigating Committee” (“*Pwyllgor Ymchwilio*”) means a committee established under regulation 20;

“leading practitioner” (“*ymarferydd arweiniol*”) means a teacher who is paid on the leading practitioner pay range as determined by the Secretary of State and set out in a document given legal effect by order under section 122 of the 2002 Act<sup>(13)</sup>;

“main pay range” (“*prifystod cyflog*”) means the main pay range determined by the Secretary of State and set out in a document given legal effect under section 122 of the 2002 Act<sup>(14)</sup>;

[<sup>F2</sup>“nominated teacher” (“*athro neu athrawes enwebedig*”) means a person who is mentioned in paragraphs 3, 4, 5, 6 or 7 of Schedule 3 to these Regulations and who is nominated by the head teacher where the head teacher considers that appropriate in the circumstances]

“post-threshold teacher” (“*athro neu athrawes ôl-drothwy*”) means a teacher who meets the criteria determined by the Secretary of State for that post and set out in a document given legal effect by order under section 122 of the 2002 Act<sup>(15)</sup>;

“qualified teacher” (“*athro neu athrawes gymwysedig*”) has the same meaning as in section 132(1) of the 2002 Act;

“the Register” (“*y Gofrestr*”) means the register established and maintained under section 9 of the 2014 Act, and “registration” (“*cofrestru*”) means registration on the Register;

“registered teacher” (“*athro neu athrawes gofrestredig*”) means a person registered in the school teacher category of registration;

“registered person” (“*person cofrestredig*”) has the meaning given to it in section 41(1) of the 2014 Act;

“relevant offence” (“*trosedd berthnasol*”) in relation to Wales has the same meaning as in section 27(1) of the 2014 Act and in relation to England has the same meaning as in section 141B(4) of the Education Act 2002;

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

“serious professional incompetence” (“*anghymhwysedd proffesiynol difrifol*”) means conduct which demonstrates a [<sup>F3</sup>level of competence] which falls seriously below that expected of a registered person taking into account all the relevant circumstances;

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(12) 1996 c. 56.

(13) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

(14) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

(15) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

“services (“*gwasanaethau*”) means services provided to a relevant employer in Wales and includes professional and voluntary services;

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

“unacceptable professional conduct” (“*ymddygiad proffesiynol annerbyniol*”) means conduct which falls short of the standard expected of a registered person; and

“upper pay range” (“*ystod cyflog uwch*”) means the upper pay range determined by the Secretary of State and set out in a document given legal effect under section 122 of the 2002 Act(16).

(2) In these Regulations a reference to a head teacher includes to a reference a person appointed to carry out the functions of the head teacher of the school—

- (a) pending the appointment of a head teacher, or
- (b) in the absence of the head teacher.

(3) In these Regulations a reference to a deputy head teacher includes a reference a person appointed to carry out the functions of the deputy head teacher of the school—

- (a) pending the appointment of a deputy head teacher, or
- (b) in the absence of the deputy head teacher.

#### Textual Amendments

- F1** Words in Regulations substituted (1.3.2024) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024 (S.I. 2024/74), regs. 1(2), **2(2)**
- F2** Words in reg. 3(1) inserted (1.4.2016) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016 (S.I. 2016/6), regs. 1(1), **2(a)(i)**
- F3** Words in reg. 3(1) substituted (1.4.2016) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016 (S.I. 2016/6), regs. 1(1), **2(a)(ii)**

#### Commencement Information

- I3** Reg. 3 in force at 1.4.2015, see reg. 1(1)

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(16) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education Workforce Council (Main Functions) (Wales) Regulations 2015, PART 1.