

## WELSH STATUTORY INSTRUMENTS

### 2015 No. 140

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

## PART 3

### Requirement to be registered: school teachers

#### Requirement to be qualified

15.—<sup>[F1(1)]</sup> No person may carry out work specified in regulation 17 in a school unless they—

- (a) are a qualified teacher; or
- (b) satisfy the requirements specified in at least one of the paragraphs of Schedule 3.

<sup>[F2(2)]</sup> This regulation is subject to regulation 18A (circumstances in which a learning support worker may carry out the work specified in regulation 17).]

#### Textual Amendments

- F1** Reg. 15 renumbered as reg. 15(1) (22.5.2023) by [The Education Workforce Council \(Additional Categories of Registration\) \(Wales\) Order 2023 \(S.I. 2023/551\)](#), arts. 1(2), **10(2)(a)**
- F2** Reg. 15(2) inserted (22.5.2023) by [The Education Workforce Council \(Additional Categories of Registration\) \(Wales\) Order 2023 \(S.I. 2023/551\)](#), arts. 1(2), **10(2)(b)**

#### Commencement Information

- I1** [Reg. 15](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

#### Extension of specified period

16. Where any person is permitted to carry out work specified in regulation 17 for a specified period by virtue of <sup>[F3]</sup>regulation 18A or] any of the provisions of Schedule 3, that period will be extended by a period equal to the aggregate of any period or periods during which the person concerned is absent from work—

- (a) in exercise of that person's—
  - (i) right to maternity leave conferred by section 71 or 73 of the 1996 Act<sup>(1)</sup> or a contract of employment and has the right to return to work by virtue of either of these sections or a contract of employment;
  - (ii) right to parental leave conferred by section 76 of the 1996 Act;

(1) Section 71 was amended by paragraph 31, and section 73 by paragraph 32, of Schedule 1 to the Work and Families Act 2006 (c. 18) and both sections were amended by section 17 of the Employment Act 2002 (c. 22). Section 71 was further amended by section 118(1), (2)(a) and (b) of the Children and Families Act 2014 (c. 6). Section 73 was further amended by section 118(1), (3)(a), (b) and (c) of the Children and Families Act 2014.

- (iii) right to paternity leave conferred by section 80A or 80B of the 1996 Act<sup>(2)</sup>; <sup>F4</sup> ...
  - (iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act<sup>(3)</sup>; <sup>F5</sup> ...
  - <sup>F6</sup>(v) right to shared parental leave conferred by section 75E or 75G of the 1996 Act; or
  - (vi) right to parental bereavement leave conferred by section 80EA of the 1996 Act; or]
- (b) because of pregnancy.

#### Textual Amendments

- F3** Words in reg. 16 inserted (1.4.2016) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016 (S.I. 2016/6), regs. 1(1), **2(b)**
- F4** Word in reg. 16(a)(iii) omitted (26.5.2023) by virtue of The Education Workforce Council (Main Functions) (Wales) (Amendments Relating to Parental Bereavement Leave and Shared Parental Leave) Regulations 2023 (S.I. 2023/378), regs. 1, **2(2)(a)**
- F5** Word in reg. 16(a)(iv) omitted (26.5.2023) by virtue of The Education Workforce Council (Main Functions) (Wales) (Amendments Relating to Parental Bereavement Leave and Shared Parental Leave) Regulations 2023 (S.I. 2023/378), regs. 1, **2(2)(b)**
- F6** Reg. 16(a)(v)(vi) inserted (26.5.2023) by The Education Workforce Council (Main Functions) (Wales) (Amendments Relating to Parental Bereavement Leave and Shared Parental Leave) Regulations 2023 (S.I. 2023/378), regs. 1, **2(2)(b)**

#### Commencement Information

- I2** Reg. 16 in force at 1.4.2015, see **reg. 1(1)**

#### Specified work

- 17.—(1)** Each of the following activities is specified work for the purposes of these Regulations—
- (a) planning and preparing lessons and courses for pupils;
  - (b) delivering lessons to pupils;
  - (c) assessing the development, progress and attainment of pupils; <sup>F7</sup> ...
  - (d) reporting on the development, progress and attainment of pupils.
- <sup>F8</sup>(e) undertaking a senior leadership role in managing teaching and learning at the school.]
- (2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.

#### Textual Amendments

- F7** Word in reg. 17(1)(c) omitted (22.5.2023) by virtue of The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 (S.I. 2023/551), arts. 1(2), **10(3)(a)**

- (2) Sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c. 22), and sections 80AA and 80BB were inserted by sections 3 and 4 respectively of the Work and Families Act 2006 (c. 18). Section 80A was further amended by section 118(1) and (6) of, and paragraphs 29 and 32 of Schedule 7 to, the Children and Families Act 2014. Section 80B was further amended by sections 118(1) and (7), 121(2)(a) and (b), 122(4) and 128(2)(b) of, and paragraphs 29 and 33 of Schedule 7 to, the Children and Families Act 2014.
- (3) Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c. 22). Section 75A was amended by paragraph 33 of Schedule 1 to the Work and Families Act 2006 (c. 18) and by sections 118(1), (4)(b) and (c) and 122(1) of the Children and Families Act 2014. Section 75B was further amended by section 118(1), (5)(b) and (c) of the Children and Families Act 2014.

**F8** Reg. 17(1)(e) inserted (22.5.2023) by The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 (S.I. 2023/551), arts. 1(2), **10(3)(b)**

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**Commencement Information**

**I3** Reg. 17 in force at 1.4.2015, see **reg. 1(1)**

**Requirement to be registered: school teachers**

**18.** Qualified teachers may carry out work specified in regulation 17 in a school only if they are registered under section 9 of the 2014 Act (register maintained by the Council) [<sup>F9</sup>in the category of school teacher].

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**Textual Amendments**

**F9** Words in reg. 18 inserted (1.4.2016) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016 (S.I. 2016/6), regs. 1(1), **2(c)**

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**Commencement Information**

**I4** Reg. 18 in force at 1.4.2015, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Education Workforce Council (Main Functions) (Wales) Regulations 2015, PART 3.