

2009 No. 3200

EDUCATION, ENGLAND AND WALES

The General Teaching Council (Registration of Temporary Teachers from Relevant European States) (England and Wales) Regulations 2009

<i>Made</i>	- - - -	<i>4th December 2009</i>
<i>Laid before Parliament</i>		<i>11th December 2009</i>
<i>Coming into force</i>	- -	<i>5th January 2010</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

The Secretary of State makes the following Regulations in exercise of powers conferred by section 2(2) of the European Communities Act 1972.

Citation and commencement

1. These Regulations may be cited as the General Teaching Council (Registration of Temporary Teachers from Relevant European States) (England and Wales) Regulations 2009 and come into force on 5th January 2010.

Interpretation

2. In these Regulations—

“another relevant European State” means a relevant European State other than the United Kingdom;

“the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007(c);

“applicant teacher” means a person —

- (a) who falls within the description in regulation 6(3) of the 2007 Regulations;
- (b) whose home state (as defined in those Regulations) is another relevant European State; and
- (c) whose profession is that of a school teacher in that person’s home State;

(a) See the European Communities (Designation) Order 2002 (S.I. 2002/248).
(b) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by section 3(3) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(c) S.I. 2007/2781.

“competent authority”, in relation to—

- (a) England, means the General Teaching Council for England;
- (b) Wales, means the General Teaching Council for Wales;
- (c) Scotland, means the General Teaching Council for Scotland;
- (d) Northern Ireland, means the General Teaching Council for Northern Ireland;
- (e) another relevant European State, has the meaning given by regulation 4(4) of the 2007 Regulations;

“registered teacher” means a teacher registered pursuant to regulation 4(2);

“relevant European State” means an EEA State or Switzerland;

“school” has the meaning given by section 134 of the Education Act 2002(a).

Application

3. These Regulations apply to and in relation to applicant teachers who come to England or Wales to provide teaching services in schools on a temporary and occasional basis (as determined by the relevant competent authority pursuant to regulation 9(2) of the 2007 Regulations).

Functions of competent authorities in England and Wales

4.—(1) The competent authorities in England and Wales must each establish a register of applicant teachers to whom these Regulations apply (“the Register”).

(2) Where an applicant teacher has supplied the competent authority in England or in Wales with the declaration and the documents referred to in regulations 11 and 12 respectively of the 2007 Regulations, it must—

- (a) register the name of that person in the Register, free of charge and within a period of 4 weeks of receiving the declaration and documents;
- (b) record in the Register against the name of that person each of the matters specified in the Schedule if that matter is known to the competent authority.

(3) Upon request, the relevant competent authority must supply a registered teacher with a copy of the information recorded in the Register against the teacher’s name, free of charge.

Application of disciplinary provisions

5. The General Teaching Council for England (Disciplinary Functions) Regulations 2001(b) or the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(c), as the case may be, apply to and in relation to a registered teacher as if the teacher were registered in accordance with section 3 of the Teaching and Higher Education Act 1998(d).

Specified work

6.—(1) Subject to paragraphs (2) and (3), an applicant teacher may only carry out specified work in a school in England or Wales if the person is a registered teacher.

(2) An applicant teacher who has taken up a temporary teaching post in a school in England before 5th January 2010 is excepted from the requirement under paragraph (1) for a period of 4 weeks from that date.

(3) An applicant teacher who takes up a temporary teaching post in a school in England on or after 5th January 2010 is excepted from the requirement under paragraph (1) for a period of 4

(a) 2002 c. 32.

(b) S.I. 2001/1268, as amended by S.I. 2003/1186 and 2008/3256.

(c) S.I. 2001/1424, as amended by S.I. 2003/503 and 542.

(d) 1998 c. 30. Section 3 was amended by sections 148 and 215 of the Education Act 2002 (c.32), and by section 63 of the Safeguarding Vulnerable Groups Act 2006 (c. 47).

weeks from the date of taking up that post, provided the teacher supplied the relevant competent authority with the declaration and the documents referred to in regulations 11 and 12 respectively of the 2007 Regulations before taking up the post.

(4) In this regulation “specified work” has the meaning given by regulation 6 of the Education (Specified Work and Registration) (England) Regulations 2003(a) or regulation 6 of the Education (Specified Work and Registration) (Wales) Regulations 2004(b), as the case may be.

4th December 2009

Vernon Coaker
Minister of State
Department for Children, Schools and Families

SCHEDULE

Regulation 4

Matters to be recorded in the Register against a teacher’s name

1. Whether the person is male or female.
2. The person’s date of birth.
3. Any name by which the person was formerly known.
4. The racial group to which the person belongs.
5. Whether the person is a disabled person within the meaning of section 1(1) of the Disability Discrimination Act 1995(c).
6. The person’s home address or other contact address, and telephone number, facsimile number and electronic mail address.
7. Where applicable, the person’s national insurance number.
- 8.—(1) Where the person is employed as a teacher—
 - (a) the name, address, telephone and facsimile numbers and electronic mail address of the institution at which the person is employed to teach;
 - (b) details of the type of institution at which the person is employed to teach and, where applicable, the name of the local education authority maintaining it;
 - (c) whether the employment is full-time or part-time;
 - (d) the post held by the person; and
 - (e) the date on which the employment in that post commenced.

(2) If the person is not currently employed as a teacher, the date on which the person was last so employed and the details specified in paragraphs (a) to (e) of sub-paragraph (1) in relation to the most recent teaching post.
9. If the person is retired, on a career break, unemployed or employed otherwise than as a teacher.

(a) S.I. 2003/1663, as amended by S.I. 2007/2117 and 2008/1883.
(b) S.I. 2004/1744.
(c) 1995 c. 50.

- 10.** Where the person holds a degree or equivalent qualification—
- (a) the date on which it was awarded;
 - (b) its title, subject and class; and
 - (c) the institution by which it was awarded.
- 11.** The date on which the person qualified as a teacher.
- 12.** Where the person 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 subjects studied by the person;
 - (d) the ages of pupils the course was designed to prepare the person to teach; and
 - (e) the date on which the course was completed.
- 13.** Where the person 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 institution at which the training was undertaken; and
 - (c) the date on which the training programme was completed.
- 14.** Particulars of any other academic or professional qualification held by the person.
- 15.** The terms of any direction for the time being in force in relation to the person under section 142 of the Education Act 2002(a).
- 16.** The terms of any restriction for the time being in force in relation to the person as the result of disciplinary action taken by the General Teaching Council for Scotland.
- 17.** Where applicable, the date of the latest performance management report or equivalent compiled by the person's most recent employer.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made pursuant to Council Directive 2005/36/EC (OJ No L255, 30.9.2005, p22) on the recognition of professional qualifications. Article 6(a) provides that in order to facilitate the application of disciplinary provisions, Member States may provide for automatic temporary registration with a professional body.

These Regulations provide for the registration of school teachers from relevant European States who come to England or Wales to provide teaching services on a temporary and occasional basis, in order to ensure that they are subject to the same disciplinary provisions as teachers who are registered in accordance with section 3 of the Teaching and Higher Education Act 1998.

A full impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

(a) 2002 c. 32. Section 142 is to be repealed by section 63 of the Safeguarding Vulnerable Groups Act 2006 on a date to be appointed. Sub-sections (2) to (4) of section 142 are disapplied for the purposes of The Safeguarding Vulnerable Groups Act 2006 (Transitory Provisions) Order 2009 (S.I. 2009/12) until the coming into force of the Safeguarding Vulnerable Groups Act, section 3 for all purposes.

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STATUTORY INSTRUMENTS

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£4.00