
WELSH STATUTORY INSTRUMENTS

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.

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.

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);

(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;
- “^FFitnes 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;

(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⁽¹²⁾;

“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 Sefydli*”) 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⁽¹³⁾;

“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⁽¹⁴⁾;

[^{F2}“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⁽¹⁵⁾;

“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 [^{F3}level of competence] which falls seriously below that expected of a registered person taking into account all the relevant circumstances;

(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)

PART 2

Registration

Eligibility for registration: induction period

4.—(1) This regulation applies to a person who, having served an induction period has failed to complete it satisfactorily for the purposes of the Induction Regulations.

(2) Such a person is eligible for registration—

- (a) during the time for making an appeal under the Induction Regulations against the decision that they have failed satisfactorily to complete an induction period; and
- (b) where such an appeal is made, pending the outcome of the appeal.

(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.

Commencement Information

I4 Reg. 4 in force at 1.4.2015, see **reg. 1(1)**

Applications for registration

5. The Council may make provision as to—
- (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.

Commencement Information

I5 Reg. 5 in force at 1.4.2015, see **reg. 1(1)**

Notice of decision

- 6.—(1) The Council must serve notice of its decision to grant or refuse the application on the—
- (a) applicant for registration; and
 - (b) employer (where applicable).
- (2) In the case of a refusal to register, the notice served under paragraph (1) must state—
- (a) the grounds on which the decision was taken, and
 - (b) where the refusal was on the ground that the Council was not satisfied on the applicant’s suitability for registration it must notify the applicant of—
 - (i) their right to appeal to the High Court against the decision made, and
 - (ii) the time period set out in section 11(2) of the 2014 Act for making such an appeal.
- (3) A notice required to be served on a person under this regulation may be served in accordance with regulation 54.

Commencement Information

I6 Reg. 6 in force at 1.4.2015, see **reg. 1(1)**

Provisional registration

- 7.—(1) A person is eligible for provisional registration if for the time being that person meets [^{F4}the following condition] in this regulation.
- (2) The ^{F5}... condition is that the person is—
- (a) a qualified teacher; and
 - (b) yet to satisfactorily complete an induction period.
- ^{F6}(3)

Textual Amendments

F4 Words in reg. 7(1) substituted (31.12.2020) by **The Teachers' Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/444)**, regs. 1(2), **4(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

- F5** Word in reg. 7(2) omitted (31.12.2020) by virtue of [The Teachers' Qualifications \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/444), regs. 1(2), **4(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Reg. 7(3) revoked (31.12.2020) by [The Teachers' Qualifications \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/444), regs. 1(2), **4(4)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

- I7** [Reg. 7](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Registration on establishment of the Register

8.—(1) The Council may register persons who have not made applications for registration but who are eligible for registration for the first time.

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

(3) The Council must 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.

(4) A notice required to be served on a person under this regulation must be served in accordance with regulation 54.

Commencement Information

- I8** [Reg. 8](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Content of the Register

9.—(1) The Council must record in the Register the information set out in Part 1 of Schedule 2 against the names of all registered persons.

(2) The Council must record in the Register the information set out in Part 2 of Schedule 2 against the names of those persons registered in the category of school teacher.

(3) The Council may record in the Register the information set out in Part 2 of Schedule 2 against the names of those persons registered in a category of registration other than that of school teacher.

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

Commencement Information

- I9** [Reg. 9](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Division of the Register into separate parts

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

Commencement Information

- I10** [Reg. 10](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Amending entries on the Register

11. 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.

Commencement Information

I11 [Reg. 11](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Removal of entries from the Register

12. The Council may make provision—

- (a) for it to refuse an application for registration until the appropriate registration fee has been paid; and
- (b) 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.

Commencement Information

I12 [Reg. 12](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Issue and form of certificates of registration

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

Commencement Information

I13 [Reg. 13](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Public access to the Register

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

(2) A reply by the Council to a request under paragraph (1) must contain the following information—

- (a) the name of the registered person;
- (b) the category of registration in which that person is registered;
- (c) the school or institution in which they are currently employed or otherwise engaged (if applicable); and
- (d) such other particulars as the Council may determine.

(3) The Council may make available the names of persons on the Register in such manner as the Council determines.

Commencement Information

I14 [Reg. 14](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

PART 3

Requirement to be registered: school teachers

Requirement to be qualified

15.—^[F7](1) 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.

^[F8](2) 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

- F7** 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)**
- F8** 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

- I15** 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 ^[F9]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⁽¹⁷⁾ 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;
 - (iii) right to paternity leave conferred by section 80A or 80B of the 1996 Act⁽¹⁸⁾; ^{F10}...
 - (iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act⁽¹⁹⁾; ^{F11}...
 - ^[F12](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]

⁽¹⁷⁾ 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.

⁽¹⁸⁾ 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.

⁽¹⁹⁾ 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.

(b) because of pregnancy.

Textual Amendments

- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** 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

- I16** 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; ^{F13}...
- (d) reporting on the development, progress and attainment of pupils.

[^{F14}(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

- F13** 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)**
- F14** 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)**

Commencement Information

- I17** 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) [^{F15}in the category of school teacher].

Textual Amendments

F15 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)**

Commencement Information

I18 [Reg. 18](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

[^{F16}PART 3A

Requirement to be registered: school learning support workers]

Textual Amendments

F16 Pt. 3A inserted (1.4.2016) by [The Education Workforce Council \(Main Functions\) \(Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/6\)](#), regs. 1(1), **2(d)**

[^{F17}School learning support workers

18A.—(1) A person must not support the provision of the services specified in regulation 17 in or for a school in Wales (except as a volunteer) unless—

- (a) the person is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of school learning support worker; and
- (b) the head teacher is satisfied that the person has the skills, expertise, and experience to support the provision of the services in a school.

(2) Paragraph (1) does not apply to a person who is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of school teacher in so far as that person is supporting the provision of the services as part of the person’s role as a school teacher.]

Textual Amendments

F17 [Reg. 18A](#) substituted (22.5.2023) by [The Education Workforce Council \(Additional Categories of Registration\) \(Wales\) Order 2023 \(S.I. 2023/551\)](#), arts. 1(2), **10(4)**

PART 4

[^{F18}Requirements relating to further education teachers]

Textual Amendments

F18 Pt. 4 heading substituted (10.5.2024) by [The Education Workforce Council \(Additional Categories of Registration and Further Education Teacher Qualifications\) \(Wales\) Order 2024 \(S.I. 2024/613\)](#), arts. 1(2), **9**

[^{F19}Requirements relating to further education teachers]

19.—[^{F20}(1A) A person may not provide education in or for a further education institution unless—

- (a) the conditions in paragraphs (1B) and (1C) are met, or
- (b) paragraph (1D) applies.

(1B) The first condition is that the person must be registered under section 9 of the 2014 Act (register maintained by the Council) in the category of further education teacher.

(1C) The second condition is that the person must—

- (a) have at least one of the specified qualifications, or
- (b) meet the alternative requirement specified in Part 2 of Schedule 6.

(1D) A person who complies with the first condition but who does not comply with the second condition may, if they are working towards a specified qualification, work as a further education teacher for a period not exceeding—

- (a) 3 years from the date on which they started working towards the qualification where the person is employed full-time, or
- (b) 5 years from the date on which they started working towards the qualification where the person is employed part-time.

(1E) When calculating the periods specified in paragraph 1D(a) and (b), any period of absence from work is to be disregarded if it is—

- (a) in exercise of a person's—
 - (i) right to maternity leave conferred by section 71 or 73 of the 1996 Act or a contract of employment and where the person 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;
 - (iii) right to paternity leave conferred by section 80A or 80B of the 1996 Act;
 - (iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act;
 - (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.]

(2) Paragraph (1) does not apply to a person where that person only—

- (a) teaches higher education in or for a further education institution;
- (b) provides on a temporary or occasional basis training updates for—
 - (i) industry,
 - (ii) commerce, or
 - (iii) professional practice;
- (c) hires premises from a further education institute or otherwise makes use of a further education institution's premises with its consent; ^{F21}...
- (d) provides training at the request and specific to the requirements of an external body or organisation.

[^{F22}(e) acts as a volunteer; or

- (f) provides on a temporary or occasional basis training in relation to a profession and the person holds the qualifications or experience necessary in order to practise that profession.]

[^{F23}(3) For the purposes of this regulation and regulation 19ZA, a specified qualification means a qualification listed in Part 1 of Schedule 6.]

Textual Amendments

- F19** Reg. 19 heading substituted (10.5.2024) by The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (S.I. 2024/613), arts. 1(2), **10(2)**
- F20** Reg. 19(1A)-(1E) substituted for reg. 19(1) (10.5.2024) by The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (S.I. 2024/613), arts. 1(2), **10(3)**
- F21** Word in reg. 19(2)(c) omitted (10.5.2024) by virtue of The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (S.I. 2024/613), arts. 1(2), **10(4)(a)**
- F22** Reg. 19(2)(e)(f) inserted (10.5.2024) by The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (S.I. 2024/613), arts. 1(2), **10(4)(b)**
- F23** Reg. 19(3) inserted (10.5.2024) by The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (S.I. 2024/613), arts. 1(2), **10(5)**

Commencement Information

- I19** Reg. 19 in force at 1.4.2015, see **reg. 1(1)**

[^{F24}Council to review list of specified qualifications

19ZA. The Council must review the list of specified qualifications and report to the Welsh Ministers on an annual basis any amendments which it considers may be required.]

Textual Amendments

- F24** Reg. 19ZA inserted (10.5.2024) by The Education Workforce Council (Additional Categories of Registration and Further Education Teacher Qualifications) (Wales) Order 2024 (S.I. 2024/613), arts. 1(2), **11**

[^{F25}Part 4A

Requirement to be registered: further education learning support workers

Textual Amendments

- F25** Pt. 4A inserted (1.4.2016) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2016 (S.I. 2016/6), regs. 1(1), **2(e)**

Requirement to be registered: further education learning support workers

19A.—[

^{F26}(1)] A person must not provide the services set out in section 16(2) of the 2014 Act unless they are registered under section 9 of the 2014 Act (register maintained by the Council) in the category of further education learning support worker.]

[^{F27}(2) Paragraph (1) does not apply to a person who is registered under section 9 of the 2014 Act (register maintained by the Council) in the category of further education teacher in so far as that person is supporting the provision of the services as part of the person's role as a further education teacher.]

Textual Amendments

- F26** Reg. 19A renumbered as reg. 19A(1) (22.5.2023) by The Education Workforce Council (Additional Categories of Registration) (Wales) Order 2023 (S.I. 2023/551), arts. 1(2), **10(5)(a)**
- F27** Reg. 19A(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(5)(b)**

PART 5

Disciplinary functions

Establishment of Investigating Committees

20. The Council must establish one or more committees to be known as Investigating Committees for the purposes of carrying out the functions in section 26(1) and (2) of the 2014 Act.

Commencement Information

- I20** Reg. 20 in force at 1.4.2015, see **reg. 1(1)**

Delegation of Investigating Committees' functions

21.—(1) An Investigating Committee may delegate to an employee of the Council the functions of—

- (a) deciding whether to investigate, and investigating, allegations of a particular character or description, or particular allegations—
 - (i) against a registered person; or
 - (ii) that a registered person has been convicted of a relevant offence;
- (b) deciding whether a registered person has a case to answer in relation to a matter investigated under sub-paragraph (a);
- (c) discontinuing a case against a registered person where the employee has decided under sub-paragraph (b) that there is no case to answer.

(2) Part 5 of these Regulations applies to the exercise of a function by an employee of the Council as they would apply to the exercise of that function by an Investigating Committee.

Commencement Information

- I21** Reg. 21 in force at 1.4.2015, see **reg. 1(1)**

Establishment of [F1Fitness to Practise]

22.—(1) The Council must establish one or more committees to be known as [F1Fitness to Practise] Committees for the purposes of carrying out the functions referred to in paragraph (2).

(2) The functions of a [F1Fitness to Practise] Committee are to—

- (a) determine cases referred to it by an Investigating Committee where it appeared to the Investigating Committee that the registered person has a case to answer in relation to—
 - (i) unacceptable professional conduct;
 - (ii) serious professional incompetence; or
 - (iii) conviction of a relevant offence;
- (b) consider whether to make a disciplinary order in relation to that registered person and if it considers that such an order should be made, to make such an order where a [F1Fitness to Practise] Committee finds a registered person—
 - (i) guilty of unacceptable professional conduct;
 - (ii) guilty of serious professional incompetence; or
 - (iii) to have been convicted of a relevant offence; and
- (c) determine applications under regulations 37, 39 or 40, or matters arising in relation to disciplinary orders under regulations 38 or 41.

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)**

Commencement Information

I22 [Reg. 22](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Form and content of code of conduct and practice

23. The code of conduct and practice must contain as a minimum provision dealing with the following matters—

- (a) basing relationships between learners and registered persons on mutual trust and respect;
- (b) having regard to the safety and well-being of learners;
- (c) working in a collaborative manner with colleagues and other professionals;
- (d) developing and maintaining good relationships with parents, guardians and carers;
- (e) acting with honesty and integrity;
- (f) being sensitive to the need for confidentiality, where appropriate;
- (g) taking responsibility for maintaining the quality of professional practice; and
- (h) upholding public trust and confidence in the education workforce.

Commencement Information

I23 [Reg. 23](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Use of the code of conduct and practice in disciplinary matters

24. An Investigating Committee or a [F1Fitness to Practise] Committee must take into account any failure by a registered person to comply with the code of conduct and practice in any disciplinary proceedings against that person.

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)**

Commencement Information

I24 [Reg. 24](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Provision of copies of the code of conduct and practice

25.—(1) The Council must make copies of the code of conduct and practice available free of charge to all registered persons—

- (a) when the code of conduct and practice is first issued or on a person's first registration (if the person was not a registered person when the code of conduct and practice was first issued); and
- (b) when the code of conduct and practice is revised.

(2) The Council must make available a copy of the code of conduct and practice at any website maintained by it on the internet.

(3) Subject to paragraph (1) the Council must on request provide copies of the code of conduct and practice on payment of such reasonable charge as it may decide.

Commencement Information

I25 [Reg. 25](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Membership and procedure of Committees

26.—(1) The Council must include on an Investigating Committee or a [F1Fitness to Practise] Committee (“a Committee”)—

- (a) one or more lay members; and
- (b) one or more registered person member.

(2) The quorum for a meeting of a Committee is three members, including one lay member and one registered person member.

(3) A person who is a member of the Council must not be appointed as a member of a Committee.

(4) A person who is a member of the Investigating Committee investigating a case must not be appointed as a member of the [F1Fitness to Practise] Committee which determines that case.

(5) Subject to paragraphs (1) to (4) and regulations 37, 39 and 40, the Council may make such provision as it see fit as to—

- (a) the membership of a Committee;
- (b) the terms on which a Committee's members are to hold and vacate office; and
- (c) the procedure of a Committee.

(6) In this regulation—

- (a) “lay member” (“*aelod lleyg*”) means a member of the Committee who is not—
- (i) a registered person;
 - (ii) employed, or engaged to provide relevant services within the period of 5 years ending with the date of that person’s appointment to the Committee;
 - (iii) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006⁽²⁰⁾);
 - (iv) subject to a disciplinary order made under the 2014 Act by virtue of which the person is ineligible to register; or
 - (v) disqualified from working in a post equivalent to a category of registration;
- (b) “registered person member” (“*aelod sy’n berson cofrestredig*”) means a person who is—
- ^{F28}(i) a person registered in at least one of the categories of registration; and
 - (ii) employed, or engaged otherwise than under a contract of employment, in at least one of the posts described in the categories of registration on the date of that registered person member’s appointment to the Committee.]

(7) A registered person member who ceases to be registered person or who ceases to be employed or engaged in one of the posts described in the categories of registration must cease to be a registered person member.

(8) A lay member who becomes a registered person ceases to be regarded as a lay member.

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)**
- F28** Reg. 26(6)(b)(i)(ii) substituted (1.3.2024) by *The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024 (S.I. 2024/74)*, regs. 1(2), **2(4)**

Commencement Information

- I26** Reg. 26 in force at 1.4.2015, see **reg. 1(1)**

Exclusion or restriction of Committees’ powers

27.—(1) An Investigating Committee’s functions under Part 5 of these Regulations are excluded in a case where—

- (a) it is alleged that a registered person is guilty of unacceptable professional conduct or has been convicted (at any time) of a relevant offence, or it appears to it that a registered person may be so guilty or have been so convicted; and
- (b) the Secretary of State considers that the case concerns the safety and welfare of persons who have not attained the age of 18 and wishes to consider the case with a view to exercising their powers under section 141B of the Education Act 2002 on the grounds—
 - (i) that a person is unsuitable to work with children, or
 - (ii) relating to a person’s misconduct or health, or
- (c) the Disclosure and Barring Service, established by section 87(1) of the Protection of Freedoms Act 2012⁽²¹⁾, has included, or is considering whether to include, a registered

(20) 2006 c. 47.

(21) 2012 c. 9.

person in either of the barred lists maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006(22).

(2) An Investigating Committee's functions under Part 5 of these Regulations are excluded in a case where—

- (a) it is alleged that a registered person is guilty of serious professional incompetence or it appears to it that a registered person may be so guilty; and
- (b) information has not been provided to the Council pursuant to Part 7 of these Regulations which the Investigating Committee considers is necessary to enable it to carry out its functions under Part 5 of these Regulations.

Commencement Information

I27 Reg. 27 in force at 1.4.2015, see reg. 1(1)

Proceedings of Investigating Committees

28.—(1) Where an Investigating Committee decides to carry out an investigation in relation to a registered person, it must at such stage in the investigation as they consider appropriate—

- (a) inform the registered person of the nature of the allegation or case against them, and their rights under regulation 30;
- (b) afford the registered person an opportunity to submit evidence and make written representations; and
- (c) consider such evidence and representations and any other evidence and material available to it.

(2) An Investigating Committee may decide to discontinue an investigation at any time before a case is referred for determination by a [F1Fitness to Practise] Committee.

(3) When its investigation is complete the Investigating Committee must take one of the following steps—

- (a) refer the case for determination by a [F1Fitness to Practise] Committee; or
- (b) discontinue the case.

(4) Where an Investigating Committee decides to discontinue an investigation or a case it must inform the registered person concerned and their employer that—

- (a) the investigation has been discontinued; and
- (b) the registered person concerned had no case to answer.

(5) Where an Investigating Committee decides that a registered person has no case to answer, it must at that person's request publish a statement to that effect.

(6) The Council may make such other provision as to the procedure to be followed by an Investigating Committee in connection with the Investigating Committees' investigations and other proceedings as it sees fit, and may from time to time revise any rules of procedure made under this paragraph.

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)

Commencement Information

I28 Reg. 28 in force at 1.4.2015, see **reg. 1(1)**

Proceedings of [F1Fitness to Practise] Committees

29.—(1) A [F1Fitness to Practise] Committee must determine cases against registered persons referred to it by an Investigating Committee in accordance with these Regulations and rules made by the Council under regulation 34.

(2) Where a [F1Fitness to Practise] Committee decides at any time after a case is referred to them by an Investigating Committee to discontinue that case, it must inform the registered person concerned and their employer that the—

- (a) investigation has been discontinued; and
- (b) registered person concerned had no case to answer.

(3) Where a [F1Fitness to Practise] Committee decides that a registered person has no case to answer, it must at that person's request publish a statement to that effect.

(4) A [F1Fitness to Practise] Committee may refer a case to an Investigating Committee.

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)**

Commencement Information

I29 Reg. 29 in force at 1.4.2015, see **reg. 1(1)**

Entitlement to appear and be represented at hearings

30.—(1) A registered person is entitled to appear and make oral representations and to be represented, by any person or persons whom they desire, at any hearing of a [F1Fitness to Practise] Committee at which their case is considered.

(2) Where a registered person does not appear at a hearing of a [F1Fitness to Practise] Committee at which their case is considered, the registered person is entitled to make written representations.

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)**

Commencement Information

I30 Reg. 30 in force at 1.4.2015, see **reg. 1(1)**

Attendance of witnesses

31. A [F1Fitness to Practise] Committee may require any person to attend and give evidence or to produce documents or other material evidence at any hearing.

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)**

Commencement Information

I31 [Reg. 31](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Requirement for hearings to be held in public

32.—(1) A [^{F1}Fitness to Practise] Committee must announce its determination of the outcome of all hearings in public and subject to paragraphs (2) and (3) all hearings of a [^{F1}Fitness to Practise] Committee must take place in public.

(2) A [^{F1}Fitness to Practise] Committee may deliberate in private at any time and for any purpose during or after a hearing.

(3) A [^{F1}Fitness to Practise] Committee may exclude the public from a hearing or any part of a hearing—

- (a) where it appears to the committee that it is necessary in the interests of justice to exclude the public;
- (b) where the registered person against whom disciplinary proceedings are being taken makes a written request that the hearing should be in private, and the [^{F1}Fitness to Practise] Committee does not consider it to be contrary to the public interest to hold the hearing in private; or
- (c) where it is necessary to protect the interests of children.

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)**

Commencement Information

I32 [Reg. 32](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Administration of oaths and affirmations

33. A [^{F1}Fitness to Practise] Committee may require any witness at a hearing to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due course.

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)**

Commencement Information

I33 [Reg. 33](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Other provisions about [F1Fitness to Practise] Committees

34. The Council may make such other provision as to the procedure to be followed by a [F1Fitness to Practise] Committee in connection with the committee's determinations and other proceedings as it sees fit, and may from time to time revise any rules of procedure made under this paragraph.

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)

Commencement Information

I34 Reg. 34 in force at 1.4.2015, see reg. 1(1)

Disciplinary orders

35.—(1) A disciplinary order must record the decision of the [F1Fitness to Practise] Committee, the date on which the order is made, and the date on which the order takes effect.

(2) A disciplinary order takes effect on the date on which notice of it is served on the person in relation to whom it is made except where a [F1Fitness to Practise] Committee otherwise decide.

(3) A [F1Fitness to Practise] Committee must serve a notice of the disciplinary order on the person in relation to whom it is made containing the following information—

- (a) the text of the order;
- (b) a description of the effect of the order;
- (c) the [F1Fitness to Practise] Committee's reasons for making the order;
- (d) notification of the registered person's right to appeal to the High Court against the order and the time period for making such an appeal;
- (e) where the order is a conditional registration order, an explanation of—
 - (i) the steps a [F1Fitness to Practise] Committee are empowered to take should the registered person fail to comply with a condition specified in it; and
 - (ii) that person's right to apply to vary or revoke a condition specified in the order and the method for making such an application;
- (f) where the order is a suspension order which specifies conditions, an explanation of the registered person's right to apply to vary or revoke a condition specified in the order and the method for making such an application; and
- (g) where the order is a prohibition order, an explanation of the registered person's right to apply for a determination that they are eligible for registration and the method for making such an application.

(4) A [F1Fitness to Practise] Committee must serve notice of the order on the registered persons present or last employer and, where relevant, agent.

(5) Where following the determination of a case by a [F1Fitness to Practise] Committee it decides not to make a disciplinary order in relation to a registered person, the committee must notify the registered person concerned and their employer—

- (a) of its decision and the reasons for it; and
- (b) whether it decided that the case against them was not proved.

(6) Where it does not find the case against a registered person proved, a [^{F1}Fitness to Practise] Committee must at the registered person's request publish a statement to that effect.

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)**

Commencement Information

I35 Reg. 35 in force at 1.4.2015, see **reg. 1(1)**

Publication of disciplinary orders

36.—(1) Subject to paragraph (2) the Council must publish the information set out in paragraph (3) in relation to a disciplinary order—

- (a) on a website which it maintains on the internet for the period for which the order is to have effect or for a period of six months starting on the date on which the order takes effect (whichever is the later); or
- (b) in such other manner as it sees fit.

(2) The duty to publish the information in paragraph (3) does not apply where in the opinion of the Council not publishing appears necessary—

- (a) in the interests of justice; or
- (b) to protect the interests of children.

(3) The information to be published is—

- (a) the name of the person in relation to whom the order is made and the name of the—
 - (i) school at which the person was last employed;
 - (ii) further education institution or higher education institution at which the person was last employed, or
 - (iii) local authority where the person was last employed by a local authority otherwise than at a school or further education or higher education institution;
- (b) the type of disciplinary order;
- (c) the date on which the disciplinary order was made and takes effect;
- (d) the period for which the disciplinary order has effect (where specified);
- (e) whether the person was found to have been guilty of unacceptable professional conduct or serious professional incompetence or to have been convicted of a relevant offence;
- (f) where the person was found to have been convicted of a relevant offence, the nature and date of the conviction in question; and
- (g) where the person was found to have been guilty of unacceptable professional conduct or serious professional incompetence, an indication of the nature of the conduct which led to the making of the order.

Commencement Information

I36 Reg. 36 in force at 1.4.2015, see **reg. 1(1)**

Application to vary or set aside a condition in a conditional registration order

37.—(1) An application by a registered person who has received a conditional registration order to vary or revoke any condition in the order must—

- (a) be made in writing;
- (b) specify the grounds on which the registered person seeks to have any condition specified in the order varied or revoked, and
- (c) be accompanied by every document relied upon in support of the application.

(2) Where an application is made under paragraph (1) the [F1Fitness to Practise] Committee considering that application must not include as a member any person who was a member of the committee which made the order to which the application relates.

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)**

Commencement Information

I37 [Reg. 37](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Consequences of failure to comply with a conditional registration order

38. Where a [F1Fitness to Practise] Committee is satisfied that a registered person against whom a conditional registration order has been made has failed to comply with any condition of it, it may make a suspension or prohibition order in relation to the registered person.

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)**

Commencement Information

I38 [Reg. 38](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Application to vary or set aside a condition in a suspension order

39.—(1) An application by a person who has received a suspension order to vary or revoke a condition specified in the order must—

- (a) be made in writing;
- (b) specify the grounds on which the person seeks to have any condition specified in the order varied or revoked, and
- (c) be accompanied by every document relied upon in support of the application.

(2) Where an application is made under paragraph (1) the [F1Fitness to Practise] Committee considering that application must not include as a member any person who was a member of the committee which made the order to which the application relates.

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)**

Commencement Information

I39 [Reg. 39](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Application to review a prohibition order

40.—(1) An application by a person who has received a prohibition order from the Council to determine whether they are eligible for registration must—

- (a) be made in writing;
- (b) specify the grounds on which the person seeks to have any condition specified in the order varied or revoked; and
- (c) be accompanied by every document relied upon in support of the application.

(2) Where an application is made under paragraph (1) the [^{F1}Fitness to Practise] Committee considering that application must not include as a member any person who was a member of the committee which made the order to which the application relates.

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)**

Commencement Information

I40 [Reg. 40](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Review of disciplinary orders

41. A [^{F1}Fitness to Practise] Committee may at any time revoke a disciplinary order made by it where—

- (a) the only or main reason for making the order was that the person in relation to whom the order was made had been convicted of a relevant offence, and after the date the order was made the conviction in question was quashed; or
- (b) after the order was made the [^{F1}Fitness to Practise] Committee obtain evidence not considered by it before they made the order, and it is satisfied that had it been aware of that evidence before it made the order it would not have made it.

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)**

Commencement Information

I41 [Reg. 41](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Service of notices and orders

42. A notice required to be served on a person for the purposes of disciplinary proceedings must be served in accordance with regulation 54.

Commencement Information

I42 [Reg. 42](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Publication and provision of copies of documents

43.—(1) The Council must publish any rules of procedure made under regulation 28(6) or 34—

- (a) on a website which it maintains on the internet; and
- (b) in such other manner as it sees fit.

(2) The Council must at the request of any registered person provide that person with a copy of such rules of procedure made under regulation 28(6) or 34.

(3) The Council may charge a reasonable fee for the provision of the rules of procedure in accordance with paragraph (2) but such charge must not exceed the cost of supply.

(4) The Council must publish any statement they are required to publish under regulation 28(5), 29(3) or 35(6) on a website which it maintains on the internet, and if it so wishes it may publish the statement in such other manner as it sees fit.

Commencement Information

I43 [Reg. 43](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

PART 6

Maintenance of records

Records

44.—(1) Schedule 4 (which makes provision in relation to records maintained by the Council) has effect.

(2) The Council must maintain records relating to the categories of persons listed in Part 2 of Schedule 4.

(3) The records mentioned in paragraph (2) must contain the information listed in Part 3 of Schedule 4 for such period as the Council determines or as is specified in that Part (if any) in relation to the person concerned.

(4) The records mentioned in paragraph (2) must be kept in written or electronic form.

Commencement Information

I44 [Reg. 44](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

PART 7

Supply of information: employers, agents and contractors

Employer's reports

45.—(1) Schedule 5 (which makes provision in relation to information supplied to the Council) has effect.

(2) A relevant employer must report to the Council the facts of a case and provide all the information listed in Part 1 of Schedule 5 that is available to the relevant employer in relation to a registered person where that employer—

- (a) has ceased to use the services of a registered person on the ground of—
 - (i) misconduct;
 - (ii) professional incompetence; or
 - (iii) conviction of a relevant offence within the meaning of section 27 of the 2014 Act; or
 - (b) may have ceased to use a registered person's services on such a ground had the registered person not ceased to provide those services.
- (3) The Council must make all information provided to it under this regulation available to—
- (a) an Investigating Committee; and
 - (b) a [^{F1}Fitness to Practise] Committee where it considers that information is relevant to the case referred to it by the employer pursuant to paragraph [^{F29}(2)].

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)**

F29 Word in reg. 45(3)(b) substituted (1.3.2024) by The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024 (S.I. 2024/74), regs. 1(2), **2(5)**

Commencement Information

I45 Reg. 45 in force at 1.4.2015, see reg. **1(1)**

Agent's reports

46.—(1) An agent must report the facts of a case to the Council and provide all the information listed in Part 2 of Schedule 5 that is available to the agent in relation to a registered person where that agent—

- (a) has terminated arrangements on the ground of—
 - (i) misconduct;
 - (ii) professional incompetence; or
 - (iii) conviction of a relevant offence within the meaning of section 27 of the 2014 Act;
 - (b) may have terminated arrangements on such a ground if the registered person had not terminated them; or
 - (c) may have refrained from making new arrangements for a registered person on such a ground if the registered person had not ceased to make themselves available for work.
- (2) The Council must make all information provided to it under this regulation available to—

- (a) an Investigating Committee; and
- (b) a [^{F1}Fitness to Practise] Committee where it considers that information is relevant to the case referred to it by the employer pursuant to paragraph (1).

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)**
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Commencement Information

- I46** [Reg. 46](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

PART 8

Supply of information: the Council

Supply of information to registered persons and others

47.—(1) The Council must supply to a registered person, on request, a copy of the information entered on the Register against that person’s name.

(2) The Council must supply to a person about whom they maintain records in accordance with these Regulations, on request, a copy of those records.

(3) For the purposes of this Part a reference to a registered person in Schedule 2 is to be taken be a reference to an unregistered person about whom the Council maintains records in accordance with these Regulations.

Commencement Information

- I47** [Reg. 47](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Supply of information to employers

48.—(1) This regulation applies to an employer who is—

- (a) a local authority;
- (b) the governing body of a school maintained by a local 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.

(2) The following are to be treated as an employer or prospective employer—

- (a) a local 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 (3));

- (b) the appropriate diocesan authority in relation to a Church in Wales or Roman Catholic Church school (within the meaning of section 142 of the School Standards and Framework Act 1998(23)) where the employer or prospective employer is the governing body of the school or the local authority maintaining the school (whether or not the governing body or the authority have made a request under paragraph (3)); and
 - (c) the Ministry of Defence in relation to a person appointed, or being considered for appointment, as a teacher at a school maintained or assisted by the Ministry of Defence.
- (3) The Council must if requested by an employer or prospective employer supply the information set out in paragraph (4) in respect of the registered or unregistered person concerned to that employer or prospective employer of—
- (a) a registered person; or
 - (b) an unregistered person about whom they maintain records in accordance with these Regulations.
- (4) The information referred to in paragraph (3) is—
- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
 - (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
 - (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).
- (5) A person to whom information is supplied pursuant to (3) applies must not disclose information supplied under this regulation to any person other than one of the persons set out in paragraph (3)(a) or (b) to whom the information relates.
- (6) Paragraph (5) does not prevent a local authority from disclosing information supplied to them under this regulation to the governing body of the school or institution at which the person concerned is or is proposed to be employed.
- (7) The supply of any information under paragraph (3) must be subject to the condition that the information is only to be used for the purposes of ascertaining the suitability of the registered or unregistered person for employment or continued employment (as the case may be).

Commencement Information

I48 Reg. 48 in force at 1.4.2015, see **reg. 1(1)**

Supply of information to the Secretary of State

- 49.**—(1) The Council must on request supply to the Secretary of State the information set out in paragraph (2) in relation to—
- (a) a registered person; or
 - (b) an unregistered person about whom it maintains records in accordance with these Regulations.
- (2) The information referred to in paragraph (1) is—
- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching

Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;

- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the Secretary of State not to disclose that information to any person other than one of the persons set out in paragraph (2)(a) or (b) to whom the information relates.

Commencement Information

I49 Reg. 49 in force at 1.4.2015, see **reg. 1(1)**

Supply of information to the General Teaching Council for Scotland

50.—(1) The Council must on request supply to the General Teaching Council for Scotland the information set out in paragraph (2) in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Scotland not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Commencement Information

I50 Reg. 50 in force at 1.4.2015, see **reg. 1(1)**

Supply of information to the General Teaching Council for Northern Ireland

51.—(1) The Council must on request supply to the General Teaching Council for Ireland the information set out in paragraph (2) below in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintain records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the

General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;

- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Northern Ireland not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Commencement Information

I51 [Reg. 51](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Supply of information to An Chomhairle Mhúinteoireachta or the Teaching Council

52.—(1) The Council must on request supply to An Chomhairle Mhúinteoireachta or the Teaching Council the information set out in paragraph (2) below in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring An Chomhairle Mhúinteoireachta or the Teaching Council not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Commencement Information

I52 [Reg. 52](#) in force at 1.4.2015, see [reg. 1\(1\)](#)

Supply of information to appropriate bodies

53.—(1) The Council must on request supply to an appropriate body the information contained in paragraph 34 of Part 2 of Schedule 2 in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) Information is only to be supplied pursuant to paragraph (1) on condition that the appropriate body does not disclose information supplied under this regulation to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Commencement Information

I53 Reg. 53 in force at 1.4.2015, see **reg. 1(1)**

PART 9

Miscellaneous provisions

Service of notices

- 54.**—(1) A notice required to be served on a person under these Regulations may be served by—
- (a) delivery to that person personally;
 - (b) post to the address notified by the person to the Council; or
 - (c) electronic mail, where that person so requests it.
- (2) A notice served in accordance with this regulation is deemed to have been served—
- (a) in the case of service under paragraph (1)(a) on the day it was delivered;
 - (b) in the case of service under paragraph (1)(b) the next working day; and
 - (c) in the case of service under paragraph (1)(c) on the day it was sent.

Commencement Information

I54 Reg. 54 in force at 1.4.2015, see **reg. 1(1)**

Huw Lewis
Minister for Education and Skills, one of the
Welsh Ministers

Changes to legislation:

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