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WELSH STATUTORY INSTRUMENTS

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**2017 No. 165 (W. 46)**

**EDUCATION, WALES**

**The Education Workforce Council (Accreditation of Initial Teacher Training) (Wales) Regulations 2017**

<i>Made</i>	- - - -	<i>15 February 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 February 2017</i>
<i>Coming into force</i>	- -	<i>10 March 2017</i>

The Welsh Ministers in exercise of the powers in sections 132(1), 145 and 210(7) of the Education Act 2002<sup>(1)</sup> having consulted the Education Workforce Council as required by section 132(4) of that Act, and the powers in sections 2(2) and 47(1) of, and by paragraph 12(1)(b) of Schedule 1 to, the Education (Wales) Act 2014<sup>(2)</sup>, make the following Regulations:

**PART 1**

**GENERAL**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education Workforce Council (Accreditation of Initial Teacher Training) (Wales) Regulations 2017.

(2) These Regulations come into force on 10 March 2017.

(3) These Regulations apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(3)</sup>;

“the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998<sup>(4)</sup>;

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(1) 2002 c. 32.  
(2) 2014 anaw 5.  
(3) 1996 c. 56.  
(4) 1998 c. 30.

“the 2002 Act” means the Education Act 2002 (“*Deddf 2002*”)(5);

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014;

“the 2012 Regulations” (“*Rheoliadau 2012*”) means the School Teachers’ Qualifications (Wales) Regulations 2012(6);

“accredited course or programme of study” (“*cwrs neu raglen astudio achrededig*”) means a course or programme of initial school teacher training accredited by the Council under article 3(1)(a) of the Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) Order 2017;

“accreditation criteria” (“*meini prawf achredu*”) means the criteria specified by the Welsh Ministers under regulation 4;

“accredited institution” (“*sefydliad achrededig*”) means an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the 2012 Regulations;

“Appeals Committee” (“*Pwyllgor Apelau*”) means the accreditation of initial school teacher training appeals committee established under regulation 7;

“the applicant” (“*y ceisydd*”) means an institution submitting an application for accreditation by the Council of a course or programme of initial school teacher training;

“Committee” (“*Pwyllgor*”) means the accreditation of initial school teacher training committee established under regulation 5;

“the Council” (“*y Cyngor*”) means the Education Workforce Council continued in existence by section 2 of the 2014 Act;

“chief officer” (“*prif swyddog*”) means the chief officer of the Council;

“further education institution” (“*sefydliad addysg bellach*”) has the meaning given in section 140 of the 2002 Act;

“member of the Council” (“*aelod o’r Cyngor*”) means a member of the Council appointed in accordance with paragraph 3 of Schedule 1 to the 2014 Act;

“provider” (“*darparwr*”) means a body that provides courses or programmes of initial school teacher training.

### **Revocation, saving and transitional provisions**

3.—(1) Regulation 7 of the 2012 Regulations is revoked subject to paragraph (2).

(2) Regulation 7 of the 2012 Regulations is to continue to have effect until any accredited institution is no longer so accredited.

(3) Any accreditation given to an accredited institution under regulation 7 of the 2012 Regulations and in force immediately before the coming into force of these Regulations is to continue to have effect until the earlier of the following—

- (a) the expiry of the duration of each course or programme of initial school teacher training provided by the accredited institution and started before the coming into force of these Regulations;
- (b) there are no courses or programmes of initial school teacher training provided by the accredited institution that have any students enrolled on them;
- (c) the accredited institution notifies the Council that it no longer wishes to be an accredited institution;

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(5) 2002 c. 32.

(6) S.I. 2012/724 (W. 96).

(d) the Council withdraws the accreditation of an accredited institution for non compliance with the accreditation criteria; or

(e) 31 August 2023.

(4) For the purposes of this regulation any reference to the Higher Education Funding Council for Wales in regulation 7(3) of the 2012 Regulations is to have effect as if it were a reference to the Council.

## PART 2

### ACCREDITATION CRITERIA

4.—(1) The Welsh Ministers may from time to time specify criteria for—

(a) the accreditation of courses or programmes of initial school teacher training; and

(b) the withdrawal of the accreditation of courses or programmes of study of initial school teacher training.

(2) Before specifying criteria under paragraph (1) the Welsh Ministers must consult the Council.

## PART 3

### ESTABLISHMENT, MEMBERSHIP AND FUNCTIONS OF COMMITTEES

#### **Accreditation of initial school teacher training committee**

5.—(1) The Council must delegate to a committee to be known as the accreditation of initial school teacher training committee the functions of—

(a) accrediting courses or programmes of initial school teacher training;

(b) monitoring compliance of accredited courses or programmes of initial school teacher training with the accreditation criteria; and

(c) withdrawing the accreditation of courses or programmes of initial school teacher training.

(2) The Committee established under paragraph (1) may only—

(a) accredit a course or programme of initial school teacher training that satisfies the accreditation criteria specified by the Welsh Ministers from time to time; or

(b) withdraw the accreditation of a course or programme of initial school teacher training in accordance with the accreditation criteria specified by the Welsh Ministers from time to time.

#### **Membership of the Committee**

6.—(1) The Committee must have 1 chair and 2 deputy chairs.

(2) The first appointment of the chair and deputy chairs to the Committee are to be made by the Welsh Ministers.

(3) All subsequent appointments of the chair and deputy chairs to the Committee are to be made by the Council subject to the prior approval of the Welsh Ministers.

(4) The other members of the Committee are to be appointed by the Council having consulted on the proposed appointments with—

(a) the Welsh Ministers; and

- (b) the chair and deputy chairs to the Committee.
- (5) The following may not be a member of the Committee—
  - (a) a member of the Council;
  - (b) the chief officer; or
  - (c) a person employed the Council.
- (6) The proposed terms and conditions of appointment to the Committee (and any revised terms and conditions) are—
  - (a) to be determined by the Council; and
  - (b) approved by the Welsh Ministers.

### **Accreditation of initial school teacher training appeals committee**

7. The Council must delegate to an appeals committee to be known as the accreditation of initial school teacher training appeals committee the function of considering an appeal in respect of a decision of the Committee made under regulation 5.

### **Membership of the Appeals Committee**

- 8.—(1) The Appeals Committee must consist of no more than 5 members including 1 chair.
- (2) The chair and other members of the Appeals Committee are to be appointed by the Council.
  - (3) The terms and conditions on which members of the Appeals Committee are appointed (and any revised terms and conditions) are—
    - (a) to be determined by the Council; and
    - (b) approved by the Welsh Ministers.
  - (4) The following may not be a member of the Appeals Committee—
    - (a) any person who was a member of the Committee that considered the accreditation application which is the subject of the appeal;
    - (b) a member of the Council;
    - (c) the chief officer; and
    - (d) a person employed the Council.

### **Eligibility for appointments**

- 9.—(1) Members of the Committee and Appeals Committee are to be appointed from persons—
- (a) who are currently working, or were so working within the last 2 years, in the provision of education;
  - (b) who have experience of the management of schools or further education institutions;
  - (c) who have experience of working in local authorities;
  - (d) who have experience of the delivery or provision of initial school teacher training;
  - (e) who are registered in the category of school teacher in the Register<sup>(7)</sup>;
  - (f) such other persons as the Council consider appropriate having regard to their expertise and experience.
- (2) No person is eligible for appointment to the Committee or the Appeals Committee where—

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(7) For the definition of “Register” see section 41 of the Education (Wales) Act 2014.

- (a) the person is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006<sup>(8)</sup>;
- (b) the person is prohibited from teaching by virtue of a direction under section 142(1)(a) of the 2002 Act<sup>(9)</sup>;
- (c) the person is prohibited from being employed as a teacher by virtue of a prohibition order under section 141B of the 2002 Act;
- (d) a disciplinary order is made in respect of the person under Schedule 2 to the 1998 Act by virtue of which the person becomes ineligible for registration under section 3 of the 1998 Act<sup>(10)</sup>;
- (e) a disciplinary order is made in respect of the person under section 26 of the 2014 Act by virtue of which the person becomes ineligible for registration under section 9 of the 2014 Act;
- (f) the person is disqualified from being employed as a teacher in any school by virtue of an order made—
  - (i) by an Independent Schools Tribunal under section 470 of the 1996 Act<sup>(11)</sup>, or
  - (ii) by the Secretary of State or the Welsh Ministers under section 471 of the 1996 Act<sup>(12)</sup>; or
- (g) the person is ineligible for registration as a teacher, or disqualified from being a teacher in any school or further education institution in another part of the United Kingdom.

## PART 4

### PROCEEDINGS OF COMMITTEES

#### **Rights of persons to attend**

**10.** The following persons are entitled to attend any meeting of a Committee or an Appeals Committee—

- (a) the chief officer or that person's nominated representative, and
- (b) such other persons as the Committee or the Appeals Committee may determine.

#### **Determination of applications by the Committee**

**11.—(1)** Before determining an application for the accreditation of a course or programme of initial school teacher training the Committee must consider all written evidence, representations and other material submitted to it by the applicant as part of the application.

- (2) The Committee may allow an applicant to make oral representations to it.
- (3) The Committee may determine to—
  - (a) accredit the course or programme of initial school teacher training;
  - (b) not accredit the course or programme of initial school teacher training; or
  - (c) accredit the course or programme of initial school teacher training subject to such conditions as the Committee considers appropriate.

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<sup>(8)</sup> 2006 c. 47.

<sup>(9)</sup> 2002 c. 32. Section 142(1)(a) was repealed by Schedule 10 to the Safeguarding Vulnerable Groups Act 2006.

<sup>(10)</sup> Section 3 and Schedule 2 were repealed by Table 2 in paragraph 3 of Part 2 of Schedule 3 to the Education (Wales) Act 2014.

<sup>(11)</sup> Repealed by section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.

<sup>(12)</sup> Repealed by section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.

(4) The Committee may accredit a course or programme of initial school teacher training under paragraph (3)(a) or (c) for such period as it considers appropriate which may be not less than 1 year and no more than 5 years.

(5) The Committee may—

- (a) request the applicant provide such information or other evidence (“the additional information”) as it considers necessary to determine the application; and
- (b) postpone its determination of the application until the additional information is provided.

(6) The Committee must give notice in writing to the applicant of its determination under paragraph (3) within 15 working days of that determination.

(7) The notice under paragraph (6) must contain the following information—

- (a) the reasons for the determination and, if applicable, the accreditation criteria the applicant has not satisfied,
- (b) the fact of the applicant’s right to appeal against the determination,
- (c) the person to whom the applicant must give any notice of appeal,
- (d) the fact that any notice of appeal must contain the grounds of appeal, and
- (e) the last date on which an appeal may be made.

(8) A notice required to be served on a person for the purposes of this regulation must be served in accordance with regulation 15.

### **Withdrawal of accreditation**

**12.—**(1) The Committee may only determine to withdraw the accreditation of a course or programme of study of initial school teacher training in accordance with the accreditation criteria specified by the Welsh Ministers from time to time.

(2) The Committee must give notice in writing to the provider of its determination under paragraph (1) within 15 working days of that determination.

(3) The notice under paragraph (2) must contain the following information—

- (a) the reasons for the determination and in particular the accreditation criteria the provider no longer satisfies,
- (b) the fact of the provider’s right to appeal against the determination,
- (c) the person to whom the provider must give any notice of appeal,
- (d) the fact that any notice of appeal must contain the grounds of appeal, and
- (e) the last date on which an appeal may be made.

(4) A notice required to be served on a person for the purposes of this regulation must be served in accordance with regulation 15.

### **Determination of appeals by the Appeals Committee**

**13.—**(1) Before determining an appeal against a determination of the Committee under regulations 11 or 12, the Appeals Committee must consider all written evidence, representations and other material submitted to it by the applicant as part of the appeal.

(2) If the Appeals Committee determines to allow the appeal it must refer the matter back to the Committee to re-consider the application.

(3) There are to be no further appeals to the Appeals Committee—

- (a) if the Appeals Committee determines to reject the appeal; or

- (b) if the Committee determines not to accredit the course or programme of initial school teacher training following its re-consideration of the application pursuant to paragraph (2).
- (4) Any person who was a member of the Committee that considered the accreditation application and which is the subject of the appeal may not be a member of the Committee to re-consider the application.
- (5) The Appeals Committee must give notice in writing to the applicant of its determination within 20 working days of that determination.
- (6) The notice under paragraph (5) must set out the reasons for the determination.
- (7) A notice required to be served on a person for the purposes of this regulation must be served in accordance with regulation 15.

### **Proceedings of the Committee and Appeals Committee**

- 14.—(1) Subject to these Regulations the Council may make such provision as it sees fit as to the procedure of the Committee and the Appeals Committee.
- (2) The proceedings of a Committee or Appeals Committee are not invalidated by—
  - (a) any vacancy among their number; or
  - (b) any defect in the appointment of any member of the Committee or Appeals Committee.
- (3) The quorum for a meeting of the Committee or Appeals Committee and for any vote on any matter at such a meeting is 3.
- (4) Every question to be decided at a meeting of the Committee or Appeals Committee is to be determined by a majority of the votes of the members of the Committee or Appeals Committee (as appropriate) present and voting on the question.
- (5) Where there is an equal division of votes the person who is acting as chair of the Committee or Appeals Committee for the purposes of the meeting has a second or casting vote.

### **Service of notice**

- 15.—(1) A notice required to be served on a person (“P”) under these Regulations may be served by—
  - (a) delivery to P personally;
  - (b) post to the address notified by P to the Council; or
  - (c) electronic mail, where P 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.

## **PART 5**

### **CONSEQUENTIAL AMENDMENTS**

#### **The 2012 Regulations**

- 16.—(1) The 2012 Regulations are amended as follows.
- (2) In regulation 3—

- (a) after the definition of “academy arrangements” insert—
  - ““accredited course or programme of study” (“*cwrs neu raglen astudio achrededig*”) means an accredited course or programme of initial school teacher training accredited by the Council under its functions in the Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) Order 2017;” and
- (b) in the definition of “the Council” for “General Teaching Council for Wales” substitute “the Education Workforce Council continued in existence by section 2 of the Education (Wales) Act 2014”.
- (3) In regulation 8(4) after “accredited institution” insert “or the provider of an accredited course or programme of study”.
- (4) In Schedule 2—
  - (a) in paragraph 1(b) after “accredited institution” insert “or successfully completed an accredited course or programme of study”;
  - (b) in paragraph 1(d) after “accredited institution” insert “or the provider of an accredited course or programme of study; and
  - (c) in paragraph 2(b) after “accredited institution” insert “or the provider of an accredited course or programme of study”.

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

**17.** In paragraph 1 of Schedule 3 to the Education Workforce Council (Main Functions) (Wales) Regulations 2015<sup>(13)</sup>, in the definition of “accredited institution” for “Higher Education Funding Council for Wales under regulation 7 of the 2004 Regulations” substitute “Education Workforce Council”<sup>(14)</sup>.

15 February 2017

*Kirsty Williams*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

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<sup>(13)</sup> S.I. 2015/140 (W. 8).

<sup>(14)</sup> An institution may have been accredited by the Higher Education Funding Council for Wales under regulation 7 of the School Teachers’ Qualifications (Wales) Regulations 2012 (S.I. 2012/724 (W. 96)) (“the 2012 Regulations”) or following the revocation of regulation 7 of the 2012 Regulations by the Education Workforce Council under regulation 3(4) of these Regulations.



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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Education Workforce Council (“the Council”) was continued in existence by section 2 of the Education (Wales) Act 2014 (“the 2014 Act”). Section 4 of the 2014 Act sets out the main functions of the Council. Section 5 of the 2014 Act allows the Welsh Ministers to confer or impose additional functions on the Council. Accordingly, the Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) Order 2017 (“the 2017 Order”) confers the following additional functions on the Council (“the Accreditation and Compliance Functions”)—

- (a) the accreditation of courses or programmes of study of initial school teacher training;
- (b) monitoring compliance of accredited courses or programmes of study of initial school teacher training with the accreditation criteria;
- (c) the withdrawal of the accreditation of courses or programmes of study of initial school teacher training; and
- (d) charging fees in connection with providing the services in paragraphs (a) to (c).

The Accreditation and Compliance Functions were formerly exercised by the Higher Education Funding Council for Wales (“HEFCW”) under regulation 7 of the School Teachers’ Qualifications (Wales) Regulations 2012 (“the 2012 Regulations”). These Regulations revoke regulation 7 of the 2012 Regulations (regulation 3(1)).

Part 1 of these Regulations contains general provisions including revocation, saving and transitional provisions. Under regulation 7 of the 2012 Regulations HEFCW had the function of accrediting an institution for the provision of courses or programmes of study of initial school teacher training but does not accredit the actual course or programme of study provided. Under the 2017 Order the Council will instead have the function of accrediting courses or programmes of study of initial school teacher training and not the institutions providing the courses or programmes of study. Regulation 3(1) of these Regulations provides that regulation 7 of the 2012 Regulations is revoked but that is subject to the saving provision. As there will continue to be institutions accredited by HEFCW for some time the saving provision is necessary. The purpose of the saving provision is to ensure that regulation 7 of the 2012 Regulations continues to have effect after revocation but only until such time as any institution accredited under regulation 7 of the 2012 Regulations is no longer accredited (“the transitional period”).

Regulation 3(3) of these Regulations provides that institutions accredited by HEFCW will remain accredited until the earlier of the circumstances set out in that regulation occur. This provision applies to students enrolled on a course or programme of study of initial school teacher training immediately prior to the coming into force of these Regulations. The provision is designed to ensure those students are not unfairly prejudiced by the withdrawal of the accreditation of the institution providing the course or programme of study before the end of the course or programme of study. As HEFCW will no longer have the function of accrediting institutions regulation 3(4) of these Regulations provides that any reference to HEFCW in regulation 7(3) of the 2012 Regulations is to be read as a reference to the Council. The effect is that the Council may withdraw an accredited institutions accreditation for non compliance with the accreditation criteria (defined in regulation 2) during the transitional period.

Part 2 of these Regulations confers the function of specifying accreditation criteria on the Welsh Ministers. This function was formerly set out in regulation 7(2) and (3) of the 2012 Regulations. Subject to certain exceptions which are set out in the 2012 Regulations successful completion of such a course or programme of study is necessary to obtain qualified teacher status.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 3 of these Regulations requires the Council to delegate the accreditation, the monitoring of compliance with the accreditation criteria and the withdrawal of accreditation functions (“the Services”) to a committee to be known as the accreditation of initial school teacher training committee (“the Committee”) (regulation 5), and makes provision about the membership of that Committee (regulation 6). The Council is not required to delegate the setting of fees for it providing the Services to the Committee.

Part 3 of these Regulations also makes provision for an institution to appeal a decision of the Committee to an appeals committee to be known as the accreditation of initial school teacher training appeals committee (“the Appeals Committee”) (regulation 7), and makes provision about the membership of that Appeals Committee (regulation 8).

Part 4 of these Regulations makes provision about the proceedings of the Committee and the Appeals Committee.

Part 5 of these Regulations makes consequential amendments to other regulations which are consequential on the coming into force of these Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department for Education and Public Services in the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.