

WELSH GOVERNMENT RESPONSE: The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) (Coronavirus) Regulations 2020 (SI 2020/623 (W.143))

Technical scrutiny point 1:

The Committee has raised two points in relation to the drafting of regulation 7A.

(i) The Welsh Government agrees that ‘professional learning sessions’ has not been defined. The Welsh Government is of the view that it does not need to be defined. It should be interpreted in accordance with its ordinary meaning.

The term has been used in a number of items of Welsh legislation without definition. For example, the Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018 (SI 2018/766) which amended the Education (School Development Plans) (Wales) Regulations 2014 so as to remove references to “professional development” and insert references instead to “professional learning”. That change was made so that the wording would be consistent with the wording used in non legislative documents and is more familiar to the teaching profession. This continues to be a term that is well understood by the teaching profession and features in the Professional Standards for Teaching and Leadership (“the Standards”) that all NQTs commencing induction from September 2017 are required to work towards. In that context, it was not considered necessary to define the meaning of professional learning.

The Welsh Government is content that it is for the appropriate body, namely the local authority, to have a discretion as to whether a session would constitute a session of professional learning as it already has to do this when assessing the inductee against the Standards. In making that determination the appropriate body will have to comply with usual public law principles and will, of course, refer to the Standards in so doing.

(ii) The Welsh Government agrees with the committee (see Merit point 1) that the Regulations have no retrospective effect. The approval by the appropriate body can only take place once the regulations come into force, albeit in relation to sessions which happened before the regulations came into force. The Welsh Government considers that it is clear that sessions which took place between 26 March 2020 and the coming into force of the Regulations are therefore approved after the event. The approval is required before those sessions can be counted towards an induction period.