

# **SL(6)345 – The Education Workforce Council (Main Functions) (Wales) (Amendments Relating to Parental Bereavement Leave and Shared Parental Leave) Regulations 2023**

## **Background and Purpose**

These Regulations amend the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the 2015 Regulations”).

The 2015 Regulations provide that a person may not carry out specified work in a school unless they are a qualified teacher or satisfy the requirements in at least one paragraph of Schedule 3. A learning support worker may also carry out specified work in a school if they satisfy the conditions set out in regulation 18A.

In some circumstances, the person can only carry out “specified work” for a specified period without obtaining qualified teacher status. Currently, the Education Workforce Council will extend the specified period in circumstances where a person is absent from work as a result of exercising their right to one of the listed statutory rights, which are maternity leave, parental leave, paternity leave and adoption leave. The Regulations amend the 2015 Regulations to add parental bereavement leave and shared parental leave to this list.

## **Procedure**

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

## **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## **Merits Scrutiny**

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

- 1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**



No consultation has been carried out in relation to the Regulations. The Explanatory Memorandum to the Regulations states:

*The Education (Wales) Act 2014 imposes no legal duty to consult in relation to the proposed amendment regulations. Welsh Government officials have engaged closely with the Education Workforce Council in the preparation of these amending regulations. Formal consultation was not undertaken as this is not a policy in development, but rather an instrument to make appropriate consequential amendments to the 2015 Regulations following the making of the Children and Families Act 2014 and the Parental Bereavement (Leave and Pay) Act 2018.*

## Welsh Government response

A Welsh Government response is not required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**17 April 2023**

