

SL(6)450 – The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024

Background and Purpose

The Education (Wales) Act 2014 (“the 2014 Act”) makes provision in relation to the Education Workforce Council (“the Council”). Sections 26 to 32 of the 2014 Act confer disciplinary functions on the Council in relation to persons registered in the register maintained by the Council (“a registered person”).

Part 5 of the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the Principal Regulations”) makes further provision in relation to the disciplinary functions of the Council. In particular regulation 26 of Part 5 of the Principal Regulations makes provision in relation to the membership and procedure of the Investigating Committee and the Fitness to Practice Committee established by the Council. In particular paragraph (1) of regulation 26 requires the Council to appoint to each of those committees a member who is a registered person (“a registered person member”). A registered person member is defined in paragraph (6)(b) of regulation 26 to the Principal Regulations.

Regulation 2(2) of these Regulations amends the English language text of the Principal Regulations so as to correct a grammatical error in the name of the Fitness to Practice Committee. The name of the Fitness to Practice Committee is amended to the Fitness to Practise Committee. Regulation 2(3) of these Regulations corrects the same grammatical error in the one reference to the Fitness to Practice Committee in English in the Welsh language text of the Principal Regulations.

Regulation 2(4) of these Regulations substitutes a new definition of registered person member in paragraph (6)(b) of regulation 26 of the Principal Regulations. The effect of that substitution is that it will no longer be a requirement for the registered person member to be registered in the same category as the registered person who is the subject of the disciplinary proceedings. Instead the registered person member need only be registered in at least one of the categories of registration set out in Table 1 of Schedule 2 to the 2014 Act.

Regulation 2(5) of these Regulations corrects a mistake in a cross reference in regulation 45(3)(b) of the Principal Regulations.

Regulation 2(6) of these Regulations amends paragraph 21 of Part 1 of Schedule 2 to the Principal Regulations to include a reference to section 167A of the Education Act 2002 (prohibition on participation in management of independent schools).

Procedure

Negative



The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulation 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

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 2(4), an amendment is made to the definition of “registered person member” by substituting paragraphs (i) and (ii) in regulation 26(6)(b) of the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

However, in the new paragraph (i), it refers to “**a person registered**...” whereas the existing text of paragraph (i) refers to “**a registered person**...”.

This is a significant difference as “registered person” is a defined term in regulation 3(1) of the Education Workforce Council (Main Functions) (Wales) Regulations 2015.

Therefore, it does appear that the term “registered person” should also have been used in the new paragraph (i) when amending the meaning of “registered person member”.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

13 February 2024

