

Explanatory Memorandum to the Education Workforce Council (Additional Functions and Revocation) (Wales) Order 2015

This Explanatory Memorandum has been prepared by the Department for Education and Skills (DfES) and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education Workforce Council (Additional Functions and Revocation) (Wales) Order 2015.

Huw Lewis

Minister for Education and Skills

14 January 2015

1. Description

1.1 This Order re-enacts the General Teaching Council for Wales (Additional Functions Order 2005 (“the 2005 Order”) as a consequence of the Education (Wales) Act 2014 which provides that the General Teaching Council for Wales (“the GTCW”) is to continue to exist but is re-named the Education Workforce Council.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

2.1 None.

3. Legislative background

3.1 The statutory powers of the Welsh Ministers to make the Order are found in sections 5 and 47(1) and (2) of the Education (Wales) Act 2014.

3.2 Section 2 of the Education (Wales) Act 2014 provides that the GTCW is to continue to exist but is re-named the Education Workforce Council (“the Council”).

3.3 The Order follows the affirmative resolution procedure.

4. Purpose & intended effect of the legislation

4.1 The GTCW was specified as a competent authority in the European Communities (Recognition of Professional Qualifications) Regulations 2007 (“the 2007 Regulations”), which regulations are made under the European Communities Act 1972. Those Regulations give effect to Council Directive 2005/36/EC on a general system for the recognition of professional qualifications. The Council will continue to remain the competent authority for the purposes of the 2007 Regulations.

4.2 The 2005 Order conferred on the GTCW the function of acting as a designated authority. As a designated authority the GTCW dealt with applications from persons who were qualified in a relevant state (member states of the European Community) for recognition of their professional qualifications. The 2005 Order also conferred on the GTCW the additional function of providing information and advice to the public about the requirements for recognition in Wales of teaching qualifications obtained in a relevant state.

4.3 The implementation of the Order will merely ensure that this Order reflects the establishment of the reconfigured Council.

4.4 The Order also revokes the General Teaching Council for Wales (Additional Functions) Order 2000. That Order conferred additional functions on the GTCW in relation to the maintenance of records in respect of persons registered with it. The provision in relation to the maintenance of such records by the Council will now be

contained in the Education Workforce Council (Main Functions) (Wales) Regulations 2015, which will be brought into force on 1 April 2015.

5. Consultation

5.1 No formal consultation exercise has taken place as the proposed amendments are technical in nature and are consequential following the re-naming of the General Teaching Council for Wales.

5.2 The GTCW has however, been consulted on the amending Order and they support the proposed change.

6. Regulatory Impact Assessment (RIA)

6.1 A Regulatory Impact Assessment has not been prepared as the Order does not impose any additional costs on businesses, employers or third parties. No additional requirements will be placed on the Council as a consequence of the Order.