

## SCHEDULE 1

(introduced by section 2(2))

### EDUCATION WORKFORCE COUNCIL

#### *Status*

- 1 (1) The Council—
  - (a) is not a servant or agent of the Crown, and
  - (b) has no status, immunity or privilege of the Crown.
- (2) The Council's property is not property of, or property held on behalf of, the Crown.

#### *Powers*

- 2 (1) The Council may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of its functions.
- (2) In particular, the Council may—
  - (a) acquire and dispose of land or other property;
  - (b) enter into contracts;
  - (c) invest sums not immediately required for the purpose of carrying out its functions;
  - (d) accept gifts of money, land or other property;
  - (e) form bodies corporate or associated or other bodies which are not bodies corporate;
  - (f) enter into joint ventures with other persons;
  - (g) subscribe for shares and stock;
  - (h) borrow money.

#### *Membership*

- 3 (1) The Council is to have 14 members.
- (2) But the Welsh Ministers may by order amend this paragraph to specify that the Council is to have—
  - (a) a different number of members, or
  - (b) a specified minimum and maximum number of members.
- (3) Members are to be appointed by the Welsh Ministers.
- (4) The Welsh Ministers must, when exercising any function in relation to the membership of the Council—
  - (a) have regard to the desirability of that membership including persons with the experience and skills necessary to enable the Council to perform its functions efficiently and effectively, and
  - (b) secure that the majority of members of the Council are, or recently have been, registered persons.
- (5) Members are to act as individuals (that is, they are not to act as representatives of any organisation or body to which they may belong, nor any person, organisation or body that nominated them).

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*Membership: further provision*

- 4 (1) The Welsh Ministers may by regulations make provision relating to members and their appointment.
- (2) Regulations under this paragraph may, in particular, include provision about—
- (a) the eligibility of a person for appointment;
  - (b) the procedure for an appointment;
  - (c) the filling of any vacancies in membership which arises otherwise than at the end of a member's term of office.
- (3) Regulations under this paragraph may—
- (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
  - (b) make other provision relating to any such code.

*Tenure*

- 5 (1) The term of office of a member is such period of up to 5 years as the Welsh Ministers may specify in the appointment.
- (2) A member may resign at any time by giving notice in writing to the chief officer of the Council.

*Removal from office*

- 6 (1) A member may be removed from office by a majority vote of other members if without good cause—
- (a) the member has been absent from 3 consecutive Council meetings, or
  - (b) the member has been absent from meetings for a period of 6 months or more beginning with the date on which the member last attended a Council meeting.
- (2) Before any vote is taken to remove a member, the member must be given an opportunity to make oral representations to the Council.
- (3) A person ceases to hold office as a member if—
- (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;
  - (b) the person is prohibited from being employed as a teacher by virtue of a prohibition order under section 141B of the 2002 Act;
  - (c) a disciplinary order is made in respect of the person under section 26 by virtue of which the person becomes ineligible for registration under section 9;
  - (d) 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, or
    - (ii) by the Secretary of State or the Welsh Ministers under section 471 of that Act; or
  - (e) the person becomes ineligible for registration as a teacher, or is disqualified from being a teacher in a school or further education institution, in another part of the United Kingdom.

### *Remuneration, allowances and expenses of members*

- 7 (1) The Council may—
- (a) pay to its members such remuneration, allowances and expenses as it may determine, and
  - (b) pay or make provision for the payment of such sums by way of pension, allowance and gratuities to or in respect of a member as it may determine.
- (2) If a person ceases to be a member of the Council and it appears to the Council that there are special circumstances which make it appropriate that the person should receive compensation, the Council may make to that person a payment of such amount as it may determine.
- (3) The Council may pay to members of any of its committees who are not members of the Council such expenses and allowances as it may determine.
- (4) The Council may pay to the employer of a person who is a member of the Council (or a member of any of its committees but not a member of the Council) such compensation in respect of the loss of that person's services as it may determine.

### *Chairing member*

- 8 (1) The Council must elect a chairing member from amongst its membership.
- (2) The chairing member is to hold office for such period as the Council may determine.
- (3) The chairing member may—
- (a) resign as chairing member at any time by giving notice in writing to the chief officer of the Council, and
  - (b) be removed as chairing member by a two-thirds majority vote of the other members.

### *Chief officer and other staff*

- 9 (1) The Council must have a chief officer.
- (2) The Welsh Ministers may by regulations make provision about the appointment of the chief officer, including, in particular—
- (a) specifying who is to appoint the chief officer;
  - (b) the procedure for such an appointment;
  - (c) how the terms and conditions (including remuneration, allowances, expenses and pensions) of the chief officer are to be determined.
- (3) Regulations under this paragraph may—
- (a) apply (with or without modifications) any code of practice that is concerned with appointments to public bodies, or
  - (b) make other provision relating to any such code.
- (4) The Council may appoint such other employees as it considers appropriate.
- (5) Employees (other than the chief officer) are to be appointed on such terms and conditions (including as to remuneration, allowances, expenses and pensions) as the Council may determine.
- (6) The Council may—

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- (a) pay, or make payments in respect of pensions or gratuities to or in respect of employees or former employees;
  - (b) provide and maintain schemes (whether contributory or not) for the payment of pensions and gratuities to or in respect of employees or former employees.
- (7) References in this paragraph to pensions and gratuities include references to pensions and gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.
- (8) If any person—
- (a) on ceasing to be employed by the Council, becomes or continues to be one of its members, and
  - (b) was, by reference to the person's employment, a participant in a pension scheme maintained by the Council,
- the Council may make provision for that person to continue to participate in that scheme, on such terms and conditions as it may determine, as if the person's service as a member were service as an employee; and any such provision is to be without prejudice to paragraph 7.

*Schemes relating to remuneration etc.*

- 10 (1) The Council must—
- (a) prepare a scheme setting out its approach to determining the amounts which it may pay—
    - (i) to members under paragraph 7, and
    - (ii) to employees under paragraph 9 (including the chief officer if so required by regulations made under paragraph 9(2)(c)), and
  - (b) submit the scheme to Welsh Ministers for approval.
- (2) The Council may determine the amounts it pays to members and employees only in accordance with a scheme approved under this paragraph by the Welsh Ministers.
- (3) The Council must publish a scheme approved by Welsh Ministers in such manner as the Welsh Ministers may specify.
- (4) The Council may from time to time revise the scheme (in which case sub-paragraphs (1)(b), (2) and (3) apply to such a revised scheme).

*Eligibility for superannuation scheme*

- 11 (1) Employment with the Council is among the kinds of employment to which a scheme under section 1 of the [Superannuation Act 1972 \(c. 11\)](#) (superannuation schemes as respects civil servants etc.) can apply.
- (2) The Council must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the Council is, by reference to that employment, a participant in a scheme under section 1 of the Superannuation Act 1972 and is also a member of the Council, the Secretary of State may determine that the person's service as a member is to be treated for the purposes of the scheme as service as an employee

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(whether or not any benefits are payable to or in respect of him by virtue of paragraph 7).

### *Committees generally*

- 12 (1) The Council—
- (a) may establish committees for any purpose, and
  - (b) if so required by regulations made by the Welsh Ministers, must establish such committees for such purposes as may be specified in the regulations; (but see also paragraphs 19 and 20).
- (2) Subject to sub-paragraph (3), the Council—
- (a) may determine the number of members which a committee established under this paragraph are to have, and
  - (b) must determine the terms on which such members are to hold and vacate office.
- (3) Regulations under sub-paragraph (1)(b) may make provision about—
- (a) the membership of a committee established under the regulations;
  - (b) the terms on which such a committee's members are to vacate office;
  - (c) the procedure of any such committee.
- (4) Regulations under sub-paragraph (1)(b) may also authorise the Council to make provision with respect to any matter as to which provision may be made by those regulations.
- (5) Subject to any conditions as may be imposed by regulations made under sub-paragraph (1)(b), the Council may include on a committee persons who are not members of the Council.

### *Delegation of functions*

- 13 (1) The Council may authorise the chairing member or any committee established under paragraph 12 to exercise such of its functions as it may determine.
- (2) Sub-paragraph (1) does not affect the Council's—
- (a) responsibility for the exercise of delegated functions, or
  - (b) ability to exercise delegated functions.

### *Proceedings*

- 14 (1) The Council may regulate its own procedure and that of any its committees (except to the extent that this Schedule or regulations made under it provide otherwise).
- (2) The validity of the Council's proceedings are not affected by—
- (a) any vacancy in its members;
  - (b) any defect in the appointment of a member;
  - (c) the disqualification of a person as a member after appointment.
- (3) The Council must provide the Welsh Ministers with such copies of any documents distributed to its members or committees as the Welsh Ministers may require.

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#### *Application of seal*

- 15 The application of the seal of the Council is to be authenticated by the signature of—
- (a) the charring member or some other person authorised either generally or specifically by the Council to act for that purpose, and
  - (b) one other member.

#### *Proof of documents*

- 16 Every document purporting to be an instrument made or issued by or on behalf of the Council and to be duly executed under the seal of the Council, or to be signed or executed by a person authorised by the Council to act in that behalf, is to be received in evidence and treated, without further proof, as being so made or issued unless the contrary is shown.

#### *Finance*

- 17 The Welsh Ministers may make grants to the Council of such amounts and subject to such terms and conditions (including as to repayment) as they may determine.

#### *Accounting officer*

- 18 (1) The Welsh Ministers may designate a person to act as the Council's accounting officer.
- (2) The accounting officer has, in relation to the Council's accounts and finances, the responsibilities specified in a direction by the Welsh Ministers.
- (3) The responsibilities that may be specified include responsibilities—
- (a) in relation to the signing of accounts;
  - (b) for the propriety and regularity of the Council's finances;
  - (c) for the economy, efficiency and effectiveness with which the Council uses its resources;
  - (d) owed to the Welsh Ministers, the National Assembly for Wales or the Public Accounts Committee of the National Assembly;
  - (e) owed to the House of Commons or the Committee of Public Accounts of that House.

#### *Audit committee*

- 19 (1) The Council must establish a committee (an "audit committee") to—
- (a) review and scrutinise the Council's financial affairs,
  - (b) review and assess the Council's risk management, internal control and corporate governance arrangements,
  - (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Council's functions, and
  - (d) make reports and recommendations to the Council in relation to reviews conducted under paragraphs (a), (b) or (c).
- (2) The audit committee must send copies of its reports and recommendations to the Welsh Ministers.

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- (3) It is for the audit committee to determine how to exercise its functions under this paragraph.

*Audit committee: membership*

- 20 (1) The audit committee is to consist of—
- (a) at least two members of the Council, and
  - (b) at least one lay member.
- (2) The Council’s chairing member may not be a member of the audit committee.
- (3) The Council may pay such remuneration, allowances and expenses to a lay member as it may determine.
- (4) The Council must consult the Welsh Ministers before determining the remuneration or allowances payable to a lay member.
- (5) In this paragraph “lay member” means any person other than a member or an employee of the Council.

*Accounts and external audit*

- 21 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them, and
  - (b) prepare in respect of each financial year a statement of accounts.
- (2) In preparing a statement of accounts, the Council must comply with any direction given by the Welsh Ministers as to—
- (a) the form and content of such accounts;
  - (b) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year, the Council must submit a copy of its statement of accounts to—
- (a) the Welsh Ministers, and
  - (b) the Auditor General for Wales.
- (4) The Auditor General for Wales must—
- (a) examine, certify and report on the statement of accounts, and
  - (b) no later than 4 months after the copy is submitted under sub-paragraph (3), lay before the National Assembly for Wales a copy of the certified statement and report.
- (5) In this Schedule “financial year” means the period of 12 months ending on 31 March.

*Annual reports*

- 22 (1) No later than 30 November after the end of each financial year the Council must submit a report to the Welsh Ministers on the discharge of its functions during that year.
- (2) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.

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- (3) The Council may publish the report in such manner as it considers appropriate (including electronically).