

SL6 – Explanatory Memorandum

EXPLANATORY MEMORANDUM TO

The Education (General Teaching Council for Northern Ireland) (Miscellaneous Amendments) Regulations (Northern Ireland) 2009

SR No. 370

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 34(2), 35(2), 36(1) to (3) and 90(3) of and paragraph 1 of Schedule 1 to the Education (Northern Ireland) Order 1998 (as amended) and is subject to the negative resolution procedure.

2. Purpose

- 2.1 Regulation 2 of the Statutory Rule amends regulations 4(2) and 8(4) of the General Teaching Council for Northern Ireland (Constitution) Regulations (NI) 2001 to ensure that a person who is barred from regulated activity relating to children is not eligible to be elected, appointed or to vote in elections to membership of the General Teaching Council for Northern Ireland and must cease to hold office as a member of that Council.
- 2.2 Regulation 3 of the Statutory Rule amends regulation 3 of the General Teaching Council for Northern Ireland (Registration of Teachers) Regulations (NI) 2004 to ensure that a person is disqualified from registration as a teacher if he is prohibited from teaching or working with children or is barred from regulated activity relating to children.

3. Background

Consequential amendments to the GTCNI (Constitution) Regulations (NI) 2001 and to the GTCNI (Registration of Teachers) Regulations (NI) 2004 are required to reflect changes that arise as a result of the commencement (on 12 October 2009) of the barring provisions in the Safeguarding Vulnerable Groups (NI) Order 2007.

4. Consultation

No consultation on this Statutory Rule was deemed necessary, as the amendments and re-enactment are consequential to and in line with changes that arise as a result of the commencement (on 12 October 2009) of the

barring provisions in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. As the 2007 Order mirrored the main provisions in the Safeguarding Vulnerable Groups Act 2003 (in order to create a joined-up and seamless scheme), consultations on the primary legislation were led by England and Wales and it was not therefore necessary to consult separately in the north of Ireland.

5. Equality Impact

An Equality Impact Assessment was not considered necessary, as compliance with section 75 of the NI Act 1998 was screened out at the primary legislation stage on the grounds that the legislation is aimed at strengthening measures which are designed to protect further our vulnerable groups. Indeed, the only group that will be disadvantaged will be those who would bring harm or abuse on vulnerable people.

6. Regulatory Impact

A Regulatory Impact Assessment was not considered necessary, as there will be no impact on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

The Statutory Rule has no financial implications for the Department.

8. Section 24 of the Northern Ireland Act 1998

The Departmental Solicitors Office has confirmed that the Statutory Rule complies with section 24 of the NI Act 1998.

9. EU Implications

There are no EU implications.

10. Parity or Replicatory Measure

A similar approach has been taken in Great Britain to legislation which needs to make reference to the new Vetting and Barring Scheme arrangements, with the aim of implementing a scheme that will operate seamlessly across England, Wales and Northern Ireland.

11. Additional Information

Not applicable.