

EXPLANATORY MEMORANDUM TO
THE GENERAL TEACHING COUNCIL FOR ENGLAND (REGISTRATION OF
TEACHERS) (AMENDMENT) REGULATIONS 2007

2007 No. 1883

1. This explanatory memorandum has been prepared by The Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Regulations make two provisions: they require the General Teaching Council for England (“the Council”) to inform an applicant of its decision to grant or refuse registration and, in the case of a refusal, give reasons; and, where the refusal is on the ground that the applicant is unsuitable to be a teacher, the Regulations provide the applicant with a right of appeal against the Council’s decision to the High Court.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Background

4.1 The General Teaching Council for England was established under The Teaching and Higher Education Act 1998 (“the 1998 Act”). The 1998 Act requires the Council to maintain a register of qualified teachers and sets out the conditions for eligibility for registration. The Education Act 2002 (“the 2002 Act”) amended the 1998 Act to introduce a new category of provisional registration of teachers and amended the eligibility criteria so as to render a person ineligible for registration unless the Council are satisfied, at the time of the application, that he or she is suitable to be a teacher. The 2002 Act also provided for regulations to be made - requiring the Council to inform an applicant of the reasons for any refusal to grant registration, and where the Council has refused registration on the grounds of suitability, providing the applicant with a right of appeal to the High Court.

5. Territorial Extent and Application

5. This instrument applies to England only.

6. European Convention on Human Rights

6. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The General Teaching Council for England was established with the remit to contribute to improving the standards of teaching and the quality of learning, and to maintain and improve standards of professional conduct amongst teachers. The Council therefore has in place a code of conduct for all registered teachers. This code currently applies to qualified teachers only and it was decided that those working towards qualified teacher status should also be required to “provisionally” register with the Council. This would enable the Council to take action against those provisionally registered and not meeting the code of conduct in the same way as they are able to with fully registered teachers.

7.2 It was also thought that before registering an applicant for full or provisional registration, there should be some assessment of an applicant’s suitability to be a teacher. The 1998 Act was therefore amended to enable the Council to assess an applicant’s suitability to be a teacher before registering her or him. It is for the Council to assess suitability and to establish its own criteria for making that assessment, although it would need to abide by any regulations the Secretary of State may wish to make to set out a description of person who is, or is not, taken to be suitable to be a teacher.

7.3 The Regulations are necessary in order to ensure that a person who is refused registration is given reasons for that refusal and to comply with the Act, which requires the Secretary of State to make regulations giving people who have been refused registration on suitability grounds a right of appeal to the High Court against that decision. The background to these regulations was discussed in meetings with teacher unions and the Council and this was followed by a formal three week consultation exercise with interested parties, mainly teacher unions and church, governor and employer organisations. This was a limited consultation exercise given the narrow scope of these regulations and that they are unlikely to be of interest to the wider public. There were six written responses and no opposition to the proposals. The Council is the only statutory consultee and is content with the proposals and draft regulations.

7.4 Once the Regulations are in force the Council will notify applicants for registration of its decision, giving reasons for any refusal to register and, where applicable, of a person’s right to appeal against the decision.

8. Impact

8.1 An Impact Assessment has not been prepared for this instrument as it has no direct impact on business, charities or voluntary bodies. The impact on the public sector is minimal – there will be an additional administrative requirement on the Council but no additional requirements envisaged for other public sector bodies.

9. Contact

Juliet Yates at the Department for Education and Skills on 020 7925 5442 or e-mail: juliet.yates@dfes.gsi.gov.uk can answer any queries regarding the instrument.