
WELSH STATUTORY INSTRUMENTS

2015 No. 140

**The Education Workforce Council (Main
Functions) (Wales) Regulations 2015**

PART 5

Disciplinary functions

Exclusion or restriction of Committees' powers

27.—(1) An Investigating Committee's functions under Part 5 of these Regulations are excluded in a case where—

- (a) it is alleged that a registered person is guilty of unacceptable professional conduct or has been convicted (at any time) of a relevant offence, or it appears to it that a registered person may be so guilty or have been so convicted; and
- (b) the Secretary of State considers that the case concerns the safety and welfare of persons who have not attained the age of 18 and wishes to consider the case with a view to exercising their powers under section 141B of the Education Act 2002 on the grounds—
 - (i) that a person is unsuitable to work with children, or
 - (ii) relating to a person's misconduct or health, or
- (c) the Disclosure and Barring Service, established by section 87(1) of the Protection of Freedoms Act 2012⁽¹⁾, has included, or is considering whether to include, a registered person in either of the barred lists maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006⁽²⁾.

(2) An Investigating Committee's functions under Part 5 of these Regulations are excluded in a case where—

- (a) it is alleged that a registered person is guilty of serious professional incompetence or it appears to it that a registered person may be so guilty; and
- (b) information has not been provided to the Council pursuant to Part 7 of these Regulations which the Investigating Committee considers is necessary to enable it to carry out its functions under Part 5 of these Regulations.

⁽¹⁾ 2012 c. 9.
⁽²⁾ 2006 c. 47.