

## SCHEDULE 1

Regulation 2

## REGULATIONS REVOKED

## PART 1

## Revocations

Regulations revoked	References	Extent of revocation
General Teaching Council for Wales (Functions) Regulations 2000	<a href="#">S.I. 2000/1979</a> (W. 140)	Fully
General Teaching Council for Wales (Disciplinary Functions) Regulations 2001	<a href="#">S.I. 2001/1424</a> (W. 99)	Fully
General Teaching Council for Wales (Functions) (Amendment) Regulations 2001	<a href="#">S.I. 2001/2496</a> (W. 200)	Fully
General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2003	<a href="#">S.I. 2003/503</a> (W. 71)	Fully
General Teaching Council for Wales (Functions) (Amendment) Regulations 2004	<a href="#">S.I. 2004/1741</a> (W. 180)	Fully
General Teaching Council for Wales (Functions) (Amendment) Regulation 2005	<a href="#">S.I. 2005/69</a> (W. 7)	Fully
General Teaching Council for Wales (Functions) (Amendment) Regulation 2006	<a href="#">S.I. 2006/1343</a> (W. 133)	Fully
Education (Supply of Information) (Wales) Regulations 2009	<a href="#">S.I. 2009/1350</a> (W. 126)	Fully
General Teaching Council for Wales (Functions) (Amendment) Regulation 2009	<a href="#">S.I. 2009/1353</a> (W. 129)	Fully
General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009	<a href="#">S.I. 2009/1354</a> (W. 130)	Fully
General Teaching Council for Wales (Disciplinary	<a href="#">S.I. 2009/2161</a> (W. 184)	Fully

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Regulations revoked	References	Extent of revocation
Functions) (Amendment No 2) Regulations 2009		
The Education (Specified Work and Registration) (Wales) Regulations 2010	<a href="#">S.I. 2010/2710 (W. 227)</a>	Fully
General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2011	<a href="#">S.I. 2011/2908</a> (W. 312)	Fully
General Teaching Council for Wales (Functions) (Amendment) Regulation 2012	<a href="#">S.I. 2012/166</a> (W. 25)	Fully
General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2012	<a href="#">S.I. 2012/170</a> (W. 29)	Fully

## PART 2

### Savings and general transitional provisions

#### Probation decisions

1. In the case of a person who on 1 September 1992 had commenced but not completed a period of probation under regulation 14 of, and Schedule 6 to, the 1989 Regulations, regulation 14 of, and Schedule 6 to, the 1989 Regulations are to continue to have effect until all their provisions have been complied with.

2. Teachers who—

- (a) have been determined to be unsuitable for further employment as qualified teachers pursuant to paragraph 2(c) of Schedule 2 to the 1959 Regulations; or
- (b) have received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations,

are not to carry out specified work in regulation 16 without the consent of the Welsh Ministers.

#### Disciplinary proceedings

3. Notwithstanding the revocation of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(1) (“the 2001 Regulations”)—

- (a) a person who is subject to disciplinary proceedings immediately before 1 April 2015 pursuant to the 2001 Regulations is to be treated as if they are subject to disciplinary proceedings in accordance with Part 5 of these Regulations; and
- (b) any disciplinary order made pursuant to the 2001 Regulations and in force immediately before 1 April 2015 is to continue to have effect as if it was made pursuant to Part 5 of these Regulations.

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(1) [S.I. 2001/1424 \(W. 99\)](#).

## SCHEDULE 2

Regulation 9

### MATTERS TO BE RECORDED IN THE REGISTER

#### PART 1

##### All registered persons

1. Where the person is registered, the date of first registration.
2. The category or categories of registration the person is registered in.
3. The registered person's full name.
4. The official reference number, if any, assigned to that registered person.
5. An indication of whether or not the registered person has paid any registration fee.
6. Whether the registered person is male or female.
7. The registered person's date of birth.
8. If known, any name by which the registered person was formerly known.
9. If known, the racial group to which registered person belongs.
10. If known, whether the registered person is disabled.
11. The registered person's home address, or other contact address, and if known the registered person's telephone number and electronic mail address.
12. The registered person's national insurance number.
- 13.—(1) If known, in relation to each of the schools or institutions where the registered person is or has been employed or otherwise engaged to provide relevant services—
  - (a) the name, address, telephone and electronic mail address of the schools or institutions at which the registered person is or has been employed;
  - (b) details of each of the types of school or institution at which the registered person is or has been employed or otherwise engaged to provide relevant services including whether the school was a maintained school or an independent school;
  - (c) the names of the local authorities who maintained or are maintaining the school or institution if applicable;
  - (d) whether the registered person was or is employed or otherwise engaged on a full-time or part-time basis;
  - (e) the posts held by the registered person; and
  - (f) the dates on which the registered person took up their current post.

(2) If known, where the registered person is not currently employed or otherwise engaged to provide relevant services, the date on which they were last so engaged, and the details specified in paragraphs (a) to (f) of sub-paragraph (1) in relation to their most recent post.
14. If known, where a registered person is engaged to provide relevant services through an agency—
  - (a) the name, address, telephone and electronic mail address of that agency;
  - (b) the date upon which the registered person first registered with the agency or institution at which the registered person is or has been engaged to provide relevant services; and

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- (c) where the registered person is providing relevant services at a school or institution—
  - (i) the name, address, telephone number and electronic mail address of the school or institution at which the person is providing relevant services;
  - (ii) whether they were providing relevant services at a maintained school or an independent school;
  - (iii) the names of the local authorities who maintained or are maintaining the school or institution, if applicable;
  - (iv) whether the registered person was or is employed or otherwise engaged on a full-time or part-time basis;
  - (v) the posts held by the registered person; and
  - (vi) the date on which the registered person took up their current post.
- 15.** If known, if the registered person is—
  - (a) retired;
  - (b) on a career break;
  - (c) unemployed; or
  - (d) employed or otherwise engaged to provide relevant services.
- 16.** If known, where the registered person holds a degree or equivalent qualification—
  - (a) the date of its award;
  - (b) its title;
  - (c) the institution by which it was awarded;
  - (d) the class of the degree or qualification; and
  - (e) the subject.
- 17.** If known particulars of any other academic or professional qualification held by the registered person which the Council considers relevant to the provision of relevant services by a registered person.
- 18.** If known, such of the following information as the Council considers appropriate in relation to whether the registered person—
  - (a) has received training to enable them to provide relevant services through the medium of Welsh;
  - (b) is able to teach Welsh second language;
  - (c) has gained a Welsh language qualification and if so the type and level of that qualification;
  - (d) is a Welsh speaker;
  - (e) is employed or otherwise engaged to provide relevant services at a school which provides education through the medium of Welsh, and if so the language category used by the school governing body in its school prospectus to describe the school; and
  - (f) is fluent or first language speaker in a language other than English or Welsh, and if so, the language spoken.
- 19.** The terms of any disciplinary order, other than a reprimand, for the time being in force, made by the Council.
- 20.** The terms of any reprimand issued by the Council for a period of two years from the date the reprimand was issued.

**21.** The terms of any restriction or particulars of any prohibition for the time being in force in relation to the registered person as the result of a direction given under section 142 of the 2002 Act.

**22.** The terms of any prohibition order for the time being in force in relation to the registered person made by the Secretary of State under section 141B of the 2002 Act<sup>(2)</sup>.

**23.** The terms of any restriction or particulars of prohibition for the time being in force in relation to the registered person as a result of disciplinary action taken by the General Teaching Council for Scotland.

**24.** The terms of any restriction or particulars of prohibition for the time being in force in relation to the registered person as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

**25.** The terms of any restriction or particulars of prohibition for the time being in force in relation to the registered person as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.

## PART 2

### School teachers

**26.** The date on which the person qualified as a school teacher.

**27.** If known the date on which the school teacher took up their first post as a qualified teacher.

**28.** Where the school teacher has successfully completed a course for the initial training of teachers—

- (a) the name of the institution providing the course;
- (b) the title or description of the course;
- (c) the subject or subjects studied by the school teacher; and
- (d) the ages of pupils the course was designed to prepare the school teacher to teach.

**29.** Where the school teacher qualified as a school teacher other than by successfully completing a course for the initial training of teachers—

- (a) the type of training programme completed;
- (b) the name of the school or institution at which the school teacher training was undertaken; and
- (c) the date on which the training programme was completed.

**30.** If known—

- (a) particulars of any qualification held by the school teacher for teaching the visually or hearing impaired such as is referred to in regulation 11, 12 or 13 of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999<sup>(3)</sup>; and
- (b) where the school teacher has been awarded the National Professional Qualification for Headship, an indication of that fact and the date of the award.

**31.** If known, where the school teacher—

- (a) is or was a post-threshold teacher an indication of that fact, the date from which the school teacher held that post and the name of the school at which the school teacher was employed when they were first appointed to that post;

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<sup>(2)</sup> Inserted by section 8(1) of the Education Act 2011 (c. 21).

<sup>(3)</sup> S.I. 1999/2817 (W. 18).

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- (b) is an advanced skills teacher, an indication of that fact, the date on which the school teacher was certified as such, and the school at which the school teacher was employed when they were certified as an advanced skills teacher; and
  - (c) is a leading practitioner, an indication of that fact, the date from which the school teacher held that post, and the school at which the school teacher was employed when they first appointed to that post.
- 32.** Whether the school teacher is or was a deputy head teacher, head teacher or assistant head teacher, and if so—
- (a) the date on which they were first appointed to that post; and
  - (b) the name of the school at which they were employed when first appointed to that post.
- 33.** Where the person is employed as a school teacher in a maintained school an indication of whether that person is—
- (a) employed on the main range of pay; or
  - (b) employed on the upper range of pay.
- 34.—(1)** Where the school teacher has served an induction period or part of an induction period, whether in England or Wales—
- (a) the identity of the appropriate body;
  - (b) the date on which the school teacher started the induction period;
  - (c) where applicable, an indication that the school teacher successfully completed the induction period, and the date of its completion;
  - (d) where applicable, an indication that the school teacher has had the induction period extended, and the period of the extension;
  - (e) where applicable, an indication that the school teacher has completed only part of an induction period, and the period served; and
  - (f) where applicable, an indication that the person has failed to successfully complete the induction period.
- (2)** Where the person is a school teacher and has not served an induction period—
- (a) if the school teacher is exempt from the requirement to serve an induction period, the reason for the exemption; or
  - (b) if there was no requirement for the school teacher to serve an induction period at the relevant time, a statement of that fact.
- 35.** If applicable, an indication that the school teacher has failed a period of probation, and whether the Welsh Ministers have or the Secretary of State has consented to that teacher carrying out specified work under regulations made under—
- (a) section 133 of the 2002 Act; or
  - (b) section 14 of the 2014 Act.
- 36.** If applicable, an indication that the school teacher has retired under case C in paragraph 3 of Schedule 7 to the Teachers’ Pensions Regulations 2010<sup>(4)</sup> (ill-health retirement).

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(4) [S.I. 2010/990](#).

## SCHEDULE 3

Regulation 15

### REQUIREMENTS TO BE SATISFIED BY PERSONS WHO ARE NOT QUALIFIED TEACHERS IN ORDER TO CARRY OUT SPECIFIED WORK

#### Interpretation

1. In this Schedule—

“accredited institution” (*“sefydiad achrededig”*) means an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the 2004 Regulations or by the Training and Development Agency for Schools under regulation 11 of the Education (School Teachers’ Qualifications) (England) Regulations 2003<sup>(5)</sup>; and

“employment-based teacher training scheme” (*“cynllun hyfforddi athrawon ar sail cyflogaeth”*) means a scheme established by the Welsh Ministers under regulation 8 of the 2004 Regulations.

#### Existing teachers of nursery classes and at nursery schools who are not qualified teachers

2.—(1) This paragraph applies in the case of—

- (a) assistant teachers at a nursery school; or
- (b) teachers of a nursery class,

who were permitted to be employed as teachers by paragraph 4 of Schedule 4 to the 1982 Regulations and who were so employed immediately before 1 September 1989.

(2) Such persons may carry out work specified in regulation 17 in a school in the same capacity as they were employed before 1 September 1989.

#### Persons with special qualifications or special experience

3.—(1) This paragraph applies in the case of persons who are not qualified teachers appointed, or proposed to be appointed, to carry out work specified in regulation 17 in respect of any art or skill or in any subject or group of subjects, where special qualifications or special experience or both are required in order to do so.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school if at the time of their appointment—

- (a) the local authority (in the case of a school which has no delegated budget or in the case of a pupil referral unit) the governing body acting with the consent of the local authority (in the case of a school which has a delegated budget), or the governing body (in the case of a special school not maintained by a local authority), as the case may be, is satisfied as to their qualifications or experience or both; and
- (b) no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for such appointment; or
- (c) in respect of work described in paragraph 6(2) of this Schedule, no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(3) Persons appointed with special qualifications or experience described in sub-paragraph (1) carrying out work specified in regulation 17 as permitted by sub-paragraph (2) may do so, subject to sub-paragraph (4)—

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(5) S.I. 2003/1662 as amended by the Education Act 2005 (c. 18) and by S.I. 2007/2782, S.I. 2009/3156, S.I. 2010/1172 and S.I. 2012/431.

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- (a) only for such period of time as no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for appointment; or
  - (b) in respect of work described in paragraph 6(2) of this Schedule, only for such periods of time as no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.
- (4) Sub-paragraph (3) does not apply in the case of such persons appointed before 8 April 1982 where—
- (a) the appointment was for a specified period, if and so long as that period has not expired; or
  - (b) the appointment was for an unspecified period, if it was not otherwise expressed to be temporary only.

### **Overseas Trained Teachers**

4.—(1) This paragraph applies in the case of persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom, which programme is recognised as such by the competent authority in that country.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school (other than a pupil referral unit) for a period of up to two years commencing on the day on which they first carry out work specified in regulation 17 in a school.

### **Trainees on initial teacher training courses**

5.—(1) This paragraph applies in the case of persons who are undertaking a course of initial training for teachers in schools at an accredited institution in Wales or England.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school (other than a pupil referral unit) under the supervision of a qualified teacher during any period in which they are undertaking practical teaching experience for the purposes of that course.

### **Qualified further education teachers teaching vocational courses within the local curriculum**

6.—(1) This paragraph applies in the case of persons who hold qualifications required under regulation 3 of the 2002 Regulations.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school to the extent that the work comprises the delivery of vocational courses of study forming a part or the whole of a local curriculum that has been formed by a local authority pursuant to section 116A of the 2002 Act 2002(6), or by the Welsh Ministers pursuant to section 33A of the Learning and Skills Act 2000.

### **Employment-based teacher training scheme**

7.—(1) This paragraph applies in the case of persons who are undertaking training for the purposes of an employment-based teacher training scheme.

(2) Such persons may carry out work specified in regulation 17 in a school until they successfully complete or cease to undertake that training.

### **Other persons who may carry out specified work**

8.—(1) This paragraph applies in the case of persons who are not qualified teachers and who are not mentioned in paragraphs 2 to 7 of this Schedule.

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(6) As inserted by section 4 of the Learning and Skills (Wales) Measure 2009 (2009 nawm 1).



(2) Such persons may carry out work specified in regulation 17 in a school only if the following conditions are satisfied—

- (a) they carry out work specified in regulation 17 in order to assist or support the work of qualified teachers or nominated teachers in the school;
- (b) they are subject to the direction and supervision of such qualified teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and
- (c) the head teacher is satisfied that they have the skills, expertise and experience required to carry out work specified in regulation 17.

(3) Head teachers may, if they consider the nomination appropriate in the circumstances, nominate persons who are mentioned in paragraphs 3, 4, 5, 6 or 7 of this Schedule as nominated teachers for the purpose of sub-paragraph (2).

(4) In determining whether the persons mentioned in sub-paragraph (1) have the skills, expertise and experience required to carry out work specified in regulation 17 in a school, head teachers may have regard to—

- (a) such standards for higher-level teaching assistants, or guidance concerning school support staff, as may be published from time to time by the Welsh Ministers; and
- (b) such guidance as to contractual matters relating to school support staff as may be published from time to time by any local authority or other employer.

## SCHEDULE 4

Regulation 44

### RECORDS MAINTAINED BY THE COUNCIL

#### PART 1

##### Interpretation

1. For the purposes of this Schedule a reference to a registered person in Schedule 2 is to be taken to be a reference to one of the persons set out in Part 2 of this Schedule.

#### PART 2

##### Persons the Council is required to maintain records for

2. Persons whose names have been removed from the Register other than those whose names were removed at their own request or who have died.

3. Persons who are ineligible for registration by virtue of section 10(3) of the 2014 Act.

4. Qualified teachers who are not registered teachers.

5. Persons who are not registered teachers and who have started a course for the initial training of teachers, whether or not they have completed such course.

6. Persons who are not qualified teachers who are employed as teachers in schools maintained by a local authority.

7. Persons who are not registered teachers who are preparing for, or who have obtained, the National Professional Qualification for Headship.

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**8.—(1)** Persons not falling within any of the above mentioned categories and who are not registered persons, who—

- (a) have had an official reference number assigned to them; and
- (b) are, or have at any time been, employed as a teacher at a school or other educational institution.

(2) Persons who are not registered in any category of registration but are eligible to be so registered and about whom the Council consider it appropriate to record the information set out in Part 2.

## PART 3

### Information to be contained in the records

**9.** The information set out in paragraphs 3 to 25 of Part 1 of Schedule 2.

**10.** Where the person has been registered previously but has since been removed from the Register—

- (a) the category or categories of registration they were previously registered in;
- (b) the date of their first registration; and
- (c) the date they were last removed from the Register.

**11.** The information set out in Part 2 of Schedule 2.

**12.** Where the person is ineligible for registration pursuant to section 10 and regulations made under sections 12 or 13 of the 2014 Act, particulars of the direction, disciplinary order or other prohibition by virtue of which the person is ineligible for registration.

**13.** Where a person is ineligible for registration pursuant to section 10 of the 2014 Act because the Council are not satisfied as to the person's suitability to be registered, particulars of the grounds on which the decision to refuse the application was taken.

**14.** Where the person's name has been removed from the Register, particulars of the grounds on which the person's name was removed from the Register.

**15.** If the person has been barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.

**16.** If the person has been barred from regulated activity relating to vulnerable adults (within the meaning of section 3(3) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.

## SCHEDULE 5

Regulation 45

### INFORMATION TO BE SUPPLIED TO THE COUNCIL

## PART 1

### Information to be supplied by a relevant employer

**1.** A statement of reasons for ceasing to use the person's services.

2. Employer's records relating to the cessation of the use of the person's services or any contemplated cessation, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the employer.

3. Employer's records relating to the conduct which eventually led to the cessation of the use of the person's services or might, but for the person having ceased to provide those services, have led the employer to cease to use that person's services, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the employer.

4. Employer's letters, warnings or notices issued to a person in relation to the cessation of the use of that person's services or contemplated cessation, or the conduct which eventually led to the cessation of the use of the person's services or might, but for the person having ceased to provide those services, have led the employer to cease to use that person's services, and the person's replies or representations in response.

5. Any other statements, representations and evidence submitted by a person to the employer in relation to the cessation of the use that person's services or contemplated cessation, or the conduct which eventually led to the cessation of the use of the person's services or might, but for the person having ceased to provide those services, have led the employer to cease to use that person's services.

6. Letter advising of a person's intention to cease to provide services.

7. Any other document or information which the employer considers is relevant to any investigation which may be carried out by an Investigating Committee or any proceedings which may be taken by an Investigating Committee or a Fitness to Practice Committee against a registered person.

## PART 2

### Information to be supplied by an agent

8. A statement of reasons for terminating the arrangements.

9. Any records relating to the termination of the arrangements or any contemplated termination, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the agent.

10. Any records relating to the conduct which eventually led to the termination of arrangements or might, but for the person having terminated arrangements, have led the agent to terminate them, or might, but for the person having ceased to make themselves available for work, have led the agent to refrain from making new arrangements, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the agent.

11. Agent's letters, warnings or notices issued to a person in relation to the termination of arrangements, or the conduct which eventually led to the termination of arrangements or might, but for the person having terminated arrangements, have led the agent to terminate them, or might, but for the person having ceased to make themselves available for work, have led the agent to refrain from making new arrangements, and the person's replies or representations in response.

12. Any other statements, representations and evidence submitted by a person to the agent in relation to the termination of arrangements, or the conduct which eventually led to the termination of arrangements or might, but for the person having terminated arrangements, have led the agent to terminate them, or might, but for the person having ceased to make themselves available for work, have led the agent to refrain from making new arrangements.

13. The person's letter terminating arrangements or ceasing to make themselves available for work.

**Status:** *This is the original version (as it was originally made).*

**14.** Any other document or information which the agent considers is relevant to any investigation which may be carried out by an Investigating Committee or any proceedings which may be taken by an Investigating Committee or a Fitness to Practice Committee against a registered person.