
WELSH STATUTORY INSTRUMENTS

2024 No. 74 (W. 21)

EDUCATION, WALES

The Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024

<i>Made</i>	- - - -	<i>23 January 2024</i>
<i>Laid before Senedd Cymru</i>		<i>25 January 2024</i>
<i>Coming into force</i>	- -	<i>1 March 2024</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 13(1), 28(1), 36(2) and 37(2) of the Education (Wales) Act 2014⁽¹⁾, make the following Regulations.

Title and coming into force

1.—(1) The title of these Regulations is the Education Workforce Council (Main Functions) (Wales) (Amendment) Regulations 2024.

(2) These Regulations come into force on 1 March 2024.

Amendment of the Education Workforce Council (Main Functions) (Wales) Regulations 2015

2.—(1) The Education Workforce Council (Main Functions) (Wales) Regulations 2015⁽²⁾ are amended as follows.

(2) In the English language text, in each place it occurs (including the headings) for “Fitness to Practice”, substitute “Fitness to Practise”.

(3) In the Welsh language text, in regulation 3(1), for the definition of “Pwyllgor Addasrwydd i Ymarfer” substitute—

“ystyr “Pwyllgor Addasrwydd i Ymarfer (“*Fitness to Practise Committee*”) yw pwyllgor a sefydlwyd o dan reoliad 22;”.

(4) In regulation 26, in paragraph (6)(b), for paragraphs (i) and (ii) substitute—

“(i) a person registered in at least one of the categories of registration; and

(1) 2014 anaw 5.

(2) S.I. 2015/140 (W. 8), amended by S.I. 2016/6 (W. 4); there are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) employed, or engaged otherwise than under a contract of employment, in at least one of the posts described in the categories of registration on the date of that registered person member's appointment to the Committee."
- (5) In regulation 45, in paragraph (3)(b), for "(1)" substitute "(2)".
- (6) In paragraph 21 of Part 1 of Schedule 2, after "142" insert "or section 167A".

23 January 2024

Jeremy Miles
Minister for Education and Welsh Language, one
of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education (Wales) Act 2014 (“the 2014 Act”) makes provision in relation to the Education Workforce Council (“the Council”). Sections 26 to 32 of the 2014 Act confer disciplinary functions on the Council in relation to persons registered in the register maintained by the Council (“a registered person”).

Part 5 of the Education Workforce Council (Main Functions) (Wales) Regulations 2015 (“the Principal Regulations”) makes further provision in relation to the disciplinary functions of the Council. In particular regulation 26 of Part 5 of the Principal Regulations makes provision in relation to the membership and procedure of the Investigating Committee and the Fitness to Practice Committee established by the Council. In particular paragraph (1) of regulation 26 requires the Council to appoint to each of those committees a member who is a registered person (“a registered person member”). A registered person member is defined in paragraph (6)(b) of regulation 26 to the Principal Regulations.

Regulation 2(2) of these Regulations amends the English language text of the Principal Regulations so as to correct a grammatical error in the name of the Fitness to Practice Committee. The name of the Fitness to Practice Committee is amended to the Fitness to Practise Committee. Regulation 2(3) of these Regulations corrects the same grammatical error in the one reference to the Fitness to Practice Committee in English in the Welsh language text of the Principal Regulations.

Regulation 2(4) of these Regulations substitutes a new definition of registered person member in paragraph (6)(b) of regulation 26 of the Principal Regulations. The effect of that substitution is that it will no longer be a requirement for the registered person member to be registered in the same category as the registered person who is the subject of the disciplinary proceedings. Instead the registered person member need only be registered in at least one of the categories of registration set out in Table 1 of Schedule 2 to the 2014 Act.

Regulation 2(5) of these Regulations corrects a mistake in a cross reference in regulation 45(3)(b) of the Principal Regulations.

Regulation 2(6) of these Regulations amends paragraph 21 of Part 1 of Schedule 2 to the Principal Regulations to include a reference to section 167A of the Education Act 2002 (prohibition on participation in management of independent schools).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations has been prepared and a copy can be obtained from the School Governance, Organisation and Admissions Branch, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or SMED2@gov.wales.