



# Education (Wales) Act 2014

2014 anaw 5

## PART 2

### EDUCATION WORKFORCE

#### *Information duties*

#### **33 Council to maintain records about certain persons**

- (1) For the purposes of this Part, the Welsh Ministers may by regulations require the Council to maintain such records about such persons as may be specified in the regulations.
- (2) Regulations under subsection (1) may, in particular—
  - (a) make provision about the form and content of the records, and
  - (b) require the Council to maintain records about persons who are not eligible to be registered.

#### **Commencement Information**

**II** S. 33 in force at 16.1.2015 by S.I. 2015/29, art. 2(u)

VALID FROM 01/04/2015

#### **34 Supply of information: Ministers**

- (1) The Welsh Ministers may provide the Council with such information relating to individual registered persons—
  - (a) as the Council may request for the purposes of carrying out any of the functions conferred on it by or under this Part, or

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*Changes to legislation: There are currently no known outstanding effects for the Education (Wales) Act 2014, Cross Heading: Information duties. (See end of Document for details)*

- (b) as the Welsh Ministers consider it to be necessary or desirable for the Council to have for the purposes of carrying out such functions.
- (2) The Secretary of State may provide the Council with such information relating to individual teachers in schools—
  - (a) as the Council may request for the purposes of carrying out any of the functions conferred on it by or under this Part, or
  - (b) as the Secretary of State considers it to be necessary or desirable for the Council to have for the purposes of carrying out such functions.

### 35 Supply of information: the Council

- (1) The Council must provide the Welsh Ministers with such information as they may reasonably require.
- (2) The Council must, following a request by a registered person, provide that person with a copy of the information entered in the register against that person's name.
- (3) The Council must, following a request by a person (other than a registered person) in respect of whom it maintains records in accordance with section 33, provide that person with a copy of any records it holds about that person.
- (4) The Welsh Ministers may by regulations require the Council to provide information—
  - (a) to such other person or body as may be specified, and
  - (b) for such purposes and subject to such conditions as may be specified.

#### Commencement Information

I2 S. 35 in force at 16.1.2015 by S.I. 2015/29, art. 2(v)

### 36 Supply of information: employers

- (1) A relevant employer must provide the Council with—
  - (a) the name of any registered person it employs or engages to provide relevant services in Wales, and
  - (b) such other information about such a registered person as the Council may reasonably require in connection with the performance of its functions.
- (2) Where a relevant employer—
  - (a) ceases to use the services of a registered person in Wales on a ground mentioned in subsection (3), or
  - (b) might have ceased to use the services of the registered person in Wales on a ground mentioned in subsection (3) had the person not stopped providing those services,

the relevant employer must provide the Council with such information as may be specified in regulations made by the Welsh Ministers.
- (3) The grounds are—
  - (a) unacceptable professional conduct;
  - (b) professional incompetence;
  - (c) conviction of a relevant offence.

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(4) In this section—

“relevant employer” means a person who employs or otherwise engages registered persons to provide relevant services in Wales;

“relevant offence” has the same meaning as in section 27(1).

#### Commencement Information

**I3** S. 36 in force at 16.1.2015 by S.I. 2015/29, art. 2(w)

### 37 Supply of information: agents and contractors

(1) This section applies to arrangements made by one person (the “agent”) for a registered person to provide relevant services at the request of or with the consent of a relevant employer (whether or not under a contract).

(2) Where an agent—

(a) has terminated the arrangements on a ground mentioned in section 36(3),

(b) might have terminated the arrangements on a ground mentioned in section 36(3) if the registered person had not terminated them, or

(c) might have refrained from making new arrangements for the registered person on a ground mentioned in section 36(3) if the registered person had not ceased offering to provide the services,

the agent must provide the Council with such information as may be specified in regulations made by the Welsh Ministers.

(3) In this section, “relevant employer” has the same meaning as in section 36(4).

#### Commencement Information

**I4** S. 37 in force at 16.1.2015 by S.I. 2015/29, art. 2(x)

VALID FROM 01/04/2015

### 38 Directions to secure compliance with information duties

(1) This section applies if the Welsh Ministers consider that—

(a) a relevant employer has failed or is likely to fail to comply with a duty arising under section 36, or

(b) an agent has failed or is likely to fail to comply with a duty arising under section 37.

(2) The Welsh Ministers may direct the employer or (as the case may be) agent to comply with the duty.

(3) A direction under subsection (2) may, on the application of the Welsh Ministers, be enforced by an injunction.

(4) In this section—

“agent” is to be construed in accordance with section 37;

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“relevant employer” has the same meaning as in section 36(4).

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