



Education (Wales) Act 2014

2014 anaw 5

PART 2

EDUCATION WORKFORCE

Disciplinary functions of the Council

26 Disciplinary functions

- (1) The Council must carry out such investigations as it considers appropriate in cases where—
 - (a) it is alleged that a registered person—
 - (i) is guilty of unacceptable professional conduct or serious professional incompetence, or
 - (ii) has been convicted (at any time) of a relevant offence, or
 - (b) it appears to the Council that a registered person may be so guilty or have been so convicted.
- (2) The Council must decide, after carrying out an investigation under subsection (1), what further action to take in respect of the case.
- (3) The actions the Council may take are—
 - (a) if it considers that there is no case to answer, to discontinue the case;
 - (b) if it considers that there is (or may be) a case to answer—
 - (i) to hold a hearing in respect of the case, or
 - (ii) with the consent of the person to whom the investigation relates, to determine the case without a hearing;
 - (c) to discontinue the case on some other basis.
- (4) Where the Council holds a hearing or the person consents to the case being determined without a hearing, the Council may determine—
 - (a) that there is no case to answer;

Changes to legislation: There are currently no known outstanding effects for the Education (Wales) Act 2014, Section 26. (See end of Document for details)

- (b) that the person is guilty of unacceptable professional conduct, serious professional incompetence or has been convicted of a relevant offence.
- (5) Where the Council determines that a person—
- (a) is guilty of unacceptable professional conduct or serious professional incompetence, or
 - (b) has been convicted of a relevant offence,
- the Council may make a disciplinary order in relation to the person.
- (6) The Welsh Ministers may by regulations make provision for any functions conferred on the Council under this section to be excluded or restricted in such manner as may be specified in or determined under the regulations.
- (7) The provision that may be made under subsection (6) includes such provision for excluding or restricting any such functions as the Welsh Ministers consider appropriate with a view to taking account of the powers exercisable by the Disclosure and Barring Service under the Safeguarding Vulnerable Groups Act 2006 (c. 47).

Commencement Information

II S. 26 in force at 16.1.2015 by [S.I. 2015/29](#), [art. 2\(o\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Education (Wales) Act 2014, Section 26.