

SCHEDULES

SCHEDULE 14

Section 98

AMENDMENTS RELATING TO THE TRAINING OF THE SCHOOL WORKFORCE

Public Records Act 1958 (c. 51)

- 1 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert—

“Training and Development Agency for Schools”.

Parliamentary Commissioner Act 1967 (c. 13)

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation), at the appropriate place insert—

“Training and Development Agency for Schools”.

Superannuation Act 1972 (c. 11)

- 3 In Schedule 1 to the Superannuation Act 1972 (which lists the kinds of employment etc. referred to in section 1 of that Act), for “Teacher Training Agency” substitute “Training and Development Agency for Schools”.

House of Commons Disqualification Act 1975 (c. 24)

- 4 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), at the appropriate place insert—

“Any member of the Training and Development Agency for Schools in receipt of remuneration.”

Sex Discrimination Act 1975 (c. 65)

- 5 In section 23D of the Sex Discrimination Act 1975 (discrimination by Teacher Training Agency)—

(a) for “Teacher Training Agency” (both in the section and in the heading) substitute “Training and Development Agency for Schools”, and

(b) for “Part 1 of the Education Act 1994” substitute “any enactment”.

- 6 In section 25 of the Sex Discrimination Act 1975 (general duty in public sector of education), in subsection (6) for paragraph (f) substitute—

“(f) the Training and Development Agency for Schools.”

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Race Relations Act 1976 (c. 74)

- 7 In section 18D of the Race Relations Act 1976 (discrimination by Teacher Training Agency)—
- (a) for “Teacher Training Agency” (both in the section and in the heading) substitute “Training and Development Agency for Schools”, and
 - (b) for “Part 1 of the Education Act 1994” substitute “any enactment”.
- 8 In Schedule 1A (bodies and other persons subject to general statutory duty) in Part 2, for the entry relating to the Teacher Training Agency substitute—
- “The Training and Development Agency for Schools.”

Education (Fees and Awards) Act 1983 (c. 40)

- 9 In section 1 of the Education (Fees and Awards) Act 1983 (fees at universities and further education establishments), in subsection (3) for paragraph (e) substitute—
- “(e) any training provider, within the meaning of Part 3 of the Education Act 2005 (training the school workforce), who is receiving financial support under section 78 of that Act from the Training and Development Agency for Schools;
 - (ee) any institution eligible for funding by the Higher Education Funding Council for Wales under Part 3 of that Act;”.

Education (No. 2) Act 1986 (c. 61)

- 10 In the Education (No. 2) Act 1986, omit section 50 (grants for teacher training, etc.).

Education Act 1994 (c. 30)

- 11 Omit sections 1 to 11 of the Education Act 1994.
- 12 Omit sections 12 to 17 of the Education Act 1994.
- 13 For section 18A of the Education Act 1994 substitute—

“18B Inspection of teacher training

- (1) Her Majesty’s Chief Inspector of Schools in England (“the Chief Inspector”) may inspect and report on—
 - (a) any initial training of teachers, or specialist teaching assistants, for schools, or
 - (b) any in-service training of such teachers or assistants,
 which is provided by a training provider.
- (2) When asked to do so by the Secretary of State, the Chief Inspector must—
 - (a) give advice to the Secretary of State on such matters connected with training falling within subsection (1)(a) or (b) as may be specified in the Secretary of State’s request;
 - (b) inspect and report on such one or more relevant training providers in England as may be so specified.
- (3) The Chief Inspector may at any time give advice to—
 - (a) the Secretary of State,

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- (b) the Training and Development Agency for Schools, or
 - (c) the General Teaching Council for England,on any matter connected with training falling within subsection (1)(a) or (b).
- (4) The Chief Inspector may—
 - (a) make such reports of inspections carried out by him under this section as he considers appropriate, and
 - (b) arrange for any such report to be published in such manner as he considers appropriate,and subsections (2) to (4) of section 11 of the 2005 Act (publication of inspection reports) apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in subsection (2) of that section.
- (5) When inspecting a training provider under this section, the Chief Inspector has at all reasonable times—
 - (a) a right of entry to the premises of the training provider, and
 - (b) a right to inspect, and take copies of, any records kept by the training provider, and any other documents containing information relating to the training provider, which he considers relevant to the exercise of his functions under this section;and section 58 of the 2005 Act (inspection of computer records) applies for the purposes of this section as it applies for the purposes of Part 1 of the 2005 Act.
- (6) Without prejudice to subsection (5), a training provider to which an inspection under this section relates—
 - (a) must give the Chief Inspector all assistance in connection with the exercise of his functions under this section which he is reasonably able to give, and
 - (b) must secure that all such assistance is also given by persons who work for the training provider.
- (7) The Chief Inspector may not carry out any inspection under subsection (1) unless—
 - (a) at least eight weeks previously, he has given notice of his intention to carry out the inspection—
 - (i) to the training provider concerned, or
 - (ii) where the training is provided by a partnership or association of training providers, to one of those training providers, or
 - (b) with the agreement of that training provider or (as the case may be) one of those training providers, he has given it shorter notice of that intention.
- (8) Any notice under subsection (7)—
 - (a) must be given in writing, and
 - (b) may be sent by post;and any such notice may (without prejudice to any other lawful method of giving it) be addressed to a training provider at any address which the

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training provider has notified to the Training and Development Agency for Schools as its address.

- (9) Nothing in this section confers any right or imposes any duty, whether as regards the carrying out of any inspection or otherwise, in relation to any course which consists of instruction given wholly or mainly for purposes other than training falling within subsection (1)(a) or (b).
- (10) Any reference in this section to the Chief Inspector is to be read, in relation to any inspection which he is authorised or required to carry out under this section, as including a reference to any person authorised to act on his behalf under paragraph 5(1) or (2) of Schedule 1 to the 2005 Act.
- (11) Nothing in this section is to be taken as prejudicing the generality of sections 2 to 4 of, or paragraph 5(1) or (2) of Schedule 1 to, the 2005 Act.
- (12) In this section—
 - (a) “the 2005 Act” means the Education Act 2005;
 - (b) “training provider” has the same meaning as in Part 3 of the 2005 Act;
 - (c) “relevant training provider” means any training provider who provides training falling within subsection (1)(a) or (b);
 - (d) “in-service training” includes any training provided to a teacher serving an induction period (within the meaning of section 19 of the Teaching and Higher Education Act 1998);
 - (e) “documents” and “records” each include information recorded in any form.

18C Inspection of teacher training in Wales

- (1) Her Majesty’s Chief Inspector of Education and Training in Wales (“the Chief Inspector”) may inspect and report on—
 - (a) any initial training of teachers, or specialist teaching assistants, for schools, or
 - (b) any in-service training of such teachers or assistants,
 which is provided by a training provider in Wales.
- (2) When asked to do so by the National Assembly for Wales, the Chief Inspector must—
 - (a) give advice to the Assembly on such matters connected with training falling within subsection (1)(a) or (b) as may be specified in the Assembly’s request;
 - (b) inspect and report on such one or more relevant training providers as may be so specified.
- (3) The Chief Inspector may at any time give advice to—
 - (a) the Assembly,
 - (b) a funding agency, or
 - (c) the General Teaching Council for Wales,
 on any matter connected with training falling within subsection (1)(a) or (b).
- (4) The Chief Inspector may—

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- (a) make such reports of inspections carried out by him under this section as he considers appropriate, and
 - (b) arrange for any such report to be published in such manner as he considers appropriate,and subsections (2) to (4) of section 29 of the 2005 Act (publication of inspection reports) apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in subsection (2) of that section.
- (5) When inspecting a training provider under this section, the Chief Inspector has at all reasonable times—
 - (a) a right of entry to the premises of the training provider, and
 - (b) a right to inspect, and take copies of, any records kept by the training provider, and any other documents containing information relating to the training provider, which he considers relevant to the exercise of his functions under this section;and section 58 of the 2005 Act (inspection of computer records) applies for the purposes of this section as it applies for the purposes of Part 1 of the 2005 Act.
- (6) Without prejudice to subsection (5), a training provider to which an inspection under this section relates—
 - (a) must give the Chief Inspector all assistance in connection with the exercise of his functions under this section which he is reasonably able to give, and
 - (b) must secure that all such assistance is also given by persons who work for the training provider.
- (7) The Chief Inspector may not carry out any inspection under subsection (1) unless—
 - (a) at least eight weeks previously, he has given notice of his intention to carry out the inspection—
 - (i) to the training provider concerned, or
 - (ii) where the training is provided by a partnership or association of training providers, to one of those training providers, or
 - (b) with the agreement of that training provider or (as the case may be) one of those training providers, he has given it shorter notice of that intention.
- (8) Any notice under subsection (7)—
 - (a) must be given in writing, and
 - (b) may be sent by post;and any such notice may (without prejudice to any other lawful method of giving it) be addressed to a training provider at any address which the training provider has notified to a funding agency as its address.
- (9) Nothing in this section confers any right or imposes any duty, whether as regards the carrying out of any inspection or otherwise, in relation to any course which consists of instruction given wholly or mainly for purposes other than training falling within subsection (1)(a) or (b).

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- (10) Any reference in this section to the Chief Inspector is to be read, in relation to any inspection which he is authorised or required to carry out under this section, as including a reference to any person authorised to act on his behalf under paragraph 5(1) or (2) of Schedule 2 to the 2005 Act.
- (11) Nothing in this section is to be taken as prejudicing the generality of sections 20 to 23 of, or paragraph 5(1) or (2) of Schedule 2 to, the 2005 Act.
- (12) In this section—
- (a) “the 2005 Act” means the Education Act 2005;
 - (b) “funding agency” means the Higher Education Funding Council for Wales or the Training and Development Agency for Schools;
 - (c) “training provider” has the same meaning as in Part 3 of the 2005 Act;
 - (d) “relevant training provider” means any training provider who provides training falling within subsection (1)(a) or (b);
 - (e) “in-service training” includes any training provided to a teacher serving an induction period (within the meaning of section 19 of the Teaching and Higher Education Act 1998);
 - (f) “documents” and “records” each include information recorded in any form.”
- 14 In section 19 of the Education Act 1994 (interpretation)—
- (a) omit subsections (1) to (4), and
 - (b) in subsection (5), for “Other expressions, if” substitute “Expressions”.
- 15 Omit Schedule 1 to the Education Act 1994.

Education Act 1996 (c. 56)

- 16 (1) Section 398 of the Education Act 1996 (no requirements of attendance at Sunday school etc.) is amended as follows.
- (2) In paragraph (b) for “teacher training” substitute “any training for members of the school workforce”.
- (3) Renumber the section as so amended as subsection (1), and at the end insert—
- “(2) In subsection (1)(b), the reference to training for members of the school workforce is to be read in accordance with sections 75(5) and 96(1) of the Education Act 2005.”
- 17 (1) Section 450 of the Education Act 1996 (prohibition of charges for admission) is amended as follows.
- (2) In subsection (2), for paragraph (c) substitute—
- “(c) training for members of the school workforce.”
- (3) After that subsection insert—
- “(3) In subsection (2)(c), the reference to training for members of the school workforce is to be read in accordance with sections 75(5) and 96(1) of the Education Act 2005.”

Audit Commission Act 1998 (c. 18)

- 18 In section 36 of the Audit Commission Act 1998 (studies at request of educational bodies), in the Table in subsection (1), for the entries relating to a funding agency under Part 1 of the Education Act 1994 and the governing body of an institution receiving financial support under that Part substitute—

“The Training and Development Agency for Schools.	The agency.
A training provider (within the meaning of Part 3 of the Education Act 2005) receiving financial support under section 78 of that Act from the Training and Development Agency for Schools, except where that financial support is wholly derived from grants made to the agency by the National Assembly for Wales.	The training provider or the agency.”

Teaching and Higher Education Act 1998 (c. 30)

- 19 (1) Section 26 of the Teaching and Higher Education Act 1998 (which relates to the imposition of conditions as to fees at higher education institutions and is to be repealed by the Higher Education Act 2004 (c. 8)) is amended as follows.
- (2) In subsection (3)—
- (a) for “section 7(1) of the 1994 Act” substitute “section 81(1), 82(1) or 88(1) of the 2005 Act”,
 - (b) in paragraph (c), for “Teacher Training Agency” substitute “Training and Development Agency for Schools”, and
 - (c) for “section 5 of the 1994 Act” substitute “section 78 or 86 of the 2005 Act”.
- (3) In subsection (9)—
- (a) for the definition of “the 1994 Act” substitute—
““the 2005 Act” means the Education Act 2005;”,
 - (b) after the definition of “course” insert—
““governing body”, in relation to a training provider within the meaning of Part 3 of the 2005 Act who would not apart from this subsection be regarded as an institution, means the training provider;
“institution” includes any training provider within the meaning of Part 3 of the 2005 Act (whether or not the training provider would apart from this subsection be regarded as an institution);”.
- (4) In subsection (11)—
- (a) for “the 1994 Act” substitute “the 2005 Act”, and
 - (b) for “Teacher Training Agency” substitute “Training and Development Agency for Schools”.
- 20 (1) In section 28(1) of the Teaching and Higher Education Act 1998 (interpretation of Chapter 1 of Part 2), in the definition of “publicly-funded institution” (which is to be

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repealed by the Higher Education Act 2004 (c. 8)), for “section 5 of the Education Act 1994” substitute “section 78 or 86 of the Education Act 2005”.

- (2) In section 28(1) of the 1998 Act, references to an institution in that definition and in the definition of “fees” (which is also to be repealed by the Higher Education Act 2004 (c. 8)) are to be read in accordance with section 26(9) of the 1998 Act as amended by paragraph 19(3)(b) of this Schedule.
- (3) In sub-paragraph (2), “the 1998 Act” means the Teaching and Higher Education Act 1998 (c. 30).

Government of Wales Act 1998 (c. 38)

- 21 (1) Section 145B of the Government of Wales Act 1998 (studies at request of educational bodies) is amended as follows.
- (2) In the Table in subsection (1) for the entry relating to the governing body of an institution in Wales receiving financial support under Part 1 of the Education Act 1994 substitute—

“The governing body of an institution in Wales receiving financial support under section 86 of the Education Act 2005 from the Higher Education Funding Council for Wales.

The governing body or the Higher Education Funding Council for Wales

A training provider (within the meaning of Part 3 of the Education Act 2005) receiving financial support under section 78 of that Act from the Training and Development Agency for Schools, except where that financial support is wholly derived from grants made to the Agency by the Secretary of State.

The training provider or the Training and Development Agency for Schools.”

- (3) After subsection (1) insert—

“(1A) The Auditor General for Wales may, if requested to do so by the Training and Development Agency for Schools, undertake studies designed to enable him to make recommendations for improving economy, efficiency and effectiveness in the discharge by the Agency of their functions relating to Wales.”

- (4) In subsection (2), for “Subsection (1) does” substitute “Subsections (1) and (1A) do”.
- (5) In subsection (3), after “(1)” insert “or (1A)”.

Freedom of Information Act 2000 (c. 36)

- 22 In Schedule 1 to the Freedom of Information Act 2000 (public authorities for purposes of that Act), in Part 6 (other public bodies and offices: general) insert at the appropriate place—

“The Training and Development Agency for Schools.”

Education Act 2002 (c. 32)

- 23 (1) Section 14 of the Education Act 2002 (power of Secretary of State and Assembly to give financial assistance for purposes related to education or childcare) is amended as follows.
- (2) After subsection (2) insert—
- “(2ZA) In subsection (2)(g), “training for teachers or for non-teaching staff” includes—
- (a) any training or education (whether or not constituting higher education) with the object of fitting persons to be teachers or non-teaching staff, or better teachers or non-teaching staff, and
- (b) any assessment related to the award of a qualification or status to teachers or non-teaching staff, or prospective teachers or non-teaching staff.”
- (3) In the definition of “education” in subsection (3), after “but” insert “, except in subsection (2ZA)(a),”.
- 24 In section 145 of the Education Act 2002 (specification of qualification or course), in subsections (1)(c) and (3), for “Teacher Training Agency” substitute “Training and Development Agency for Schools”.

Higher Education Act 2004 (c. 8)

- 25 (1) Section 23 of the Higher Education Act 2004 (duty of Secretary of State to impose condition as to student fees, etc.) is amended as follows.
- (2) In subsection (1)—
- (a) for “section 7 of the 1994 Act” substitute “section 81 of the 2005 Act”, and
- (b) for “section 5 of the 1994 Act” substitute “section 78 of the 2005 Act”.
- (3) In subsection (2), in paragraph (b) of the definition of “funding body”, for “Teacher Training Agency” substitute “Training and Development Agency for Schools”.
- 26 In section 24 of the Higher Education Act 2004 (condition to be imposed by English funding bodies), in subsection (4)(c), for “section 5 of the 1994 Act” substitute “section 78 of the 2005 Act”.
- 27 For section 27 of the Higher Education Act 2004 (power of Assembly to impose conditions as to student fees, etc.) substitute—

“27 Power of National Assembly for Wales to impose conditions as to student fees, etc.

- (1) The power of the Assembly to impose conditions under section 68(1) of the 1992 Act or section 82(1) or 88(1) of the 2005 Act in relation to grants paid to a funding body includes power to impose a condition requiring the funding body to impose a condition under section 28 in relation to any grants, loans or other payments made by the funding body under section 65 of the 1992 Act, or (as the case may be) section 78 or 86 of the 2005 Act, to the governing body of a relevant institution.

- (2) In this section—
- “funding body” means—

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- (a) the Higher Education Funding Council for Wales, or
 (b) the Training and Development Agency for Schools;
 “relevant institution” means an institution specified by the Assembly in a condition under subsection (1), or an institution of a class so specified.”
- 28 (1) Section 28 of the Higher Education Act 2004 (c. 8) (condition that may be required to be imposed by HEFCW) is amended as follows.
- (2) For the heading substitute “Condition that may be required to be imposed by Welsh funding bodies”.
- (3) In subsection (3), for “the Higher Education Funding Council for Wales” substitute “the funding body”.
- (4) In subsection (4)(c), for “section 5 of the 1994 Act” substitute “section 78 or 86 of the 2005 Act”.
- (5) In subsection (6), after the definition of “the basic amount” insert—
- ““funding body” has the same meaning as in section 27;”.
- 29 In section 29 of the Higher Education Act 2004 (sections 23 to 28: supplementary provisions), in subsection (3)—
- (a) for “the 1994 Act” substitute “the 2005 Act”, and
 (b) for “Teacher Training Agency” substitute “Training and Development Agency for Schools”.
- 30 In section 31 of the Higher Education Act 2004 (Director of Fair Access to Higher Education), in subsection (5), for “from the Teacher Training Agency under section 5 of the 1994 Act” substitute “from the Training and Development Agency for Schools under section 78 of the 2005 Act”.
- 31 In section 34 of the Higher Education Act 2004 (approval of plans), in subsection (1) for “section 5 of the 1994 Act” substitute “section 78 or 86 of the 2005 Act”.
- 32 In section 37 of the Higher Education Act 2004 (enforcement of plans: England), in subsection (1)(a) for “Teacher Training Agency” substitute “Training and Development Agency for Schools”.
- 33 In section 38 of the Higher Education Act 2004 (enforcement of plans: Wales), after “the Council” insert “or the Training and Development Agency for Schools”.
- 34 In section 40 of the Higher Education Act 2004 (provision of information), for “Teacher Training Agency” (in both places) substitute “Training and Development Agency for Schools”.
- 35 (1) Section 41 of the Higher Education Act 2004 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1)—
- (a) for the definition of “governing body” substitute—
- ““governing body” is to be read in accordance with subsection (1A);”, and
- (b) after the definition of “general provisions” insert—

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““institution” includes any training provider (whether or not the training provider would otherwise be regarded as an institution);”.

(3) After subsection (1) insert—

“(1A) In this Act any reference to the governing body of an institution—

- (a) in relation to any institution except a training provider falling within paragraph (b), has the meaning given by section 90(1) of the 1992 Act, but subject to any provision made by virtue of section 90(2) of that Act, and
- (b) in the case of a training provider who but for subsection (1) would not be regarded as an institution, means the training provider.”

(4) In subsection (2)(a), for “section 5 of the 1994 Act” substitute “section 78 or 86 of the 2005 Act”.

(5) After subsection (2), insert—

“(3) In subsections (1) and (1A), “training provider” has the same meaning as in Part 3 of the 2005 Act.”

36 In section 48 of the Higher Education Act 2004 (c. 8) (general interpretation)—

- (a) omit the definition of “the 1994 Act”, and
- (b) after the definition of “the 1998 Act” insert—

““the 2005 Act” means the Education Act 2005;”.