

EXPLANATORY MEMORANDUM TO
THE GENERAL TEACHING COUNCIL (REGISTRATION OF TEMPORARY
TEACHERS FROM RELEVANT EUROPEAN STATES) ENGLAND AND WALES
REGULATIONS 2009

2009 No. 3200

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the Instrument**
 - 2.1 The General Teaching Council (Registration of Temporary Teachers from Relevant European States) England and Wales Regulations 2009 make provision for applicant teachers to temporarily register with the General Teaching Council for England and Wales. This will ensure that the applicant teacher is subject to the same requirements and safeguards that are already in place for all other teachers in England and Wales.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 The General Teaching Council for England maintains a register of every person who is eligible for registration and applies to be registered in accordance with the General Teaching Council for England (Registration of Teachers) Regulations 2000 and has issued a code laying down standards of professional conduct and practice expected of registered teachers under those regulations.
 - 4.2 The General Teaching Council for Wales maintains a register of every person who is eligible for registration and applies to be registered in accordance with the General Teaching Council for Wales (Functions) Regulations 2000 and has issued a code laying down standards for the professional conduct and practice expected of registered teachers.
 - 4.3 The Councils also have disciplinary powers to take action against any registered teacher alleged to be guilty of unacceptable professional conduct or serious professional incompetence or who have been convicted of a relevant offence, and may take into account any failure to comply with the code in any disciplinary procedures.
 - 4.4 The current legislation provides a useful safeguard to prevent qualified teachers who commit acts of unacceptable professional conduct or who have been convicted of a relevant offence from registering with the respective GTC or remove them from the register if they are already registered. It also provides that qualified teachers must be registered with full registration in order to teach, so those who are not registered cannot teach. These regulations extend existing safeguards to temporary teachers from other EEA states or Switzerland to register with the respective GTC.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The regulations make provision for applicant teachers to temporarily register with the General Teaching Council for England or the General Teaching Council for Wales. This will ensure that they are subject to the same requirements and safeguards that are already in place for all other teachers in England and Wales.

7.2 Qualified teachers in England taking up a teaching post are currently exempt from the requirement to be registered for up to four weeks from the date of take up of the post, provided that they apply for registration before they take up the post. This is to ensure that any procedural delays in registration and suitability process would not prevent a teacher from starting work. However, Wales have decided not to adopt this approach because current legislation requires all qualified teachers, who are required to register, to register with GTCW prior to starting work.

8. Consultation Outcome

8.1 Local Authorities, maintained schools, teacher training providers and a wide range of public and professional bodies were invited to contribute to a consultation exercise running from 13 July – 7 October 2009. Consultation attracted 7 responses, from organisations such as Local Authorities, teacher unions, GTC Scotland and GTCW.

8.2 Responses to questions about the reasons for our proposals were in favour of the regulations with the majority of organisations making additional comments. However, there is nothing significant that would require serious amendments or delay the implementation of these regulations.

8.3 The GTCW requested that the Department should include a separate provision to consider CRB checks which essentially would allow a decision being made as to suitability. This would create an additional hurdle for applicant teachers before being registered and would also go against the requirement of the Directive. Article 6 provides that the provision of a copy of the declaration and documents mentioned constitutes automatic temporary registration, and so therefore the Department is unable to make this amendment.

9. Guidance

9.1 Guidance on the changes made by these regulations will be disseminated via the Department's weekly local authority email to coincide with the coming into force of the regulations.

10. Impact

10.1 This creates no new burden on employers and as such a Regulatory Impact Assessment is not necessary as any impact would be minimal.

10.2 The impact on the public sector is minimal and is of neutral impact on employees. Where it becomes evident that an applicant teacher has not registered with the respective GTC, it is the responsibility of the employer to take the appropriate action.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department is putting plans in place to perform further monitoring with the GTCE and GTCW.

13. Contact

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