
WELSH STATUTORY INSTRUMENTS

2015 No. 140

**The Education Workforce Council (Main
Functions) (Wales) Regulations 2015**

PART 8

Supply of information: the Council

Supply of information to registered persons and others

47.—(1) The Council must supply to a registered person, on request, a copy of the information entered on the Register against that person's name.

(2) The Council must supply to a person about whom they maintain records in accordance with these Regulations, on request, a copy of those records.

(3) For the purposes of this Part a reference to a registered person in Schedule 2 is to be taken be a reference to an unregistered person about whom the Council maintains records in accordance with these Regulations.

Supply of information to employers

48.—(1) This regulation applies to an employer who is—

- (a) a local authority;
- (b) the governing body of a school maintained by a local authority;
- (c) the governing body of a non-maintained special school;
- (d) the proprietor of an independent school;
- (e) an institution within the higher education sector;
- (f) an institution within the further education sector;
- (g) a supply teacher agency; or
- (h) the Service Children's Education.

(2) The following are to be treated as an employer or prospective employer—

- (a) a local authority where the employer or prospective employer is the governing body of a school maintained by that authority (whether or not the governing body has made a request under paragraph (3));
- (b) the appropriate diocesan authority in relation to a Church in Wales or Roman Catholic Church school (within the meaning of section 142 of the School Standards and Framework Act 1998⁽¹⁾) where the employer or prospective employer is the governing body of the school or the local authority maintaining the school (whether or not the governing body or the authority have made a request under paragraph (3)); and

(1) 1998 c. 31.

- (c) the Ministry of Defence in relation to a person appointed, or being considered for appointment, as a teacher at a school maintained or assisted by the Ministry of Defence.
- (3) The Council must if requested by an employer or prospective employer supply the information set out in paragraph (4) in respect of the registered or unregistered person concerned to that employer or prospective employer of—
 - (a) a registered person; or
 - (b) an unregistered person about whom they maintain records in accordance with these Regulations.
- (4) The information referred to in paragraph (3) is—
 - (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
 - (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
 - (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).
- (5) A person to whom information is supplied pursuant to (3) applies must not disclose information supplied under this regulation to any person other than one of the persons set out in paragraph (3)(a) or (b) to whom the information relates.
- (6) Paragraph (5) does not prevent a local authority from disclosing information supplied to them under this regulation to the governing body of the school or institution at which the person concerned is or is proposed to be employed.
- (7) The supply of any information under paragraph (3) must be subject to the condition that the information is only to be used for the purposes of ascertaining the suitability of the registered or unregistered person for employment or continued employment (as the case may be).

Supply of information to the Secretary of State

- 49.—**(1) The Council must on request supply to the Secretary of State the information set out in paragraph (2) in relation to—
- (a) a registered person; or
 - (b) an unregistered person about whom it maintains records in accordance with these Regulations.
- (2) The information referred to in paragraph (1) is—
- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
 - (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
 - (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).
- (3) Where information is supplied under paragraph (1), a condition must be imposed requiring the Secretary of State not to disclose that information to any person other than one of the persons set out in paragraph (2)(a) or (b) to whom the information relates.

Supply of information to the General Teaching Council for Scotland

50.—(1) The Council must on request supply to the General Teaching Council for Scotland the information set out in paragraph (2) in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Scotland not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Supply of information to the General Teaching Council for Northern Ireland

51.—(1) The Council must on request supply to the General Teaching Council for Ireland the information set out in paragraph (2) below in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintain records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Northern Ireland not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Supply of information to An Chomhairle Mhúinteoireachta or the Teaching Council

52.—(1) The Council must on request supply to An Chomhairle Mhúinteoireachta or the Teaching Council the information set out in paragraph (2) below in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching

Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;

(b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and

(c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring An Chomhairle Mhúinteoireachta or the Teaching Council not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

Supply of information to appropriate bodies

53.—(1) The Council must on request supply to an appropriate body the information contained in paragraph 34 of Part 2 of Schedule 2 in relation to—

(a) a registered person; or

(b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) Information is only to be supplied pursuant to paragraph (1) on condition that the appropriate body does not disclose information supplied under this regulation to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.