

REGULATORY APPRAISAL

EDUCATION, WALES

THE GENERAL TEACHING COUNCIL FOR WALES (ADDITIONAL FUNCTIONS) (AMENDMENT) ORDER 2005

Purpose and intended effect of the Order

1. This Order amends the General Teaching Council for Wales (Additional Functions) (Amendment) Order 2000 which requires the Council to maintain records relating to specified categories of persons who are not on the register.
2. The proposed amendments to the Order (*which requires the Council to maintain records relating to specified categories of person who are not on the register*) will:
 - (i) enable the General Teaching Council for Wales (GTCW) to monitor the date a teacher begins a contract as a supply teacher;
 - (ii) remove the requirement to record the date on which all teachers took up their most current post and the date on which an Initial Teacher Training (ITT) course started.
 - (iii) mirror changes recently made to the Regulations so that they restrict the particulars of academic and professional qualifications recorded on the register to qualifications that are relevant to employment as a teacher;
 - (iv) update references to the Education Act 2002.

(i) and (ii) mirror changes set out in the proposed General Teaching Council for Wales (Functions) (Amendment) Regulations 2005.
3. It is proposed that an additional clause be added to the Order to enable the Council to monitor the date a person was first employed (if at all) under Paragraph 4 of Schedule 1 to the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003. Another new clause will enable the Council to register the date on which a person was first employed under Regulation 18(2) of the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003, which allows the appropriate body to authorise teachers whose 4 term limit has expired to work for a further 12 months.

Risk Assessment

4. If these amendments are not made this Order and the proposed General Teaching Council for Wales (Functions) (Amendment) Regulations 2005 will vary, which could cause confusion. Important information would be lost should a person, for whatever reason, be removed from the register. There would also be an added burden on the Council to retain information that is not required. In addition, it is important that the Order is easily understood and refers to the most recent legislation.

Options

5. There are two options:

(a) Do nothing

6. The Council will be unable to record the date upon which Newly Qualified Teachers (NQTs) start supply teaching, and therefore unable to monitor the four term rule that applies to all NQTs who undertake short term supply work at the beginning of their career. They will also be unable to monitor where an extension has been approved to the 4-term limit. This will mean that some NQTs do not undertake Induction and benefit from the support that it provides.
7. The Council could be in breach of the Data Protection Act and the General Teaching Council for Wales (Functions) Regulations 2000 and the General Teaching Council for Wales (Additional Functions) Order 2000.
8. This Order and the proposed General Teaching Council for Wales (Functions) (Amendment) Regulations 2005 would vary and also this Order would not refer to the most recent legislation - both of which could cause confusion.

(b) Make this Legislation

9. This option will enable the GTCW to monitor if a person is eligible to continue in employment as a supply teacher under the Education (Induction Arrangements for School Teachers)(Wales) Regulations 2003 which impose limits on the periods during which a person who has not served an induction period, may be employed as a teacher. This will ensure that *all* NQTS benefit from the advice and support that Induction provides.
10. It will also reduce the burden on the GTCW in terms of record keeping and on teachers in terms of updating/adding information, and ensure the regulations are easily understood and up to date.

Costs

11. There are no financial implications for the Assembly. The additional costs associated with the proposed Order requiring the Council to keep additional information on the database in terms of induction are minimal, and are out-weighted by the reduction in data to be kept by the GTCW and maintained by teachers.

Consultation

With Stakeholders

12. Formal consultation on this Order (together with The General Teaching Council for Wales (Functions) (Amendment) Regulations 2005) took place from 7 July to 24 September 2004. Stakeholders consulted included local education authorities, schools, diocesan organisations, professional associations, teaching and support staff unions, General Teaching Councils, the Higher Education Funding Council for Wales, Initial Teacher Training Providers, the Universities Council for the Education of Trainers (UCET Cymru), Estyn, the Teacher Training Agency, Central Government Education Departments and other interested parties.
13. There were 10 formal responses to the consultation, all supportive of the proposals. Two amendments were suggested. The teaching unions asked that, for the sake of clarity, the explanatory note accompanying the Order be amended to reflect that the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 had been amended in May 2004. The May amendments included provision for an appropriate body to recommend extending the four-term limit on supply work without completion of Induction by one year.
14. The GTCW drew attention to the fact that the Order appeared to indicate that the information recorded on the Register would need to be removed once a teacher had successfully completed an Induction Period. This would cause the GTCW unnecessary and additional work.
15. The explanatory note and the Order have been amended to reflect the two suggestions.

With Subject Committee

16. The Education and Lifelong Learning Committee identified this Instrument (together with The General Teaching Council for Wales (Functions) (Amendment) Regulations 2005) for detailed scrutiny at its meeting on 10 November 2004 (Item 5). A discussion took place about extending the four-term limit on supply work without completion of induction. The Minister explained that this was a separate matter, and that this Order and related Regulations were technical in nature and would allow the GTCW to record the date upon which a teacher commenced long-term supply work. No amendments were suggested.

Enforcement, Monitoring and Review

17. The Assembly Government holds regular meetings with the GTCW to discuss a wide variety of issues impacting on the Council, including its statutory obligations. This will continue if the proposals are implemented.

Summary

18. The purpose of the proposed Order is to ensure that arrangements are in place to monitor the time limits during which a supply teacher who has not served an Induction period may be employed as a teacher; to avoid placing unnecessary burdens on the GTCW and teachers; and to avoid any possible confusion.