

Constitutional and Legislative Affairs Committee Draft Report CLA

Title: The Education Workforce Council (Additional Functions and Revocation) (Wales) Order 2015

This Order re-enacts the General Teaching Council for Wales (Additional Functions Order 2005 (“the 2005 Order”) as a consequence of the Education (Wales) Act 2014 which provides that the General Teaching Council for Wales (“the GTCW”) is to continue to exist but is re-named the Education Workforce Council.

The Order also revokes the General Teaching Council for Wales (Additional Functions) Order 2000. That Order conferred additional functions on the GTCW in relation to the maintenance of records in respect of persons registered with it. The provision in relation to the maintenance of such records by the Council will now be contained in the Education Workforce Council (Main Functions) (Wales) Regulations 2015, which will be brought into force on 1 April 2015.

Procedure: Affirmative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument:

1. This Order revokes the General Teaching Council for Wales (Additional Functions) Order 2000. That Order conferred additional functions on the GTCW in relation to the maintenance of records in respect of persons registered with it. The provisions in relation to the maintenance of such records by the Council will be contained in the Education Workforce Council (Main Functions) (Wales) Regulations 2015 ("the 2015 Regulations"). It is anticipated that the 2015 Regulations will come into force on 1st April 2015. However, this cannot be guaranteed. If this Order comes into force before the 2015 Regulations then the duties the Council has in relation to record maintenance would not apply until the new Regulations came into force. We have already received the draft 2015 Regulations for checking and the Welsh Government anticipates that both the Order and 2015 Regulations will come into force on the same day.

Legal Advisers

Constitutional and Legislative Affairs Committee

January 2015

Government's Response

The Education Workforce Council (Additional Functions and Revocation) (Wales) Order 2015

The Welsh Government notes the merits point and accepts the point made. The Welsh Government anticipate that the Education Workforce Council (Main Functions) (Wales) Regulations 2015 will be made during the week commencing 26 January 2015 and will then come into force on 1 April 2015. In practice therefore the Welsh Government do not anticipate that the potential difficulty noted in the report will arise.