WELSH STATUTORY INSTRUMENTS

2009 No. 1350 (W.126)

EDUCATION, WALES

The Education (Supply of Information) (Wales) Regulations 2009

Made - - - -	*2 June 2009*
Laid before the National Assembly for Wales - -	*4 June 2009*
Coming into force - -	*12 October 2009*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 6, 15, 15A and 42(6) and (7) of, and Schedule 2 to, the Teaching and Higher Education Act 1998(**1**) and now vested in the Welsh Ministers(**2**), and after consulting the General Teaching Council for Wales in accordance with section 42(9) of the Act.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Supply of Information) (Wales) Regulations 2009 and they come into force on 12 October 2009.

(2) These Regulations apply in relation to Wales.

(3) These Regulations do not apply where a relevant employer or an agent is required to provide information to the Independent Barring Board under section 35, 36 or 39 of the Safeguarding Vulnerable Groups Act 2006(**3**) in relation to a registered teacher's case, the facts of which they would otherwise be required to report under regulation 4(1) or 5(1) of these Regulations.

Revocation

2. The Education (Supply of Information) (Wales) Regulations 2003(**4**) are revoked.

(**1**) 1998 c. 30. Schedule 2 applies in relation to the Council by virtue of section 9 of the 1998 Act. Section 15 was substituted and section 15A was inserted by paragraph 83 of Schedule 21 to the Education Act 2002 (c. 32) and both sections were subsequently amended by paragraphs 5 and 6 of Schedule 9 to Safeguarding Vulnerable Groups Act 2006 (c. 47). For the meaning of "prescribed" *see* section 43(1) of the 1998 Act.

(**2**) The Secretary of State's functions were transferred to the National Assembly for Wales by virtue of section 211 of the Education Act 2002 and the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) 2006 c. 47.

(**4**) S.I. 2003/542 (W.76).

Interpretation

3. Except where the context otherwise requires, in these Regulations—

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998;

"agent" ("*asiant*") has the meaning given by section 15A(1) of the 1998 Act;

"arrangements" ("*trefniadau*") means arrangements of the kind referred to in section 15A(1) of the 1998 Act for a worker who is a registered teacher to carry out work in Wales;

"Committee" ("*Pwyllgor*") means an Investigating Committee, a Professional Competence Committee or a Professional Conduct Committee established under the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(**5**);

"the Council" ("*y Cyngor*") means the General Teaching Council for Wales;

"Investigating Committee" ("*Pwyllgor Ymchwilio*") means a committee established under regulation 3(1) of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001;

"registered teacher" ("*athro cofrestredig neu athrawes gofrestredig*") means —

(a) a person for the time being registered under section 3 of the 1998 Act;

(b) a person who was registered under section 3 of the 1998 Act at the time of any alleged conduct or offence on his or her part; or

(c) a person who has made an application to be registered under section 3 of the 1998 Act;

"relevant employer" ("*cyflogwr perthnasol*") has the meaning given by section 15(5) of the 1998 Act; and

"services" ("*gwasanaethau*") means services provided to a relevant employer in Wales and includes professional and voluntary services.

Employer's reports

4.—(1) Where a relevant employer—

(a) has ceased to use the services of a registered teacher on the ground of —

(i) misconduct;

(ii) professional incompetence; or

(iii) conviction of a relevant offence within the meaning of paragraph 8 of Schedule 2 to the 1998 Act, or

(b) might have ceased to use a registered teacher's services on such a ground had the teacher not ceased to provide those services,

the employer must report the facts of the case and provide all the information listed in Part 1 of the Schedule that is available to the employer in relation to the teacher to the Council.

(2) The Council must make all information provided to them under this regulation available to an Investigating Committee.

Agent's reports

5.—(1) Where an agent—

(a) has terminated arrangements on the ground of—

(i) misconduct;

(**5**) S.I. 2001/1424 (W.99).