

ACCOMPANYING DOCUMENTS
Explanatory Notes and an Explanatory Memorandum are printed separately.

Education (Wales) Bill

[AS INTRODUCED]

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Education (Wales) Bill

[AS INTRODUCED]

An Act of the National Assembly of Wales to make provision about the Education Workforce Council (formerly the General Teaching Council for Wales); to extend the registration, qualification and training requirements of the education workforce; to make provision about independent schools providing special education; to make provision in connection with post-16 education and training for persons with learning difficulties; to make provision about the determination of school term and holiday dates in Wales; to make provision in connection with appointments to Her Majesty's Inspectorate of Education and Training in Wales; and for connected purposes.

Having been passed by the National Assembly for Wales and having received the Assent of Her Majesty, it is enacted as follows:-

PART 1

INTRODUCTION

1 Overview

- (1) This Part gives an overview of the content of this Act.
- (2) Part 2 makes provision about—
 - (a) the reform of the General Teaching Council for Wales and its renaming as the Education Workforce Council;
 - (b) the registration of certain persons who educate children and young people;
 - (c) the regulation of registered persons, including—
 - (i) the obligation of registered persons to comply with a code specifying the standards of professional conduct and practice;
 - (ii) the action that can be taken against a registered person;
 - (d) the sharing of information about registered persons.
- (3) Part 3 makes provision—
 - (a) about the provision of education for persons with special educational needs by independent schools in Wales;
 - (b) for local authorities in Wales to secure assessments of the educational and training needs of persons with learning difficulties, and to secure provision specified in an assessment.
- (4) Part 4 makes provision about—
 - (a) the fixing of term and holiday dates for schools in Wales;
 - (b) the times of school sessions;
 - (c) the appointment of persons to Her Majesty's Inspectorate of Education in Wales.

- (5) Part 5 makes general provision in relation to the Bill.
- (6) An index of the defined words and expressions used in this Act is provided in Schedule 4.

PART 2

EDUCATION WORKFORCE

Education Workforce Council

2 Education Workforce Council

- (1) The body corporate established in pursuance of section 8 of the Teaching and Higher Education Act 1998 (c. 30) and known as the General Teaching Council for Wales –
 - (a) is to continue to exist, but
 - (b) is to change its name to (and now be known as) the “Education Workforce Council” (in this Act referred to as “the Council”).
- (2) Schedule 1 (which makes provision about the constitution and powers of the Council) has effect.

3 Aims of the Council

The principal aims of the Council are –

- (a) to contribute to improving the standards of teaching and the quality of learning in Wales, and
- (b) to maintain and improve standards of professional conduct amongst teachers and persons who support teaching and learning in Wales.

4 Functions of the Council

- (1) The Council’s main functions are –
 - (a) to provide advice on matters related to the persons which it regulates and teaching and learning in accordance with section 7;
 - (b) to undertake activities to promote careers in registrable professions in accordance with section 8;
 - (c) to establish and maintain a register in accordance with section 9;
 - (d) to keep itself informed about the induction of persons in accordance with section 17 and to hear appeals in relation to induction decisions in accordance with section 19;
 - (e) to review and revise the code which specifies standards of professional conduct and practice for registered persons in accordance with section 24;
 - (f) to investigate unacceptable professional conduct and professional incompetence and take appropriate action in respect of registered persons in accordance with section 26;

(g) to hold such information about persons as may be specified in accordance with section 33 and to provide information to such bodies as may be specified in accordance with section 35.

(2) The Council also has the additional functions conferred on it by virtue of—

- (a) this Act;
- (b) an order under section 5;
- (c) any other enactment.

(3) The functions conferred on the Council by or under this Part are exercisable by it only in relation to Wales.

5 Power to add functions

(1) The Welsh Ministers may by order confer or impose on the Council such additional functions as they consider appropriate.

(2) Before making an order under subsection (1) the Welsh Ministers must consult such persons as they consider appropriate.

6 Directions

(1) The Council must comply with any direction (general or specific) given to it by the Welsh Ministers.

(2) A direction may not be given in respect of—

- (a) a specific application for registration under section 9;
- (b) an appeal relating to such an application;
- (c) a specific disciplinary case under section 26.

(3) The Welsh Ministers must publish a direction given under this section in such manner as they consider appropriate.

(4) The Welsh Ministers may vary or revoke a direction (and subsection (3) applies in relation to any document varying or revoking a direction as it applies to a direction).

Provision of advice and promotion of careers

7 Provision of advice by the Council

(1) The Welsh Ministers may require the Council to provide advice—

- (a) to them on—
 - (i) a relevant matter, or
 - (ii) any other matter relating to teaching or learning, and
- (b) to another person on a relevant matter.

(2) For the purposes of this section the “relevant matters” are—

- (a) standards of services provided by registered persons;
- (b) standards of conduct for registered persons;

- (c) the fitness to practise of registered persons;
- (d) the roles of the professions represented in the categories of registration;
- (e) the standing of each of those professions;
- (f) the training, career development and performance management of registered persons;
- (g) the recruitment to and retention of registered persons in each category of registration;
- (h) the supply of registered persons.

(3) The Council may also provide such advice on relevant matters as it considers appropriate to such persons as it may determine.

(4) But the Council may not exercise the power in subsection (3) without the Welsh Ministers' prior consent as to the relevant matter and the recipient of the advice.

(5) For the purposes of subsection (4), the Welsh Ministers may give consent –

- (a) with respect to a particular case or class of case;
- (b) subject to such conditions as they consider appropriate.

(6) Advice given under this section in relation to relevant matters must be of a general nature.

(7) The Council may, with the consent of the Welsh Ministers, publish any advice it gives under this section.

8 Promotion of careers

(1) The Council must undertake such activities as the Welsh Ministers may require with a view to promoting careers in the registrable professions in Wales.

(2) The activities that may be required may include, in particular –

- (a) giving advice;
- (b) organising conferences and lectures;
- (c) publishing promotional materials.

(3) For the purposes of section 4(1)(b) and this section, the reference to careers in the registrable professions is a reference to careers providing the services described in relation to a category of registration (for example, teaching).

Registration of education workforce

9 Register

(1) The Council must establish and maintain a register for the purposes of this Part.

(2) The register must contain the name of every person who is eligible for registration under section 10 and applies to be registered.

(3) The register must comprise the categories set out and described in table 1 of Schedule 2 (the "categories of registration").

(4) Each registered person must be registered in at least one category of registration.

- (5) A person may be registered on a provisional basis.

10 Eligibility for registration

- (1) A person is eligible for registration if the person meets the conditions in this section.

- (2) The first condition is that the person—

5 (a) meets the description of a category of registration and has satisfactorily completed any period of induction required by virtue of section 17, or

(b) satisfies such requirements for provisional registration as the Welsh Ministers may by regulations specify.

- (3) The second condition is that the person is not—

10 (a) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (c. 47)),

(b) subject to a disciplinary order made under this Act by virtue of which the person is ineligible to register, or

15 (c) disqualified from working in a post equivalent to the category of registration for which registration is sought in another part of the United Kingdom.

- (4) The third condition is that, at the time of registration, the Council is satisfied that the applicant is a suitable person to be registered in the category of registration for which registration is sought.

- 20 (5) In exercising its functions under subsection (4), the Council must have regard to any guidance issued by the Welsh Ministers.

- (6) The Welsh Ministers may by order amend subsection (3) to specify such additional grounds of ineligibility as they consider necessary or expedient.

- (7) Before making an order under subsection (6) the Welsh Ministers must consult such persons or bodies as they consider appropriate.

25 11 Appeals against refusal of registration

- (1) A person whose application for registration has been refused by the Council on the ground that the Council was not satisfied as to the applicant's suitability under section 10(4) may appeal against the decision to the High Court.

- 30 (2) An appeal under subsection (1) must be made within the period of 28 days beginning with the date on which the notice of the decision is served on the applicant.

- (3) In respect of such an appeal, the High Court may make any order which it considers appropriate.

- (4) The decision of the High Court is final (and may not be appealed).

12 Registration fees

- 35 (1) The Welsh Ministers may by regulations make provision about the fees which may be payable in connection with registration (including fees for restoration to, or retention in, the register).

- (2) Regulations under this section may, in particular, make provision—
- (a) authorising the Council to charge and recover fees;
 - (b) about the amount of the fees (and who is to determine the amount);
 - (c) about any exceptions and exemptions which may or must apply;
 - 5 (d) requiring employers of registered persons—
 - (i) to deduct (or arrange for the deduction) from the salary of a registered person any fee payable, and
 - (ii) to remit that fee to the Council;
 - 10 (e) about the arrangements to be adopted by employers in pursuance of paragraph (d);
 - (f) about the administration charges which may be deducted by employers from any fees remitted to the Council;
 - (g) about the consequences of failing to pay fees (which may include refusal to register, or removal from the register).
 - 15 (3) In this section, “salary” includes any remuneration payable in respect of services provided by a registered person.

13 Registration: further provision

- (1) The Welsh Ministers may by regulations make such further provision about the register and registration as they consider necessary or expedient.
- 20 (2) Regulations under this section may, in particular, make provision about—
- (a) the form and content of the register;
 - (b) the form and manner in which applications for registration are to be made;
 - (c) the documentary and other evidence which is to accompany applications;
 - (d) how an applicant is to be informed of—
 - 25 (i) the decision on whether to grant or refuse an application for registration, and
 - (ii) in the case of a refusal to register, the grounds on which the application was refused and the applicant’s right to appeal the decision;
 - 30 (e) the matters which are to be recorded in the register against the names of those registered in it;
 - (f) the restoration and alteration of entries;
 - (g) the removal of entries from the register in such circumstances as the regulations may specify;
 - (h) the issue and form of certificates of registration;
 - 35 (i) the information contained in the register which may be made available for inspection by members of the public and the circumstances in which and the conditions subject to which that information may be made available.

*Requirements to be satisfied to provide services***14 School teachers and school learning support workers**

- (1) The Welsh Ministers may by regulations provide that specified services may not be provided by a person in a school unless –
- 5 (a) the person –
- (i) is a qualified teacher (see section 132 of the 2002 Act), or
- (ii) satisfies specified requirements, and
- (b) the person is registered in a specified category of registration.
- 10 (2) Regulations under subsection (1) specifying services for the purpose of this section may make provision by reference to –
- (a) one or more specified activities, or
- (b) the circumstances in which activities are carried out.
- (3) Provision made by virtue of subsection (2) may, in particular, be made by reference to an activity specified in a document of the kind mentioned in section 124(3) of the 2002 Act.
- 15 (4) A requirement of regulations under subsection (1) may, in particular, relate to –
- (a) the possession of a specified qualification or experience of a specified kind;
- (b) participation in or completion of a specified programme or course of training;
- (c) compliance with a specified condition;
- (d) an exercise of discretion by the Welsh Ministers, another specified person or
- 20 another person of a specified description.
- (5) Regulations under subsection (1) may limit the period of time during which work may be provided by a person in reliance on subsection (1)(a)(ii).
- (6) In this section, “school” means –
- (a) a school maintained by a local authority in Wales, and
- 25 (b) a special school in Wales not so maintained.

15 Further education teachers

- (1) The Welsh Ministers may by regulations –
- (a) provide that education may not be provided by a person in or for a further education institution in Wales unless the person –
- 30 (i) has a specified qualification, and
- (ii) is registered in the category of further education teacher;
- (b) specify conditions to be complied with by or in respect of a person providing education in or for a further education institution in Wales.

- (2) Regulations under subsection (1) may provide that a specified provision of the regulations is not to apply where a specified condition (which may refer to the opinion of a specified person) is satisfied.
- (3) Regulations under subsection (1) may impose a function on—
- 5 (a) a local authority in Wales;
- (b) a governing body (within the meaning of section 90(1) of the Further and Higher Education Act 1992 (c. 13)) of a further education institution in Wales.
- (4) For the purposes of this section, “education” has the meaning given by section 140(3) of the 2002 Act.

10 **16 Further education learning support workers**

- (1) The Welsh Ministers may by regulations provide that a person may not (directly or indirectly) provide the services described in subsection (2) in or for a further education institution in Wales unless the person—
- 15 (a) satisfies any specified requirements, and
- (b) is registered in the category of further education learning support worker.
- (2) The services are—
- (a) enabling or assisting a learner to participate in education,
- (b) supporting a learner’s independence, achievement or progression, or
- 20 (c) supporting a person who is providing education in or for a further education institution.
- (3) A requirement of regulations under subsection (1) may, in particular, relate to—
- (a) the possession of a specified qualification or experience of a specified kind;
- (b) participation in or completion of a specified programme or course of training;
- (c) compliance with a specified condition;
- 25 (d) an exercise of discretion by the Welsh Ministers, another specified person or another person of a specified description.
- (4) For the purposes of this section, “education” has the meaning given by section 140(3) of the 2002 Act.

Induction and appraisal of registered persons

30 **17 Requirement to undertake period of induction**

- (1) The Welsh Ministers may by regulations make provision for, and in connection with, requiring a person to have satisfactorily completed such period of induction in a place or setting of such description as may be specified before the person may be registered (otherwise than on a provisional basis).
- 35 (2) Regulations under subsection (1) may make provision—
- (a) about the circumstances in which a person may be exempted from the requirement to have satisfactorily completed a period of induction;

- (b) about the period and process of induction including, in particular, provision relating to—
- (i) the periods of employment which may count towards the period of induction;
 - 5 (ii) the approvals which may be required before a person may undertake a period of induction;
 - (iii) the circumstances in which induction is not to occur at a place or setting of a specified description;
 - 10 (iv) the circumstances in which a person may undertake more than one period of induction;
- (c) about the training and supervision of a person during a period of induction;
- (d) about the assessment of persons who are undertaking a period of induction, including, in particular, provision—
- 15 (i) specifying the person or body who is responsible for deciding whether a person has satisfactorily completed a period of induction (“the appropriate body”);
 - (ii) requiring a relevant principal to make a recommendation to the appropriate body as to whether a person has met the required standards determined under section 18;
 - 20 (iii) specifying circumstances in which the appropriate body may or must decide that a person’s period of induction should be extended;
- (e) about the consequences of a person completing a period of induction (whether satisfactorily or not), including, in particular, provision—
- 25 (i) requiring the appropriate body to inform the Welsh Ministers and the Council when a person has completed a period of induction or had it extended;
 - (ii) requiring that the employer of a person who has not satisfactorily completed a period of induction terminate the person’s employment or otherwise secure that the person stops providing relevant services for the employer;
 - 30 (iii) requiring that the person only provides such relevant services for the person’s employer as may be determined in accordance with the regulations;
- (f) about such other matters relating to periods of induction as the Welsh Ministers consider necessary or expedient, including (for example) provision—
- 35 (i) requiring an appropriate body which is not a local authority to include a representative of such an authority,
 - (ii) conferring further functions on the appropriate body, and
 - 40 (iii) authorising the appropriate body, in such circumstances as may be specified, to make such charges in connection with the exercise of its functions as it may determine.

- (3) A person or body exercising a function under this section or any regulations made under it must have regard to any relevant guidance issued by the Welsh Ministers.

18 Induction assessment standards

- (1) The Welsh Ministers may determine the standards against which a person is to be assessed for the purpose of deciding whether or not that person has satisfactorily completed a period of induction under section 17.
- (2) Different standards may be determined for different categories of registration.
- (3) The Welsh Ministers must consult the Council before making a determination under this section.

19 Appeals against induction decisions

- (1) A person who is aggrieved by a decision of the appropriate body under section 17(2)(d) may appeal against the decision to the Council.
- (2) Any decision made on such an appeal is final (and may not be appealed).
- (3) The Welsh Ministers may by regulations make provision about such matters relating to appeals under this section as the Welsh Ministers consider necessary or expedient.

20 Induction: intervention powers

- (1) Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of section 17 as if references to the local authority included –
- (a) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
- (b) an appropriate body other than a governing body of a school maintained by a local authority, the governing body of a special school not so maintained or a local authority.
- (2) For the purposes of subsection (1), a direction given by the Welsh Ministers under Chapter 2 of Part 2 of the 2013 Act is enforceable by an injunction (rather than a mandatory order) on application by, or on behalf of, the Welsh Ministers.
- (3) This section is without prejudice to Part 2 of the 2013 Act as it applies to –
- (a) governing bodies of –
- (i) schools maintained by a local authority in Wales,
- (ii) special schools in Wales which are not so maintained, and
- (b) local authorities in Wales,
- in respect of any duties imposed or powers conferred on them by virtue of section 17.

21 Induction: interpretation

For the purposes of sections 17 to 20 –

“appropriate body” is to be construed in accordance with section 17(2)(d);

“relevant principal” means –

- (a) the head teacher of a school,
- (b) the principal of a further education institution, and
- (c) any other person with overall responsibility for registered persons providing relevant services.

22 Special provision for maintained schools with delegated budgets

(1) This section applies where a person –

- (a) has undertaken a period of induction at a relevant maintained school with a view to becoming a school teacher or a school learning support worker,
- (b) has not satisfactorily completed such period of induction, and
- (c) in accordance with a requirement imposed by virtue of section 17(2)(e)(iii), is providing only such relevant services at the school as have been determined in accordance with the regulations.

(2) Any costs incurred by the local authority in respect of the person’s remuneration are not to be met from the school’s budget share for any financial year except in so far as the authority has good reason for deducting those costs, or any part of those costs, from that share.

(3) In this section –

- (a) a “period of induction” means a period of induction required under regulations under section 17(1);
- (b) a “relevant maintained school” is a school maintained by a local authority in Wales which has a delegated budget;
- (c) a reference to a school’s budget share or to its having a delegated budget has the same meaning as in Part 2 of the School Standards and Framework Act 1998.

23 Appraisal of registered persons

(1) The Welsh Ministers may by regulations require the appraisal of the performance of registered persons –

- (a) in a manner specified by the regulations, and
- (b) at times specified by or determined in accordance with the regulations.

(2) Regulations under subsection (1) may impose a duty on –

- (a) a local authority;
- (b) the governing body of a school or a further education institution;

- (c) any other employer of registered persons providing relevant services;
- (d) the head teacher of a school or the principal of a further education institution;
- (e) any other person with overall responsibility for registered persons providing relevant services.

- 5 (3) Regulations under subsection (1) may –
- (a) require or permit an appraisal to be carried out in a manner which confers a discretion on a person specified by, or chosen or determined in accordance with, the regulations;
 - 10 (b) permit a person on whom a duty is imposed under subsection (2) to delegate that duty in whole or in part.
- (4) Regulations under subsection (1) may require or permit a person listed in subsection (2) to have regard to the results of an appraisal in the performance of a function specified by the regulations.
- 15 (5) Regulations under subsection (1) may specify circumstances in which the results of an appraisal of a registered person may be used in determining a registered person's remuneration.
- (6) Before making regulations under this section the Welsh Ministers must consult such persons or bodies as they consider appropriate.
- (7) In this section, "school" means –
- 20 (a) a school maintained by a local authority in Wales, and
 - (b) a special school in Wales not so maintained.

Code of conduct and practice for registered persons

24 Code of conduct and practice

- 25 (1) The Welsh Ministers must prepare and publish a code specifying the standards of professional conduct and practice expected of registered persons.
- (2) The code may provide for different standards for different categories of registered person.
- (3) In preparing the code, the Welsh Ministers must consult such persons and bodies as they consider likely to have an interest in the code.
- 30 (4) The Council must review the code and make such revisions to it as it considers appropriate –
- (a) within 3 years of each date of its publication (under subsection (1) or (5)), and
 - (b) when a new category of registration is added.
- 35 (5) After each review under subsection (4), the Council must publish the code in a manner which the Council considers likely to bring it to the attention of registered persons and anyone else who it considers may have an interest in the code.
- (6) In exercising its functions under subsection (4), the Council must consult such persons and bodies as it considers likely to have an interest in the code.

25 Code of conduct and practice: further provision

- (1) The Welsh Ministers may by regulations make provision about and in connection with the code described in section 24.
- (2) Regulations under this section may, in particular, make provision about –
- 5 (a) the form and content of the code, and
- (b) the consequences of any failure by a registered person to comply with the code, which may include disciplinary proceedings under section 26.

*Disciplinary functions of the Council***26 Disciplinary functions**

- 10 (1) The Council must carry out such investigations as it considers appropriate in cases where –
- (a) it is alleged that a registered person –
- (i) is guilty of unacceptable professional conduct or serious professional incompetence, or
- 15 (ii) has been convicted (at any time) of a relevant offence, or
- (b) it appears to the Council that a registered person may be so guilty or have been so convicted.
- (2) The Council must decide, after carrying out an investigation under subsection (1), what further action to take in respect of the case.
- 20 (3) The actions the Council may take are –
- (a) if it considers that there is no case to answer, to discontinue the case;
- (b) if it considers that there is (or may be) a case to answer –
- (i) to hold a hearing in respect of the case, or
- 25 (ii) with the consent of the person to whom the investigation relates, to determine the case without a hearing;
- (c) to discontinue the case on some other basis.
- (4) Where the Council holds a hearing or the person consents to the case being determined without a hearing, the Council may determine –
- (a) that there is no case to answer;
- 30 (b) that the person is guilty of unacceptable professional conduct, serious professional incompetence or has been convicted of a relevant offence.
- (5) Where the Council determines that a person –
- (a) is guilty of unacceptable professional conduct or serious professional incompetence, or
- 35 (b) has been convicted of a relevant offence,
- the Council may make a disciplinary order in relation to the person.

- (6) The Welsh Ministers may by regulations make provision for any functions conferred on the Council under this section to be excluded or restricted in such manner as may be specified in or determined under the regulations.
- (7) The provision that may be made under subsection (6) includes such provision for excluding or restricting any such functions as the Welsh Ministers consider appropriate with a view to taking account of the powers exercisable by the Disclosure and Barring Service under the Safeguarding Vulnerable Groups Act 2006 (c. 47).

27 **Disciplinary functions: interpretation**

- (1) For the purposes of section 26 –

“registered person” includes –

- (a) a person who was registered at the time of any alleged conduct or offence, and
- (b) a person who has applied to be registered;

“relevant offence”, in relation to a registered person means –

- (a) in the case of a conviction in the United Kingdom, a criminal offence other than one having no material relevance to the person’s fitness to be a registered person in the relevant category of registration;
- (b) in the case of a conviction elsewhere, an offence which, if committed in England and Wales, would constitute such an offence as is mentioned in paragraph (a).

- (2) In this Part, a “disciplinary order” means –

- (a) a reprimand;
- (b) a conditional registration order;
- (c) a suspension order;
- (d) a prohibition order.

- (3) Where regulations under paragraph 12(1)(b) of Schedule 1 require the Council to establish a committee for the purpose of discharging any of the functions conferred on the Council under section 26, references in that section to the Council are to be construed as references to that committee.

28 **Disciplinary functions: further provision**

- (1) The Welsh Ministers may by regulations make provision about or in connection with the functions of the Council under section 26.
- (2) Regulations under subsection (1) may, in particular, make provision –
- (a) about the procedure relating to any investigation or proceedings (including notice requirements, compelling attendance, admissibility of evidence and the administration of oaths);
 - (b) about disciplinary orders (including service requirements, when orders take effect, and the review of orders);

(c) about the action that may be required of and in relation to the employer of a person who is the recipient of a disciplinary order (including dismissing the recipient of the order).

5 (3) No person is to be required by virtue of regulations under this section to give any evidence or produce any document or other thing which that person could not be compelled to give or produce in civil proceedings in any court in England and Wales.

(4) The Welsh Ministers may by regulations make provision for securing that any prohibition order made by virtue of Schedule 11A to the 2002 Act in relation to a teacher in England has a corresponding effect in relation to Wales.

10 (5) Regulations under subsection (4) may modify any provision of this Act.

29 Conditional registration orders

(1) Subsection (2) applies where a conditional registration order is made in relation to a person.

(2) The person –

15 (a) remains eligible for registration under section 9, but

(b) must comply with such conditions relevant to the person's employment as a registered person as may be specified in the order.

(3) The conditions specified may (among other things) –

20 (a) require the person to take any specified steps that will, in the opinion of the Council, help the person become a competent registered person;

(b) involve expenditure on the part of the person.

(4) Any condition specified in a conditional registration order is to have effect –

(a) for such period as may be so specified, or

(b) without limit of time.

25 (5) But the Council may, on the application of a person who has received a conditional registration order, vary or revoke any condition specified in the order.

(6) An application under subsection (5) must be made in accordance with any regulations made for that purpose under section 28.

30 Suspension orders

30 (1) Subsections (2) and (3) apply where a suspension order is made in relation to a person.

(2) The person's name must be removed from the register (if it has not already been removed).

(3) The person becomes ineligible for registration under section 9 for the period (not exceeding two years) specified in the order.

35 (4) A suspension order may specify conditions to be complied with by the person to whom the order relates and, in that case –

(a) the person is to become eligible again for registration under section 9 at the end of the period specified under subsection (3) if the person has complied with the conditions, and

(b) if the person has not complied with the conditions, the person remains ineligible for registration until the person has complied with the conditions.

(5) Any condition specified in a suspension order is to have effect –

(a) for such period as may be so specified, or

(b) without limit of time.

(6) But the Council may, on the application of a person who has received a suspension order, vary or revoke any condition specified in the order.

(7) An application under subsection (6) must be made in accordance with any regulations made for that purpose under section 28.

31 Prohibition orders

(1) Subsections (2) and (3) apply where a prohibition order is made in relation to a person.

(2) The person's name must be removed from the register (if it has not already been removed).

(3) The person becomes ineligible for registration under section 9.

(4) The Council may, on the application of a person who has received a prohibition order, determine that a person is eligible again for registration.

(5) An application under subsection (4) must be made in accordance with any regulations made for that purpose under section 28.

(6) No such application may be made before the end of the period of two years beginning with the date when the prohibition order takes effect or such longer period as may be specified in the order.

32 Appeals against disciplinary orders

(1) A person in respect of whom a disciplinary order has been made may appeal against the order to the High Court.

(2) An appeal under subsection (1) must be made within the period of 28 days beginning with the date on which notice of the order is served on the person.

(3) In respect of such an appeal the High Court may make any order which it considers appropriate.

(4) The decision of the High Court is final (and may not be appealed).

Information duties

33 Council to maintain records about certain persons

(1) For the purposes of this Part, the Welsh Ministers may by regulations require the Council to maintain such records about such persons as may be specified in the regulations.

- (2) Regulations under subsection (1) may, in particular –
- (a) make provision about the form and content of the records, and
 - (b) require the Council to maintain records about persons who are not eligible to be registered.

5 **34 Supply of information: Ministers**

- (1) The Welsh Ministers may provide the Council with such information relating to individual registered persons –
- (a) as the Council may request for the purposes of carrying out any of the functions conferred on it by or under this Part, or
 - 10 (b) as the Welsh Ministers consider it to be necessary or desirable for the Council to have for the purposes of carrying out such functions.
- (2) The Secretary of State may provide the Council with such information relating to individual teachers in schools –
- 15 (a) as the Council may request for the purposes of carrying out any of the functions conferred on it by or under this Part, or
 - (b) as the Secretary of State considers it to be necessary or desirable for the Council to have for the purposes of carrying out such functions.

35 Supply of information: the Council

- 20 (1) The Council must provide the Welsh Ministers with such information as they may reasonably require.
- (2) The Council must, following a request by a registered person, provide that person with a copy of the information entered in the register against that person's name.
- 25 (3) The Council must, following a request by a person (other than a registered person) in respect of whom it maintains records in accordance with section 33, provide that person with a copy of any records it holds about that person.
- (4) The Welsh Ministers may by regulations require the Council to provide information –
- (a) to such other person or body as may be specified, and
 - (b) for such purposes and subject to such conditions as may be specified.

36 Supply of information: employers

- 30 (1) A relevant employer must provide the Council with –
- (a) the name of any registered person it employs or engages to provide relevant services in Wales, and
 - (b) such other information about such a registered person as the Council may reasonably require in connection with the performance of its functions.
- 35 (2) Where a relevant employer –
- (a) ceases to use the services of a registered person in Wales on a ground mentioned in subsection (3), or

- (b) might have ceased to use the services of the registered person in Wales on a ground mentioned in subsection (3) had the person not stopped providing those services,

the relevant employer must provide the Council with such information as may be specified in regulations made by the Welsh Ministers.

- (3) The grounds are –

- (a) unacceptable professional conduct;
- (b) professional incompetence;
- (c) conviction of a relevant offence.

- (4) In this section –

“relevant employer” means a person who employs or otherwise engages registered persons to provide relevant services in Wales;

“relevant offence” has the same meaning as in section 27(1).

37 Supply of information: agents and contractors

- (1) This section applies to arrangements made by one person (the “agent”) for a registered person to provide relevant services at the request of or with the consent of a relevant employer (whether or not under a contract).

- (2) Where an agent –

- (a) has terminated the arrangements on a ground mentioned in section 36(3),
- (b) might have terminated the arrangements on a ground mentioned in section 36(3) if the registered person had not terminated them, or
- (c) might have refrained from making new arrangements for the registered person on a ground mentioned in section 36(3) if the registered person had not ceased offering to provide the services,

the agent must provide the Council with such information as may be specified in regulations made by the Welsh Ministers.

- (3) In this section, “relevant employer” has the same meaning as in section 36(4).

38 Directions to secure compliance with information duties

- (1) This section applies if the Welsh Ministers consider that –

- (a) a relevant employer has failed or is likely to fail to comply with a duty arising under section 36, or
- (b) an agent has failed or is likely to fail to comply with a duty arising under section 37.

- (2) The Welsh Ministers may direct the employer or (as the case may be) agent to comply with the duty.

- (3) A direction under subsection (2) may, on the application of the Welsh Ministers, be enforced by an injunction.

- (4) In this section –

“agent” is to be construed in accordance with section 37;

“relevant employer” has the same meaning as in section 36(4).

Transitional and transitory provision

39 Transfer of registrations of persons already registered

- 5 (1) Where, immediately before the date on which this section comes into force—
- (a) a person was registered in the register maintained under section 3 of the 1998 Act, and
 - (b) the person had satisfactorily completed a period of induction for the purposes of section 19 of that Act,
- 10 the person is deemed on and after that date to be registered in the category of school teacher in the register maintained under section 9 of this Act.
- (2) Where, immediately before the date on which this section comes into force—
- (a) a person was registered in the register maintained under section 3 of the 1998 Act, but
 - 15 (b) the person had not satisfactorily completed a period of induction for the purposes of section 19 of that Act,
- the person is deemed on and after that date to be registered on a provisional basis in the category of school teacher in the register maintained under section 9.

40 Transitory matters relating to eligibility for registration

- 20 For the purposes of section 10(3) —
- (a) a person who is subject to a direction under section 142(1)(a) of the 2002 Act (prohibition from teaching etc.) remains ineligible for registration, and
 - (b) a reference to a disciplinary order under this Act includes a reference to an equivalent disciplinary order made under the 1998 Act.

25 *Interpretation of Part 2*

41 Interpretation of Part 2

- (1) In this Part, except where the context otherwise requires—
- “category of registration” (*“categori cofrestru”*) is to be construed in accordance with section 9(3);
 - 30 “further education institution” (*“sefydliad addysg bellach”*) has the meaning given in section 140 of the 2002 Act;
 - “local authority in Wales” (*“awdurdod lleol yng Nghymru”*) has the same meaning as in the 1996 Act;
 - 35 “registered person” (*“person cofrestredig”*) means (subject to section 27) a person registered in the register established under section 9 (including those registered on a provisional basis);

“relevant services” (“*gwasanaethau perthnasol*”) are services which may be provided only by a registered person;

“special school” (“*ysgol arbennig*”) has the meaning given in section 337 of the 1996 Act;

“the register” (“*y gofrestr*”) means the register established and maintained under section 9(1).

- (2) In this Part, a reference to a person being provisionally registered (however expressed) is a reference to a person who has been registered on a provisional basis.

PART 3

PERSONS WITH LEARNING DIFFICULTIES

Independent schools providing special education

42 Abolition of requirement for approval of independent schools

Section 347 of the 1996 Act (approval of independent schools in Wales) is repealed.

43 Registration of independent schools

- (1) In section 160 of the 2002 Act (applications for registration), in subsection (2), for paragraph (e) substitute—

“(e) whether the school admits pupils for whom statements of special educational needs are maintained under section 324 of the Education Act 1996;

(f) in the case of a school within paragraph (e), the type of special educational needs for which the school is organised to make provision.”.

- (2) In section 161 of the 2002 Act (determination of applications for registration), in subsection (4), in paragraph (c), for “(e)” substitute “(f)”.

- (3) In section 162 of the 2002 Act (changes to registered details)—

(a) in subsection (2), after “a school”, insert “in England”;

(b) after subsection (2), insert—

“(2A) For the purposes of subsection (1), “material change”, in relation to a school in Wales, means—

(a) a change of proprietor,

(b) a change of address, or

(c) a change to the school in respect of any of the matters referred to in section 160(2)(a) to (f).”.

*Post-16 education and training: persons with learning difficulties***44 Persons with learning difficulties: assessment of post-16 educational and training needs**

After section 40 of the 2000 Act, insert –

*“Persons with learning difficulties: assessments***40A Persons with learning difficulties: mandatory assessments of post-16 educational and training needs**

(1) Subsection (2) applies if –

- (a) a local authority in Wales maintains a statement of special educational needs for a person (the “learner”) under section 324 of the Education Act 1996,
- (b) the learner is in the last year of compulsory schooling, or over compulsory school age, and
- (c) information provided to the authority indicates that the learner wishes, on leaving school during or at the end of the current school year, to receive post-16 education or training.

(2) The authority must secure that a post-16 ETN assessment of the learner is carried out during the current school year.

(3) If requested to do so by a person (an “applicant”), a local authority in Wales must give notice in writing to the applicant of whether it proposes to secure under this section that a post-16 ETN assessment of the applicant is carried out during the current school year.

40B Persons with learning difficulties: discretionary assessments of post-16 educational and training needs

(1) A local authority in Wales may secure that a post-16 ETN assessment of a person within subsection (2) is carried out.

(2) A person within this subsection is one –

- (a) who is ordinarily resident in the authority’s area,
- (b) who is in the last year of compulsory schooling, or who is over compulsory school age but under the age of 25,
- (c) who appears to the authority to have a learning difficulty, and
- (d) who is receiving post-16 education or training, or who appears to the authority, from information provided to it, to wish to receive post-16 education or training.

(3) Subsection (4) applies if a person (an “applicant”) requests a local authority in Wales to secure under this section that a post-16 ETN assessment of the applicant is carried out.

(4) The authority must either –

- (a) comply with the request, or
- (b) give notice in writing to the applicant that it does not propose to comply with the request.

(5) Regulations made by the Welsh Ministers may make provision about circumstances in which a person is or is not to be treated for the purposes of this section as being ordinarily resident in the area of a local authority in Wales.

40C Subject matter of mandatory and discretionary assessments of post-16 educational and training needs

(1) For the purposes of this Part, a post-16 ETN assessment of a person is an assessment, resulting in a written report, of –

- (a) the person’s educational and training needs;
- (b) the provision required to meet those needs, so far as –
 - (i) consisting of the provision of post-16 education or training, or
 - (ii) relating to the provision of post-16 education or training that is required to meet the person’s educational and training needs.

(2) A post-16 ETN assessment must determine, and the written report of the assessment specify, whether the provision referred to in subsection (1)(b) includes –

- (a) post-16 education or training that is to be provided otherwise than by an institution within the further education sector, or
- (b) boarding accommodation.

(3) If a post-16 ETN assessment determines that the provision referred to in subsection (1)(b) includes provision that is to be provided by a particular institution, the written report of the assessment must name that institution.

(4) For the purposes of subsection (1)(b)(ii), transport to or from a place where education or training is provided is not to be treated as relating to the provision of that education or training.

(5) Regulations made by the Welsh Ministers may make provision about –

- (a) how a post-16 ETN assessment is to be carried out (including provision about the preparation of the written report of the assessment);
- (b) information that is to be included in, or to accompany, the written report of a post-16 ETN assessment;
- (c) information about post-16 ETN assessments that is to be supplied by a local authority in Wales to the Welsh Ministers.

40D Assessments of post-16 educational and training needs: requests and notices

- 5
- (1) Regulations made by the Welsh Ministers may make provision about the making of requests under section 40A(3) or 40B(3).
- (2) Notice given under section 40A(3) or section 40B(4)(b) must –
- (a) give notification of the right to appeal under section 40G, and
- (b) comply with any other requirements specified in regulations made by the Welsh Ministers.
- 10
- (5) Requirements specified by regulations under this section may (among other things) relate to the period within which a request or notice may or may not be made or given.

40E Resolution of disputes about assessments of post-16 educational and training needs

- 15
- (1) A local authority in Wales must make arrangements with a view to avoiding or resolving disagreements between it and persons within subsections (2) and (3) about the exercise of its functions under sections 40A and 40B.
- (2) A person within this subsection is a person –
- (a) for whom the authority maintains a statement of special educational needs under section 324 of the Education Act 1996, and
- (b) who is in the last year of compulsory schooling or over compulsory school age.
- 20
- (3) A person within this subsection is a person for whom the authority does not maintain a statement of special educational needs under section 324 of the Education Act 1996, but who is –
- (a) ordinarily resident in the authority's area for the purposes of section 40B, and
- (b) in the last year of compulsory schooling or over compulsory school age but under the age of 25.
- 25
- (4) The arrangements must provide for independent persons to be appointed to facilitate the avoidance or resolution of such disagreements.
- (5) The arrangements must not purport to restrict the entitlement of a person to appeal to the Welsh Tribunal under section 40G.
- 30
- (6) The authority must take such steps as it considers appropriate for making known to interested persons –
- (a) the arrangements made by it under this section, and
- (b) the fact that the arrangements do not restrict the entitlement of a person to appeal to the Welsh Tribunal under section 40G.
- 35
- 40

- (7) In subsection (6), “interested persons” means persons the authority considers likely to have an interest in the arrangements.

40F Assessments of post-16 educational and training needs: interpretation

- (1) For the purposes of sections 40A to 40E and this section –
- “compulsory school age” has the same meaning as in the Education Act 1996;
- “institution within the further education sector” has the same meaning as in the Further and Higher Education Act 1992;
- the “last year of compulsory schooling”, in relation to a person, means the last school year at the person’s school during the whole or part of which the person is of compulsory school age;
- “learning difficulty” has the same meaning as in section 41;
- “local authority in Wales” has the same meaning as in the Education Act 1996;
- “school year” has the same meaning as in the Education Act 1996.
- (2) For the purposes of the application of sections 40B(2) and 40E(2) and (3) to a person who is receiving education otherwise than at a school, references in those sections to the last year of compulsory schooling are to be treated as references to the 12 month period ending when the person ceases to be of compulsory school age.”.

45 Assessments of post-16 educational and training needs: appeals

After section 40F of the 2000 Act (as inserted by section 44), insert –

“Persons with learning difficulties: appeals

40G Assessments of post-16 educational and training needs: appeals

- (1) A person (a “learner”) may appeal to the Welsh Tribunal against a matter within subsection (2).
- (2) The matters within this subsection are –
- (a) a decision by a local authority in Wales not to secure a post-16 ETN assessment of the learner under section 40A;
- (b) a decision by a local authority in Wales not to secure a post-16 ETN assessment of the learner under section 40B;
- (c) where a post-16 ETN assessment of the learner has been secured under section 40A or 40B –
- (i) the description in the assessment report of the learner’s educational and training needs;

- (ii) the description in the assessment report of the provision required to meet those needs.
- (3) A local authority is to be treated for the purposes of this section as deciding not to secure a post-16 ETN assessment of a learner under section 40A on the earliest occurrence of an event specified in subsection (4).
- (4) The events are –
- (a) the giving of notice by the authority, under section 40A(3), that it does not propose to secure a post-16 ETN assessment of the learner during the current school year;
 - (b) the expiry of the period of six months from the making of a request as described in section 40A(3), in a case where no post-16 ETN assessment of the learner has been secured in that period;
 - (c) the ending of the school year in which the learner leaves school, in a case where no post-16 ETN assessment of the learner has been secured in that school year.
- (5) A local authority is to be treated for the purposes of this section as deciding not to secure a post-16 ETN assessment of a learner under section 40B on the earliest occurrence of an event specified in subsection (6).
- (6) The events are –
- (a) the giving of notice by the authority under section 40B(4)(b);
 - (b) the expiry of the period of six months from the making of a request as described in section 40B(3), in a case where no post-16 ETN assessment of the learner has been secured in that period.
- (7) References in this section to an assessment report, in relation to a post-16 ETN assessment, are to the written report of the assessment referred to in section 40C(1).

40H Powers of the Welsh Tribunal on determining an appeal

- (1) On an appeal against a decision within section 40G(2)(a) or (b), the Welsh Tribunal may –
- (a) dismiss the appeal, or
 - (b) order the authority to secure a post-16 ETN assessment of the learner.
- (2) On an appeal against a matter within section 40G(2)(c), the Welsh Tribunal may –
- (a) dismiss the appeal,
 - (b) order the authority to secure a new post-16 ETN assessment of the learner, or

(c) order the authority to amend the assessment report, so far as it describes the learner's educational and training needs or the provision required to meet those needs.

5 (3) Where the Tribunal makes an order as described in subsection (2)(c), it may also order the authority to make consequential amendments to the assessment report.

(4) A post-16 ETN assessment secured by virtue of an order under subsection (1)(b) or (2)(b) is to be treated for the purposes of this Part –

10 (a) in the case of an appeal in respect of a decision within section 40G(2)(a) or an assessment secured under section 40A, as a post-16 ETN assessment secured under section 40A;

15 (b) in the case of an appeal in respect of a decision within section 40G(2)(b) or an assessment secured under section 40B, as a post-16 ETN assessment secured under section 40B.

(5) In this section, "assessment report" has the same meaning as in section 40G.

40I Compliance with orders of Welsh Tribunal

20 (1) A local authority in Wales must comply with an order made by the Welsh Tribunal under section 40H.

(2) Regulations made by the Welsh Ministers may provide that compliance is required within a specified period.

40J Unopposed appeals to Welsh Tribunal

25 (1) This section applies if –

(a) a person (an "appellant") has appealed to the Welsh Tribunal against a decision within section 40G(2)(a) or (b), and

(b) the local authority concerned notifies the Tribunal that it will not, or will no longer, oppose the appeal.

30 (2) The appeal is to be treated as having been determined in favour of the appellant.

(3) The Tribunal is not required to make any order.

(4) Before the end of the prescribed period, the authority must secure a post-16 ETN assessment of the learner.

35 (5) The prescribed period is whatever period is prescribed in regulations made by the Welsh Ministers.

(6) A post-16 ETN assessment secured by virtue of this section is to be treated for the purposes of this Part –

40 (a) in the case of an appeal in respect of a decision within section 40G(2)(a), as a post-16 ETN assessment secured under section 40A;

- (b) in the case of an appeal in respect of a decision within section 40G(2)(b), as a post-16 ETN assessment secured under section 40B.

40K Appeals to Welsh Tribunal: procedure, etc.

- 5 (1) The Welsh Tribunal is to exercise the jurisdiction conferred on it by this Part.
- (2) Regulations made by the Welsh Ministers may make provision about—
- 10 (a) the proceedings on an appeal under section 40G, and
(b) the bringing of an appeal.
- (3) Subsection (2) of section 336 of the Education Act 1996 (tribunal procedure) applies for the purposes of regulations under subsection (2) as it applies for the purposes of regulations under section 336(1) of the Education Act 1996.
- 15 (4) Proceedings on an appeal are to be held in private, except in circumstances prescribed in regulations under subsection (2).
- (5) The Welsh Ministers may pay such allowances for the purposes of or in connection with the attendance of persons at the Tribunal as they may decide.
- 20 (6) Part 1 of the Arbitration Act 1996 does not apply to proceedings on an appeal, but regulations under subsection (2) may make provision in relation to such proceedings that corresponds to a provision of that Part.
- (7) Regulations under subsection (2) may make provision for an appeal to be heard, in circumstances prescribed in the regulations, with—
- 25 (a) an appeal under Part 4 of the Education Act 1996;
(b) a claim under Chapter 1 of Part 6 of the Equality Act 2010.

40L Appeals to the Upper Tribunal

- 30 (1) A party to any proceedings under this Part before the Welsh Tribunal may appeal to the Upper Tribunal on any point of law arising from a decision made by the Welsh Tribunal in those proceedings.
- (2) An appeal may be brought under subsection (1) only if, on an application made by the party concerned, the Welsh Tribunal or the Upper Tribunal has given permission.
- 35 (3) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this section as it applies in relation to appeals to it under section 11 of that Act, but as if references in it to the First-tier Tribunal were to the Welsh Tribunal.

40M Appeals: interpretation

In sections 40G to 40L—

“local authority in Wales” has the same meaning as in the Education Act 1996;

“school year” has the meaning given in section 40F(1);

the “Welsh Tribunal” means Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.”.

46 Persons with learning difficulties: case friends and advocacy services

After section 40M of the 2000 Act (as inserted by section 45), insert—

“Persons with learning difficulties: case friends and advocacy services

40N Persons with learning difficulties: case friends

(1) Regulations made by the Welsh Ministers may provide for a learner to have a person (referred to in this Part as a “case friend”)—

(a) to make representations on behalf of the learner with a view to avoiding or resolving disagreements about the exercise by a local authority in Wales of functions under sections 40A and 40B, and

(b) to exercise the rights of the learner under section 40G on the learner’s behalf.

(2) A learner’s case friend must—

(a) make representations and exercise rights fairly and competently,

(b) have no interest adverse to that of the learner, and

(c) ensure that all steps and decisions taken by the case friend are for the benefit of the learner and take account of the learner’s views.

(3) For the purposes of this section, a learner is a person who is within subsection (4).

(4) A person within this subsection is a person who is either in the last year of compulsory schooling or over compulsory school age but under the age of 25, and who—

(a) is ordinarily resident in the area of a local authority in Wales for the purposes of section 40B, or

(b) is a person for whom a local authority in Wales maintains a statement of special educational needs under section 324 of the Education Act 1996.

- (5) Regulations made under this section may (among other things) –
- (a) confer functions on the Welsh Tribunal;
 - (b) make provision about procedures in relation to case friends;
 - (c) make provision about the appointment and removal of case friends;
 - (d) specify circumstances in which a person may or may not act as a case friend;
 - (e) specify circumstances in which a learner must have a case friend;
 - (f) specify further requirements in respect of the conduct of case friends.
- (6) In this section –
- “compulsory school age” has the meaning given in section 40F(1);
 - “last year of compulsory schooling” has the meaning given in section 40F(1);
 - “local authority in Wales” has the same meaning as in the Education Act 1996;
 - the “Welsh Tribunal” means Tribiwnlys Anghenion Addysgol Arbennig Cymru or the Special Educational Needs Tribunal for Wales.
- (7) For the purposes of the application of this section in relation to a person who is receiving education otherwise than at a school, the reference in subsection (4) to the last year of compulsory schooling is to be treated as a reference to the 12 month period ending when the person ceases to be of compulsory school age.

40O Independent advocacy services

- (1) A local authority in Wales must –
- (a) make arrangements for the provision of independent advocacy services in its area;
 - (b) refer any person in its area who requests independent advocacy services to a service provider;
 - (c) refer any person who (by virtue of regulations under section 40N) is a case friend for someone in its area, and who requests independent advocacy services, to a service provider.
- (2) In this section –
- “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a person –

- (a) making, or intending to make, an appeal to the Welsh Tribunal under section 40G,
- (b) considering whether to appeal to the Tribunal under that section, or
- 5 (c) taking part in, or intending to take part in, dispute resolution arrangements made under section 40E, and a “service provider”, for the purposes of an authority's functions under subsection (1), is a person who provides independent advocacy services pursuant to arrangements made by the authority under subsection (1).
- 10 (3) In making arrangements under this section, a local authority must have regard to the principle that services provided under the arrangements must be independent of any person who is –
- (a) the subject of an appeal to the Welsh Tribunal under section 40G, or
- 15 (b) involved in investigating or adjudicating on such an appeal.
- (4) Regulations made by the Welsh Ministers may specify requirements with which the arrangements must comply.
- (5) The local authority must take such steps as it considers appropriate for making arrangements made under this section known to those persons it considers are likely to have an interest in the arrangements.
- 20 (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- 25 (7) In this section, “local authority in Wales” and the “Welsh Tribunal” have the same meaning as in section 40N.”.

47 Responsibility for providing post-16 education and training for persons with learning difficulties

- (1) Section 41 of the 2000 Act (persons with learning difficulties) is amended as follows.
- 30 (2) In subsection (1), omit paragraph (b) (and the “and” immediately preceding it).
- (3) After subsection (1), insert –
- “**(1A)** For the purpose of discharging the duty under subsection (1), the Welsh Ministers may require a local authority in Wales to provide them with copies of written reports of post-16 ETN assessments secured by the authority under section 40A or 40B.”.
- 35 (4) Omit subsections (2) and (3).
- (5) After section 41, insert –

“41A Persons with learning difficulties: local authority functions

- (1) This section applies where –

- 5
- (a) a post-16 ETN assessment of a person (the “learner”) has been secured under section 40A or 40B,
- (b) the provision that the assessment report specifies is required to meet the learner’s educational and training needs (the “specified provision”) includes special educational or training provision, and
- (c) the learner is ordinarily resident in the area of the local authority in Wales by which the assessment was secured.
- 10 (2) The local authority by which the assessment was secured must secure that the specified provision is made available to the learner.
- (3) But the duty imposed by subsection (2) ceases to apply in relation to a learner at the end of the academic year in which the learner attains the age of 25.
- 15 (4) Regulations made by the Welsh Ministers may make provision about—
- (a) circumstances in which a learner is or is not to be treated for the purposes of this section as being ordinarily resident in the area of a local authority in Wales;
- (b) circumstances in which the duty imposed by subsection (2) is to cease to apply in respect of provision specified in a learner’s assessment report.
- 20 (5) Regulations made by the Welsh Ministers may also make provision for further post-16 ETN assessments of a learner in respect of whom a local authority is subject to the duty in subsection (2).
- 25 (6) Regulations making provision as described in subsection (5) may (among other things) make provision—
- (a) about appeals in respect of further post-16 ETN assessments;
- (b) about circumstances in which the duty imposed by subsection (2) is to cease to apply in the absence of a further post-16 ETN assessment;
- 30 (c) for a further post-16 assessment to be treated for the purposes of this Part, or of any provision of this Part, as an assessment secured under section 40A or 40B.
- (7) In this section—
- 35 “academic year” means any period beginning with 1 August and ending with the next following 31 July;
- “assessment report”, in relation to a post-16 ETN assessment, means the written report referred to in section 40C(1);
- “institution within the further education sector” has the same meaning as in the Further and Higher Education Act 1992;
- 40 “local authority in Wales” has the same meaning as in the Education Act 1996;

“special educational or training provision” means provision that includes—

- (a) post-16 education or training that is to be provided otherwise than by an institution within the further education sector, or
- (b) boarding accommodation.”.

48 Post-16 education and training for persons with learning difficulties: code of practice

After section 41A of the 2000 Act (as inserted by section 47), insert—

“Post-16 education and training for persons with learning difficulties: code of practice

41B Persons with learning difficulties: code of practice relating to post-16 education and training

- (1) The Welsh Ministers must issue to local authorities in Wales a code of practice giving guidance about the discharge of local authorities’ functions under or by virtue of sections 40A to 41A.
- (2) The Welsh Ministers may revise the code from time to time.
- (3) The Welsh Ministers must publish the current version of the code.
- (4) A local authority in Wales must have regard to the code in exercising functions under or by virtue of sections 40A to 41A.
- (5) On an appeal to the Welsh Tribunal under section 40G, the Tribunal must have regard to any provision of the code that appears to it to be relevant.
- (6) In this section, “local authority in Wales” has the same meaning as in the Education Act 1996.”.

PART 4

MISCELLANEOUS PROVISION

Term and holiday dates and times of school sessions

49 Dates of terms and holidays and times of school sessions

After section 32 of the 2002 Act insert—

“32A Responsibility for fixing term and holiday dates in Wales

- (1) A local authority in Wales must determine the term dates for each community, voluntary controlled or community special school or maintained nursery school in its area.
- (2) A governing body of a foundation or voluntary aided school in Wales (a “relevant governing body”) must determine the term dates for its school.

(3) In exercising its functions under subsection (1), a local authority must co-operate and co-ordinate with—

- (a) each relevant governing body in its area, and
- (b) every other local authority in Wales,

to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.

(4) In exercising its functions under subsection (2), a relevant governing body must co-operate and co-ordinate with—

- (a) the local authority, and
- (b) every other relevant governing body in the local authority's area,

to ensure that the term dates determined are the same (or as similar as can be) for every maintained school in Wales.

(5) Each local authority in Wales must notify the Welsh Ministers of the term dates which have been determined for a school year in respect of all the maintained schools in its area.

(6) The Welsh Ministers may by regulations make provision about the requirements of notification under subsection (5) including, in particular, provision about—

- (a) the form and content of notifications;
- (b) the period in which notification must be given;
- (c) the procedure for notification.

(7) A local authority or a relevant governing body may alter the term dates which have been notified to the Welsh Ministers only if all the parties mentioned in subsection (8) agree to the alteration.

(8) The parties are—

- (a) the local authority,
- (b) each relevant governing body in the local authority's area, and
- (c) the Welsh Ministers.

(9) In this section—

“maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“term dates” means the dates on which the school terms and holidays are to begin and end.

32B Welsh Ministers' power to direct determination of term dates

(1) The Welsh Ministers may direct a local authority in Wales or a relevant governing body to determine such term dates for a maintained school in Wales as may be specified in the direction.

- (2) A direction under subsection (1) may, in particular –
- (a) require different dates to be determined for different schools;
 - (b) be made in respect of such descriptions of schools as may be specified in the direction (for example, all community schools or all schools within a specified area);
 - (c) require the determination of different dates from those already determined or altered under section 32A.
- (3) Before making a direction under subsection (1) the Welsh Ministers must carry out such consultation as they consider appropriate.
- (4) The Welsh Ministers may, by regulations, make such further provision about such consultation as they consider necessary or expedient.
- (5) The Welsh Ministers must publish a direction under subsection (1) electronically.
- (6) In this section –
- “maintained school” has the same meaning as in section 32A(9);
 - “relevant governing body” means the governing body of a foundation or voluntary aided school in Wales;
 - “term dates” means the dates on which the school terms and holidays are to begin and end.

32C Responsibility for fixing times of school sessions in Wales

- (1) Except in the circumstances described in subsection (2), a governing body of a maintained school must determine the times of the school sessions for the school.
- (2) The circumstances are –
- (a) that the local authority in whose area the school is situated have given notice to the governing body that the times of the school sessions are to be determined in accordance with subsection (4), and
 - (b) that the notice has not been withdrawn by the local authority.
- (3) A local authority must not give a notice under this section unless they consider that a change in the times of the school sessions is necessary or expedient in order to –
- (a) promote the use of sustainable modes of travel within the meaning of section 11 of the Learner Travel (Wales) Measure 2008 (nawm 2), or
 - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (4) In the circumstances described in subsection (2) –

- (a) where there are 2 sessions on the relevant school day –
- (i) the local authority must determine the time each day at which the first school session starts and the second school session ends, and
 - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts,
- (b) where there is one school session on the relevant school day the local authority must determine the time each day at which the school session starts and ends.

(5) The Welsh Ministers may by regulations make provision –

- (a) as to the procedure to be followed where the governing body of a community, voluntary controlled or community special school or maintained nursery school proposes to make any change in the time of the school sessions;
- (b) as to the implementation of any such proposal;
- (c) for enabling the local authority to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school;
- (d) as to the procedure to be followed where the local authority propose to give a notice under this section;
- (e) as to the form and content of such a notice;
- (f) as to the implementation of a determination made under subsection (4).

(6) A local authority must have regard to any guidance given by the Welsh Ministers when giving a notice under subsection (2) or discharging any function conferred by this section or regulations made under it.

(7) In this section –

“maintained school” means a school in Wales which is a community, foundation or voluntary school, a community special school or a maintained nursery school;

“the times of the school sessions” means the times at which each of the school sessions or, if there is only one, the school session, is to begin and end on any day.”.

Her Majesty’s Inspectorate of Education and Training in Wales

50 Her Majesty’s Inspectorate of Education and Training in Wales

In section 19 of the Education Act 2005 (c. 18) (Her Majesty’s Inspectorate of Education and Training in Wales), omit subsection (6) (Welsh Ministers to advise Secretary of State on recommendations to Her Majesty on the exercise of powers of appointment and removal under subsections (1), (2) and (4)(c)).

PART 5**GENERAL PROVISION****51 Status as an Education Act**

This Act is to be included in the list of Education Acts set out in section 578 of the 1996 Act.

52 Ancillary provision

- (1) The Welsh Ministers may by order make such incidental, consequential, supplemental, transitional, transitory or saving provision as they consider appropriate for the purposes of, or in connection with, giving full effect to any provision made by or under this Act.
- (2) An order under this section may modify this or any other enactment.

53 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Act (except an order under section 56) is exercisable by statutory instrument and includes power to—
 - (a) make such incidental, consequential, supplemental, transitional, transitory or saving provision as the Welsh Ministers consider necessary or expedient for the purposes of, or in connection with, this Act, and
 - (b) make different provision for different purposes including, in particular, making different provision for different categories of registration.
- (2) A statutory instrument which contains (alone or with other provision)—
 - (a) an order under section 10(6);
 - (b) regulations under section 28(4) which includes provision which adds to, amends or omits the text of this Act;
 - (c) an order under section 52 which includes provision which adds to, amends or omits the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales;
 - (d) an order under paragraph 3 of Schedule 1 or paragraph 2 of Schedule 2,may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (3) Any other statutory instrument containing an order or regulations under this Act (except an order under section 56) is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

54 Minor and consequential amendments and repeals

Schedule 3 (which makes minor and consequential amendments and repeals) has effect.

55 General interpretation

In this Act, unless the context requires otherwise—

“1996 Act” (“*Deddf 1996*”) means the Education Act 1996 (c. 56);

“1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998 (c. 30);

“2000 Act” (“*Deddf 2000*”) means the Learning and Skills Act 2000 (c. 21);

“2002 Act” (“*Deddf 2002*”) means the Education Act 2002 (c. 32);

“enactment” (“*deddfiad*”) includes an enactment comprised in subordinate legislation;

“modify” (“*addasu*”), in relation to an enactment, includes amend or repeal;

“specified” (“*penodedig*”) means specified in an order or regulations made under this Act.

56 Commencement

(1) The following provisions come into force on the day on which this Act receives Royal Assent—

(a) section 1;

(b) section 51;

(c) section 52;

(d) section 53;

(e) section 55;

(f) this section;

(g) section 57.

(2) Section 49 comes into force on the day on which this Act receives Royal Assent but only to the extent necessary for regulations to be made under section 32A(6) or 32B(4) of the 2002 Act.

(3) Paragraph 4 of Part 1 of Schedule 3 comes into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent.

(4) The other provisions of this Act come into force on such day as the Welsh Ministers may by order made by statutory instrument appoint.

(5) An order under subsection (4) may—

(a) appoint different days for different purposes, and

(b) include such transitional, transitory or saving provision as the Welsh Ministers consider necessary or expedient.

57 Short title

The short title of this Act is the Education (Wales) Act 2014.

SCHEDULE 1
(introduced by section 2(2))

EDUCATION WORKFORCE COUNCIL

Status

- 5 1 (1) The Council –
- (a) is not a servant or agent of the Crown, and
 - (b) has no status, immunity or privilege of the Crown.
- (2) The Council's property is not property of, or property held on behalf of, the Crown.

Powers

- 10 2 (1) The Council may do anything which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of its functions.
- (2) In particular, the Council may –
- (a) acquire and dispose of land or other property;
 - (b) enter into contracts;
 - 15 (c) invest sums not immediately required for the purpose of carrying out its functions;
 - (d) accept gifts of money, land or other property;
 - (e) form bodies corporate or associated or other bodies which are not bodies corporate;
 - 20 (f) enter into joint ventures with other persons;
 - (g) subscribe for shares and stock;
 - (h) borrow money.

Membership

- 3 25 (1) The Welsh Ministers may by order specify the number of members the Council is to have (or the maximum and minimum number of such members).
- (2) Members are to be appointed by the Welsh Ministers.
- (3) The Welsh Ministers must, when exercising any function in relation to the membership of the Council –
- 30 (a) have regard to the desirability of that membership including persons with the experience and skills necessary to enable the Council to perform its functions efficiently and effectively, and
 - (b) secure that the majority of members of the Council are, or recently have been, registered persons.
- 35 (4) Members are to act as individuals (that is, they are not to act as representatives of any organisation or body to which they may belong, nor any person, organisation or body that nominated them).

Membership: further provision

- 4 (1) The Welsh Ministers may by regulations make provision relating to members and their appointment.
- (2) Regulations under this paragraph may, in particular, include provision about –
- 5 (a) the eligibility of a person for appointment;
- (b) the procedure for an appointment;
- (c) the filling of any vacancies in membership which arises otherwise than at the end of a member's term of office.

Tenure

- 10 5 (1) The term of office of a member is such period of up to 5 years as the Welsh Ministers may specify in the appointment.
- (2) A member may resign at any time by giving notice in writing to the chief officer of the Council.

Removal from office

- 15 6 (1) A member may be removed from office by a majority vote of other members if without good cause –
- (a) the member has been absent from 3 consecutive Council meetings, or
- (b) the member has been absent from meetings for a period of 6 months or more beginning with the date on which the member last attended a Council meeting.
- 20 (2) Before any vote is taken to remove a member, the member must be given an opportunity to make oral representations to the Council.
- (3) A person ceases to hold office as a member if –
- (a) the person is barred from regulated activity relating to children within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006;
- 25 (b) the person is prohibited from being employed as a teacher by virtue of a prohibition order under section 141B of the 2002 Act;
- (c) a disciplinary order is made in respect of the person under section 26 by virtue of which the person becomes ineligible for registration under section 9;
- 30 (d) the person is disqualified from being employed as a teacher in any school by virtue of an order made –
- (i) by an Independent Schools Tribunal under section 470 of the 1996 Act, or
- (ii) by the Secretary of State or the Welsh Ministers under section 471 of that Act; or
- 35 (e) the person becomes ineligible for registration as a teacher, or is disqualified from being a teacher in a school or further education institution in another part of the United Kingdom.

Remuneration, allowances and expenses of members

- 7 (1) The Council may –
- (a) pay to its members such remuneration, allowances and expenses as it may determine, and
 - 5 (b) pay or make provision for the payment of such sums by way of pension, allowance and gratuities to or in respect of a member as it may determine.
- (2) If a person ceases to be a member of the Council and it appears to the Council that there are special circumstances which make it appropriate that the person should receive compensation, the Council may make to that person a payment of such amount as it may determine.
- 10 (3) The Council may pay to members of any of its committees who are not members of the Council such expenses and allowances as it may determine.
- (4) The Council may pay to the employer of a person who is a member of the Council (or a member of any of its committees but not a member of the Council) such compensation in respect of the loss of that person's services as it may determine.
- 15

Chairing member

- 8 (1) The Council must elect a chairing member from amongst its membership.
- (2) The chairing member is to hold office for such period as the Council may determine.
- (3) The chairing member may –
- 20 (a) resign as chairing member at any time by giving notice in writing to the chief officer of the Council, and
 - (b) be removed as chairing member by a two-thirds majority vote of the other members.

Chief officer and other staff

- 25 9 (1) The Council must have a chief officer.
- (2) The Welsh Ministers may by regulations make provision about the appointment of the chief officer, including, in particular –
- (a) specifying who is to appoint the chief officer;
 - (b) the procedure for such an appointment;
 - 30 (c) how the terms and conditions (including remuneration, allowances, expenses and pensions) of the chief officer are to be determined.
- (3) The Council may appoint such other employees as it considers appropriate.
- (4) Employees (other than the chief officer) are to be appointed on such terms and conditions (including as to remuneration, allowances, expenses and pensions) as the Council may determine.
- 35 (5) The Council may –
- (a) pay, or make payments in respect of pensions or gratuities to or in respect of employees or former employees;

(b) provide and maintain schemes (whether contributory or not) for the payment of pensions and gratuities to or in respect of employees or former employees.

5 (6) References in this paragraph to pensions and gratuities include references to pensions and gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.

(7) If any person –

(a) on ceasing to be employed by the Council, becomes or continues to be one of its members, and

10 (b) was, by reference to the person's employment, a participant in a pension scheme maintained by the Council,

the Council may make provision for that person to continue to participate in that scheme, on such terms and conditions as it may determine, as if the person's service as a member were service as an employee; and any such provision is to be without prejudice to paragraph 7.

15 *Schemes relating to remuneration etc.*

10 (1) The Council must –

(a) prepare a scheme setting out its approach to determining the amounts which it may pay –

(i) to members under paragraph 7, and

20 (ii) to employees under paragraph 9 (including the chief officer if so required by regulations made under paragraph 9(2)(c)), and

(b) submit the scheme to Welsh Ministers for approval.

(2) The Council may determine the amounts it pays to members and employees only in accordance with a scheme approved under this paragraph by the Welsh Ministers.

25 (3) The Council must publish a scheme approved by Welsh Ministers in such manner as the Welsh Ministers may specify.

(4) The Council may from time to time revise the scheme (in which case sub-paragraphs (1) (b), (2) and (3) apply to such a revised scheme).

Eligibility for superannuation scheme

30 11 (1) Employment with the Council is among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) (superannuation schemes as respects civil servants etc.) can apply.

35 (2) The Council must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

- 5 (3) Where an employee of the Council is, by reference to that employment, a participant in a scheme under section 1 of the Superannuation Act 1972 and is also a member of the Council, the Secretary of State may determine that the person's service as a member is to be treated for the purposes of the scheme as service as an employee (whether or not any benefits are payable to or in respect of him by virtue of paragraph 7).

Committees generally

12 (1) The Council –

- 10 (a) may establish committees for any purpose, and
(b) if so required by regulations made by the Welsh Ministers, must establish such committees for such purposes as may be specified in the regulations;

(but see also paragraphs 19 and 20).

(2) Subject to sub-paragraph (3), the Council –

- 15 (a) may determine the number of members which a committee established under this paragraph are to have, and
(b) must determine the terms on which such members are to hold and vacate office.

(3) Regulations under sub-paragraph (1)(b) may make provision about –

- (a) the membership of a committee established under the regulations;
(b) the terms on which such a committee's members are to vacate office;
(c) the procedure of any such committee.

20 (4) Regulations under sub-paragraph (1)(b) may also authorise the Council to make provision with respect to any matter as to which provision may be made by those regulations.

25 (5) Subject to any conditions as may be imposed by regulations made under sub-paragraph (1)(b), the Council may include on a committee persons who are not members of the Council.

Delegation of functions

13 (1) The Council may authorise the chairing member or any committee established under paragraph 12 to exercise such of its functions as it may determine.

(2) Sub-paragraph (1) does not affect the Council's –

- 30 (a) responsibility for the exercise of delegated functions, or
(b) ability to exercise delegated functions.

Proceedings

14 (1) The Council may regulate its own procedure and that of any its committees (except to the extent that this Schedule or regulations made under it provide otherwise).

(2) The validity of the Council's proceedings are not affected by –

- (a) any vacancy in its members;
- (b) any defect in the appointment of a member;
- (c) the disqualification of a person as a member after appointment.

5 (3) The Council must provide the Welsh Ministers with such copies of any documents distributed to its members or committees as the Welsh Ministers may require.

Application of seal

15 The application of the seal of the Council is to be authenticated by the signature of –

- 10 (a) the chairing member or some other person authorised either generally or specifically by the Council to act for that purpose, and
- (b) one other member.

Proof of documents

16 Every document purporting to be an instrument made or issued by or on behalf of the Council and to be duly executed under the seal of the Council, or to be signed or
15 executed by a person authorised by the Council to act in that behalf, is to be received in evidence and treated, without further proof, as being so made or issued unless the contrary is shown.

Finance

17 The Welsh Ministers may make grants to the Council of such amounts and subject to
20 such terms and conditions (including as to repayment) as they may determine.

Accounting officer

- 18 (1) The Welsh Ministers may designate a person to act as the Council's accounting officer.
- (2) The accounting officer has, in relation to the Council's accounts and finances, the responsibilities specified in a direction by the Welsh Ministers.
- 25 (3) The responsibilities that may be specified include responsibilities –
- (a) in relation to the signing of accounts;
 - (b) for the propriety and regularity of the Council's finances;
 - (c) for the economy, efficiency and effectiveness with which the Council uses its resources;
 - 30 (d) owed to the Welsh Ministers, the National Assembly for Wales or the Public Accounts Committee of the National Assembly;
 - (e) owed to the House of Commons or the Committee of Public Accounts of that House.

Audit committee

- 19 (1) The Council must establish a committee (an “audit committee”) to—
- (a) review and scrutinise the Council’s financial affairs,
 - 5 (b) review and assess the Council’s risk management, internal control and corporate governance arrangements,
 - (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Council’s functions, and
 - (d) make reports and recommendations to the Council in relation to reviews conducted under paragraphs (a), (b) or (c).
- 10 (2) The audit committee must send copies of its reports and recommendations to the Welsh Ministers.
- (3) It is for the audit committee to determine how to exercise its functions under this paragraph.

Audit committee: membership

- 15 20 (1) The audit committee is to consist of—
- (a) at least two members of the Council, and
 - (b) at least one lay member.
- (2) The Council’s chairing member may not be a member of the audit committee.
- (3) The Council may pay such remuneration, allowances and expenses to a lay member as it
- 20 may determine.
- (4) The Council must consult the Welsh Ministers before determining the remuneration or allowances payable to a lay member.
- (5) In this paragraph “lay member” means any person other than a member or an employee of the Council.

Accounts and external audit

- 25 21 (1) The Council must—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) In preparing a statement of accounts, the Council must comply with any direction given
- 30 by the Welsh Ministers as to—
- (a) the form and content of such accounts;
 - (b) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year, the Council must submit a
- 35 copy of its statement of accounts to—
- (a) the Welsh Ministers, and
 - (b) the Auditor General for Wales.

- (4) The Auditor General for Wales must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) no later than 4 months after the copy is submitted under sub-paragraph (3), lay before the National Assembly for Wales a copy of the certified statement and report.
- 5
- (5) In this Schedule “financial year” means the period of 12 months ending on 31 March.

Annual reports

- 22 (1) No later than 30 November after the end of each financial year the Council must submit a report to the Welsh Ministers on the discharge of its functions during that year.
- 10 (2) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.
- (3) The Council may publish the report in such manner as it considers appropriate (including electronically).

SCHEDULE 2
(introduced by 9(3))

CATEGORIES OF REGISTRATION

1 The first column in table 1 sets out the categories of registration and the second column
5 describes the category by reference to the persons who fall within it.

TABLE 1

Category	Description
10 School teacher	A person who is a qualified teacher and who provides (or wishes to provide) any services specified in regulations made under section 14 in a school.
15 School learning support worker	A person who satisfies the requirements specified in regulations made under section 14(1)(a)(ii) and who provides (or wishes to provide) any services specified in regulations made under that section in a school.
20 Further education teacher	A person who provides (or wishes to provide) education (as defined by section 140(3) of the 2002 Act) in or for a further education institution in Wales.
25 Further education learning support worker	A person, other than a further education teacher, who directly or indirectly provides (or wishes to provide) any of the services described in section 16(2) in or for a further education institution in Wales.

Changing the categories of registered worker

- 2 (1) The Welsh Ministers may by order add, amend or remove a category of registration (or
the description of a category).
- 30 (2) An order under sub-paragraph (1) may make such provision about or in connection with
the new category of registration as the Welsh Ministers consider necessary or expedient.
- (3) In particular, an order under sub-paragraph (1) may specify services that may not be
provided by a person unless the person –
- (a) satisfies any specified requirements, and
 - (b) is registered.
- 35 (4) An order specifying services for the purposes of sub-paragraph (3) may make provision
by reference to –

- (a) one or more specified activities, or
 - (b) the circumstances in which activities are carried out.
- (5) A requirement of such an order may, in particular, relate to—
- (a) the possession of a specified qualification or experience of a specified kind;
 - (b) participation in or completion of a specified programme or course of training;
 - (c) compliance with a specified condition;
 - (d) an exercise of discretion by the Welsh Ministers, another specified person or another person of a specified description.
- (6) Before making an order under this paragraph, the Welsh Ministers must consult such persons as they consider appropriate.
- (7) An order made under this paragraph may modify this Act or any other enactment.

Interpretation

3 In this Schedule, “school” means—

- (a) a school maintained by a local authority in Wales;
- (b) a special school in Wales not so maintained.

SCHEDULE 3
(introduced by section 54)

CHANGES TO OTHER LEGISLATION

PART 1

5 MINOR AND CONSEQUENTIAL AMENDMENTS

Education Act 1996 (c. 56)

1 (1) The 1996 Act is amended as follows.

(2) In section 483A (city colleges and academies: special educational needs), in subsection (4), for “appropriate national authority” substitute “Secretary of State”.

10 (3) In Schedule 36A, in the Table at paragraph 2, after the entry relating to section 33L of the 2000 Act, insert –

“Sections 40A, 40B, 40E, 40I, 40J, 40O, 41A and 41B	Powers and duties relating to assessments of post-16 educational and training needs of persons with learning difficulties.”
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15 *Learning and Skills Act 2000 (c. 21)*

2 (1) The 2000 Act is amended as follows.

(2) In section 41 (persons with learning difficulties) –

(a) in subsection (1), for “its” substitute “their”;

(b) after subsection (6), insert –

20 “(7) In this section, “local authority in Wales” has the same meaning as in the Education Act 1996.”;

(c) for the heading, substitute “Persons with learning difficulties: Welsh Ministers’ functions”;

(d) immediately before section 41, insert –

25 “Persons with learning difficulties: provision of post-16 education and training, etc.”.

(3) In section 152 (orders and regulations), in subsection (4A), after “or 33Q” insert “, or under any of sections 40B to 40D, 40I to 40K, or section 40N, 40O or 41A”.

Education Act 2002 (c. 32)

3 (1) The 2002 Act is amended as follows.

30 (2) In section 131(1) (appraisal of school teachers), after “teachers” insert “in England”.

(3) In section 132 (qualified teacher status), for “General Teaching Council for Wales” substitute “Education Workforce Council”.

(4) In section 133(1) (requirement to be qualified), after “school” insert “in England”.

School Standards and Organisation (Wales) Act 2013 (anaw 1)

4 In Schedule 4 to the School Standards and Organisation (Wales) Act 2013, in paragraph 8,
 for “Schedule 13 to the Schools Standards and Framework Act 1998” substitute
 5 “regulations made under section 31 of the Education Act 2002 (control of school
 premises)”.

PART 2

REPEALS

5 The enactments mentioned in the first column are repealed to the extent mentioned in the
 second column.

TABLE 2

<i>Enactment</i>	<i>Extent of repeal</i>
Education Act 1996 (c. 56)	Section 349(1A). In section 483A – in subsection (1), the words “if the condition in subsection (3) is satisfied”; subsection (3); subsection (6A). In Schedule 36A, in the Table at paragraph 2, the entry relating to section 140(5) of the 2000 Act.
Teaching and Higher Education Act 1998 (c. 30)	Sections 1 to 15. Section 19. Schedule 1. Schedule 2.
Learning and Skills Act 2000 (c. 21)	Section 140.
Special Educational Needs and Disability Act 2001 (c. 10)	In Part 1 of Schedule 8, paragraph 12 and the heading immediately preceding that paragraph.
Education Act 2002 (c. 32)	Section 131(7). Section 134. Section 174.
Education and Skills Act 2008 (c. 35)	Section 146. Section 147(3) to (7). Section 148.

SCHEDULE 4
(introduced by section 1)

INDEX OF DEFINED WORDS AND EXPRESSIONS

The words and expressions in the first column of table 3—

- 5 (a) have their Welsh language equivalents noted in the second column, and
(b) are defined by, or as the case may be, are to be interpreted in accordance with the provisions of this Act listed in the third column.

TABLE 3

	Word or expression	Welsh language equivalent	Relevant provision
10	1996 Act	Deddf 1996	Section 55
	1998 Act	Deddf 1998	Section 55
	2000 Act	Deddf 2000	Section 55
	2002 Act	Deddf 2002	Section 55
	2013 Act (in section 20)	Deddf 2013 (yn adran 20)	Section 20(1)
15	Agent	Asiant	Section 37
	Appropriate body	Corff priodol	Section 21
	Category of registration	Categori cofrestru	Section 41(1)
	Disciplinary order	Gorchymyn disgyblu	Section 27(2)
	Education (in sections 15 & 16)	Addysg (yn adrannau 15 ac 16)	Sections 15, 16
20	Education Workforce Council	Cyngor y Gweithlu Addysg	Section 2
	Enactment	Deddfiad	Section 55
	Financial year (in Schedule 1)	Blwyddyn ariannol (yn Atodlen 1)	Paragraph 21(5) of Schedule 1
	Further education institution	Sefydliad addysg bellach	Section 41(1)
25	Further education learning support worker	Gweithiwr cymorth dysgu mewn addysg bellach	Schedule 2
	Further education teacher	Athro neu athrawes addysg bellach	Schedule 2
	Local authority in Wales	Awdurdod lleol yng Nghymru	Section 41(1)
30	Modify	Addasu	Section 55
	Period of induction	Cyfnod sefydlu	Section 22(3)
	Registered person	Person cofrestredig	Section 41(1) (see also section 27(1))
35	Registrable profession (in sections 4 & 8)	Proffesiwn cofrestradwy (yn adrannau 4 ac 8)	Section 8
	Relevant employer	Cyflogwr perthnasol	Section 36(4)

	Relevant maintained school (in section 22(3))	Ysgol a gynhelir berthnasol (yn adran 22(3))	Section 22(3)
	Relevant matters (in section 7)	Materion perthnasol (yn adran 7)	Section 7
5	Relevant offence	Trosedd berthnasol	Section 27(1)
	Relevant principal	Pennaeth perthnasol	Section 21
	Relevant services	Gwasanaethau perthnasol	Section 21
	Salary (in section 12)	Cyflog (yn adran 12)	Section 12
10	School (in sections 14, 23 & Schedule 2)	Ysgol (yn adrannau 14, 23 ac Atodlen 2)	Sections 14(6), 23(7), paragraph 3 of Schedule 2
	School learning support worker	Gweithiwr cymorth dysgu mewn ysgol	Schedule 2
	School teacher	Athro neu athrawes ysgol	Schedule 2
	Special school	Ysgol arbennig	Section 41(1)
15	Specified	Penodedig	Section 55
	The Council	Y Cyngor	Section 2(1)(b)
	The register	Y gofrestr	Section 41(1)