

Cyngor Addysgu Cyffredinol Cymru

General Teaching Council for Wales



Standing Orders

April 2010

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Standing Orders

The Standing Orders of the General Teaching Council for Wales documents the Council's systems and procedures of corporate governance.

The Standing Orders are in four sections:

Section I – The Council and its Members

Section II - The Conduct of Meetings

Section III – Committees and the Delegation of Functions

Section IV – Financial Control

Together these will be known as the Council's Standing Orders.

These Standing Orders supplement the provisions of the Teaching and Higher Education Act 1998, the Education Act 2002 and relevant Regulations.

In these Standing Orders "the Council" refers to the General Teaching Council for Wales and (where the context admits) a Committee of the Council acting under delegated powers.

Section I – The Council and Members

The Council

1. The Council shall be known as “The General Teaching Council for Wales” (GTCW) or “Cyngor Addysgu Cyffredinol Cymru” (CyngACC)

Membership

2. The Council has 25 members, made up of :
 - (1) 12 elected members - drawn from three electoral constituencies:
 - o 4 teachers of pupils of primary school age;
 - o 4 teachers of pupils of secondary school age;
 - o 4 headteachers, deputy head teachers or assistant headteachers.
 - (2) 9 members appointed by Welsh Ministers from nominations supplied by bodies listed in the appropriate National Assembly Regulation, mostly from within the education system;
 - (3) 4 members appointed directly by Welsh Ministers.

Statutory arrangements governing elections, nominations, terms of office and filling vacancies are contained in the relevant National Assembly Regulations.

Elected Members

3. (1) To be eligible for election, a teacher must:
 - o have Qualified Teacher Status;
 - o be required to be registered;
 - o be employed as a teacher in a school, or have been so employed within one year preceding the election; and
 - o have been employed as a teacher in a school for an aggregate of two years in the last five.

A teacher cannot stand for election if suspended or prohibited from teaching by a General Teaching Council in the UK or disqualified from teaching or restricted.

- (2) Elections will take place every four years. The election will be governed by an Election scheme made by the Council.
- (3) A vacancy arising from among the elected members will be filled by the candidate receiving the next highest number of votes in the election in that particular electoral constituency, using the single transferable voting system.

Appointed Members

4. (1) The term of office of an appointed member shall be specified by the Welsh Ministers but shall not exceed 5 years.
- (2) When a vacancy arises from among the nominated members, Welsh Ministers will select the replacement from the original nominees from that section.

Continued absence of a member

5. A member may be removed from office by a majority vote of other members, if without good cause, the member has been absent from three consecutive Council meetings or the member has been absent from meetings for a period of six months or more starting with the date on which the member last attended a Council meeting, providing that the member has been given an opportunity to be heard at the meeting at which the vote is taken. The member may choose to have this heard in Private Session.

Chairperson and Deputy Chairperson

6. (1) The Council will elect a Chairperson and a Deputy Chairperson from amongst its number.
- (2) At least one of the two posts of Chairperson and Deputy Chairperson must be held by a registered teacher.
- (3) The Chairperson and Deputy Chairperson will normally serve co-terminus two year terms of office.
- (4) Details of the system for electing the Chairperson and Deputy Chairperson are set out in the document "System for Election of Chairperson and Deputy Chairperson of the Council."
- (5) The Chairperson may be removed as Chairperson by a two-thirds majority vote of Council members.

Observer Status

7. The Chief Executives of the General Teaching Councils for England, Scotland, Northern Ireland and the Republic of Ireland or their nominees will be granted observer status for the public business of Council on a reciprocal basis.

Meetings of Council

8. (1) Meetings of the Council will be called by the Chief Executive.
- (2) Papers for the Council meetings will be sent to members as far as possible ten days before a meeting is held.

- (3) The Chairperson may call a special meeting of Council at any time. The Chief Executive shall, except in cases of urgency, send the summons to such a special meeting to each member at least seven clear days before the meeting.
- (4) The Chairperson may call a special meeting of the Council on the written request of nine members of the Council. The Chief Executive shall, except in cases of urgency, send the summons to such a special meeting to each member at least ten days before a meeting.

Sealing and Proof of Instruments

9. (1) The application of the Seal of the Council shall be authenticated by the signature of the Chairperson and other person authorised either generally or specifically by the Council to act for that purpose.
- (2) Any documents 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 executed by a person authorised by the Council, in that behalf, shall be received in evidence and treated, without further proof, as being so made or issued, unless the contrary is shown.

Pecuniary Interests of members in contracts and other matters

- 10 (1) The conduct of members will be governed by a *Members' Code of Conduct and Best Practice* agreed by the Council.
- (2) On taking office, members of the General Teaching Council for Wales agree to declare any interests, which are relevant, or may be construed to be relevant, to their work as a member of the Council. These will be recorded in the Register of Members' Interests. Members also undertake to register any changes to those interested within four weeks. Members of the General Teaching Council for Wales also agree to declare their acceptance of any gifts, hospitality or other material benefits or advantages. The responsibility for declaring interests rests with members alone.

Pecuniary interest of officers in contracts

- 11 The Conduct of Council Officers will be governed by a Code of Conduct for Officers.

Inspection of Documents

12. (1) A member of the Council may on application to the Chief Executive Officer, inspect any document which contains material relating to any business to be transacted at a meeting of the Council or a Committee of the Council and, if copies are available, shall on request be supplied with a copy of any document, provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to matter in which he or his spouse or those categories of persons set out in paragraph 8 above is

professionally interested or has any direct or indirect pecuniary interest and that this Standing Order shall not preclude the Chief Executive Officer from declining to allow inspection of any document which is, or, in the event of legal proceedings, would be, protected by privilege arising from the relationship of solicitor and client.

- (2) All minutes kept by any Committee shall be open for the inspection of any member of the Council during office hours.

Inspection of Land, Premises, etc

13. Unless specifically authorised to do so by the Council or a Committee, a member of the Council shall not inspect any land or premises which the Council have the right or duty to inspect or enter upon, or issue any order respecting any works which being carried out by or on behalf of the Council.

Variation and Revocation of Standing Orders

14. Any motion to vary or revoke these Standing Orders shall when proposed and seconded stand adjourned to the next ordinary meeting of the Council.

Suspension of Standing Orders

15. Any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved but shall not be suspended unless there are present at least two thirds of the Council's members.

Section II – The Conduct of Meetings

General

16. Any power or duty assigned to the Chairperson in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
17. Where reasonably possible, and not otherwise provided, these Standing Orders shall apply to Committees of the Council as they are applied to the Council.

Quorum

18. (1) No business shall be transacted at a meeting of the Council or a Committee of the Council unless at least ten members of the Council or at least three (two in the case of the Audit and Scrutiny Committee) members of the Committee are present.
 - (2) Subject to 18(1), if during any meeting, the Chairperson, after counting the number of persons present declares that there is no quorum present, the meeting shall stand adjourned or issues may be discussed but no decisions may be made.
 - (3) The consideration of any business not transacted shall be adjourned to a date to be agreed.
 - (4) Where an immediate decision is required, the Chairperson may proceed with any business, although this shall not apply with the Audit and Scrutiny Committee.

Order of Business

19. (1) Except where on the grounds of urgency the Council may vary the order of business, the order of business at meetings of the Council shall be:
 - a). to choose a person to preside if the Chairperson and Deputy Chairperson are absent;
 - b). to receive any communications the Chairperson may desire to lay before the Council;
 - c). to receive and approve as a correct record, the minutes of the previous meeting of the Council, and to consider matters arising;
 - d). to receive and consider reports or minutes of Committees;
 - e). to receive and consider reports from officers of the Council;
 - f). to consider notices of motion in the order in which they have been received;

- g). to consider any other business provided 72 hours notice has been given to the Chief Executive.
- (2) Notices of motion must be sent to the Chief Executive at least 21 days prior to the meeting taking place.

Rules of Debate

- 20. (1) A member shall direct his/her speech to the question and discussion or to an explanation or to a question of order.
- (2) Any amendments shall not have the effect of introducing a new proposal into or negating the motion before the Council.
- (3) A member may raise a point of order and shall be entitled to be heard forthwith. A point of order shall relate only to a breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken.
- (4) The ruling of the Chairperson on a point of order shall not be open to discussion.
- (5) Where there is a need for a vote on an issue or motion the Chairperson will invite members to vote via a show of hands. In the event of a tied vote, the Chairperson will have the casting vote. A record of the vote will be minuted.

Public Access to Council meetings

- 21. (1) Meetings of the Council will be open to the general public, however, the Council may discuss some issues in private. Copies of Council agendas, reports and other documents will be made available to the general public at Council meetings or on request, in advance of the meeting. The public will be notified of the dates of Council meetings via newspaper advertisements.
- (2) The Council may hold its business in camera where matters are more appropriately dealt with in that way. Such business will be agreed at the commencement of the public meeting of the Council. Private business will normally be heard after the public business.
- (3) Council Committees and Investigating Committees are not open to the general public. Professional Standards Committees will normally be open to the public unless the Chairperson of the relevant Conduct or Competence Committee determines otherwise.

Language of meetings

- 22. (1) Contributions to all Council meetings may be made in either Welsh or English. Simultaneous translation services will be provided at Council meetings. Council papers will be produced in English. Agendas and minutes of Council meetings will be produced in Welsh and English.

- (2) Committee meetings will normally be conducted in English. Committee meetings may be conducted in Welsh if all members present are able to speak Welsh.
- (3) Professional Standards committees will be conducted (all or in part) in English or Welsh.

Distribution of Papers

- 23. The Council will provide copies of its papers to the General Teaching Councils for England, Scotland, Northern Ireland and the Republic of Ireland.

Disorderly Conduct by a member

- 24. If, at a meeting, any member of the Council, in the opinion of the presiding Chairperson, is guilty of misconduct by persistently disregarding the rules of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, a member may move “that the member named be no further heard” or “that the member named leave the meeting” and the motion, if seconded, shall be put and determined without discussion.

Attendance of members at committees of which they are not members

- 25. Any member of the Council shall be at liberty to attend any meeting of any Committee of which they are not a member but cannot take part in the proceedings of that Committee unless the member has obtained the previous consent of the presiding Chairperson.

Section III – Committees and the Delegation of Functions

Appointment of Committees and Sub-committees and powers to delegate

26. (1) The Council may arrange for the discharge of its functions in relation to any particular matter by a Committee appointed for that purpose, or the Chairperson or the Chief Executive Officer. Every Committee may arrange for the discharge of any of its functions by a sub-committee of the Committee, or the Chairman or the Chief Executive Officer.
- (2) Every Committee arranging to discharge any function pursuant to paragraph (1) shall define the terms of reference of such arrangements including where the Committee has delegated powers and the extent (if any) to which decision making policy is being delegated.
- (3) The Council may make such arrangements as it thinks fit for the delegation of any of its powers to the Chairperson, or the Chief Executive Officer. Provided that the Chairperson or the Chief Executive Officer are hereby authorised, in those instances where it is not possible to call a meeting, that they may take any necessary action of whatsoever nature or kind, in the interest of the Council, exercising the powers contained in Schedule 1 of the Teaching and Higher Education, 1998. This includes the powers to appoint staff and enter into contracts. This is in addition to the general power and duty on the Chairperson and Chief Executive to take such action as is necessary in the best interest of the Council administering its relevant work.

Chairperson and Deputy Chairperson of Committees and Sub-Committees

27. (1) Committees of the Council shall have a member of the Council as Chairperson and Deputy Chairperson (if appointed). A Committee may choose a person to preside over a meeting if the Chairperson and Deputy Chairperson are absent.
- (2) The Chairperson of the Council shall be the Chairperson of the Executive and Policy Committees.
- (3) The Chairperson of the Registration and Audit and Scrutiny Committees shall be appointed by the relevant committee and subsequently confirmed by the Council. Every Committee, if it so desires, may elect a Deputy Chairperson who shall exercise the role and powers of the Chairperson when the Chairperson is absent.

Meetings of Committees

28. (1) Meetings of Committees will be called by the Chief Executive.
- (2) Papers of Committees will be sent to members at least seven days before a meeting is to be held.
- (3) The Chairperson of the relevant Committee, following discussion with the Chairperson of Council, may call a special meeting of a Committee. The Chief Executive shall, except in cases of urgency, send the summons to

such a special meeting to each member at least seven clear days before the meeting.

- (4) The Chairperson of the relevant Committee, following discussion with the Chairperson of Council, may call a special meeting of a Committee on the written request of one third of the members of the committee plus one. The Chief Executive shall, except in cases of urgency, send the summons to such a meeting to each member at least seven days before a meeting.
- (5) In order to minimise travel costs and time spent travelling Committee meetings may take advantage of Video Conference links.

Limitations on Delegations to Committees

29. (1) Arrangements for the discharge of functions by Committees shall be subject:
 - a) to reservations set out in sub-paragraphs (2) and (3) below;
 - b) to the observance of the Standing Orders;
 - c) to the exercise of power in the name of the Council;
 - d) to Committees reporting on their activities at the next convenient meeting of the Council, with recommendations to the Council on matters reserved to the Council.
- (2) The Council reserve to themselves the exercise of their powers for:
 - a) the approval of major policy documents and other matters of general policy or principle which the Council may from time to time declare a matter for their decision;
 - b) to make, revoke or amend Standing Orders;
 - c) to make arrangements for the discharge of the Council's functions by Committees.
- (3) The Council will normally discuss the following:
 - a) any matters which have significant policy implications;
 - b) any new educational developments;
 - c) any matters on which the National Assembly for Wales has sought the Council's advice;
 - d) any strategic documents dealing with the way in which the Council conducts its business, including, but not restricted to, the Members Code of Conduct and Best Practice and Standing Orders;
 - e) the approval of the Council's Corporate Plan;
 - f) the making, revoking or amending of Standing Orders;
 - g) the making of arrangements for the discharge of the Council's functions by Committees.

Frequency of meetings

30. Subject to the power to call a special meeting, the Council shall normally determine how often a Committee shall meet.

Membership of Committees

- 31 (1) Membership of the committees shall seek so far as is possible to reflect the balance of Council in respect of elected and appointed members.
- (2) Members will normally serve on committees for a maximum of three years. This may be extended with the agreement of the Chief Executive. Members may make a request to the Chief Executive to transfer to another committee after one year. This request will be subject to vacancies existing on other committees.

Terms of Reference and Delegation to Committees

32. The following (together with such additional or other Committees as may from time be determined) shall be the Committees of the Council, and shall consist of the number of members as the Council may from time to time determine:-

A. Executive Committee

33. (1) The Committee, acting with delegated powers, will be responsible for:
- overseeing the Council's internal operation including Standing Orders, its committee structure, staffing matters, accommodation requirements, including security arrangements and the Council's Information Systems strategy;
 - overseeing the production of the Corporate plan;
 - overseeing the production of the Operational plan, including approving the Council's budget;
 - overseeing the Council's Communication strategy;
 - any capital projects in excess of £50,000;
 - approving any major items of expenditure in excess of £50,000 in addition to those set out in the Operational Plan;
 - overseeing the Council's statutory schemes, personnel and Health & Safety policies,;
 - overseeing the Council's professional development funding programmes;
 - overseeing the Annual Report, Annual Accounts and Quarterly Reviews;
 - considering any other matters where requested to do so by the Council.
- (2) The Committee is accountable to the Council and will report by means of its minutes, which will normally be presented by the Chief Executive.
- (3) The committee will consist of the Chairperson of the Council and six other Members of the Council. The Chief Executive and Deputy Chief Executives will normally attend the meetings.

B. Audit & Scrutiny Committee

34. (1) The Committee, acting with delegated powers, will be responsible for:

- overseeing the Council's finance and administration procedures, including Financial Regulations, Tendering Regulations and banking arrangements,;
- considering all relevant reports by the Auditor General for Wales including reports on the Council's accounts, achievements of value for money and the response to any management letters;
- considering and advising on the Council's annual and long-term internal audit programme;
- discussing with the internal auditor the nature and scope of each forthcoming audit and ensuring that the external auditor has the fullest co-operation of staff;
- reviewing the effectiveness of the body's internal control system established to ensure that the aims, objectives and key performance targets of the organisation are achieved in the most economic and effective manner;
- considering internal audit reports, including value-for-money reports and the arrangements for their implementation;
- reviewing and making proposals for changes to the Standing Orders;
- commenting on the performance of internal and external auditors;
- overseeing the Council's Risk Management policy and Whistleblowing Policy;
- reviewing the operation of the *Members' Code of Conduct and Best Practice* and *Code of Conduct* for staff;
- advising on accounting policies and accounts of the Council;
- considering any other matters where requested to do so by the Council.

- (2) The Committee is accountable to the Council and will report by means of its minutes, which will normally be presented by the Committee's Chairperson.

Membership and attendance

- (3) The Chairperson and members of the Audit & Scrutiny Committee shall be Council members appointed by the Council. The Chairperson of the Committee shall be a member of the Council other than the Council's Chairperson who has expertise in the area of the Committee's remit. The Committee will consist of four members of Council, including its own Chairperson.
- (4) The Committee may co-opt a non-Council member with relevant professional expertise to assist the Committee with its work, if it considers this desirable. Representatives from both the Wales Audit Office and the Council's appointed internal auditors, may attend all Audit & Scrutiny Committees in an advisory capacity only.
- (5) The Chief Executive Officer and the Deputy Chief Executive (*Finance, Personnel and Corporate Services*) will normally attend the meetings.
- (6) The Committee may ask non-members to withdraw to facilitate open discussion of particular matters.

Access

- (7) The representative of Internal Audit and of the Wales Audit Office will have free and confidential access to the Chair of the Audit & Scrutiny Committee.

Frequency of meetings

- (8) The Audit & Scrutiny Committee will meet four times a year. The Chair of the committee may convene additional meetings as they are deemed necessary.
- (9) In addition to the normal programme of Audit & Scrutiny Committee meetings determined by the Council, the external auditor may request a meeting if he considers one necessary.

Authority

- (10) The Audit & Scrutiny Committee is authorised by the Council to investigate any activity within its terms of reference, and to seek any information it requires from staff, who are requested to co-operate with the committee in the conduct of its enquiries.

Information requirements

- (11) The Audit and Scrutiny Committee will be provided as appropriate with:
- reports summarising any significant changes to the organisation's Risk Register;
 - progress reports from the internal auditors summarising:
 - work performed (and a comparison with work planned)
 - key issues emerging from Internal Audit work
 - management response to audit recommendations
 - changes to the Periodic Plan
 - any resourcing issues affecting the delivery of Internal Audit objectives;
 - progress reports from the Wales Audit Office representative summarising work done and emerging findings;
 - proposals for the Terms of Reference of internal audit;
 - the internal audit strategy;
 - Internal audit's Opinions and Reports;
 - Quality Assurance reports on the internal audit function;
 - the draft accounts of the organisation;
 - the draft Statement on Internal Control;
 - reports on any changes to accounting policies;
 - Wales Audit Office 's management letter;
 - reports on any proposals to tender for audit functions;
 - reports on co-operation between internal audit and the Wales Audit Office.

In addition, the Committee shall be provided with such papers as are appropriate for it properly to fulfil its functions, as listed in para 34 (1) above.

C. Registration Committee

35. (1) The Committee, acting with delegated powers, will be responsible for:
- overseeing the registration process and maintenance of an accurate Register;
 - overseeing the development and maintenance of the GTCW Database including the security of and access to the data on the Register;
 - overseeing the administration of the award of Qualified Teacher Status and the issue of Induction certificates;
 - considering analyses of the balance and composition of the teaching profession in Wales in order to advise Council and the Policy Committee on such matters as future initial teacher education and training needs, the recruitment and supply of teachers and continuing professional development needs;
 - keeping under review any professional code of conduct and practice or associated statements and guidance;
 - keeping under review the Council's procedures and rules for dealing with:
 - professional misconduct and incompetence;
 - the suitability of applicants for registration;
 - appeals from newly qualified teachers who fail or have a statutory induction period extended.
 - considering emerging issues and member training needs with regard to Council's professional standards work;
 - considering any other matters where requested to do so by the Council.
- (2) The Committee is accountable to the Council and will report by means of its minutes, which will normally be presented by the Committee's Chairperson.
- (3) The Committee will consist of a Chairperson who shall not be the Chairperson of Council, and six other members of the Council. The Chief Executive and Deputy Chief Executive (*Teachers' Qualifications, Registration and Professional Standards*) will normally attend the meetings.

D. Policy Committee

36. (1) The Committee, acting with delegated powers, will be responsible for the consideration and development of matters as they arise and advising the Council on teaching issues, including such matters as:
- professional development;
 - recruitment, retention and the supply of teachers;
 - initial teacher education and training;
 - qualified teacher status and induction;
 - the development of the teaching profession;
 - teacher workload;
 - equal opportunities in respect of the teaching profession;

- responses to consultations on relevant teaching issues by the Welsh Assembly Government and other organisations;
 - considering any other matters where requested to do so by the Council.
- (2) The Committee is accountable to the Council and will report by means of its minutes, which will normally be presented by the Chief Executive.
- (3) The Committee will consist of the Council's Chairperson and seven other members of the Council. The Chief Executive and Policy & Planning Manager will normally attend the meetings.

Professional Standards Committees

37. Statutory arrangements governing the Council's professional standards responsibilities are set out in the Teaching and Higher Education Act 1998, the Education Act 2002 and various National Assembly Regulations. They cover the Council's responsibilities for dealing with:
- allegations of professional misconduct, incompetence or where a teacher has been convicted of a relevant offence;
 - appeals by newly qualified teachers who fail assessment against the end of induction standards;
 - determining whether an applicant for registration is suitable to be a registered teacher.
38. The Council's procedures and rules for dealing with its responsibilities are set out in the relevant documents:
- Disciplinary Procedures and Rules
 - Suitability to be a Registered Teacher Procedures and Rules
 - Guidance and procedures for the Hearing of Induction Appeals
39. The responsibility for keeping the Council's disciplinary procedures under review rests with the Registration Committee.

Section IV – Financial Control

General

40. This section of the Standing Orders is supplemented by a detailed internal Finance Manual, agreed by the Chairperson and Chief Executive.

Financial Administration

41. The Executive Committee will be responsible for overseeing the Council's finances. The Audit and Scrutiny Committee is responsible for overseeing the Council's systems and procedures, and for ensuring the Council achieves quality and value for money in its activities.
42. The financial plans of the Council will be set out in its Corporate and Operational plans. Performance reports will be brought before the Executive and Audit and Scrutiny Committees of the Council. Reports on significant virement of expenditure will be brought to the Executive Committee.
43. The accounts will be subject to audit by the Wales Audit Office, and this will be arranged as soon as practicable after the end of the financial year on 31 March. The annual accounts will also be presented to the National Assembly for Wales, by the 31 August following the end of the financial year.

Audit

44. An internal audit function shall be arranged to carry out an examination of accounting, financial and other operations of the Council. This will include an independent review and appraisal of systems and procedures, both financial and non financial, in operation to ensure they accord with this part of Standing Orders and accord with best practise.

Procurement of goods and services

45. The process of acquisition by the Council of goods, services, consultancies or research from external firms, organisations or individuals will:
- be undertaken in a manner that is ethical, legal, accountable and compliant with European procurement limits;
 - targeted towards continuing improvements in value for money, based on the whole life cost and quality of goods and services ;
 - be compliant with the purchasing procedures of the Council as detailed in the internal Finance Manual. This compliance will ensure that all goods and services over a certain threshold are procured via competitive tender. The form of competition must be appropriate to the value and complexity of the goods and services to be acquired.

Authorisation of Payments

- 46. Authorisation to make payments out of the bank accounts of the Council is limited to the Chief Executive, the Deputy Chief Executives and the Policy & Planning Manager.
- 47. Clear written instructions are contained within the internal Finance Manual as to the grades of officers empowered to authorise expenditure, and the points which should be checked before authorisation is given.

Income

- 48. The Deputy Chief Executive (*Finance, Personnel and Corporate Services*) is responsible for ensuring that adequate machinery exists for the collection and bringing to account of all receipts. Receipts will include grant aid, registration fees, bank interest and other miscellaneous income.

Assets

- 49. The internal Finance Manual of the Council contain detailed instructions as to the procurement, safeguarding and disposal of assets, both tangible and intangible.