Cyngor Addysgu Cyffredinol Cymru
General Teaching Council for Wales

Teacher Registration
Guidance for Employers

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Contents

		Page
1.0	Introduction	1
2.0	Who needs to be registered with GTCW and how do they register?	1
3.0	Implications of GTCW teacher registration for employers	4
4.0	Access to information on the Register by employers	8
5.0	How will teacher records be kept up to date?	11
6.0	How to contact the Council	12

1.0 Introduction

Under section 134 of the Education Act 2002 and Regulation 7 of the Education (Specified Work and Registration) (Wales) Regulations 2004 (S.I. 2004/1744 (W. 183)), every qualified teacher, who carries out the 'specified work' of a teacher in a maintained school must be registered with the General Teaching Council for Wales.

The legal responsibility for ensuring that only registered teachers are employed in such posts lies with the employer.

This document provides information which will assist employers and prospective employers in complying with this legal requirement.

2.0 Who needs to be registered with GTCW and how do they register?

2.1 Who needs to be registered?

It is a legal requirement that every qualified teacher, who carries out the 'specified work' of a teacher in maintained schools or non-maintained special schools in Wales, is registered with the Council. Regulation 6 of the Education (Specified Work and Registration) (Wales) Regulations 2004 defines 'specified work' as:

- planning and preparing lessons and courses for pupils;
- delivering lessons to pupils;
- assessing the development, progress and attainment of pupils;
- reporting on the development, progress and attainment of pupils.

Those who need to be registered include:

- full-time, part-time and supply teachers with Qualified Teacher Status (QTS);
- peripatetic teachers;
- advisory teachers who are qualified teachers and who spend a proportion of their time in a teaching capacity, involving direct unsupervised pupil contact.
- home tutors – employed by an LEA to teach children unable to attend school on a regular basis.

Those exempted from the requirement to register include:

- trainee teachers;
- teachers working towards QTS through the employment-based route of the Graduate Teacher Programme;
- overseas trained teachers, who can work for a maximum of 2 years in total in temporary posts;
- unqualified teachers, for example instructors, where the school has been unable to find a qualified teacher with the necessary skills and experience;
- education officers and advisers who do not spend any proportion of their time in the direct teaching of pupils;
- home tutors (self-employed, who provide additional educational support to children who otherwise regularly attend school);
- teachers working in outdoor pursuit centres;

2.2 How teachers apply to register with GTCW and what criteria they need to satisfy

In making an application to register with the Council, a teacher must submit the following documentation to GTCW:

- a signed registration application form;
- a Criminal Records Bureau (CRB) disclosure application, together with the appropriate forms of identification which will enable Council officers to confirm the teacher's identity and to countersign the CRB disclosure application;
- payment for the cost of the enhanced disclosure check, if applicable.
- payment of the annual registration fee.

This application process applies to both newly qualified teachers and teachers who have been qualified for some time. Newly qualified teachers will be provided with a number of opportunities to register with the Council, including the provision of application packs while completing their training.

In processing an application, the Council will check to ensure that the applicant:

(a) holds Qualified Teacher Status (QTS);

(b) is not barred from teaching by the Secretary of State, GTCW, or any of their equivalents in Scotland, England and Northern Ireland;

(c) has not failed to successfully complete an Induction period in Wales or England;

(d) has paid their registration fee;

(e) is deemed suitable for registration by GTCW, including consideration of an enhanced disclosure from the CRB.

The Council will check (a) to (c) using its access as a regulatory body to central databases and other information sources, including qualification and Induction records and DCSF systems such as List 99 and Teachers' Pensions. In respect of (e), the Council will seek an enhanced disclosure from the CRB. Where any of the criteria under (a) to (e) are not satisfied, the Council will be unable to register the applicant and will notify him/her accordingly.

Registration applications generally take 4-6 weeks for the Council to process, although this can vary considerably if delays are experienced in the processing times at the CRB.

3.0 Implications of GTCW registration for employers

3.1 What does an employer need to do?

In complying with the legal requirement for every qualified teacher, who carries out 'specified' work in a maintained school to be registered with the General Teaching Council for Wales, employers should:

- make **pre-employment checks** to:
  - ensure that a teacher is registered **prior** to commencing work. This can be done via employer web access to the Register or by contacting the Registration Team directly;
  - ensure that a supply teacher is not approaching (within 3 months) or has reached the limit of short-term supply teaching and cannot therefore be employed;
- **check annually** that all teachers in their employment continue to be registered, as continued registration is dependent upon the payment of an annual registration fee.

The Council will assist employers by providing annual lists of their employees for employers to check (LEAs only). It will also inform the Welsh Assembly Government annually of any employers in Wales who are breaching their statutory duty by employing unregistered teachers.

The Council is often asked whose responsibility is it to ensure that a teacher is registered, namely the school, the LEA or a private supply agency (where relevant).

The legal requirement applies to all those organisations listed above. However, more importantly, it is essential that all parties are clear who is actually making the checks to ensure that a person is registered with the Council. A school should not assume that an LEA or supply agency is automatically making this check or vice-versa.

In the Council's experience, it is usually the LEA or where relevant, the private supply agency, that checks with GTCW that a teacher is registered. However, schools are advised to seek assurances from their LEA or any supply agency that they are making pre-employment checks on a teachers' registration status. If schools have concerns, then they should make registration checks themselves with the Council.

Where a school is, for example, a Foundation school or voluntary aided school, it should make the registration check itself.

3.2 What assurances an employer may take from a check that a teacher is registered

By checking that a teacher is registered, an employer has the assurance that a teacher meets the criteria listed in (a) to (e) in section 2.2, namely that he/she:

(a) holds Qualified Teacher Status (QTS);

(b) is not barred from teaching by the Secretary of State, GTCW or any of their equivalents in Scotland, England and Northern Ireland;

(c) has not failed to successfully complete an Induction period in Wales or England;

(d) has paid their registration fee;

(e) is deemed suitable for registration by GTCW, notably through consideration of an enhanced disclosure from the CRB.

While the matters under (a) to (d) are generally familiar to employers, the issues under (e) are likely to be less so. As such, the following section sets out relevant considerations for employers in more detail. Any employer seeking further information may contact the Council.

3.3 Suitability to be a registered teacher

The Education Act 2002 (Commencement No. 10 and Transitional Provisions) (Wales) Order 2006 introduced a requirement for the Council to determine whether or not an applicant for registration is 'suitable to be a teacher'. In deeming a person to be suitable, the Council will seek the following information:

- an enhanced disclosure from the CRB;
- confirmation that the person has not been deemed unsuitable for registration by the General Teaching Council for England;
- where applicable, for applicants who have spent more than 3 months in any one country, outside the UK, in the last 5 years or who lived outside the UK to adulthood, a signed declaration confirming that they have no criminal convictions, police cautions or pending criminal prosecution/police investigation in the relevant country/countries.

3.3.1 The enhanced disclosure

Since 31st May 2006, the requirement for an applicant for GTCW registration to undergo an enhanced disclosure check by the Criminal Records Bureau (CRB) has been an integral part of the application process.

Upon receipt of a completed disclosure application form and the relevant confirmation of identity, the Council will request an enhanced disclosure from the CRB. The CRB indicate that they will process 90% of all enhanced disclosure applications within 4 weeks.

Where the enhanced disclosure displays information which might be potentially relevant to a teacher's suitability to be a registered teacher (for example, details of convictions), the Council will consider this information and take a decision as to whether or not the applicant is suitable for registration based on this evidence. In deciding whether a person is suitable, the Council will apply the same standard of conduct for the applicant as it expects of a registered teacher.

Any teacher who is not deemed suitable for registration will not be registered and, therefore cannot be employed in a post requiring a qualified teacher to undertake 'specified work' in the maintained sector. Further details of the Council's procedures and its decision making process in this regard may be found in its *Disciplinary Procedures and Rules*.

An obvious question for employers is whether or not it is necessary to undertake a further CRB disclosure given that the Council has to do so as part of an application for registration.

Employers are advised that the requirement for an individual teacher applicant to satisfy the Council's suitability for registration criteria does not take away the responsibilities of the employer in assessing the person's suitability for employment.

Employers are advised that the disclosure is only valid on the day upon which it is undertaken by the CRB. In checking whether a teacher is registered with the Council, we will be able to indicate to you the date upon which a teacher was considered suitable for registration by us. It is then a matter for each individual employer to decide whether they wish to request their own disclosure from the CRB as part of their internal recruit process and in conjunction with the mandatory guidance issued to all employers by the Welsh Assembly Government.

3.4 What action should be undertaken by employers (maintained sector) if a teacher is not registered with the Council?

It is possible that an employer will find, following contact with the GTCW, that an employee or prospective employee is not registered. This may be for two reasons:

- **teachers who are eligible for registration but are not currently registered**. These teachers need to be registered before they can be employed as qualified teachers in the maintained sector. In such cases, at the request of the employer / prospective employer, a registration pack will be sent to the teacher.
- **teachers who cannot be registered due to restrictions**. Any teacher who is not eligible for registration **should not be employed as a qualified teacher.** If the teacher believes that he / she is eligible and disagrees with the record held by the Council, for example, the teacher has QTS but the GTCW Register indicates otherwise, then the Council will investigate the matter. Once the case has been investigated, the employer and individual teacher will be notified accordingly.

If an employer knowingly continues to employ a qualified teacher who is unregistered, in a post involving the 'specified work' of a teacher, the Welsh Assembly Government has powers to issue a direction to an employer to comply with its statutory duty.

4.0 Access to information on the Register by employers

4.1 Who may be given information from the Register of Teachers?

Under The General Teaching Council for Wales (Functions) Regulations 2000, as amended, the Council is required to supply a subset of information on a particular teacher, if requested by an employer or prospective employer. This applies to registered teachers or unregistered persons for whom records are held on the database.

Those who may request such information are:

- a local education authority;
- the appropriate diocesan authority in relation to a Church in Wales or Roman Catholic Church school where the employer or prospective employer is the governing body of the school or the LEA maintaining the school;
- the governing body of a school maintained by a local education authority;
- the governing body of a non-maintained special school;
- the proprietor of an Independent school;
- an institution within the higher education sector;
- an institution within the further education sector;
- a teacher supply agency;
- the Ministry of Defence in relation to a person appointed, or being considered for appointment as a teacher at a school maintained or assisted by the Ministry of Defence;
- the Service Children's Education.

Please note that the Council's Register only holds information on teachers in Wales. Therefore, should an employer require information relating to a teacher who is employed in England, Scotland or Northern Ireland then the respective GTC will need to be contacted directly.

4.2 What information from the Register of Teachers may be supplied to employers?

The information which can be provided to employers is set out in Schedule 2 of the GTCW Functions Regulations. This information mainly relates to a teacher's registration and qualifications. In summary, this covers:

- whether or not the teacher is qualified;
- whether or not the teacher has been deemed suitable for registration;
- whether or not the teacher is registered;
- information about the teacher's qualifications;
- details concerning Initial Teacher Training;
- whether or not the teacher has satisfactorily completed a statutory Induction period in Wales;
- the description of any restriction or prohibition which may be in force in relation to the teacher as the result of a direction given by the Secretary of State for Children, Schools and Families or disciplinary action by the General Teaching Council for Wales.

If an employer/prospective employer only wants to check whether a teacher is registered, provided the security checks discussed in section 4.3 are met, then confirmation may be obtained by the employer accessing the Register via the internet, by telephone or by e-mail.

The legislation is specific as to the purposes for which employers may request information. The GTCW provide responses to employers on the understanding that the information is being released for the specific purpose and subject to the rules about disclosure set out below:

- the information supplied should not be disclosed to any person other than the teacher to whom the information relates;
- the supply of information is subject to the condition that it is used for the purposes of ascertaining the suitability of the teacher or unregistered person for employment or continued employment.

If any of these areas appear to be potentially a concern, the Deputy Chief Executive will be notified before any information is released.

It is recognised that requests for information from schools are likely to come from headteachers acting on behalf of governing bodies. In this case, it is important that the reason for the request of information is consistent with the second point above.

4.3 How do employers request information from the Register and what identity checks will be undertaken?

Any employer wishing to check the registration status of a teacher may do so by checking the Register via internet access, by telephone, e-mail, fax or in writing.

Only members of the Qualifications and Registration Team at the General Teaching Council for Wales will give information about teachers' records in response to requests.

Appropriate checks on identity will be made before any information is released to teachers, employers, prospective employers or others. The following checks will be undertaken by GTCW registration officers:

- requests may be taken by telephone, fax, e-mail or in writing from specified employers only;
- any request by fax or letter should come on the organisation's headed paper and from a senior contact.

Registration officers are likely to ask for the teacher's full name, date of birth, teacher reference (DCFS) number and NI number.

4.4 Web Access for Employers

The Council has launched the facility for electronic access to the Register for employers in order that they can carry out their own registration checks. For further information, please contact the Qualifications and Registration Team.

5.0 How will teacher records be kept up to date?

The Council is eager to encourage teachers to notify us of changes to their own personal records, for example, a change of address or surname. However, the Council is also keen to receive such details from employers on an ongoing basis.

This should be provided in writing, by e-mail, by telephoning the Qualifications and Registration Team, or by submitting the change via the web access function. Please note that information correctly identifying the teacher will be required, notably, name, teacher reference (DCFS) number, date of birth and school where employed (if applicable).

In addition, the Council undertakes an annual mailing to all LEAs and to individual teachers. The mailing to teachers includes details of their individual teacher records and provides a regular opportunity for checking and amendment of details.

Bi-annually the Council sends each school a list of those teachers who, according to the Council's Register, work within their school. This enables the school to contact the Council directly regarding any changes required to our records.

6.0 How to contact the Council

Any queries should be directed to the following:

Contact: The Qualifications and Registration Team
Address: 4th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW
Telephone: 029 2055 0350
Fax number: 029 2055 0360
E-mail: registration@gtcw.org.uk