

**Cyngor Addysgu
Cyffredinol Cymru**

**General Teaching
Council for Wales**

Registration Rules

June 2010

THE GENERAL TEACHING COUNCIL FOR WALES
REGISTRATION RULES

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1.0 Introduction

Citation and commencement

- 1- (1) Under Section 134 of the *Education Act 2002*, and the *Education (Specified Work and Registration (Wales) Regulations 2004 (SI 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.
- (2) The General Teaching Council for Wales in the exercise of the powers conferred upon it by:
- (a) the *Teaching and Higher Education Act 1998*, as amended by the *Education Act 2002*; and
 - (b) National Assembly for Wales Regulations,
- hereby make the following Rules, which were approved in Council on 28th April 2010.
- (2) These Rules may be cited as the *Registration Rules* of the General Teaching Council for Wales and shall come into force on 1st June 2010.

Interpretation

- 2-(1) In these Rules, unless the context otherwise requires:

‘the Act’ means the *Teaching and Higher Education Act 1998*, and any amendments as set out in the *Education Act 2002*;

‘an agent’ means one person (the agent) who makes arrangements for another person (the worker) to carry out work at the request of, or with the consent of, a relevant employer (whether or not under a contract). A private supply agency might typically come under the category of an agent;

‘appropriate body’ has the same meaning as in the *Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005*;

‘the Council’ means the General Teaching Council for Wales;

‘disciplinary order’ in relation to a registered teacher in Wales or England means a ‘reprimand’, ‘a conditional registration order’, ‘a suspension order (with or without conditions)’ or ‘a prohibition order’ within the meaning of Schedule 2 to the Act;

‘induction’ means an induction period served or required to be served in accordance with Regulations made in England and Wales under section 19 of the Act;

'induction period' means a period served in accordance with Regulations made in England and Wales under section 19 of the Act;

the 'ISA' means the Independent Safeguarding Authority;

'member of the public' means a person who is not an employer within the meaning of these Rules, or a person who is not registered or is ineligible for registration;

'Professional Competence Committee' means a Committee established under Regulation 6(1) of the *General Teaching Council for Wales (Disciplinary Functions) Regulations 2001*, as amended;

'Professional Conduct Committee' means a Committee established under Regulation 5(1) of the *General Teaching Council for Wales (Disciplinary Functions) Regulations 2001*, as amended;

'the Register' means the Register of Qualified Teachers which the Council is required to establish and maintain in accordance with Section 3 of the Act, detailed in *The General Teaching Council for Wales (Functions) Regulations 2000*,

and 'registration' means registration on the Register;

'registered teacher' means:

- (a) a person for the time being registered under Section 3 of the Act;
- (b) a person who was registered under Section 3 of the Act at the time of any alleged conduct or offence on his or her part; or
- (c) a person who has made an application to be registered under Section 3 of the Act;

a 'relevant employer' means:

- (a) a Local Education Authority (LEA);
- (b) a person exercising a function relating to the provision of education on behalf of an LEA;
- (c) the proprietor of a school. 'School' includes an independent school;
- (d) the governing body of a further education institution,

and 'current employer' and 'employed' shall be construed accordingly;

- (2) In these Rules, unless the contrary intention appears:

- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) numbered sub-paragraphs and paragraphs are references to the Rule in which they appear;
- (c) numbered rules are references to the rules of these Procedures and Rules.

Publication of the Rules

3- (1) These Rules shall be:

- (a) made available without charge on request to any registered teacher, or teacher who has applied for registration;
- (b) published on the Council's website;
- (c) kept under continuous review and updated as and when appropriate.

Application for registration on the Register

4-(1) An application for registration on the Register shall be:

- (a) made in writing; and
- (b) made on an application form provided by the Council; and
- (c) signed by the applicant, and
- (d) accompanied by an application for the Council to carry out an enhanced disclosure check with the Criminal Records Bureau (CRB); and

(2) An application for registration shall include the following particulars:

- (a) the applicant's teacher reference number;
- (b) the applicant's ISA reference number, where applicable;
- (c) the applicant's full name;
- (d) the applicant's date of birth;
- (e) the applicant's home or contact address and telephone number;
- (f) the date on which the applicant qualified as a teacher;

- (g) Where applicants have spent more than 3 months in any one country outside of the UK in the previous 5 years, or have lived outside the UK to adulthood, a signed declaration confirming whether or not:
 - (i) he or she has received a conviction, caution, warning or reprimand in relation to a criminal offence;
 - (ii) there is any pending prosecution or police investigation in relation to him or her.
- (h) Any such other information as may be required by the Council.
- (3) The Council may require any application for registration to be accompanied by such documents as it considers is appropriate.
- (4) Any change to any of the particulars specified in the application for registration shall be notified to the Council in writing.
- (5) Registration with another General Teaching Council is not automatically transferable to Wales. A new application must be made.

Entitlement to registration

- 5- (1) A person shall be entitled to registration on the Register provided he / she:
- (a) holds Qualified Teacher Status (QTS) for teaching pupils of school age;
 - (b) is not prohibited or suspended from teaching by the Council, or barred by the Secretary of State (DCSF) acting on behalf of England and Wales, the Independent Safeguarding Authority or any of its equivalents in the United Kingdom or Ireland;
 - (c) has not failed to complete an Induction or probation period in the United Kingdom or Ireland;
 - (d) has been deemed suitable for registration by the Council, following:
 - (i) an assessment of the contents of the enhanced disclosure check with the Criminal Records Bureau as referred to at Rule 4(1)(d); and
 - (ii) an assessment of any matters declared under Rule 4(2)(g);
- (2) Where the Council determines to refuse an application for registration under Rule 5(1), it will write to the applicant giving reasons for the refusal.

Contents of the Register

- 6- (1) There shall be recorded against the name of a person registered on the Register the matters listed in Schedule 1 to the *General Teaching Council for Wales (Functions) Regulations 2000*.
- (2) The Council may make provision to record additional matters in the Register as it deems necessary, and which it considers material to a person's registration.
- (3) Where a disciplinary order has expired, the Council may make provision for the expired order to be recorded on the Register with a clear identification that the order has expired.
- (4) Nothing in this rule shall preclude the Council from entering on the Register any other information which is material to a person's registration.

Amending entries on the Register

- 7- (1) A registered teacher shall notify the Council within a period of one month of any change to any particulars recorded in the Register in relation to him or her.
- (2) The Council shall, so far as may be necessary, amend the Register:
 - (a) to give effect to the notice given under Rule 7(1);
 - (b) to give effect to any decision or disciplinary order made by the Council;
 - (c) to give effect to any information which has come to the attention of the Council and which, in its opinion, calls for an amendment in order to maintain the accuracy of the Register.
- (3) The Council may request documentary proof of amendments or additions to the Register, including qualifications, name changes or bereavements.

Restoration of entries on the Register

- 8- (1) Where a registered teacher, on inspection of the Register, identifies an omission of an entry in relation to him or her, he or she shall inform the Council as soon as practicable with any such available supporting evidence as the registered teacher may obtain.
- (2) The Council shall also restore, if satisfied with the evidence, such entry as is reported to the Council under Rule 8(1), or reported to the Council by any other means.

- (3) A teacher on the Register, who is subject to a Suspension Order (with or without conditions) by the Council, will be restored to the Register at the end of the suspension period subject to:
- (a) the submission of a new application for registration in line with Rule 4;
 - (b) the provisions of Rules 5 and 9(3);
 - (c) compliance with any conditions imposed by a Professional Conduct Committee or Professional Competence Committee;
- (4) A teacher on the Register who is subject to a Prohibition Order imposed by the Council may only apply to re-join the Register in line with Rule 38 of the Council's *Disciplinary Procedures and Rules*.

Registration fees

- 9- (1) The Council may charge annual fees, with the approval of the Welsh Assembly Government ("registration fee") for:
- (a) the registration of a teacher on the Register;
 - (b) the annual retention of entries on the Register; and
 - (c) the restoration of entries on the Register.
- (2) The Council shall publish the registration fee, on such occasion as it agrees a new sum under Rule 9(1), on the Council's website and in the form of a letter which shall be made available to:
- (a) registered teachers;
 - (b) employers and agents;
 - (b) any person who requests it.
- (3) Subject to paragraph (4), the Council may refuse an application for registration until the registration fee pursuant to Rule 9(1)(a) has been paid.
- (4) The Council may make provision for there to be exceptions where fees are not charged.
- (5) The registration fee pursuant to Rule 9(1)(b) shall be payable:
- (a) to the Council on or before 1st April of each year; and
 - (b) in accordance with regulation 4 of the *General Teaching Council for Wales (Fees) Regulations 2002*; or
 - (c) by other means as the Council may direct.

- (6) For the purposes of the registration fee, “a year” begins on 1st April and ends on 31st March of the following year.
- (7) Where a registered teacher fails to make registration fee payment for the purposes of retention on the Register under Rule 9(1)(b) for the year in which the registration fee is due, the Council:
 - (a) shall send notice to the registered teacher requesting payment of the registration fee; and
 - (b) may remind the registered teacher that failure to pay the registration fee within a specified time will result in the removal of that registered teacher’s entry on the Register, under Rule 10(1)(a).

The Council shall use the home address and / or e-mail address held on the Register against a teacher’s name for this purpose.

Removal of entries on the Register

10- (1) The Council shall remove entries from the Register where:

- (a) a registered teacher has failed to pay the registration fee under Rule 9(1)(b) after due notice has been given by the Council under Rule 9(7);
- (b) a Prohibition Order or a Suspension Order is made by the Council in relation to the teacher;
- (c) a disciplinary order is imposed by another General Teaching Council in the United Kingdom or Ireland which has the effect of removing the registered teacher from the Register in that jurisdiction;
- (d) a registered teacher is barred by the Secretary of State (DCSF) acting on behalf of England and Wales, the ISA or any of their equivalents in the United Kingdom or Ireland from working as a qualified teacher in a maintained school, non-maintained special school or Independent School;
- (e) a registered teacher fails to successfully complete a statutory induction period, or has been determined by the appropriate body to have failed induction;
- (f) subject to Rule 10(2), a registered teacher makes a written application to the Council for deregistration on the grounds that he / she:
 - (i) has ceased to be employed as a teacher in a maintained school or in a non-maintained special school, and
 - (ii) does not intend to seek employment as a teacher in such schools.

- (g) the Council is notified in writing of the death of a registered teacher. Where this notification is provided by a registered teacher's next of kin, this must include a copy of the death certificate.
- (2) Rules 10(1)(a) and 10(1)(f) shall not apply where:
- (a) the Council receives a referral involving an allegation of unacceptable professional conduct, serious professional incompetence or a conviction of a relevant offence, or a complaint involving an allegation of unacceptable professional conduct has been made against a registered teacher; or
- (b) the registered teacher is under investigation by the Secretary of State (DCSF) or ISA.
- (3) Where the Council removes an entry in relation to a registered teacher, the Council:
- (a) shall notify him or her (except where Rule 10(1)(g) applies); and
- (b) may notify the teacher's current employer;
- as to the reasons for the removal of the entry.
- (4) Nothing in this Rule shall preclude the Council from removing an entry on the Register made in error or to correct such other minor errors as may appear on the face of the Register.

Access to the Register

- 11- (1) The Council may make available the names of registered teachers on the Register in such manner as the Council may determine.
- (2) The Council shall supply a registered teacher, upon request, with a copy of the information entered on the Register against that registered teacher's name;
- (3) The Council shall, if requested by an employer or agent or prospective employer or agent of a registered teacher, provide that organisation with the information set out in Schedule 2 to *The General Teaching Council for Wales (Functions) Regulations 2000*.
- (4) The Council may, on receipt of a request from a member of the public, inform him / her whether or not a person is a registered teacher.
- (5) The Council may provide information entered onto the Register to the Welsh Assembly Government, the Secretary of State (DCSF), the ISA and the General Teaching Councils within the United Kingdom and Ireland.

List of formerly registered teachers

12- (1) The Council shall maintain details of teachers who have been removed from the Register.

Service provision on a temporary or occasional basis

13- (1) These Rules do not apply to service provision on a temporary or occasional basis under EU Directive 2005/36/EC. Such applications will be determined in line with the Directive.