

Draft Regulations laid before the National Assembly for Wales under section 47(2) of the Education (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2016 No. (W.)

EDUCATION, WALES

**The Education Workforce Council
(Registration Fees) (Wales)
Regulations 2016**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 12 of the Education (Wales) Act 2014 (“the 2014 Act”) allows the Welsh Ministers to make regulations in relation to the fees payable in connection with registration in the register established and maintained by the Education Workforce Council (“the Council”) under section 9 of the 2014 Act.

Regulation 1 provides that these Regulations come into force on 1 February 2016 except for regulation 2 which comes into force on 1 April 2016. Regulation 2 provides that the Education Workforce Council (Registration Fees) (Wales) Regulations 2015 (“the 2015 Regulations”) are revoked. Therefore, the 2015 Regulations are revoked with effect from 1 April 2016.

Regulation 3 contains the interpretation provisions.

The fees payable for all categories of registration are set out in regulation 4. Regulation 4 also provides that the Welsh Ministers may determine the amount by which those registration fees will be subsidised and requires them to publish the amount of that subsidy on the Welsh Government website.

Regulation 5 allows the Council to make provision in relation to the fees payable pursuant to these Regulations.

Regulation 6 provides that an employer must on request by the Council supply the Council with the information set out in the Schedule where they employ or otherwise engage to provide relevant services a person who is required to be registered.

Regulation 7 requires an employer who has been notified by the Council to deduct a registration fee from a school teacher's, school learning support worker's, further education teacher's or further education learning support worker's salary; and regulation 8 requires the employer to remit it to the Council within 14 days.

Regulation 9 requires the employer to supply to the Council the information in the Schedule in respect of the person to whom the fee is remitted when remitting the fee to them.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Practitioner Standards and Professional Development Division in the Department for Education and Skills.

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2016 No. (W.)

EDUCATION, WALES

**The Education Workforce Council
(Registration Fees) (Wales)
Regulations 2016**

Made

Coming into force *1 February 2016*
except as provided for in regulation 1(1)

The Welsh Ministers, in exercise of the powers conferred upon them by sections 12, 36 and 47(1) and (2) of the Education (Wales) Act 2014⁽¹⁾ make the following Regulations.

In accordance with section 47(2) of the Education (Wales) Act 2014 a draft of these Regulations was laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Education Workforce Council (Registration Fees) (Wales) Regulations 2016 and they come into force on 1 February 2016 except for regulation 2 which comes into force on 1 April 2016.

(2) These Regulations apply in relation to Wales.

Revocation

2. The Education Workforce Council (Registration Fees) (Wales) Regulations 2015⁽²⁾ are revoked.

(1) 2014 anaw 5.
(2) S.I. 2015/195 (W. 10).

Interpretation

3. In these Regulations—

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014;

“category of registration fee” (“*ffî'r categori cofrestru*”) means the fee payable in relation to each category of registration set out in regulation 4(1);

“employer” (“*cyflogwr*”) means a person who employs or engages a registered person to provide relevant services;

“fee” (“*ffî*”) means any fee payable by virtue of section 12 of the 2014 Act;

“notification date” (“*dyddiad hysbysu*”) means the date notified to an employer by the Council as being the date upon which the fee becomes payable;

“Register” (“*Cofrestr*”) means the register established and maintained under section 9 of the 2014 Act; and “registration” (“*cofrestru*”) means registration on the Register;

“school teacher” (“*athro neu athrawes ysgol*”) means a person who is a school teacher—

(a) within the meaning given to it in row 1 of table 1 in Schedule 2 to the 2014 Act; and

(b) is not an STPCD school teacher;

“STPCD” (“*DCAAY*”) means the document referred to in the Order made yearly by the Secretary of State under section 122 of the Education Act 2002⁽¹⁾ and which contains provisions relating to school teachers pay and conditions;

“STPCD school teacher” (“*athro neu athrawes ysgol DCAAY*”) means a person who is a school teacher—

(a) within the meaning given to it in row 1 of table 1 in Schedule 2 to the 2014 Act; and

(b) is paid in accordance with the STPCD.

Amount of registration fee payable

4.—(1) The registration fee payable for the year commencing on 1 April 2016 and ending on 31 March 2017 and each subsequent year is—

(a) £78 per year for an STPCD school teacher;

(b) £49 per year for a school teacher;

(c) £49 per year for a school learning support worker;

(1) 2002 c. 32.

- (d) £49 per year for a further education teacher; and
- (e) £49 per year for a further education learning support worker.

(2) The fee payable under paragraph (1) is to be subsidised by such amount as may be determined by the Welsh Ministers from time to time.

(3) The amount of any subsidy determined by the Welsh Ministers in accordance with paragraph (2) must be published on the Welsh Government website.

(4) Where a person applies to be registered or is registered in more than one category of registration (“relevant categories of registration”)—

- (a) only one category of registration fee is payable for all of the relevant categories of registration; and
- (b) the category of registration fee payable is the higher of those fees after taking into account any subsidy determined under paragraph (2).

Provision to be made by the Council in relation to fees

5. The Council may make provision—

- (a) to charge and recover fees determined by the Welsh Ministers in respect of—
 - (i) applications for registration or for the restoration of entries in the Register; and
 - (ii) the retention of entries in the Register; and
- (b) for there to be exceptions and exemptions where fees are not charged.

Information to be supplied by an employer to the Council on request

6. An employer must notify the Council upon request of the details specified in the Schedule of any person who—

- (a) on a date specified by the Council is either employed or otherwise engaged by that employer to provide relevant services; and
- (b) is required to be registered by virtue of regulations made under sections 14 to 16 of the 2014 Act.

Deduction of fee

7.—(1) The employer of a person to whom this regulation applies must secure that the fee is deducted from the payment of salary made to that person immediately following the notification date.

(2) This regulation applies to a person in respect of whom the employer has received notice (“a payment notice”) from the Council that they are required to secure that the fee is deducted from that person’s salary.

(3) A payment notice must specify the amount to be deducted taking into account the amount of subsidy determined in accordance with regulation 4(2).

(4) A payment notice may be issued to an employer only if the Council is satisfied that on the notification date the person in respect of whom the notice is issued has not already paid the fee and is—

- (a) registered on the Register, or
- (b) required to be so registered by virtue of regulations made under sections 14 to 16 of the 2014 Act.

Remittance of fees to the Council

8. The employer must within 14 days of the fee being deducted in accordance with regulation 7 remit that fee to the Council.

Information to be supplied to the Council by the employer with the fee

9. When remitting the fee the employer must notify the Council of the details specified in the Schedule of the person in relation to whom the fee is remitted.

Failure to discharge duty

10. Failure by a person to discharge a duty within a time limit specified in these Regulations does not relieve that person of that duty.

Huw Lewis

Minister for Education and Skills, one of the Welsh Ministers

Date

SCHEDULE Regulation 6

**INFORMATION TO BE SUPPLIED
TO THE COUNCIL**

1. The full name of the person.
2. If known, any name by which the person was formerly known.
3. Whether the person is male or female.
4. The official registration number, if any, assigned to the person.
5. The name of the school or institution at which the person is employed or otherwise engaged to provide relevant services.
6. The person's national insurance number.
7. The person's home address or other contact address.
8. The person's date of birth.
9. The person's telephone number and electronic mail address (if available).
10. Where the person is engaged to provide relevant services through an agency, the name of that agency.