



# Education (Wales) Act 2014

2014 anaw 5

## PART 2

### EDUCATION WORKFORCE

#### *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—
  - (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—
  - (a) barred from regulated activity relating to children (within the meaning of section 3(2) of the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#)),

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*Status: This is the original version (as it was originally enacted).*

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

## **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.
- (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**

- (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;
  - (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;
  - (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).

- (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.
- (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—
    - (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;
  - (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;
  - (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.