EXPLANATORY MEMORANDUM TO

The General Teaching Council for England (Additional Functions) Order 2004 No. 1886

1. This explanatory memorandum has been prepared by the Department and Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Order confers additional functions on the General Teaching Council for England, the professional body for teachers in England. It requires the Council to assist the Secretary of State in his function as designated authority for the teaching profession under European Communities (Recognition of Professional Qualifications) Regulations 1991[1] ("the Regulations"), which entails determining applications from teachers trained in the European Economic Community (EEA) to have their qualifications recognised on the same basis as teachers in England and Wales.

2.2 The Order also gives the General Teaching Council for England the power to act as the designated authority itself, should it be so designated.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None.

4. Legislative Background

4.1 The Additional Functions Order is made under section 7 of the Teaching and Higher Education Act 1998. The Council's present functions under the 1998 Act include establishing and maintaining a register of qualified teachers; exercising disciplinary powers in relation to registered teachers; giving advice about professional teaching matters to the Secretary of State; and awarding qualified teacher status to those meeting the qualification requirements in England.

4.2 The Secretary of State is the designated authority for the profession of school teacher in both England and Wales for the purpose of the Regulations. These Regulations give effect to Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration[2] ("the Directive").

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

[1] S.I. 1991/824.
[2] OJ No. L 19, 24.1.89, p.16

The Minister of State, David Miliband, has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

> "In my view the provisions of The General Teaching Council for England (Additional Functions) Order 2004 are compatible with the Convention rights."

7. Policy background

7.1 The Secretary of State for Education and Skills is the designated authority for England and Wales for the purpose of the Regulations. It is his intention that in due course, the General Teaching Council for England should become the designated authority in respect of England. That means that the Council will have the power to grant authorisations to teachers from the EEA who apply to have their qualifications recognised on the same basis as teachers in England. This additional function can be appropriately discharged in conjunction with the function the Council already exercises of awarding qualified teacher status to teachers who have successfully completed initial teacher training at accredited institutions in England. We propose to give effect to this intention by amending the 1991 Regulations in the autumn.

7.2 In the meantime, before the Secretary of State is replaced by the Council as designated authority, we propose to make use of the expertise of the General Teaching Council for England by requiring it to assist the Secretary of State in the exercise of his function in respect of both England and Wales. The Council has been consulted and agrees to provide the necessary assistance.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

Anne Barlow at the Department for Education and Skills (tel: 020 7925 5630 or e-mail: anne.barlow@dfes.gsi.gov.uk) can answer any queries regarding the instrument.