EXPLANATORY MEMORANDUM TO THE

EDUCATION (HEAD TEACHERS' QUALIFICATIONS) (AMENDMENT) (ENGLAND) REGULATIONS 2005.

2005 No.875

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

This memorandum contains information for the Select Committee on Statutory Instruments.

2. Description

2.1 The above instrument is made in exercise of the powers conferred on the Secretary of State by sections 135, 145(1) and 210(7) of the Education Act 2002.

2.2 The S.I. amends the Education (Head Teachers' Qualifications) (England) Regulations 2003 which make provision for first-time head teachers to hold the National Professional Qualification for Headship ("NPQH"), or be working towards it.

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 amendment is needed in order to comply with EU legislation regarding the free movement of workers between member states as set out in Article 39 of the Treaty of Rome and implemented by EC Directive 92/51 and the European Communities (Recognition of Professional Qualifications) (Second General Systems) Regulations 2002 (SI 2002/2934) ("the Second General Systems Regulations").

5. Extent

5.1 By virtue of the definition of "regulations" in section 212(1) of the Education Act 2002, these Regulations apply only in relation to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 NPQH was originally introduced in England in 1997. It is intended to prepare teachers for headship and is a practical, professional programme, firmly rooted in school improvement. The qualification is awarded by the National College for School Leadership. Similar programmes exist in Scotland, Wales and Northern Ireland. Since 1 April 2004 it has been a mandatory requirement for all first-time headteachers of schools maintained by an LEA (except pupil referral units) and of non-maintained special schools to hold NPQH. There is transitional provision to permit persons who are not so qualified to be appointed as head teacher prior to 1st April 2009, provided that at the time for the appointment they have been accepted onto the training course and that they obtain the qualification within 4 years of the appointment.

7.2 If a candidate from an EEA country applies for a headship position in England and has a qualification which he believes is comparable to NPQH, the Chief Executive of NCSL is the Designated Authority for England under regulation 9(2) of the Second General Systems Regulations, and is responsible for determining whether or not the qualification meets the requirements of the Regulations. As Designated Authority, the Chief Executive of NCSL also has responsibility for determining the appropriate compensatory measures to be taken by an applicant whose qualifications do not measure up to the required standards.

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.

9. Contact

9.1 Peter O'Reilly at the Department for Education and Skills Tel: 0207 925 7498 or e-mail: peter.o'reilly@dfes.gsi.gov.uk can answer any queries regarding the instrument.