EXPLANATORY MEMORANDUM TO

THE FURTHER EDUCATION (PRINCIPALS' QUALIFICATIONS) (ENGLAND) (REVOCATION) REGULATIONS 2010

2010 No 2269

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

2 Purpose of the instrument

2.1 These Regulations revoke – with effect from 1 November 2010 – the Further Education (Principals' Qualifications) (England) Regulations 2007 ("the 2007 Regulations"), and subsequent amendment regulations, which impose a requirement upon principals of further education (FE) institutions (as defined under the Further and Higher Education Act 1992) to have completed or be following the Principals' Qualifying Programme (PQP) and to do so within three years of their appointment.

3 Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4 Legislative Context

4.1 The Regulations are made under the powers conferred by sections 137, 145 and 210(7) of the Education Act 2002.

5 Territorial Extent and Application

5.1 These Regulations apply to England only.

6 European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7 Policy background

7.1 The PQP was introduced in 2007 as part of the Government's policy for professionalising the FE workforce. The intention was to create a professionally qualified cadre of FE principals by introducing a coherent framework of standards and skills that leaders and potential leaders in the sector should attain.

7.2 The 2007 Regulations, as amended, imposed a requirement for principals appointed to their first post from September 2007 to have completed, or be following, the PQP. Serving principals could undertake PQP if they chose but it was not

mandatory for them to do so. The Regulations introduced a time limit of up to three years from date of appointment for completion of the programme.

7.3 The programme, which was developed and run by the Learning and Skills Improvement Service (LSIS), has been run in a series of regular cohorts. By the end of June 2010 78 principals had qualified with an average completion time of PQP was 18 months. The costs of the programme were met through a combination of LSIS funding and a charge to participants.

7.4 An evaluation of PQP was prepared in March 2009. Amongst the findings, which were generally positive (especially for those new to the position of principal), the report did note that 'PQP appears to be much less effective where participants felt compelled to participate.'

7.5 It is now the Government's intention to revoke the Regulations which place a requirement upon FE principals to undertake PQP as a condition of being able to hold the post of principal at an FE institution in England. The Government does not believe that the qualifications held by FE principals should be prescribed by law. Instead, principals should be free to choose the management and leadership training that is most appropriate to their career development. Governing bodies of FE colleges, when appointing a principal, should be free to accept whoever they believe is the best qualified candidate regardless of whether that individual possesses PQP.

7.6 The requirement will cease from 1 November. Principals currently engaged on the programme will be encouraged to complete it or consider transferring to other voluntary training offered as part of the LSIS suite of executive and leadership programmes.

Consolidation

7.6 The regulations revoke three separate instruments in their entirety.

8 Consultation outcome

8.1 The Minister has decided that regulation requiring PQP is unnecessary and that principals should be free to undertake the package of development that they feel is appropriate to their needs. There is no statutory duty to consult before revoking the regulations, but a duty can arise under public law principles where the rights of individuals are likely to be affected by the decision. In this case it has been concluded that consultation is not necessary because LSIS, the organisation delivering the programme, have accepted the decision and are working on a range of management development opportunities to offer a greater choice to those who would formerly have been required to undergo the PQP. Individuals will not be adversely affected by the deregulation. Those currently engaged on the programme have been offered the opportunity to complete. Those who would have been required to undergo the programme in future will have greater flexibility to access a range of wider development opportunities to meet their individual needs and circumstances on a voluntary basis. What is being removed is the compulsion to undertake one specific programme and giving choice to the individual to access development that is relevant to individual circumstances.

9 Guidance

9.1 The Minister for Further Education, Skills and Lifelong Learning announced the Government's intention to remove the requirement to undertake PQP in a speech given at City and Islington College on 17 June. At the same time, he wrote to all FE college principals advising them of his decision.

10 Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is confined to FE institutions as defined under the Further and Higher Education Act 1992. It allows them to recruit from a wider pool of candidates than just those holding PQP, candidates who hold other qualifications and/or experience that would fit them for the role of principal.

10.3 An impact assessment has not been prepared for this instrument.

11 Regulating small business

11.1 The legislation does not apply to small business.

12 Monitoring & review

12.1 The purpose of these regulations is to enable individual principals to take whatever training or professional development they deem most appropriate to their role and to allow governing bodies of FE institutions to decide whether a candidate for the post of principal is, in their view, suitably qualified for the position. There is no intention formally to review the effect of these regulations. Instead, the quality of leadership and management of principals will be reflected in the overall effectiveness grades of FE institutions as recorded in future inspection reports.

13 Contact

13.1 Any enquiries about the contents of this memorandum should be addressed to: Mr Lawrence Fry, Further Education Directorate, Department for Business, Innovation and Skills, email: lawrence.fry@bis.gsi.gov.uk, telephone: 0114 207 5086