EXPLANATORY MEMORANDUM TO

THE FURTHER EDUCATION (RECOGNITION OF PROFESSIONAL QUALIFICATIONS) (AMENDMENT) REGULATIONS 2018

2018 No. 1101

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 These Regulations amend Part 1 of Schedule 1 to the European Union (Recognition of Professional Qualifications) Regulations 2015 ("the RPQ Regulations"). This a technical amendment to correct an error in the RPQ Regulations, by removing references to "Principal of a further education institution in England" and "Teacher at a further education institution in England" and the respective competent authority for each of these (the Secretary of State and the Education and Training Foundation), as neither profession was regulated at the time the RPQ Regulations were made.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 As the instrument corrects errors, it is being issued free of charge to all known recipients of the RPQ Regulations.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The RPQ Regulations implement the EU Directive on the recognition of Professional Qualifications (Directive 2005/36/EC as amended by Directive 2013/55/EU) ("the MRPQ Directive"). The MRPQ Directive sets out rules for the recognition of professional qualifications enabling qualified persons from the states of the European

Economic Area to gain access to the profession in which they are qualified and to practise the profession under the same conditions as professionals in the United Kingdom where those professions are regulated. This is a technical amendment that corrects an error in the RPQ Regulations. Neither FE teachers in England nor Principals of FE institutions in England were regulated professions at the time the RPQ Regulations were made and were therefore included in error.

7. Policy background

What is being done and why?

7.1 The RPQ Regulations relate to the mutual recognition of professional qualifications gained in the EU. They exist to ensure that there are no barriers to enter a profession regulated in the UK for those recognised as qualified in that profession in the EU. They are being amended to correct an error that was included when they were made by the inclusion of "Teacher" or "principal" at a further education institution in England as neither was a regulated profession at the time the RPQ Regulations were made. Provision to regulate FE principals was in place until 2010 and until 2012 / 2013 for FE teachers when various sets of regulations setting requirements in respect of qualifications for each of the professions were revoked. The power to set requirements, in regulations, as to the qualifications needed to practice these professions, was repealed by the Deregulation Act 2015, prior to the RPQ Regulations being made. As a consequence of the removal of these professions from the list in Part 1 of Schedule 1 to the RPQ Regulations, these regulations also remove the corresponding entries that name the Education and Training Foundation (ETF) as the regulator for FE teachers, and, the Secretary of State as the regulator for FE principals. Making these changes does not indicate a change in policy as provisions to regulate these professions have not been available for some time, but merely amends the RPQ Regulations to reflect the true position in law and in practice. We are not aware that the continuation of this error in the RPQ Regulations has had any impact or placed any burden on individuals, institutions or the ETF, and therefore we expect there to be no consequences of these amendments.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 We have no plans to consolidate the RPQ Regulations.

10. Consultation outcome

10.1 We have consulted with the ETF as the only organisation directly affected and it is supportive of this amendment.

11. Guidance

11.1 No guidance is necessary as this is a technical amendment that makes no changes to the regulatory arrangements for further education teachers and principals.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it is a technical amendment that makes no changes to the regulatory arrangements for further education teachers and principals.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 There are no plans for monitoring and review of this legislation as it is a technical amendment that makes no changes to the regulatory arrangements for further education teachers and principals.

15. Contact

15.1 Ben Rockliffe at the Department for Education telephone: 07384432759 or email: ben.rockliffe@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Kay Graham, Deputy Director for Further Education Teachers and Leaders, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 Anne Milton, Minister of State for Apprenticeships and Skills at the Department for Education, can confirm that this Explanatory Memorandum meets the required standard.