EXPLANATORY MEMORANDUM TO

THE FURTHER EDUCATION TEACHERS' QUALIFICATIONS, CONTINUING PROFESSIONAL DEVELOPMENT AND REGISTRATION (ENGLAND) (AMENDMENT) REGULATIONS 2012

2012 No. 747

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 make consequential amendments arising from the abolition of the General Teaching Council for England (GTCE). In particular, they ensure that, following the abolition of the GTCE, teachers who are working in Sixth Form Colleges (SFCs) and who hold, or have commenced a course of teacher training with a view to obtaining, Qualified Teaching Status (QTS), will not be required to comply with the requirements of the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007, S.I. 2007/2116 (the FE CPD and Registration Regulations).

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

3.1 None

4. Legislative Context

4.1 The Education Act 2011 (c.21) abolishes the GTCE, with effect from 1 April 2012. These regulations amend the definition of "QTS" in Further Education Teachers' Qualifications (England) Regulations 2007 (S.I. 2007/2264) to replace the reference to the GTCE.

4.2 These Regulations amend the FE CPD and Registration Regulations to remove various superfluous references to the GTCE and ensure that, following the abolition of the GTCE, teachers who are working in Sixth Form Colleges (SFCs) and who hold, or have commenced a course of teacher training with a view to obtaining, Qualified Teaching Status (QTS) will not be required to comply with the requirements of those regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 Teachers in SFCs are either working towards or hold the schools' teaching qualification (QTS) or the Further Education equivalent (Qualified Teacher Learning and Skills status ("QTLS")). QTS and QTLS holders currently must be registered with either GTCE or IfL. Teachers with QTS in SFCs are usually registered with the GTCE. Teachers with QTLS are registered with, and report a statutory minimum number of days of CPD, to the Institute for Learning (IfL).

7.2 The Education Act 2011 provides for the abolition of the GTCE with a view to bringing its key functions back within the Department for Education where they will be carried out by a new executive agency, the Teaching Agency on behalf of the Secretary of State.

7.3 The GTCE currently holds a register of teachers but the Teaching Agency will not continue this function. To assist employers once the register is abolished, the Teaching Agency will maintain a database of teachers who hold QTS and those who have passed induction. The Teaching Agency will also maintain a list of teachers who are prohibited from the profession for misconduct; a list of teachers who have failed induction; and a list of teachers subject to GTCE sanctions that still apply.

7.4 The FE CPD and Registration Regulations currently require teachers in SFCs to be registered with the IfL unless they are registered with the GTCE. Following the dissolution of the GTCE in the Education Act 2011, it is necessary to amend these Regulations. This instrument ensures that teachers who hold QTS, or who have commenced a course of teacher training with a view to obtaining QTS are not required to register with the IfL and to complete the CPD requirements once the GTCE has been abolished. QTLS holders will be required to continue to register with IfL, but QTS holders will no longer need to register.

7.5 This instrument amends the Further Education Teachers' Qualifications (England) Regulations 2007 and the Further Education Teachers' Continuing Professional Development and Registration Regulations (England) 2007 accordingly to reflect the abolition of the GTCE in those regulations.

8. Consultation outcome

8.1 The intention to abolish the GTCE and bring its key functions into the Department for Education was set out in the Schools White Paper "The Importance of Teaching" in November 2010. The Department for Education provided a range of interested groups, including the teacher and head teacher unions, with an opportunity to discuss the issues and invited them to comment. A range of representations on the decision to abolish the GTCE were received, of which the majority were broadly positive.

8.2 Both the Sixth Form Colleges' Forum (SFCF) and the Association of Colleges have confirmed that they are content with this approach, although the SFCF flagged the potential for a lack of parity between QTS and QTLS teachers going forward. Consideration was given to disapplying the FE CPD and Registration Regulations to teachers holding QTLS in SFC. However, our view is that we should not do this at this stage as we do not want to pre-empt the outcome of the independent review of professionalisation.

8.3 The IfL have also been informed of these amendments and are content.

9. Guidance

9.1 The Department for Education is publishing a range of advice on its website from April 2012 which will inform teachers, employers and the public of the new Teaching Agency's functions.

10. Impact

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

10.2 The impact on the public sector is not significant.

10.3 An extract from the Impact Assessment for the Education Bill 2011 is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As this is a consequential change, monitoring and review are not required.

13. Contact

Sue Ruck at the Department for Business, Innovation and Skills Tel: 0114 207 5255 or email:sue.ruck@bis.gsi.gov.uk can answer any queries regarding the instrument.