EXPLANATORY MEMORANDUM TO

THE FURTHER EDUCATION TEACHERS' QUALIFICATIONS (ENGLAND) (AMENDMENT) REGULATIONS 2011

2011 No. 690

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

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

2. Purpose of the instrument

2.1 These Regulations amend the Further Education Teachers' Qualifications (England) Regulations 2007 ("the 2007 Regulations") so that the Institute for Learning (IfL) will replace Lifelong Learning UK (LLUK) as the organisation which must be satisfied in relation to evidence that a person without recognised teaching qualifications has the necessary skills or experience or both to teach.

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

3.1 None

4. Legislative Context

4.1 Section 136 of the Education Act 2002 enables the Secretary of State to make regulations requiring teachers at further education ("FE") institutions to hold specified qualifications or to comply with specified conditions.

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 the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2007 Regulations, which apply to FE institutions in England, take forward the Government's policy for professionalising the FE workforce.

7.2 In broad terms, the 2007 Regulations require new teachers to gain a recognised teaching qualification and achieve either Associate or Qualified Teacher Learning and Skills status within five years of taking up their first teaching post.

7.3 Lifelong Learning UK (LLUK) is the organisation which has to be satisfied in relation to evidence that an individual has the necessary skills or experience or both to teach, for the purpose of determining equivalence of qualifications.

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7.4 In December 2010, the Secretary of State upheld the recommendation of the UK Commission for Employment and Skills that LLUK would not be relicensed as the sector skill council responsible for professional development of the further education workforce. LLUK will cease operations on 31st March 2011. These Regulations therefore amend the 2007 Regulations to take account of this change, by replacing LLUK with IfL.

7.5 As the organisation responsible for awarding Associate and Qualified Teacher Learning and Skills status, IfL will take over the responsibility for determining whether a person has the necessary skills or experience or both to teach, for the purposes of regulation 2(2)(c)

8. Consultation outcome

8.1 There was no formal consultation held. An informal consultation was conducted with key stakeholders. There was broad agreement that IfL would be the most appropriate body to replace LLUK to carry out this function.

9. Guidance

9.1 Existing guidance will be amended accordingly.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no wider impact on business, charities or voluntary bodies. The impact on the public sector is minimal.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The change effected by these Regulations will be subject to an internal review after 12 months to ensure that the process is working satisfactorily.

13. Contact

13.1 Jim Bennett at the Department for Business, Innovation, and Skills Tel: 0114 207 5020 or e-mail: jim.bennett@bis.gsi.gov.uk can answer any queries regarding this instrument.