EXPLANATORY MEMORANDUM TO

THE FURTHER EDUCATION TEACHERS' QUALIFICATIONS (ENGLAND) (REVOCATION) REGULATIONS 2013

2013 No. 1976

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 instruments

2.1 The Further Education Teachers' Qualifications (England) (Revocation) Regulations 2013 revoke the Further Education Teachers' Qualifications (England) Regulations 2007 (SI 2007/2264) ("the 2007 Regulations") requiring staff to be appropriately qualified within five years of taking up a teaching position .

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 instruments applies to England only.

6. European Convention on Human Rights

6.1 As instruments are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

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

7.2 In broad terms, the 2007 Regulations require teachers at further education instiutions to obtain certain qualifications before they can take up a teaching post.

7.3 In January 2012, the Government appointed Lord Lingfield to chair an independent review of professionalism in the FE teaching workforce. The review's interim report was published on 27 March 2012 and amongst its recommendations, which the Government accepted in principle, was a recommendation to revoke the 2007 Regulations governing the FE teaching workforce, with effect from September 2012. Ministers believe this view was an accurate reflection of the maturity of the sector enabling them to withdraw from direct intervention on this issue. This also reflected the change in the ONS (Office of National Statistics) categorisation of colleges moving them from the public to the private sector.

8. Consultation outcome

8.1 A consultation exercise entitled 'Consultation on Revocation of the Further Education Workforce Regulations' ran from 11 April to 4 June 2012. The consultation elicited 1,063 responses, 670 (63%) of which were from individuals.

8.2 The simple numerical totals showed:

- 74% of respondents were not in favour of revocation of S.I. 2007/2264
- 79% of respondents agreed that minimum expectations for training and qualifications should be stipulated as a condition of public funding

However, once the responses from the major representative organisations in the sector were considered separately from those of individuals, a more complex picture emerged.

8.3 The Association of Colleges (AoC) agreed that the existing regulations governing teaching qualifications were not fit for purpose and should be revoked, but requested that this should not happen immediately in September 2012 so time could be allowed for a clear alternative approach to be put in place.

8.4 The Government, after careful consideration, took the view that the existing requirements for core teaching qualification should remain in place for a further year, to allow the sector time to develop an alternative approach.

8.5 The Association of Colleges (AoC) have acknowledged that the reforms now in place in schools and the creation of the FE Guild, mean their concerns have been mitigated. The FE Guild is expected to be fully operational from 1 August 2013. This will ensure that completion of the reform process, as set out in the Lingfield Review, can be undertaken with confidence.

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 changes effected by this instrument will not be subject to review by the Department. The FE Guild will be responsible for ensuring that the process is working satisfactorily.

13. Contact

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