
STATUTORY INSTRUMENTS

2001 No. 1209

EDUCATION, ENGLAND

**The Further Education Teachers'
Qualifications (England) Regulations 2001**

<i>Made</i>	- - - -	<i>26th March 2001</i>
<i>Laid before Parliament</i>		<i>28th March 2001</i>
<i>Coming into force</i>	- -	<i>1st September 2001</i>

In exercise of the powers conferred on the Secretary of State by sections 218(1)(b) and (10)(aa) and 232(5) and (6) of the Education Reform Act 1988⁽¹⁾, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Further Education Teachers' Qualifications (England) Regulations 2001 and shall come into force on 1st September 2001

Interpretation

2. In these Regulations—

“Certificate of Education” means a qualification known by that name awarded by an institution within the higher education sector;

“relevant teacher” means a person employed as a teacher (whether or not the post in which the person is employed is described as a teaching post) in an institution within the further education sector other than—

- (a) a person who is employed to teach courses of higher education only, and
- (b) a person whose primary occupation or profession is not teaching and who is employed by the college on a temporary or occasional basis to provide updating on current industrial, commercial or professional practice,

“stage 3 FE teaching qualification” means a qualification the standard for which appears to the Secretary of State to be approximately equivalent to a certificate of education and which is specified by the Secretary of State for the purposes of these Regulations;

⁽¹⁾ 1988 c. 40; subsection (10)(aa) was inserted by the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 49.

“stage 1 FE teaching qualification” and “stage 2 FE teaching qualification” mean respectively introductory or intermediate stages of the stage 3 FE teaching qualification the standards for which are specified by the Secretary of State for the purposes of these Regulations;

“stage 1 post” and “stage 2 post” mean part-time teaching posts for which a stage 1 or stage 2 FE teaching qualification, as the case may be, is, in the opinion of the institution which employs the teacher, an appropriate qualification;

“stage 3 post” means a teaching post for which a stage 3 FE teaching qualification is, in the opinion of the institution which employs the teacher, an appropriate qualification;

“1999 Regulations qualification” mean a qualification such that the holder is a qualified teacher within the meaning of regulation 10 of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999⁽²⁾.

Relevant teachers to have qualifications

3.—(1) This regulation applies to every person who becomes a relevant teacher on or after 1st September 2001 at an institution in England who has not at any time before that date been—

- (a) a relevant teacher (at an institution in England or Wales);
- (b) a teacher at—
 - (i) in England or Wales, a school maintained by a local education authority, a city technology college, a city college for the technology of the arts or city academy or, before 1st September 1999, a grant-maintained or grant-maintained special school;
 - (ii) in Scotland, a grant aided school or school maintained by an education authority,
 - (iii) in Northern Ireland, a controlled school under the authority of a local education and library board, a maintained school, a grant-maintained integrated school or a voluntary grammar school;
- (c) a teacher at an institution (in England or Wales) which, before 1st April 2001 was an external institution within the meaning of section 6(5) of the Further and Higher Education Act 1992⁽³⁾;
- (d) a teacher at—
 - (i) in Scotland, a college of further education,
 - (ii) in Northern Ireland, an institute of further education within the meaning of the Further Education (Northern Ireland) Order 1997⁽⁴⁾
- (e) an institution in the European Economic Area, the Channel Islands or the Isle of Man providing education which is equivalent to secondary or further education and which is part of the public system of education of the state or territory in question.

(2) Every relevant teacher to which this regulation applies who at any time is employed full-time, or part-time under a contract by which the teacher is employed to work for a specified proportion of the period for which a full-time teacher is employed to work, shall, before the date determined in accordance with regulation 4(1) (if it occurs), hold

- (a) a 1999 Regulations qualification;
- (b) a Certificate of Education;
- (c) a stage 3 FE teaching qualification; or
- (d) a qualification equivalent to a stage 3 FE teaching qualification.

(2) S.I.1999/2166.

(3) 1992 c. 13.

(4) S.I. 1997/1772 (N.I. 15).

(3) Every relevant teacher to which this regulation applies who is at any time employed part-time and who does not fall within paragraph (2) shall, before the date determined in accordance with regulation 4(2) (if it occurs), hold—

- (a) a 1999 Regulations qualification;
 - (b) a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is at that time employed in a stage 1, stage 2 or stage 3 post); or
 - (c) an equivalent qualification to a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is at the time employed in stage 1, stage 2 or stage 3 post).
- (4) For the purposes of this regulation—
- (a) a qualification is equivalent to a Certificate of Education, or to stage 1, stage 2 or stage 3 FE teaching qualification, if it appears to the Secretary of State to be of equivalent standard to, or higher standard than, those qualifications and if it is specified by the Secretary of State for the purpose of these Regulations; and
 - (b) the holder of a Certificate of Education or stage 3 FE teaching qualification shall be treated as also being the holder of a stage 2 FE teaching qualification and the holder of a stage 2 FE teaching qualification shall be treated as also being the holder of a stage 1 qualification.

Dates referred to in regulation 3

4.—(1) The date referred to in regulation 3(2) is the date on which the teacher has been employed full-time or part-time under a contract such as is mentioned in regulation 3(2) for a period of, or for discontinuous periods amounting to—

- (a) two years from the date on which the relevant course started, where the teacher is employed full-time; and
- (b) four years from the date on which the relevant course started, where the teacher is employed part-time.

(2) The date referred to in regulation 3(3) is—

- (a) where the teacher is employed in a stage 1 post, the date on which the teacher has been employed for a period of, or for discontinuous periods amounting to, two years from the date on which the relevant course started;
- (b) where the teacher is employed in a stage 2 post, the date on which the person has been employed at a stage 2 or stage 3 post for a period of, or for discontinuous periods amounting to, four years from the date on which the relevant course started;
- (c) where the teacher is employed in a stage 3 post, the date on which the person has been employed at a stage 3 post for a period of, or for discontinuous periods amounting to, four years from the date on which the relevant course started.

(3) The “relevant course” referred to in paragraphs (1) and (2) is—

- (a) for the purposes of paragraph (1), the first course leading to a Certificate of Education or stage 3 FE teaching qualification which the teacher might reasonably attend, starting after the teacher first becomes a relevant teacher employed full-time, or employed part-time under a contract such as is mentioned in regulation 3(2);
- (b) for the purpose of paragraph (2)(a), the first course leading to a stage 1 FE teaching qualification which the teacher might reasonably attend, starting after the teacher first becomes a relevant teacher;
- (c) for the purposes of paragraph (2)(b), the first course leading to a stage 2 FE teaching qualification which the teacher might reasonably attend, starting after the teacher takes up a stage 2 or stage 3 post for the first time; and

- (d) for the purpose of paragraph (2)(c), the first course leading to a stage 3 FE teaching qualification which the teacher might reasonably attend, starting after the teacher takes up a stage 3 post for the first time.
- (5) In computing the periods referred to in paragraphs (1) to (3) there shall be left out of account—
 - (a) any periods during which the teacher is on sick leave, maternity leave or parental leave; and
 - (b) any other periods which in all the circumstances it is reasonable to leave out of account.

Amendment of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999

5. Regulation 4 of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 shall be amended as follows—

- (a) in paragraph (2)(b) after “further education institution” there shall be inserted “maintained by a local education authority”; and
- (b) for paragraph (3) there shall be substituted—

“(3) The requirement in paragraph (1) is additional to the requirements relating to qualifications for employment at schools and institutions within the further education sector contained in Part IV of these Regulations and the Further Education Teachers' Qualifications (England) Regulations 2001(5) respectively.”

26th March 2001

Tessa Blackstone
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations impose requirements on certain persons employed as teachers in institutions in the further education sector to have qualifications. The requirements will apply to teachers who satisfy the definition of “relevant teacher” in regulation 2 who are employed in institutions in the further education sector after 1st September 2001 who have not previously taught in maintained schools or publicly funded further education institutions (regulation 3(1)). By virtue of section 218(13) of the Education Reform Act 1988 the regulations will apply to persons engaged to provide services as teachers but who do not have contracts of employment, as well as to those employed under contracts of employment.

Provision is made in regulations 3(2) and (3) and 4 for the levels of qualification and for the time within which the qualification must be obtained.

The Regulations also make a consequential amendment to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999.

In the case of certain of the qualifications referred to in the Regulations the standard for the qualification is specified by the Secretary of State. Copies of any standards specified may be obtained from the Department for Education and Employment, Public Enquiry Unit, PO Box 12, Runcorn, Cheshire WA7 2GJ; Email: info@dfee.gov.uk.