
STATUTORY INSTRUMENTS

2009 No. 472

EDUCATION, ENGLAND

**The Further Education (Principals' Qualifications)
(England) (Amendment) Regulations 2009**

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| <i>Made</i> | - - - - | <i>3rd March 2009</i> |
| <i>Laid before Parliament</i> | | <i>10th March 2009</i> |
| <i>Coming into force</i> | - - | <i>1st April 2009</i> |

The Secretary of State for Innovation Universities and Skills, in exercise of the powers conferred by sections 137, 145 and 210(7) of the Education Act 2002⁽¹⁾, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Further Education (Principals' Qualifications) (England) (Amendment) Regulations 2009 and come into force on 1st April 2009.

Amendment of the Further Education (Principals' Qualifications) (England) Regulations 2007

2. The Further Education (Principals' Qualifications) (England) Regulations 2007⁽²⁾ are amended as set out in regulations 3, 4 and 5.

3. After regulation 2(2), insert—

“(3) These Regulations also do not apply to a person appointed as the principal of a further education institution if the person—

(a) is appointed after 1st April 2009; and

(b) has previously served as the principal of a further education institution, of a college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992⁽³⁾, or of an institution of further education as defined under article 2(2) of the Further Education (Northern Ireland) Order 1997⁽⁴⁾.”

4. In regulation 3—

(1) 2002 c. 32; section 137 was amended by the Further Education and Training Act 1997 (c.25) section 23.
(2) S.I. 2007/1864.
(3) 1992 c.37.
(4) No. 1772 (N.I. 15).

- (a) after “In these Regulations—” insert—
 - ““the 1996 Act” means the Employment Rights Act 1996(5) ;
 - “certificated illness or injury” means illness or injury certified by a registered medical practitioner;””
 - (b) for the definition of “CEL” substitute—
 - ““LSIS” means the Learning and Skills Improvement Service Ltd.;””
 - (c) in the definitions of “Principals’ Qualification” and “Principals’ Qualification Programme” for “CEL” substitute “LSIS”.
5. In regulation 5—
- (a) for the heading substitute “**Exception to regulation 4**”.
 - (b) for regulation 5 substitute—

“5.—(1) Subject to paragraph (2) a person may serve as a principal of a further education institution without any of the qualifications referred to in regulation 4 while the person is following the Principals’ Qualifying Programme or any course that leads to a qualification under regulation 4(b).

(2) A person appointed as the principal of a further education institution after 1st April 2009 and following the Principals’ Qualification Programme must complete the programme within three years of the date of appointment, subject to paragraph (3).

(3) The period under paragraph (2) shall be extended to take into account periods of absence from work —

- (a) in exercise of—
 - (i) her right to maternity leave conferred by section 71 or 73 of the 1996 Act(6) or her contract of employment and has the right to return to work by virtue of those sections or her contract of employment;
 - (ii) the right to parental leave conferred by section 76 of the 1996 Act(7);
 - (iii) the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the 1996 Act(8); or
 - (iv) the right to adoption leave conferred by section 75A or 75B of the 1996 Act(9);
- (b) because of her pregnancy; or
- (c) because of certificated illness or injury, where the total period of absence from work exceeds 3 months in any period of 12 months.”

(5) 1996 c.18.

(6) Sections 71 and 73 were substituted by the Employment Relations Act 1999 (c.26), section 7 and Schedule 4; sections 71(3) and 73(3) were substituted by the Work and Families Act 2006 (c.18), section 11 and paragraphs 31 and 32 of Schedule 1; section 71(4)(a) and (b) were amended and section 71(4)(c) and (7) were substituted by the Employment Act 2002 (c.22), section 17(2) and (3); and section 73(5A) was inserted by the Employment Act 2002, section 17(4).

(7) Section 76 was substituted by the Employment Act 2002, section 7 and Schedule 4.

(8) Sections 80A and 80B were inserted by the Employment Act 2002 (c.22) section 1; section 80AA was inserted by the Work and Families Act 2006 (c.18), section 3; and section 80BB was inserted by the Work and Families Act 2006, section 4.

(9) Sections 75A and 75B were inserted by the Employment Act 2002 (c.22), section 3; sections 75A(2A) and 75B(3) were inserted by the Work and Families Act 2006 (c.18), section 11, and paragraphs 33 and 34 of Schedule 1.

3rd March 2009

Síón Simon
Parliamentary Under-Secretary of State
Department for Innovation, Universities and
Skills

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Further Education (Principals' Qualifications) (England) Regulations 2007 (SI 2007/1864) (the "Principals' Qualifications Regulations 2007"), to take account of the merging of the functions of the Centre for Excellence in Leadership and the Quality Improvement Agency and creation of a new incorporated body, the Learning and Skills Improvement Service. The Regulations also amend the mandatory requirement for principals to hold a specified qualification and introduce a 3 year timescale for its completion.

Regulation 3 provides that a person appointed as a principal of a further education institution and who has previously served as the principal of a college of further education in Scotland or an institution of further education in Northern Ireland is not covered by the Regulations.

In Regulation 4 the Learning and Skills Improvement Service replaces the Centre for Excellence in Leadership as the body which awards qualifications to principals of further education establishments on successful completion of the Principals' Qualifying Programme.

Regulation 5 amends the requirements for principals to hold a specified principals' qualification. New regulation 5(1) expands the existing exception to include any person following any qualification recognised under regulation 4 of the Principals' Qualifications Regulations 2007.

New regulation 5(2) introduces a three year completion period for the Principals' Qualifying Programme. This applies only to a person appointed to the post of principal for the first time at any further education institution in England after 1 April 2009. Where a person is following an equivalent qualification in accordance with regulation 4(b) of the Principals' Qualifications Regulations 2007 the three year period does not apply. The regulation sets out the periods of absence which do not count towards the three year period.

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