

EXPLANATORY MEMORANDUM TO
THE SCHOOL TEACHERS (RECOGNITION OF PROFESSIONAL
QUALIFICATIONS) (AMENDMENT) REGULATIONS 2018

2018 No. 166

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The European Union (Recognition of Professional Qualifications) Regulations 2015 (“the RPQ Regulations”) name the National College for Teaching and Leadership (NCTL) as the competent authority for teachers in state-funded schools in England, meaning that NCTL recognises the qualifications and professional status of teachers from other EEA countries who wish to be recognised with qualified teacher status in England.
- 2.2 NCTL is changing its name to the Teaching Regulation Agency (TRA) on 1 April 2018, so the regulations will be inaccurate from that date. Further, as an executive Agency NCTL is not a legal entity, it is an emanation of the Secretary of State. The purpose of this instrument is therefore to amend the RPQ Regulations so that they name the Secretary of State as competent authority, in accordance with the true legal position.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument makes a minor amendment to Regulations which implement a European obligation as set out above, to ensure that the Regulations accord with the true position in law.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is the United Kingdom.
- 5.2 The territorial application of this instrument is the United Kingdom.

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

What is being done and why

- 7.1 The name of the National College for Teaching and Leadership (NCTL), an executive agency of the Department for Education, will change on 1st April 2018 to the Teaching Regulation Agency (TRA).

For the purposes of the RPQ Regulations, NCTL carries out the role of competent authority for school teachers in England on behalf of the Secretary of State. This role includes the recognition of the professional qualifications of teachers from the EEA. The reference to NCTL in the RPQ Regulations needs to be amended, firstly because the NCTL is changing its name from 1st April 2018 and secondly, and more importantly, because NCTL is not a separate legal entity - it is part of the Department for Education – and the true legal position is that the Secretary of State is the competent authority. If the RPQ Regulations are not amended there is a risk of a court interpreting the relevant entry in them in such a way that there is no competent authority for teachers in England.

Consolidation

- 7.2 The Department does not anticipate consolidating the RPQ Regulations in the immediate future.

8. Consultation outcome

- 8.1 There was no consultation because there is only one option, which is to make the amendment to reflect the true legal position.

9. Guidance

- 9.1 Guidance in relation to this instrument is not necessary.

10. Impact

- 10.1 There is only a minor impact on business, charities or voluntary bodies.
10.2 There is only a minor impact on the public sector.
10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 This SI does not require monitoring.

13. Contact

- 13.1 Melissa Powell at the Shadow Teaching Regulation Agency, Telephone: 07990 339196 or email: melissa.powell@education.gov.uk who can answer any queries regarding the instrument.