

2003 No. 3111

EDUCATION, ENGLAND

**Education (Head Teachers' Qualifications) (England)
Regulations 2003**

<i>Made</i> - - -	<i>29th November 2003</i>
<i>Laid before Parliament</i>	<i>5th December 2003</i>
<i>Coming into force</i> - -	<i>1st April 2004</i>

In exercise of the powers conferred on the Secretary of State by paragraph 3 of Schedule 1 to the Education Act 1996(a) and sections 135, 145(1) and (2), and 210(7) of the Education Act 2002(b) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Head Teachers' Qualifications) (England) Regulations 2003 and shall come into force on 1st April 2004.

Application

2.—(1) These Regulations apply only in relation to England.

(2) These Regulations do not apply to a person who before the coming into force of these Regulations has been appointed as the head teacher of—

- (a) a school maintained by a local education authority or a special school not so maintained;
- (b) an independent school(c); or
- (c) a similar educational institution outside England and Wales.

Interpretation

3. In these Regulations "National Professional Qualification for Headship" means the qualification awarded by the Secretary of State to a person if he is satisfied that the person has successfully completed a course of training for the National Professional Qualification for Headship approved by the National College for School Leadership Limited.

Head Teachers' Qualification

4.—(1) Subject to regulation 5 a person may serve as a head teacher of a school maintained by a local education authority or a special school not so maintained only if he holds the National

(a) 1996 c.56

(b) 2002 c.32; by virtue of the definition of "regulations" in section 212(1), these Regulations made by the Secretary of State apply only in relation to England.

(c) defined by section 463 of the Education Act 1996. In accordance with section 212(2) of the Education Act 2002, the provisions of Education Act 1996 and of the Education Act 2002 are to be construed as one.

Professional Qualification for Headship, the National Professional Qualification for Headship in Wales(a), the Scottish Standard for Headship(b) or the Professional Qualification for Headship in Northern Ireland(c).

(2) This regulation does not apply in relation to a pupil referral unit.

5.—(1) A person may serve as a head teacher without a qualification mentioned in regulation 4(1) if—

- (a) he is appointed as a head teacher before 1st April 2009 and at the time he is appointed he has successfully applied for a training course for the purpose of gaining the National Professional Qualification for Headship; and
- (b) a period of four years beginning with the date upon which he is appointed as a head teacher has not expired.

(2) The period of 4 years mentioned in paragraph (1)(b) shall be extended to take account of a period when a head teacher is absent from work in exercise of—

- (a) her right to maternity leave conferred by section 71 or 73 of the Employment Rights Act 1996(d) or conferred by her contract of employment or because of her pregnancy and has the right to return to work by virtue of the said section 71 or 73 or by virtue of her contract of employment;
- (b) the right to parental leave conferred by section 76 of the Employment Rights Act 1996;
- (c) the right to paternity leave conferred by section 80A or 80B of the Employment Rights Act 1996(e); or
- (d) the right to adoption leave conferred by section 75A or 75B of the Employment Rights Act 1996(f).

Acting head teachers

6. A person carrying out the functions of the head teacher of a school—

- (a) pending the appointment of a head teacher, or
- (b) in the absence of the head teacher,

is not serving as the head teacher of the school for the purpose of these Regulations.

29th November 2003

David Miliband
Minister of State
Department for Education and Skills

(a) The National Professional Qualification for Headship in Wales is awarded by the National Assembly for Wales. No regulations have yet been made in relation to Wales.

(b) The Scottish Standard for Headship is non-statutory and is currently achieved by undertaking the Scottish Qualification for Headship.

(c) The Professional Qualification for Headship in Northern Ireland is awarded by the Regional Training Unit in Northern Ireland.

(d) 1996 c.18.

(e) Sections 80A and 80B of the Employment Rights Act 1996 were inserted by section 1 of the Employment Act 2002 (c. 22).

(f) Sections 75A and 75B of the Employment Rights Act 1996 were inserted by section 3 of the Employment Act 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision, from 1st April 2004, for first-time head teachers of maintained schools in England to hold the National Professional Qualification for Headship (NPQH) or its equivalent in Wales, Scotland or Northern Ireland. The Regulations do not apply to persons who have been appointed as a head teacher before the Regulations come into force.

By virtue of regulation 5 a person may serve as a head teacher without holding the National Professional Qualification for Headship provided that he is appointed before 1st April 2009 and at that time has obtained a place on a training course with a view to gaining that qualification and a period of 4 years from the date when he is appointed as a head teacher has not expired.

By virtue of regulation 6, a person does not have to hold NPQH or its equivalent to carry out the functions of a head teacher pending the appointment of a head teacher or during the absence of the appointed head teacher.

STATUTORY INSTRUMENTS

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