
STATUTORY INSTRUMENTS

2007 No. 2264

EDUCATION, ENGLAND

**The Further Education Teachers’
Qualifications (England) Regulations 2007**

<i>Made</i>	- - - -	<i>27th July 2007</i>
<i>Laid before Parliament</i>		<i>7th August 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State for Innovation, Universities and Skills makes the following Regulations in exercise of the powers conferred by sections 136(a) and (c), 145 and 210(7) of the Education Act 2002⁽¹⁾:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Further Education Teachers’ Qualifications (England) Regulations 2007 and come into force on 1st September 2007.

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

Interpretation

2.—(1) In these Regulations—

“the 2001 Regulations” means the Further Education Teachers’ Qualifications (England) Regulations 2001⁽²⁾;

“ATLS status” means associate teacher learning and skills status awarded by the IfL;

“associate teaching role” means a teaching role that carries significantly less than the full range of teaching responsibilities ordinarily carried out in a full teaching role (whether on a full-time, part-time, fractional, fixed term, temporary or agency basis) and does not require the teacher to demonstrate an extensive range of knowledge, understanding and application of curriculum development, curriculum innovation or curriculum delivery strategies;

“certificated illness or injury” means illness or injury certified by a registered medical practitioner;

“employed” means employed under a contract of employment or a contract for services;

(1) 2002 c.32. Section 145 was amended by paragraph 24 of Schedule 14 to the Education Act 2005 (c. 18).

(2) S.I. 2001/1209.

“ERA 1996”(3) means the Employment Rights Act 1996;

“full teaching role” means a teaching role that carries the full range of teaching responsibilities (whether on a full-time, part-time, fractional, fixed term, temporary or agency basis) and requires the teacher to demonstrate an extensive range of knowledge, understanding and application of curriculum development, curriculum innovation or curriculum delivery strategies;

“induction period” means an induction period served pursuant to regulations made under section 19 of the Teaching and Higher Education Act 1998(4);

“IfL” means the private company limited by guarantee registered at Companies House under the name The Institute for Learning (Post Compulsory Education and Training);

“LLUK” means the private company limited by guarantee registered at Companies House under the name Lifelong Learning UK, which is the Sector Skills Council responsible for the professional development of all those working in the further education sector;

“Preparing to Teach Award” means the Preparing to Teach in the Lifelong Learning Sector Award approved by the Secretary of State;

“process of professional formation” means the post-qualification process by which a teacher demonstrates through professional practice—

- (a) the ability to use effectively the skills and knowledge acquired whilst training to be a teacher; and
- (b) the capacity to meet the occupational standards required of a teacher;

“QTLS status” means qualified teacher learning and skills status awarded by the IfL;

“QTS” means qualified teacher status awarded by the General Teaching Council for England;

“sixth form college” means a further education institution principally concerned with the provision of full-time education suitable to the requirements of persons who have not attained the age of 19 years; and

teacher” means a person who provides education at a further education institution under a contract of employment or a contract for services, other than a person who is employed by the institution on an occasional basis to provide updating on current commercial, industrial or professional practice; and “teach” and “teaching” are to be construed accordingly.

(2) A reference in any provision of these Regulations to “equivalent” in relation to any qualification or award is a reference to—

- (a) any other qualification or award which the Secretary of State is satisfied is of equivalent or higher standard than the qualification or award specified in that provision; and is approved by him for the purposes of these Regulations;
- (b) a relevant qualification obtained in an EEA State or Switzerland recognised in accordance with the provisions of Council Directive 92/51/EEC(5) and Directive 2005/36/EC(6); or
- (c) evidence which demonstrates, to the satisfaction of LLUK, that the person has the necessary skills or experience or both to teach.

(3) 1996 c.18. Part VIII was substituted by Part I of Schedule 4 to the Employment Relations Act 1999 (c. 26).

(4) 1998 c.30. At the time of making these Regulations the relevant Regulations are S.I. 2001/2897 as last amended by S.I. 2007/172.

(5) OJ L 209, 24.7.1992, p24. This Directive as amended has been implemented by the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002 (S.I. 2002/2934), as amended by S.I. 2004/1771, 2004/2033, 2005/882, 2006/1718, 2006/3214 and 2007/289. These Regulations apply to a range of professions including further education teachers, for which the Secretary of State is the designated authority.

(6) OJ L 255, 30.9.2005, p22, also implemented by S.I. 2002/2934 as amended.

(3) Where any provision in these Regulations allows a person to be employed in a particular role for a specified period of time, that period commences when the person is employed in such a role for the first time.

(4) Where any provision in these Regulations allows a person to be employed in a teaching role for a specified period of time, that period is extended to take account of any period when the person is absent from work—

(a) in exercise of—

(i) her right to maternity leave conferred by section 71 or 73 of the ERA 1996(7) or her contract of employment and has the right to return to work by virtue of either of those sections or her contract of employment;

(ii) the right to parental leave conferred by section 76 of the ERA 1996;

(iii) the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996(8); or

(iv) the right to adoption leave conferred by section 75A or 75B of the ERA 1996(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.

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to any person employed as a teacher on or after 1st September 2001.

(2) These Regulations do not apply to any person employed as a teacher—

(a) to teach on courses of higher education only;

(b) before 1st September 2007 who holds QTS;

(c) solely in a sixth form college who holds QTS; or

(d) who obtained an appropriate qualification under the 2001 Regulations before 1st September 2007.

(3) These Regulations do not apply until 1st September 2008 to any person employed as a teacher who enrolled on a course before 1st September 2007 to obtain an appropriate qualification under the 2001 Regulations with a view to obtaining that qualification by 31st August 2008.

(4) With effect from 1st September 2008, these Regulations shall not apply to any person referred to in paragraph (3) who obtains the qualification referred to in that paragraph by 31st August 2008.

(5) With effect from 1st September 2008, regulations 4 and 6 shall not apply to any person referred to in paragraph (3) who does not obtain the qualification referred to in that paragraph by 31st August 2008.

(6) Regulations 4 and 6 do not apply to any other person employed as a teacher before 1st September 2007.

(7) Sections 71 and 73 were both amended by section 17 of the Employment Act 2002 (c.22) and further amended by paragraphs 31 and 32 of Schedule 1 to the Work and Families Act 2006 (c.18) respectively.

(8) Sections 80A and 80B were inserted by section 1 of 2002 c.22 and sections 80AA and 80BB (which have not, at the time of making these Regulations, been commenced, were inserted by sections 3 and 4 respectively of 2006 c.18.

(9) Sections 75A and 75B were inserted by section 3 of 2002 c. 22 and amended by paragraphs 33 and 34 of Schedule 1 to 2006 c. 18 respectively.

Teachers to hold appropriate award

4.—(1) Subject to paragraph (2), no person may teach in a further education institution unless that person holds a Preparing to Teach Award or its equivalent.

(2) A person who does not hold an award referred to in paragraph (1) may be employed in a teaching role for a period not exceeding 1 year, commencing on the date that person takes up such a post for the first time, on condition that that person is provided throughout that period with professional support by a qualified person.

(3) In paragraph (2)—

“professional support” means support which includes mentoring and direction in the processes and practice of teaching, including lesson planning and course development; and

“qualified person” means a person who satisfies the qualifications requirements in the 2001 Regulations or in these Regulations or is exempt from such requirements under either set of Regulations.

Teachers in full teaching roles to hold appropriate qualifications and QTLS

5.—(1) Subject to the following paragraphs, no person may be employed in a full teaching role unless that person—

(a) holds the Diploma in Teaching in the Lifelong Learning Sector at Level 5 or above approved by the Secretary of State, or its equivalent; and

(b) holds a specialist’s subject qualification approved by the Secretary of State, where the Secretary of State has decided that such a qualification is necessary, or its equivalent.

(c) has completed such programme to the satisfaction of the IfL or has obtained such award as may be approved by the Secretary of State, for the purposes of demonstrating that a person has the necessary literacy, numeracy and information and communications technology skills to teach;

(d) has completed, to the satisfaction of the IfL, a process of professional formation; and

(e) holds QTLS status.

(2) A person who holds QTS may be employed in a full teaching role if he—

(a) has completed, to the satisfaction of the IfL, a process of professional formation;

(b) has completed, to the satisfaction of the IfL, a training course designed to familiarise him with the role of a teacher in a further education institution; and

(c) holds QTLS status.

(3) A person who holds QTS and has satisfactorily completed an induction period in a further education institution may be employed in a full teaching role if he—

(a) has completed, to the satisfaction of the IfL, a training course designed to familiarise a person with the role of a teacher in a further education institution; and

(b) holds QTLS status.

(4) A person who does not comply with paragraph (1), (2) or (3) may be employed in a full teaching role for a period not exceeding—

(a) 2 years, where the person holds QTS; or

(b) 5 years in any other case.

Teachers in associate teaching roles to hold appropriate qualifications and ATLS

6.—(1) Subject to the following paragraphs, no person may be employed in an associate teaching role unless that person—

- (a) holds a Certificate in Teaching in the Lifelong Learning Sector at Level 3 or 4 approved by the Secretary of State, or its equivalent;
- (b) holds a specialist's subject qualification approved by the Secretary of State, where the Secretary of State has decided that such a qualification is necessary, or its equivalent;
- (c) has completed such programme to the satisfaction of the IfL or has obtained such award as may be approved by the Secretary of State, for the purposes of demonstrating that a person has the necessary literacy, numeracy and information and communications technology skills to teach;
- (d) has completed, to the satisfaction of the IfL, a process of professional formation; and
- (e) holds ATLS status.

(2) A person who holds QTS may be employed in an associate teaching role if he—

- (a) has completed, to the satisfaction of the IfL, a process of professional formation;
- (b) has completed, to the satisfaction of the IfL, a training course designed to familiarise a person with the role of a teacher in a further education institution; and
- (c) holds ATLS status.

(3) A person who holds QTS and who has satisfactorily completed an induction period in a further education institution may be employed in an associate teaching role if he—

- (a) has completed, to the satisfaction of the IfL, a training course designed to familiarise a person with the role of a teacher in a further education institution; and
- (b) holds ATLS status.

(4) A person who does not comply with paragraph (1), (2) or (3) may be employed in an associate teaching role for a period not exceeding—

- (a) 2 years, where the person holds QTS; or
- (b) 5 years in any other case.

Revocations and transitional provision

7.—(1) Subject to paragraph (2), the 2001 Regulations are revoked⁽¹⁰⁾.

(2) The 2001 Regulations continue to apply until 31st August 2008 to any relevant teacher, as defined in those Regulations, who became a relevant teacher on or after 1st September 2001 and before 1st September 2007 and enrolled on a course to obtain a suitable qualification under those Regulations before 1st September 2007, with a view to obtaining that qualification by 31st August 2008.

⁽¹⁰⁾ S.I. 2001/1209.

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

27 July 2007

Bill Rammell
Minister of State
Department for Innovation, Universities and
Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to teachers employed in further education institutions on or after 1st September 2001 (*regulation 3(1)*).

They do not apply to teachers—

- (a) employed on courses of higher education only;
- (b) employed before 1st September 2007 who hold QTS;
- (c) employed solely in sixth form colleges who hold QTS; or
- (d) who obtained an appropriate qualification under the 2001 Regulations before 1st September 2007 (*regulation 3(2)*).

They do not apply until 1st September 2008 to teachers enrolled on a course to obtain an appropriate qualification under the 2001 Regulations before 1st September 2007 with a view to obtaining that qualification by 31st August (*regulation 3(3)*).

From 1st September 2008, they do not apply to teachers who obtain that qualification by 31st August 2008 and have only limited application in relation to teachers who do not obtain that qualification by that date (*regulation 3(4) and (5)*).

They have only limited application in relation to any other teachers employed before 1st September 2007 (*regulation 3(6)*).

Subject to limited exceptions, the Regulations—

- (a) prohibit people from teaching in a further education institution unless they hold a Preparing to Teach Award or its equivalent;
- (b) prohibit people from teaching in a further education institution unless they hold a specified qualification, or its equivalent;
- (c) require all persons employed in full teaching roles to hold QTLS status;
- (d) require all persons employed in associate teaching roles to hold ATLS status; and
- (e) allow teachers time in which to comply with the relevant requirements (*regulations 4 to 6*).

The Regulations revoke the Further Education Teachers' Qualifications (England) Regulations 2001, except in relation to teachers employed before 1st September 2007 who are already enrolled on a course with a view to obtaining an appropriate qualification under those Regulations by 31st August 2008. Those teachers continue to be subject to those Regulations until 31st August 2008 (*regulation 7*).