

EXPLANATORY MEMORANDUM TO
THE EDUCATION (RECOGNITION OF SCHOOL TEACHERS' PROFESSIONAL
QUALIFICATIONS) (CONSEQUENTIAL PROVISIONS) (ENGLAND) REGULATIONS
2007

2007 No. 2782

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 In order to implement a new European Directive 2005/36 on the recognition of professional qualifications, the instrument will allow EEA and Swiss Nationals with relevant qualifications to be recognised as qualified teachers in England without the need to obtain qualified teacher status for the purpose of undertaking temporary or occasional teaching work. The instrument also provides that teachers undertaking temporary or occasional work are exempt from full registration with the General Teaching Council and are also exempt from satisfactorily serving an induction period.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Background

4.1 The instrument is to implement a new European Directive 2005/36 on the recognition of professional qualifications. It amends the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (SI 2001 No. 2897), the Education (School Teachers' Qualifications) (England) Regulations 2003 (SI 2003 No. 1662), and the Education (Specified Work and Registration) (England) Regulations 2003 (SI 2002 No. 1663).

5. Territorial Extent and Application

5.1 This instrument applies to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 European Directive 2005/36 allows EEA and Swiss Nationals with relevant teaching qualifications to teach on a temporary or occasional basis in any other Member State. Such teachers must be given full access to the teaching profession in England just as if they were qualified teachers here. Therefore, regulations covering teacher qualifications, induction and specified work (teaching duties) are being amended in order to allow EEA and Swiss Nationals to exercise their rights under this Directive to practice their profession of teaching in England, without the need to obtain qualified teacher status when undertaking temporary or occasional teaching work in England. The instrument exempts EEA and Swiss Nationals undertaking temporary or occasional teaching work from full registration with the General Teaching Council and the from the requirement to serve an induction period. The Directive must be implemented by 20 October 2007.

Consultation

There was no consultation as the amending regulations replace a reference to an old Directive with reference to a new one.

Guidance

Guidance has been prepared which will be circulated to stakeholders once the instrument has been approved by Parliament

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Jon Joseph at the Department of Children, Schools and Families (e-mail: john.joseph@dcsf.gsi.gov.uk) can answer any queries regarding the instrument.

THE EDUCATION (RECOGNITION OF SCHOOL TEACHERS' PROFESSIONAL QUALIFICATIONS) (CONSEQUENTIAL PROVISIONS) (ENGLAND) REGULATIONS 2007 (S.I. 2007/2782)

TRANSPOSITION NOTE - DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE RECOGNITION OF PROFESSIONAL QUALIFICATIONS

These Regulations do what is required (and no more than is required) to implement, in part, Directive 2005/36/EC, as respects school teachers established in other Member States, including making any consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

They should be read together with the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781), which implement the Directive as a whole and which come into force on the same day.

Article	Objective	Implementation	Responsibility
5	Article 5.1 imposes a prohibition on Member States against the imposition of any restrictions, for any reason relating to professional qualifications, on the free provision of services in another Member State, provided the service provider satisfies the requirements in article 5.1 and 5.2.	Regulations 3 and 4 of these Regulations give effect to this article (as respects school teachers established in other Member States who wish to teach in schools maintained by Local Education Authorities or non-maintained special schools in England on a temporary or occasional basis), by amending the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (S.I. 2001/2897), so as to exempt these teachers from the statutory requirement to satisfactorily complete an induction period in this country and by amending the Education (School Teachers' Qualifications) (England) Regulations 2003 (S.I. 2003/1662), so as to recognise them as qualified teachers in this country, respectively. (Regulations 3 and 4 also apply in relation to appropriately qualified school teachers established in any EEA State or in Switzerland.)	Secretary of State
6(a)	The first part of article 6(a) requires host Member States to exempt service providers	Regulation 5 of these Regulations implements this part of article 6(a) (as respects the school teachers referred to above), by amending the Education (Specified Work	Secretary of State

established in another Member State from the requirements which it places on professionals established in its territory relating to registration with a professional organisation or body.

and Registration) (England) Regulations 2003 (S.I. 2003/1663), so as to exempt them from the requirement to be registered with full registration with the General Teaching Council for England. (Regulation 5 also applies in relation to appropriately qualified school teachers established in any EEA State or in Switzerland.)