

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (SCHOOL TEACHERS' QUALIFICATIONS) (ENGLAND)**  
**(AMENDMENT) REGULATIONS 2014**

**2014 No. 2697**

- 1.** This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

2.1 This instrument amends existing regulations so that teachers within the Further Education (FE) sector may teach in schools without taking an additional qualification if they hold qualified teacher learning and skills status (QTLS) awarded by the Institute for Learning or by the Education and Training Foundation (rather than only by the Institute) and are members of the Foundation (rather than the Institute). It reflects the closure of the Institute and the transfer of certain responsibilities to the Foundation with effect from 1 November 2014.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 Qualification requirements for teachers in schools are set out in the Education (School Teachers' Qualifications) (England) Regulations 2003<sup>1</sup>. This legislation was amended in 2012<sup>2</sup> to provide an additional route for a person to become a qualified teacher able to teach in a school: that person has been awarded QTLS by the Institute for Learning and is a member of the Institute for Learning (paragraph 13B of Schedule 2). The person must also not be included on a list kept by the Secretary of State under section 141C(1)(b) of the Education Act 2002 but that condition is unaffected by this amendment.

4.2 The Institute for Learning is the only body that currently awards QTLS. The Institute has decided to close and it has agreed with the Education and Training Foundation that the Foundation will take over responsibility for QTLS. The legislation needs to be amended to reflect the closure of the Institute and the transfer of responsibility for QTLS to the Foundation with effect from 1 November 2014.

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<sup>1</sup> S.I. 2003/1662.

<sup>2</sup> The Education (School Teachers) (Qualifications and Appraisal) (Miscellaneous Amendments) (England) Regulations 2012, S.I. 2012/431.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **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 The Institute for Learning was created in 2002 by teachers, unions and employer bodies as an independent member-led professional body for individual teachers, trainers, tutors, assessors and other professionals working in the FE and skills sector. Regulations made in 2007 required those teaching in FE institutions to hold or be working towards a teaching qualification and QTLS, and to have demonstrated effective use of skills and knowledge in their professional practice; this was validated by the Institute so membership of the Institute was also a requirement.

7.2 To support initial compliance with the regulations, Government agreed to cover the costs of membership of the Institute for a period of 3 years. This ceased in 2010 and from that date, individual members were required to pay their own subscriptions. Many refused to do so, which resulted in a lack of compliance with the regulations and led to the Government commissioning the independent Lingfield review of professionalism in FE in 2012<sup>3</sup>. The review concluded that the regulations requiring teachers to have a teaching qualification and QTLS to teach in FE institutions were unworkable and not the best way to ensure professionalism in the sector. The requirements for FE teachers to hold a teaching qualification, gain QTLS and to be a member of the Institute were removed in 2012 and 2013. There is now no requirement to hold any specified teaching qualification in order to teach in FE institutions.

7.3 The provisions regarding QTLS and membership of the Institute as a route to qualified teacher status in schools were introduced in 2012 following the Wolf review<sup>4</sup>. This recommended creating an easier route for FE teachers to teach in schools, to enable schools to recruit qualified professionals to teach vocational and other academic courses.

7.4 The Institute for Learning has now decided to close because of falling membership; it does not see a prospect of turning this around in a reasonable timeframe and reaching a position where it is financially viable. It wants to create a legacy and in particular to ensure the continuation of QTLS as a qualification conferring qualified teacher status to teach in schools. It has agreed with the Education and Training Foundation (the sector led, independent body responsible for quality improvement in FE)

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<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/32351/12-670-professionalism-in-further-education-interim.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32351/12-670-professionalism-in-further-education-interim.pdf) (interim report) and <https://www.gov.uk/government/publications/professionalism-in-further-education-final-report-of-the-independent-review-panel> (final report).

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/180504/DFE-00031-2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/180504/DFE-00031-2011.pdf).

that the Foundation will take over responsibility for QTLS. This is an operational decision made by the bodies concerned rather than a Ministerial policy decision. However, Ministers are supportive of the plan to secure the long term future of QTLS.

7.5 The Institute and the Foundation asked the Department for Business, Innovation and Skills to amend the relevant regulations to reflect closure of the Institute on 1 November 2014 and the transfer of its responsibilities for QTLS to the Foundation. With effect from that date existing members of the Institute will automatically become professional members of the Foundation (though a transfer process administered by the Foundation) and the Foundation will continue to award QTLS on the same basis as the Institute. QTLS awarded by the Institute before 1 November 2014 will continue to be valid. The Foundation will assume responsibility for those in the process of working towards QTLS and any awards made to existing candidates on or after 1 November 2014 will be made by the Foundation. As far as existing members and holders of QTLS are concerned, the change will be seamless.

7.6 The Institute is also mentioned in Part 1 of Schedule 1 to the European Communities (Recognition of Professional Qualifications) Regulations 2007<sup>5</sup> (the Professional Qualifications Regulations) which implement in part Directive 2005/36/EC of the European Parliament and of the Council of 7<sup>th</sup> September 2005<sup>6</sup>. Those regulations are concerned with the recognition by the UK as a host member state of professional qualifications issued by other member states where these professions are regulated in the UK, and the Institute is listed as the competent authority for the profession of “Teacher at a further education institution in England (within the meaning of the Education Act 2002)”. Following the removal of the relevant requirements in 2012 and 2013 there is no requirement for FE teachers to hold a teaching qualification, although QTLS is still available as an optional route to enable teaching in schools. On this basis, there is no longer a need for the profession of teacher at an FE institution to be included in the Professional Qualifications Regulations and the reference should therefore be removed. This will be done in January 2016 as part of a more general updating of the Professional Qualifications Regulations.

- Consolidation

7.7 There are no plans to consolidate the relevant regulations.

## **8. Consultation outcome**

8.1 The amendments made by these regulations do not reflect a Ministerial policy decision but rather a decision and actions taken by two independent, external bodies. Therefore, no consultation was carried out by Government. Ministers support the plan to secure the long term future of QTLS and have agreed to make the legislative changes requested. The ability of existing holders of QTLS to teach in schools is unaffected and

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<sup>5</sup> S.I. 2007/2781.

<sup>6</sup> OJ No. L 255, 30.09.2005, p22, as amended by Council Directive 2006/100/EC of 20<sup>th</sup> November 2006, OJ No. L 363, 20.12.2006, p141.

the Foundation will continue to make new awards of QTLS on the same basis as the Institute has done.

## **9. Guidance**

9.1 It is for the Institute for Learning and the Education and Training Foundation to provide guidance on how members of the Institute will be affected by the changes. This is currently available through the following links.

<https://www.ifl.ac.uk/our-work/what-were-working-on/the-proposed-future-of-ifl-faqs/#QTLStfuture>

<http://www.et-foundation.co.uk/news/education-training-foundation-confirms-commitment-continuing-support-practitioners/>

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies other than on the two bodies named in the regulations – the Institute for Learning and the Education and Training Foundation – who have asked for the changes to be made.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not therefore been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 It will be for the Education and Training Foundation to consider how to monitor the impact on itself and on the FE sector of assuming responsibility for QTLS from the Institute for Learning.

## **13. Contact**

Valerie Carpenter at the Department for Business, Innovation and Skills, Tel: 020 7215 0225 or email: Valerie.Carpenter@bis.gsi.gov.uk can answer any queries regarding the instrument.