

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL TEACHERS' QUALIFICATIONS) (ENGLAND)
(AMENDMENT) REGULATIONS 2021

2021 No. 1093

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 This instrument makes amendments to the Education (School Teachers' Qualifications) (England) Regulations 2003 ("the 2003 Regulations").

2.2 The amendments widen the definition of people who can be accredited to be an Initial Teacher Training (ITT) provider to other educational institutions, providing for the accreditation of School-Centred Initial Teacher Training leading to qualified teacher status ("QTS"). The amendments amend the categories of settings at which qualifying experience or employment might be gained and make other incidental amendments.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 Not applicable.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The 2003 Regulations set out the various routes to qualified teacher status (QTS) in England. One such route requires an individual to complete a course of initial teacher training at an accredited institution in England and be assessed as meeting standards specified by the Secretary of State. Another allows the individual to be assessed by an accredited institution without having to have completed such a course. A number of routes require the individual to have undertaken a period of practical teaching experience or employment in one of a number of listed settings.

6.2 Regulation 3 of 2003 Regulations currently defines "institution", which the Secretary of State can accredit under regulation 11 and one of the settings at which qualifying

experience or employment might be undertaken, as “a further education institution or an institution within the higher education sector”.

7. Policy background

What is being done and why?

- 7.1 There are 240 initial teacher training (ITT) providers operating within the current ITT market who recruit trainees and deliver teacher training courses that lead to QTS. Of these, approximately 70 are Higher Education Institutes/Universities (traditional HEIs). The remaining 170 are School-Centred ITT providers (SCITTs). These are typically smaller providers, schools or multi-academy trusts, who do not operate at the same scale or reach as HEIs.
- 7.2 The ITT market has been in existence and operating in this way for many years; the first SCITTs were accredited from the mid-1990s onwards to facilitate the development of school-led training as an alternative to university-led training. All providers have the same accountabilities when delivering initial teacher training courses leading to QTS. They must meet [criteria](#) that the Secretary of State has set around the delivery of ITT, are subject to Ofsted inspection, and their trainees must meet standards specified by the Secretary of State before they are qualified. This reflects Departmental policy.
- 7.3 The 2003 Regulations, however, in defining an “institution” which can be accredited under regulation 11 as one within the further or higher education sector, do not accommodate the accreditation of SCITTs. This was not appreciated until scrutiny of the regulations, and SCITTs have in fact been accredited according to the policy intent. The Secretary of State is now taking steps to align the 2003 Regulations with the policy and expand the type of institution that might be accredited, to include SCITTs.
- 7.4 The instrument also expands the list of settings at which, under three routes, qualifying experience or employment might be undertaken going towards QTS, again to align the 2003 Regulations with Departmental policy. The amendment provides for such experience or employment to be gained at any educational institution or early years provider. For one route to QTS on recommendation from the States of Guernsey Education Department (set out in paragraph 11(3)(c) of Schedule 2 to the 2003 Regulations), under which the applicant must have been employed for not less than two years as a teacher or a lecturer, this instrument preserves the need for employment to have been at “a further education institution or an institution within the higher education sector” rather than any educational institution or early years provider.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 There are no plans to consolidate the relevant regulations.

10. Consultation outcome

- 10.1 There is no statutory requirement to consult on the amendment. As this instrument does not effect a policy change, no consultation activity has taken place.

11. Guidance

- 11.1 It is not necessary to publish any guidance as this amendment will not impact how SCITT providers operate in any way. Nonetheless, the Department for Education intends to write to all existing SCITT providers where appropriate to confirm their accreditation status.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because there is no anticipated impact on businesses who deliver initial teacher training as they will continue to operate in the same way going forward after this amendment is made.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses. The measures taken protect the status quo of providers delivering initial teacher training, enabling them to continue to operate as they are in the same way going forward.

14. Monitoring & review

- 14.1 There are no plans to monitor or review this statutory instrument as it is a technical amendment to rectify an issue with the drafting.
- 14.2 The instrument does not include a statutory review clause.

15. Contact

- 15.1 Joe Woodier at the Department for Education, Email: joe.woodier@education.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Ruth Talbot, Deputy Director for the Train to Teach Division, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Robin Walker MP, Minister of State for School Standards at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.