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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2536 (W.211)**

**EDUCATION, WALES**

**The Teacher Training Incentive (Further Education) (Wales) Regulations 2001**

*Made* - - - - *10th July 2001*

*Coming into force* - - *1st September 2001*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 50 and 63(3) of the Education (No. 2) Act 1986<sup>(1)</sup>, and now vested in the National Assembly for Wales<sup>(2)</sup>, hereby makes the following Regulations:

**Name, commencement and application**

1.—(1) These Regulations are called the Teacher Training Incentive (Further Education) (Wales) Regulations 2001 and shall come into force on 1st September 2001.

(2) These Regulations apply only to Wales.

**Interpretation**

2. In these Regulations—

“accredited institution” (“*sefydliad achrededig*”) means an institution accredited by the Higher Education Funding Council for Wales as a provider of courses satisfying such provisions as to curricula and other criteria as may be from time to time specified by the National Assembly<sup>(3)</sup>;

“further education” (“*addysg bellach*”) has the meaning given to it by section 2 of the Education Act 1996<sup>(4)</sup>;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“post-graduate FE teacher training course” (“*cwrs ôl-raddedig o hyfforddiant athrawon addysg bellach*”) means a post-graduate course of initial training for teachers which is—

(a) provided at an accredited institution in Wales; and

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(1) 1986 c. 61. Section 63(3) is amended by paragraph 107(a) of Schedule 19 to the Education Act 1993 (c. 35).

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) A list of currently accredited institutions may be obtained from the Higher Education Funding Council for Wales at Linden Court, The Orchards, Ty Glas Avenue, Llanishen, Cardiff, CF4 5DZ.

(4) 1996 c. 56.

- (b) specifically designed to equip persons undertaking the course to teach, in an institution or other setting which provides further education, persons undergoing such education; “qualified teacher” (“*athro neu athrawes gymwysedig*”) means a person who—
  - (a) is a qualified teacher in accordance with provision made by or under regulations made for either Wales or England under section 218 of the Education Reform Act 1988<sup>(5)</sup>; or
  - (b) is determined to be a qualified teacher by the National Assembly or the Secretary of State in accordance with any provision so made.

### **Incentives for persons to undergo further education teacher training**

**3.—**(1) The National Assembly may pay grants under this regulation by way of incentives for eligible persons to undergo a post-graduate FE teacher training course.

(2) The power conferred on the National Assembly by paragraph (1) above includes power to pay grant to an eligible person if that person has—

- (a) successfully completed a post-graduate course of initial training for teachers at an institution in England which is specifically designed to equip persons undergoing the course to teach, in an institution or other setting which provides further education, persons undergoing such education;
- (b) received the full amount of any instalments of grant payable in respect of the period when he or she was undergoing the course under any arrangements applying in England which the National Assembly is satisfied correspond to those made in pursuance of these Regulations; and
- (c) taken up a teaching post at an institution or other setting which provides further education and is situated in Wales.

(3) In paragraphs (1) and (2) “eligible” means eligible for student support under regulations made under section 22 of the Teaching and Higher Education Act 1998<sup>(6)</sup>.

### **Conditions**

**4.—**(1) No payment shall be made under regulation 3 to a person—

- (a) who has, before 1st September 2001, completed a course of initial training for teachers of a kind which is specifically designed to equip persons undergoing the course to teach, in an institution or other setting which provides further education, persons undergoing such education; or
- (b) who has, before 1st September 2001, completed a course of initial teacher training of a kind which leads to a person who completes it successfully becoming a qualified teacher; or
- (c) who is undergoing (but has not completed) a course of a kind referred to in paragraph (1) (a) or (b) which began before 1st September 2001.

(2) No grant shall be paid under regulation 3 to a person unless he or she has made an application to the National Assembly in such form, at such time and containing such particulars as the National Assembly may determine.

(3) Nothing in this regulation shall be taken as limiting the power of the National Assembly to adopt criteria for eligibility for grants under regulation 3.

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(5) 1988 c. 40. The current Regulations are the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2817 (W.18)) and the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 (S.I. 1999/2166).

(6) 1998 c. 30; the current Regulations are the Education (Student Support) Regulations 2001 (S.I. 2001/951).

### **Further Conditions**

5.—(1) The National Assembly may impose requirements under which grant paid in pursuance of regulation 3 shall be repayable.

- (2) A requirement may be imposed under paragraph (1) only if—
- (a) it is a requirement which has as its objective ensuring that the purpose of making the grant is fulfilled;
  - (b) it provides for repayment of grant where, after receiving any instalment of grant, the recipient fails to meet any eligibility criteria adopted by the National Assembly in relation to a subsequent instalment; or
  - (c) it provides for repayment of grant where the recipient has provided in, or in connection with, his or her application for grant information which is false or materially misleading.

### **Amount and payment of grant**

6.—(1) Grants under regulation 3 shall not exceed such amounts as the National Assembly may determine.

(2) Different amounts may be determined under paragraph (1) for different cases and circumstances.

(3) In the case of grant payable to a person by virtue of regulation 3(2), the total amount payable by the National Assembly shall not exceed the difference between the amount of grant he or she received from the Secretary of State under corresponding arrangements applying in England and the amount determined by the National Assembly under paragraph (1) above as the maximum amount of grant payable to a person who—

- (a) successfully completes, at an accredited institution, a post-graduate FE teacher training course of the same description as the course at the institution in England;
- (b) meets all relevant conditions contained in these Regulations; and
- (c) meets any relevant criteria for eligibility for grants under regulation 3 adopted by the National Assembly.

(4) Grants under regulation 3 may be paid in a lump sum or in such instalments and at such times as the National Assembly determines, and the National Assembly may in particular determine that instalments shall be payable on dates which are after the person has taken up a teaching post at an institution or setting in Wales which provides further education.

(5) In the case of any grant payable while a person is undergoing a post-graduate FE teacher training course, the National Assembly may provide funds to an accredited institution for payment to that person at such times as it may direct.

Signed on behalf of the National Assembly under section 66(1) of the Government of Wales Act 1998(7).

10th July 2001

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Under these Regulations the National Assembly may pay grants by way of incentives to encourage more people to undergo college-based post-graduate teacher training courses which are specifically designed to equip them to teach persons undergoing further education in further education institutions or other settings.

Under the Regulations, the National Assembly may pay all of the grant while the recipient is undergoing the training or, alternatively, part of the grant while the recipient is undergoing the training and part after he or she has completed the training and taken up a teaching post. In the latter case, the National Assembly may, in the case of a person who receives instalments of grant in respect of a course at an institution in England for which similar grants are payable under parallel arrangements, pay any remaining instalments to which that person would have been entitled under these Regulations had he or she completed a course in Wales for which grant was paid under these Regulations.

*Regulation 2* defines terms used in the Regulations.

*Regulation 3* enables the National Assembly to pay grants by way of incentives to persons who are eligible for student support to undergo a post-graduate teacher training course of the kind referred to above.

*Regulation 4* sets out a number of cases where grants may not be paid under Regulation 3, but provides that this does not limit the National Assembly's power to adopt criteria for eligibility for such grants.

*Regulation 5* allows the National Assembly to make payment of grant under Regulation 3 subject to a requirement that it shall be repaid in specified circumstances.

*Regulation 6* allows the National Assembly to decide the amount of grant, which may be paid either in a lump sum or in instalments (some of which may be deferred until after the person has completed the course and taken up a teaching post). It also allows the National Assembly to route payment of grant through the institution concerned.