
WELSH STATUTORY INSTRUMENTS

2002 No. 1663 (W.158)

EDUCATION, WALES

**Further Education Teachers'
Qualifications (Wales) Regulations 2002**

Made - - - - 25th June 2002

Coming into force - - 1st July 2002

In exercise of the powers conferred on the Secretary of State by sections 218(1)(b) and (10)(aa) and 232(5) and (6) of the Education Reform Act 1988⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾, the National Assembly for Wales makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations are called the Further Education Teachers' Qualifications (Wales) Regulations 2002 and shall come into force on 1st July 2002.

(2) These Regulations apply only to Wales.

Interpretation

2. In these Regulations—

“Certificate of Education” (“*Tystysgrif Addysg*”) means a qualification known by that name awarded prior to 1st August 2002 by an institution within the higher education sector;

“institution within the further education sector” (“*sefydliad o fewn y sector addysg bellach*”) means an institution within the meaning of section 91(3) of the Further and Higher Education Act 1992⁽³⁾;

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

“relevant teacher” (“*athro neu athrawes berthnasol*”) means a person employed as a teacher (whether or not the post in which the person is employed is described as a teaching post) in an institution within the further education sector other than—

(a) a person who is employed to teach courses of higher education only, and

(1) 1988 c. 40; section 218(10)(aa) was inserted by section 93 of, and paragraph 49(c) of Schedule 8 to, the Further and Higher Education Act 1992 (c. 13).

(2) The functions of the Secretary of State under this section were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) 1992 c. 13.

- (b) a person whose primary occupation or profession is not teaching and who is employed by the college on a temporary or occasional basis to provide updating on current industrial, commercial or professional practice;
- “stage 3 FE teaching qualification” (“*cymhwyster addysgu AB cam 3*”) means a qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;
- “stage 2 FE teaching qualification” (“*cymhwyster addysgu AB cam 2*”) means the intermediate stage of the stage 3 FE teaching qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;
- “stage 1 FE teaching qualification” (“*cymhwyster addysgu AB cam 1*”) means the introductory stage of the stage 3 FE teaching qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;
- “stage 3 post” (“*swydd cam 3*”) means a teaching post for which a stage 3 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;
- “stage 2 post” (“*swydd cam 2*”) means a part-time teaching post for which a stage 2 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;
- “stage 1 post” (“*swydd cam 1*”) means a part-time teaching post for which a stage 1 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;
- “the 1999 Regulations” (“*Rheoliadau 1999*”) means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999⁽⁴⁾;
- “1999 Regulations qualification” (“*cymhwyster Rheoliadau 1999*”) means a qualification that confers upon a person the status of a qualified teacher within the meaning of regulation 10 of the 1999 Regulations.

Relevant teachers to have qualifications

3.—(1) This regulation applies to every person who becomes a relevant teacher on or after 1st July 2002 at an institution within the further education sector in Wales who has not at any time before that date been—

- (a) a relevant teacher (at an institution within the further education sector in England or Wales);
- (b) a teacher at—
- (i) in England or Wales, a school maintained by a local education authority, a city technology college, a city college for the technology of the arts or city academy or, before 1st September 1999, a grant-maintained or grant-maintained special school;
 - (ii) in Scotland, a grant aided school or school maintained by an education authority;
 - (iii) in Northern Ireland, a controlled school under the authority of a local education and library board, a maintained school, a grant-maintained integrated school or a voluntary grammar school;
- (c) a teacher at an institution (in England or Wales) which, before 1st April 2001 was an external institution within the meaning of section 6(5) of the Further and Higher Education Act 1992⁽⁵⁾;

⁽⁴⁾ S.I. 1999/2817 (W.18).

⁽⁵⁾ 1992 c. 13; Section 6(5) was repealed by Sections 149 and 153 of, and paragraphs 1 and 20 of Schedule 9 and Schedule 11 to the Learning and Skills Act 2000 (c. 21).

- (d) a teacher at—
 - (i) in Scotland, a college of further education,
 - (ii) in Northern Ireland, an institution of further education within the meaning of the Further Education (Northern Ireland) Order 1997⁽⁶⁾;
 - (e) a teacher at an institution in the European Economic Area, the Channel Islands or the Isle of Man providing education which is equivalent to secondary or further education and which is part of the public system of education of the state or territory in question.
- (2) Every relevant teacher to whom this regulation applies who at any time is employed full-time must, before the date determined in accordance with regulation 4(1) (if it occurs), hold—
- (a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;
 - (b) a Certificate of Education;
 - (c) a stage 3 FE teaching qualification; or
 - (d) a qualification equivalent to a stage 3 FE teaching qualification.
- (3) Every relevant teacher to whom this regulation applies who at any time is employed part-time under a contract to work for a specified proportion of the period for which a full-time teacher is employed to work must, before the date determined in accordance with regulation 4(1) (if it occurs), hold—
- (a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;
 - (b) a Certificate of Education;
 - (c) a stage 3 FE teaching qualification; or
 - (d) a qualification equivalent to a stage 3 FE teaching qualification.
- (4) Every relevant teacher to whom this regulation applies who is at any time employed part-time and who does not fall within paragraph (3) must, before the date determined in accordance with regulation 4(2) (if it occurs), hold—
- (a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;
 - (b) a Certificate of Education;
 - (c) a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is employed in a stage 1, stage 2 or stage 3 post); or
 - (d) an equivalent qualification to a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is employed in a stage 1, stage 2 or stage 3 post).
- (5) For the purposes of this regulation—
- (a) a qualification is equivalent to a stage 1, stage 2 or stage 3 FE teaching qualification, if it appears to the National Assembly to be of equivalent standard to, or higher standard than, those qualifications and if it is specified by the National Assembly for the purpose of these Regulations; and
 - (b) a person who holds a stage 3 FE teaching qualification is to be treated as also holding a stage 2 FE teaching qualification and a person who holds, or is to be treated as holding, a stage 2 FE teaching qualification is to be treated as also holding a stage 1 qualification.

(6) S.I. 1997/1772 (N.I. 15).

Dates referred to in regulation 3

4.—(1) The date referred to in regulation 3(2) and (3) is the date on which the teacher has been employed full-time, or part-time under a contract such as is mentioned in regulation 3(3) for a period of, or for discontinuous periods which when added together amount to—

- (a) two years from the date on which the relevant course started, where the teacher is employed full-time; and
- (b) four years from the date on which the relevant course started, where the teacher is employed part-time.

(2) The date referred to in regulation 3(4) is—

- (a) where the teacher is employed in a stage 1 post, the date on which the teacher has been employed for a period of, or for discontinuous periods which when added together amount to, two years from the date on which the relevant course started;
- (b) where the teacher is employed in a stage 2 post, the date on which the teacher has been employed in a stage 2 or stage 3 post for a period of, or for discontinuous periods which when added together amount to, four years from the date on which the relevant course started;
- (c) where the teacher is employed in a stage 3 post, the date on which the teacher has been employed in a stage 3 post for a period of, or for discontinuous periods which when added together amount to, four years from the date on which the relevant course started.

(3) The “relevant course” referred to in paragraphs (1) and (2) is—

- (a) for the purposes of paragraph (1), the first course leading to a stage 3 FE teaching qualification which the teacher might reasonably attend, starting after the teacher first becomes a relevant teacher employed full-time, or employed part-time under a contract such as is mentioned in regulation 3(3);
- (b) for the purpose of paragraph (2)(a), the first course leading to a stage 1 FE teaching qualification which the teacher might reasonably attend, starting after the teacher first becomes a relevant teacher;
- (c) for the purposes of paragraph (2)(b), the first course leading to a stage 2 FE teaching qualification which the teacher might reasonably attend, starting after the teacher takes up a stage 2 or stage 3 post for the first time; and
- (d) for the purpose of paragraph (2)(c), the first course leading to a stage 3 FE teaching qualification which the teacher might reasonably attend, starting after the teacher takes up a stage 3 post for the first time.

(4) In computing the periods referred to in paragraphs (1) to (3) the following periods are not to be taken into account—

- (a) any periods during which the teacher is on sick leave, maternity leave or parental leave; and
- (b) any other periods which in all the circumstances it is reasonable to leave out of account.

Amendment of the 1999 Regulations

5. Regulation 4 of the 1999 Regulations is amended as follows—

- (a) in paragraph (2)(b) after “further education institution” there is inserted “maintained by a local education authority”; and
- (b) for paragraph (3) there is substituted—

“(3) The requirement in paragraph (1) is additional to the requirements relating to qualifications for employment at schools and institutions within the further education

sector contained in Part IV of these Regulations and the Further Education Teachers' Qualifications (Wales) Regulations 2002 respectively.”.

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

25th June 2002

D. Elis-Thomas
The 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements on certain persons employed as teachers in institutions in the further education sector to have qualifications. The requirements will apply to teachers who satisfy the definition of “relevant teacher” in regulation 2 employed in institutions in the further education sector after 1st July 2002 if they have not previously taught in maintained schools or publicly funded further education institutions (regulation 3(1)). By virtue of section 218(13) of the Education Reform Act 1988 the Regulations will apply to persons engaged to provide services as teachers but who do not have contracts of employment, as well as to those employed under contracts of employment.

Regulations 3(2), (3) and (4) and 4 provide for the levels of qualifications and for the periods within which the qualifications must be obtained.

The Regulations also make a consequential amendment to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999.

The standards for certain of the qualifications referred to in the Regulations are specified by the National Assembly for Wales. Copies of those standards may be obtained from The Further Education National Training Organisation (Wales), Quadrant Centre, Cardiff Business Park, Llanishen, Cardiff, CF14 5WF.