

EXPLANATORY MEMORANDUM TO
THE FURTHER EDUCATION TEACHERS' CONTINUING PROFESSIONAL
DEVELOPMENT AND REGISTRATION (ENGLAND) REGULATIONS 2007

2007 No. 2116

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

2. Description

2.1 These Regulations apply in relation to all further education institutions (FEIs), including general and specialist colleges and sixth form colleges (ie, those designated as further education institutions under the Further and Higher Education Act 1992). They require:

full-time FE teachers to undertake at least 30 hours of continuing professional development (CPD) per year, for the purposes of updating their knowledge of the subjects they teach and developing their teaching skills;

part-time teachers to undertake pro-rata amounts of CPD, with a minimum of 6 hours per year and for those working for more than one FEI to apportion this CPD requirement accordingly;

FE teachers to maintain a record of the CPD undertaken, make that record available to their employers and provide a record of the CPD undertaken to the Institute for Learning (IfL) every year; and

FE teachers to be professionally registered. FEI teachers are required to register with the Institute for Learning (IfL) as the professional membership body for the FE sector. However there will be flexibility for teachers in sixth form colleges, who can choose to join either IfL or the General Teaching Council for England (GTC(E)). Teachers who were teaching in both a school and an FEI before 1 September 2007, who continue to teach in both sectors and wish to maintain their GTC(E) membership, are also exempted from the requirement to register with IfL.

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 Section 136(c) of the Education Act 2002 enables the Secretary of State to make regulations which specify conditions to be complied with by or in respect of teachers at further education institutions. These Regulations are made under that section.

4.2 This will be the first use of this power under the 2002 Act.

5. Territorial Extent and Application

5.1 These Regulations apply to England only.

6. European Convention on Human Rights

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

7. Policy background

Policy

- 7.1 It is the Government's intention to introduce new regulations as part of the policy to professionalise the further education workforce, This is supported by minimum standards for teachers' CPD and a requirement to be professionally registered, with an aim of ensuring that there is a qualified, professional workforce with up-to-date subject and teaching skills.
- 7.2 Colleges are expected to provide support for workforce development. However evidence suggests that this is far from consistent. Whereas the best employers already invest in the development of their staff, many do not. Recent research by the University and College Union and the IfL indicates that many teachers are unable to take time off to undertake CPD, or are unaware that their employer allows time off for development. This confirms the findings of a survey by York Consulting in November 2005, which identified that 52% of respondents have no 'non-contact time' set aside for CPD.
- 7.3 Weaknesses in FE workforce development were noted by Sir Andrew Foster in his independent review of FE. The FE White Paper (Further Education: Raising Skills, Improving Life Chances - March 2006) set out the case for supporting teachers to continue to develop and improve their practice, in order to improve the quality of teaching for learners. This underpins the aim of having a qualified and professional workforce.
- 7.4 Paragraph 4.26 of the FE White Paper *Raising Skills, Improving Life Chances* 2006, stated that the Department would introduce a regulatory CPD requirement, applying to all FEIs, supported by a national CPD framework and guidance.
- 7.5 The FE White Paper stressed the priority of responsiveness to employers and the imperative of upskilling the nation as a whole, in order to address the global economic challenges. Industrial and subject updating is essential to ensure that teachers possess the latest information about sector and business needs. This in turn will ensure that learners are taught skills that are required by industry.
- 7.6 The risk of not intervening is that the sector does not uniformly keep pace with changing business needs in a demand led environment. As a consequence, the reputation of FE will be affected, as the quality of FE learning would not match business requirements.
- 7.7 Two other options were explored prior to introducing legislation. The first was to allow FEIs to continue as at present, whereby there is no centrally set requirement for CPD or for professional registration. The second was for Government to encourage greater take up of CPD.

- 7.8 It is likely that the amounts of CPD undertaken could increase, especially under the second option, but amounts of CPD would continue to vary between colleges. Most importantly, it was considered that neither option would deliver the step change in CPD that is required to create a professional, qualified workforce. They would not fully address the weaknesses identified in FE workforce development and the inconsistency in levels of CPD undertaken would remain. In addition, Ministerial expectations and commitments on CPD would not be met.

Consultation

- 7.9 A consultation exercise “The Professionalisation of the Learning and Skills Sector” ran between 11 April 2006 and 4 July 2006. Feedback from this consultation was analysed and used to inform the policy development which underpins these Regulations. This policy was developed by the Improvement Group in the Lifelong Learning and Skills Directorate, consulting with other relevant teams and Legal Advisor’s Office.
- 7.10 A further consultation took place with stakeholders and key partners, including the Association of Colleges, LLUK, FE unions, IfL and the LSC, to gain the views of both the sector and partner agencies on the draft regulations and how best to implement this new policy.
- 7.11 Feedback from both consultations was positive, with the sector welcoming the introduction of these Regulations.

Guidance

- 7.12 Guidance will be issued to aid transition whilst these Regulations are being embedded into the sector.

8. Impact

- 8.1 A Regulatory Impact Assessment is attached to this memorandum.
- 8.2 The impact on the public sector is that all full time teachers will be required to carry out at least 30 hours CPD a year, with a reduced requirement for part time teachers maintain a portfolio of CPD activities; and be professionally registered.
- 8.3 There could be additional direct costs to those colleges where the range and scale of CPD activities will need to be extended. However, current LSC funding is expected to be sufficient for quality provision for learning, which includes CPD for the workforce.
- 8.4 The Department for Innovation, Universities and Skills will fund the professional registration costs of individual teachers, so there is no cost burden to individuals or colleges.

9. Contact

Robert Johnson
FE Workforce and leadership
Improvement Group

Department for Innovation, Universities and Skills

N3, Moorfoot
Sheffield
S1 4PQ

Tel: 0114 259 3641

Email: Robert.Johnson@dius.gsi.gov.uk