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Teaching and teaching qualifications



Information

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Audience	All bodies concerned with initial teacher training in Wales leading to Qualified Teacher Status (QTS); higher education institutions; the Higher Education Funding Council for Wales (HEFCW); the Universities Council for the Education of Teachers Cymru (UCET Cymru); Estyn; the General Teaching Council for Wales; local authorities in Wales; teachers' and lecturers' unions; maintained schools; the Independent Schools Council and other interested parties.
Overview	This information document looks at two related issues. Firstly, who can carry out teaching work in maintained schools or non-maintained special schools. Secondly, this document looks at who is recognised as a qualified teacher in Wales with details on the position of those who train as a teacher outside Wales and wish to work here.
Action required	None – for information only.
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Additional copies	This document is available as an electronic version only. It can be accessed from the Welsh Government's website at www.wales.gov.uk/educationandskills
Related documents	In respect of the Education (Specified Work and Registration) (Wales) Regulations 2010, the guidance in this document replaces the following guidance document: <i>The Education (Specified Work and Registration) (Wales) Regulations 2004 and (Revised) Professional Standards for Higher Level Teaching Assistants</i> Welsh Assembly Government Circular No: 029/2008 (September 2008) http://wales.gov.uk/topics/educationandskills/publications/circulars/2672720/?jsessionid=B5C1A4F8960DC0B2AF2558E06B03962C?lang=en The <i>Revised professional standards for education practitioners in Wales</i> Welsh Government Circular No: 020/2011 was published in September 2011. This circular contains the revised professional standards for Higher Level Teaching Assistants. http://wales.gov.uk/topics/educationandskills/publications/circulars/practitioners/?lang=en

Contents

Teaching and teaching qualifications	2
Summary	2
Teaching work	2
Qualified teachers	6
Annex A: Further education teachers' qualifications	11
Annex B: Qualifying requirements to be recognised as a qualified teacher in Wales for persons from the States of Guernsey	13
Annex C: Related legislation	15

Teaching and teaching qualifications

Summary

1. This information document looks at two related issues. Firstly, who can carry out teaching work in maintained schools or non-maintained special schools in Wales? As the detail here shows, as well as qualified teachers, a number of other persons in particular circumstances may also teach.
2. Secondly, this document looks at who is recognised as a qualified teacher in Wales. This includes details on the position of those who train as a teacher outside Wales and wish to work here.
3. The position on who may carry out teaching work in maintained schools or non-maintained special schools in Wales, and who is recognised as a qualified teacher in Wales, is set out in statutory regulations. This information document aims to summarise the position set out in the statutory regulations in order to provide general guidance, but this document does not itself provide a definitive interpretation of the regulations.
4. The regulations only govern the situation in maintained schools or non-maintained special schools in Wales. They, and the guidance given here, do not apply to independent schools. They also do not apply in further education institutions.

Teaching work

5. The legal position on who may carry out teaching work in maintained schools or non-maintained special schools in Wales is currently set out in the Education (Specified Work and Registration) (Wales) Regulations 2010 (S.I. 2010/2710) (“the 2010 regulations”).
6. ‘Specified work’ is the term used in the 2010 Regulations for teaching and is defined as any of the following activities:
 - (a) planning and preparing lessons and courses for pupils;
 - (b) delivering lessons to pupils (this includes delivery via distance learning or computer aided techniques);
 - (c) assessing the development, progress and attainment of pupils; and
 - (d) reporting on the development, progress and attainment of pupils.

7. The 2010 Regulations provide for qualified teachers – that is, those teachers who have gained Qualified Teacher Status – (“QTS”) to carry out ‘specified work’. Qualified teachers may only carry out specified work in a school if they are registered with the General Teaching Council for Wales (“GTCW”). Details on who is a qualified teacher are contained in paragraphs 13-16.

8. Under the provisions of the 2010 Regulations, as well as qualified teachers other persons in certain specific circumstances may also carry out ‘specified work’. The requirements which have to be satisfied by persons who are not qualified teachers in order to carry out specified work are set out in Schedule 2 to the 2010 Regulations. The categories of persons who can teach in maintained schools or non-maintained special schools in Wales without having QTS and the requirements which they must meet to do this are:

- (i) *existing teachers of nursery classes and at nursery schools who are not qualified teachers* – assistant teachers at a nursery school or teachers of a nursery class, who were permitted to be employed as teachers by the Education (Teachers) Regulations 1982, and who were so employed immediately before 1 September 1989, may carry out specified work in the same capacity as they were employed before 1 September 1989;
- (ii) *persons with special qualifications or special experience* – persons who are not qualified teachers may carry out specified work in respect of any art or skill or in any subject or group of subjects, where special qualifications or special experience or both are required in order to do so. There are a number of particular requirements which must be met:
 - the school must be satisfied as to the person’s qualifications or experience or both
 - the school may only employ them if, at the time of their appointment, no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for appointment (or, if the teaching work is the sort described in paragraph 8(v) below, no person who holds the further education teaching qualifications required for that work is available for appointment)

- the school may only continue to employ them as long as no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for appointment (or, if the teaching work is the sort described in paragraph 8(v) below, no person who hold qualifications required under the Further Education Teachers' Qualifications (Wales) Regulations 2002.

[Note: this provision does not apply in the case of persons appointed before 8 April 1982 if the appointment was for a specified period (if and so long as that period has not expired); or the appointment was for an unspecified period (if it was not otherwise expressed to be temporary only)];

- (iii) *Overseas Trained Teachers* – persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom, which is recognised as such by the competent authority in that country, carry out specified work (other than in a pupil referral unit) for a period of up to two years. The period of up to two years commences on the day on which they first carry out specified work in a school and ends 24 months later – i.e. it does not allow two years of teaching time spread over a longer period;

[Note: As stated, this provision applies for those trained in any country outside the UK. However, teachers from countries in the European Economic Area and Switzerland have the opportunity to have themselves recognised as qualified teachers – see paragraph 14(4).]

- (iv) *trainees on initial teacher training courses* – persons who are undertaking a course of initial training for teachers in schools at an accredited institution in Wales or England may carry out specified work (other than in a pupil referral unit) under the supervision of a qualified teacher during any period in which they are undertaking practical teaching experience for the purposes of that course. An 'accredited institution' means an educational establishment, often a higher education institution, which has been approved by the Higher Education Funding Council for Wales (or the Secretary of State in England) as a provider of initial teacher training courses. The reference to an accredited institution in England covers situations where such a body arranges for their students to undertake practical teaching experience at a school in Wales;

- (v) *qualified further education teachers teaching vocational courses within the local curriculum* – persons who hold qualifications required under the Further Education Teachers' Qualifications (Wales) Regulations 2002 may carry out specified work in a school, but only if that work comprises the delivery of vocational courses of study forming a part or the whole of a local curriculum that has been formed by a local authority under section 116A of the Education Act 2002 or by the Welsh Ministers under section 33A of the Learning and Skills Act 2000. Details of the further education qualifications required are set out in annex A.
- (vi) *employment-based teacher training scheme* – persons who are undertaking training for the purposes of an employment-based teacher training scheme (under the Graduate Teacher Programme, for example) may carry out specified work until they successfully complete or cease to undertake that training.

9. The 2010 regulations additionally allow other persons who are not qualified teachers and who are not mentioned in the categories described in paragraphs 8(i)–(vi) above to carry out specified work in a school.

They can only do this providing:

- they are doing so in order to assist or support the work of qualified teachers or other teachers in the school nominated by the head teacher of the school (teachers described in paragraphs 8(ii)–(vi) may be nominated for this purpose)
- they are subject to the direction and supervision of those qualified teachers or nominated teachers, in accordance with arrangements made by the head teacher
- the head teacher is satisfied that they have the skills, expertise and experience required to carry out specified work.

10. In determining whether these 'other persons' have the skills, expertise and experience required to carry out specified work, head teachers may have regard to (a) any standards for higher-level teaching assistants, or guidance concerning school support staff, published by the Welsh Ministers; and (b) any published guidance about contractual matters relating to school support staff.

11. If a provision allowing a person to carry out specified work does so by reference to a specified period (for example, the two year period for overseas trained teachers referred to in paragraphs 8(iii) above), the 2010 Regulations provide for that period to be extended by an amount equal to the total of time during which the person concerned is absent from work for the following reasons:

- (a) in exercise of that person's:
 - (i) right to maternity leave conferred by section 71 or 73 of the Employment Rights Act 1996 ("the 1996 Act") or a contract of employment and has the right to return to work by virtue of either of these sections or a contract of employment;
 - (ii) right to parental leave conferred by section 76 of the 1996 Act;
 - (iii) right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the 1996 Act; or
 - (iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act; or
- (b) because of pregnancy.

12. Some saving provisions relation to probation periods under previous legislation are contained in Schedule 1, Part 2. In particular, teachers determined to be unsuitable for further employment as qualified teachers under the Schools Regulations 1959, or who have received written notice under the Education (Teachers) Regulations 1982, may not carry out specified work in a school without the consent of the Welsh Ministers.

Qualified teachers

13. The requirements which need to be met by persons to be recognised as qualified teachers in Wales (and who therefore have QTS) are set out in the School Teachers' Qualifications (Wales) Regulations 2012 (S.I. 2012/724) ("the 2012 Regulations").

14. These requirements are set out for different categories of persons in Schedule 2 to the 2012 Regulations. The following persons will be recognised as qualified teachers in Wales provided that they meet the specific requirements listed in paragraphs 14(1)–(8) below and, where applicable, the notification requirements described in paragraphs 15 and 16 below:

- (1) Those successfully undertaking initial teacher training in Wales. These persons must:
 - (a) hold a first degree or equivalent qualification awarded by a United Kingdom institution or an equivalent degree or other qualification awarded by a foreign institution;
 - (b) have successfully completed a course of initial teacher training at an accredited institution in Wales;
 - (c) have undertaken a period of practical teaching experience for the purposes of that course of initial teacher training—
 - (i) wholly or mainly in a school or other educational institution (except a pupil referral unit) in Wales at which the National Curriculum for Wales is taught in relation to the foundation phase, or the second, third or fourth key stages, as is appropriate to the school or institution; and
 - (ii) where the practical teaching experience at the school or institution referred to in paragraph (i) corresponds with and is appropriate to that course of initial teacher training¹; and
 - (d) are assessed by the accredited institution as meeting the QTS standards².
- (2) Those successfully undertaking employment-based teacher training in Wales. These persons must:
 - (a) have successfully completed a period of training on an employment-based teacher training scheme or otherwise satisfied the requirements of the scheme; and
 - (b) be assessed as meeting the QTS standards by an accredited institution³.

¹ The provision in paragraph 14(1)(c) does not apply in the case of persons who commenced a course of initial teacher training in Wales prior to 1 September 2008 and had not been notified in writing that they were qualified teachers under regulation 6 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 on or before 31 March 2012.

² The QTS Standards are outcome statements which set out what trainees must know, understand and be able to do at the end of an initial teacher training course or employment based programme to gain QTS. They are statutory standards and the current version is the Qualified Teacher Status Standards Wales 2009 (No. 25).

³ If the person successfully completed a period of training on the Employment-based Teacher Training Scheme 2006 or otherwise satisfied the requirements of that scheme, for the criterion in paragraph 14(2)(b), as well as being assessed by an accredited institution, they could also be assessed by a person approved by the Welsh Ministers as competent to assess a trainee teacher's competence against the specified standards in accordance with that 2006 Scheme.

- (3) Those who met the requirements for receiving written notification that they were qualified teachers under previous qualifications regulations, and the only reason why they are not qualified teachers is that they did not receive such notification.
- (4) Those who have successfully trained as teachers in the European Economic Area⁴ and Switzerland. These are persons who as respects the profession of school teacher are entitled to practise in the United Kingdom under the provisions of Part 2 and Chapters 1, 2 and 4 of Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007. Essentially, this covers teachers who are recognised as a qualified teacher by those countries. They need to apply to the GTCW for confirmation of their status and registration; the GTCW is the competent authority in Wales for recognising such applicants here under these provisions.
- (5) Teachers from Scotland or Northern Ireland. These are persons who meet one of the following criteria:
 - (i) they have successfully completed a course of initial school teacher training at an educational institution in Scotland or Northern Ireland;
 - (ii) they have full registration as teachers of primary or secondary education with the General Teaching Council for Scotland; or
 - (iii) they are registered as a qualified teacher with the General Teaching Council for Northern Ireland; and they have undertaken a period of practical teaching experience of at least sixty days in aggregate at an educational institution in Northern Ireland.
- (6) Persons qualifying from the States of Guernsey. These persons must meet the requirements detailed in Annex B.
- (7) Persons qualifying as a teacher in England. This provision does not covers all categories of people qualifying as a teacher in England; only the following are recognised as qualified teachers in Wales:

⁴ The European Economic Area currently comprises European Union member states plus Iceland, Norway and Liechtenstein.

- (i) Those successfully undertaking initial teacher training in England. These persons must:
 - (a) hold a first degree or equivalent qualification awarded by a United Kingdom institution or an equivalent degree or other qualification awarded by a foreign institution;
 - (b) have successfully completed a course of initial teacher training at an accredited institution in England;
 - (c) have undertaken a period of practical teaching experience for the purposes of that course of initial teacher training wholly or mainly in a school, city college, academy, independent school or other institution (except a pupil referral unit) in England, or in a school administered by Service Children's Education⁵;
 - (d) have been assessed by the institution in sub-paragraph (b) as meeting the specified standards in England; and
 - (e) be qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002.
- (ii) Those who have qualified as a teacher in England through what is known as the 'Assessment Only' route. These persons must:
 - (a) hold a first degree or equivalent qualification awarded by a United Kingdom institution or an equivalent degree or other qualification awarded by a foreign institution;
 - (b) have been assessed by an accredited institution in England as meeting such criteria as may from time to time be specified by the Secretary of State;
 - (c) have undertaken a period of practical teaching experience such that the person is assessed by the institution in sub-paragraph (b) as meeting the specified standards in England; and
 - (d) be qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002.

⁵ Service Children's Education is an agency of the Ministry of Defence.

- (iii) Those successfully undertaking employment-based teacher training in England. These persons must:
 - (a) have successfully completed a period of training on an employment-based teacher training scheme in England;
 - (b) have been assessed as meeting the specified standards in England; and
 - (c) be qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002.

Note: Regulations in England currently provide for other teachers (such as further education teachers with Qualified Teacher Learning and Skills (QTLS) status and teachers with full qualifications from Australia, Canada, New Zealand and the United States) to be recognised as a qualified teacher there. These teachers are not recognised as qualified teachers in Wales.

Teachers from the European Economic Area and Switzerland, Scotland, Northern Ireland and the States of Guernsey who are qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002 are also recognised as qualified teachers in Wales, providing they meet the criteria set out in paragraphs 14(4)–(6) above.

- (8) Persons who were recognised as qualified teachers at the time the 2012 Regulations were made. This provision allows all those who were qualified teachers under the previous regulations (the Education (School Teachers' Qualifications) (Wales) Regulations 2004) to continue as qualified teachers.

15. For those persons covered by paragraphs 14(1)–(6) above, recognition as qualified teachers in Wales also requires that they are notified in writing by the Welsh Ministers or the GTCW that they are qualified teachers (this does not apply to persons covered by paragraphs 14(4)–(6) if they are qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002).

16. The 2012 Regulations require the Welsh Ministers or the GTCW to notify these persons if they meet the requirements listed. The notification will state a date from which the person is qualified. Under current arrangements, all notifications will normally be made by the GTCW.

Annex A: Further education teachers' qualifications

1. The Further Education Teachers' Qualifications (Wales) Regulations 2002 ("the 2002 Regulations") impose requirements on certain persons employed as teachers in institutions in the further education ("FE") sector in Wales after 1 July 2002 to have, or to be working toward, relevant teaching qualifications.

2. The principal present qualification, depending on the post being held, is a stage 1, stage 2 or stage 3 FE teaching qualification, the standards for which are specified by the Welsh Ministers. Other acceptable qualifications which are set out in the 2002 Regulations are Qualified Teacher Status, or a Certificate of Education awarded prior to 1 August 2002.

3. The qualifications available in Wales are usually a Certificate in Education (Post-compulsory Education and Training) or a PGCE (FE) at either Professional Graduate Certificate in Education or Post-Graduate Certificate in Education level. The Professional Standards for Teachers, Tutors and Trainers in the Lifelong Learning Sector in Wales published by Lifelong Learning UK (LLUK) were specified by the Welsh Ministers as the standards for the purpose of the 2002 Regulations in June 2008.

4. The 2002 Regulations also include as acceptable FE qualifications ones that are equivalent to a stage 1, stage 2 or stage 3 FE teaching qualification. Under the 2002 Regulations, another FE qualification is 'equivalent' if it appears to the Welsh Ministers to be of equivalent standard to, or higher standard than, those qualifications and if it is specified by the Welsh Ministers for the purpose of the 2002 Regulations.

5. The Welsh Ministers have specified for the purpose of the 2002 Regulations that the following qualifications are an equivalent standard to a stage 1, stage 2 or stage 3 FE teaching qualification in Wales, as appropriate:

- qualifications obtained at a higher education institution in Wales between 1 July 2002 and 31 July 2008 for a Certificate in Education, a Professional Graduate Certificate in Education or Post Graduate Certificate in Education in relation to post-compulsory education and training or further education teaching
- a qualification which met the requirements of the Further Education Teachers' Qualifications (England) Regulations 2001 for a stage 1, stage 2 or stage 3 FE teaching qualification

- a Certificate in Teaching in the Lifelong Learning Sector (CTLLS) or a Diploma in Teaching in the Lifelong Learning Sector (DTLLS) which meet the requirements of the Further Education Teachers' Qualifications (England) Regulations 2007
- relevant qualifications recognised in accordance with the provisions of the European Communities (Recognition of Professional Qualifications) Regulations 2007 – these cover the position of FE teacher qualifications gained in the European Economic Area (i.e. European Union member states plus Iceland, Norway and Liechtenstein) or Switzerland.

6. The CTLLS and DTLLS qualifications are differentiated in the English 2007 regulations; whilst DTLLS can cover a full teaching role, CTLLS covers an associate teaching role with less than the full range of responsibilities. However, the CTLLS and DTLLS qualifications are treated here equally as there is no legally defined associate role in Wales (although in practice it may well be that various institutions have posts which cover less than the full range of responsibilities).

7. It should be noted that no equivalency has been specified for the English Preparing to Teach in the Lifelong Learning Sector (PTLLS) award, on the basis that it is a preparatory award only – it must be followed up by acquiring a CTLLS or DTLLS qualification. Someone from England with a PTLLS award but no other FE qualification would be expected to acquire a required FE qualification in Wales, and the timescales in the 2002 Regulations would allow for this to be done.

Annex B: Qualifying requirements to be recognised as a qualified teacher in Wales for persons from the States of Guernsey

1. Persons who have as a teacher licensed by the States of Guernsey Education Department successfully completed two school years' full-time service, or an equivalent period if served part-time, and the training specified in the licence.

2. Persons who —

(a) have successfully completed not less than one school year's service as a teacher licensed by the States of Guernsey Education Department and the training specified in the licence; and

(b) before the date of commencement of the licence, had been employed for not less than two years as —

(i) a teacher or lecturer at an independent school (including a city college or academy) or an institution or a university in the United Kingdom;

(ii) instructors or education officers in the Armed Forces of the Crown;

(iii) instructors under —

(aa) paragraph 3 of Schedule 2 to the Education (Teachers) Regulations 1993;

(bb) paragraph 3 of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999;

(cc) paragraph 3 of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999;

(dd) paragraph 4 of Schedule 2 to the Education (Specified Work and Registration) (England) Regulations 2003; or

(ee) paragraph 3 of Schedule 2 to the Education (Specified Work and Registration) (Wales) Regulations 2004; or

(iv) a person with special qualifications or special experience under paragraph 3 of Schedule 2 to the Education (Specified Work and Registration) (Wales).

Regulations 2010, and were not dismissed on grounds other than redundancy.

3. Persons who —

- (a) have successfully completed not less than one school term's service as a teacher licensed by the States of Guernsey Education Department and the training proposed in the recommendation for a licence;
- (b) had, before the date of commencement of the licence, successfully completed either —
 - (i) a course of at least three years' duration of initial school teacher training at an educational institution outside Wales and England; or
 - (ii) a first degree course and a post-graduate course of initial school teacher training at such an institution (whether or not the same institution); and
- (c) had been employed for not less than one year as a teacher or lecturer in a school, independent school (including city college or academy), institution or university or other educational institution either in Wales or England or elsewhere and were not dismissed on grounds other than redundancy.

4. For each of the cases in paragraphs 1-3 above, the States of Guernsey Education Department must have submitted to the Welsh Ministers or the GTCW a statement that they satisfy the requirements specified in one of those paragraphs; and the persons concerned must have received written notification from the Welsh Ministers or the GTCW that they are qualified teachers. The notification will state a date from which the person is qualified. (Under current arrangements, all submissions will normally be made to the GTCW, which will issue the subsequent notifications.)

Annex C: Related legislation

The Education (Specified Work and Registration) (Wales) Regulations 2010

www.legislation.gov.uk/wsi/2010/2710/contents/made

The Education (Specified Work and Registration) (Wales) Regulations 2004

www.legislation.gov.uk/wsi/2004/1744/contents/made

The Education (Specified Work and Registration) (England) Regulations 2003

www.legislation.gov.uk/uksi/2003/1663/contents/made

The Education Act 2002

www.legislation.gov.uk/ukpga/2002/32/contents

The Further Education Teachers' Qualifications (Wales) Regulations 2002

www.legislation.gov.uk/wsi/2002/1663/contents/made

The Further Education Teachers' Qualifications (England) Regulations 2007

www.legislation.gov.uk/uksi/2007/2264/contents/made

The Education (Teachers) Regulations 1993

www.legislation.gov.uk/uksi/1993/543/contents/made

The Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999

www.legislation.gov.uk/uksi/1999/2166/contents/made

The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999

www.legislation.gov.uk/wsi/1999/2817/contents/made

The School Teachers' Qualifications (Wales) Regulations 2012

www.legislation.gov.uk/wsi/2012/724/contents/made

The Education (School Teachers' Qualifications) (Wales) Regulations 2004

www.legislation.gov.uk/wsi/2004/1729/contents/made

The Qualified Teacher Status Standards Wales 2009
www.wales.gov.uk/legislation/subordinate/nonsi/educationwales/2009/3220099/?lang=en

The National Assembly for Wales Employment-based Teacher Training Scheme 2006
www.wales.gov.uk/legislation/subordinate/nonsi/educationwales/2006/EBTTScheme?lang=en

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