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National College for Teaching & Leadership

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Relevant legislation **Overview** 

Accredited initial teacher training (ITT) providers offering the assessment only route must follow this guidance when carrying out their duties relating to ITT.

Accredited ITT providers must ensure they meet these criteria to remain compliant. ITT providers who do not comply with these criteria may have their accreditation withdrawn.

### Approval

In order to offer the assessment only route to qualified teacher status (QTS), an accredited ITT provider's provision must not be judged requires improvement or lower quality (as determined by Ofsted inspection grade criteria).

We will consider suspending a provider's approval to offer the assessment only route where:

- ITT provision is subsequently deemed to be of requires improvement or lower quality (as determined by Ofsted inspection grade criteria)
- · the provider is subject to withdrawal of accreditation procedures
- · assessment only provision does not comply with this criteria

### Entry criteria

### A1.1 GCSE standard equivalent

All providers must ensure, before acceptance onto the route, that:

- all entrants have achieved a standard equivalent to a grade 4 in GCSE English and mathematics
- all those who intend to teach pupils aged 3 to 11 additionally have achieved a standard equivalent to a grade 4 in a GCSE science subject

This is to ensure that entrants to the assessment only route have demonstrated:

· their achievement of a minimum standard of educational attainment

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• an acceptable level of subject knowledge in the core subjects of the national curriculum (primary candidates)

It is the standard, not the certificate which matters. Applicants who are otherwise suitable but, for whatever reason, have not successfully achieved a GCSE grade 4 may be given an opportunity to show that they can meet the required standard. They will either need to take an equivalence test or offer other evidence of attainment, which should demonstrate a similar level and breadth. Providers should consider making similar arrangement for candidates who cannot provide original certificates as evidence.

We do not provide a list of qualifications that can be considered equivalent to GCSE English, mathematics and science. When providers look for evidence that a qualification is of a standard equivalent to GCSE grade 4, they should look at the content not only in terms of its level, but also in terms of its breadth.

For the equivalent of grades awarded under the new GCSE grading structure, refer to <u>Your qualification</u>, <u>our regulation</u>: <u>GCSE</u>, <u>AS</u> and <u>A level reforms</u>.

### **Specific qualifications**

Qualifications in key and functional skills at level 2 are not equivalent to GCSEs in terms of content. Providers should look for additional evidence of breadth of knowledge and understanding in applicants with key and functional skills certificates but without GCSEs at grade 4 or above in English and mathematics.

Where applicants have achieved a GCSE grade 4 or above in English literature only, providers should look for further evidence of a breadth of achievement in English.

### **Further information**

The <u>National Recognition Information Centre for the United Kingdom (UK NARIC)</u> provides advice on the equivalence of overseas qualifications.

# A1.2 Degree criteria

All providers must ensure, before acceptance onto the route, that:

• all candidates hold a first degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution

This is to ensure the graduate status of teaching. All entrants must have attained a qualification that demonstrates the level of knowledge, understanding and transferable intellectual skills associated with graduate status.

<u>Legislation</u> requires all entrants to teaching in England to have a UK first degree or equivalent qualification. Any equivalent qualification must be one single qualification, not an aggregation of a number of separate qualifications. Applicants will need to have attained a first degree-level qualification before acceptance as a candidate. A first degree comprises 300 higher education credit points of which 60 must be at level 6 of the Qualifications and Credit Framework.

Providers should view original certificates in order to validate an applicant's degree status. However, they should exercise discretion for recent graduates where there is a delay in receiving the original certificate. In these cases, providers should:

- obtain written confirmation from the relevant degree-awarding institution that the applicant has achieved graduate status
- ensure they view the original certificate as soon as it is available

In cases where an original certificate is no longer available, providers must gain assurance of graduate status and must keep an audit trail of the evidence obtained.

### **Degree subjects**

Legislation does not specify that teachers must have a degree in a particular subject or discipline. It is the <u>Teachers' Standards</u> that specify the subject knowledge required for the award of QTS.

There is no statutory requirement for primary applicants to have a degree in a national curriculum subject, or for secondary applicants to have a degree in a specified subject, as long as they meet all of the Teachers' Standards, including those that relate to subject and curriculum knowledge.

### Information on degree-level qualifications

Providers will need to make sure that those responsible for decisions on entry are familiar with, or have access to, advice on the range of qualifications generally regarded as equivalent to a first (bachelor's) degree in the UK, including:

- overseas qualifications
- professional or vocational qualifications
- qualifications no longer available but held by mature applicants

For example, the MEng is a 4-year first degree, the BPhil is usually a research degree, and some taught master's degrees may be open to people without a first degree.

It is for the provider to decide whether an individual's qualification meets this requirement, and whether a particular master's degree demonstrates the breadth and type of academic engagement that would be expected from first degree study. Providers that are not degree-awarding bodies may wish to seek advice from those that are.

### **Further information**

The <u>National Recognition Information Centre for the United Kingdom (UK NARIC)</u> provides advice on the equivalence of overseas degrees.

The Frameworks for HE qualifications of degree-awarding bodies describes the higher education

qualifications awarded by UK higher education institutions (HEIs) at 5 levels, formerly identified as certificate, intermediate, honours, masters and doctoral.

# A1.3 Suitability

All providers must ensure, before acceptance onto the route, that:

- all candidates, as part of the provider's selection procedures, have taken part in a rigorous selection process designed to assess their:
  - suitability to teach
  - ability to demonstrate meeting all of the Teachers' Standards without the need for any further training

Providers must ensure that, before anyone is admitted to the assessment only route, they have deemed them suitable to be awarded QTS. This will help to protect children and young people from candidates who might put them at risk of harm because the candidate's previous conduct shows they are unsuitable for teaching. Providers will conduct interviews, run background checks, and assess if an applicant has the appropriate intellectual and academic capabilities and personal qualities, attitudes, ethics and values to meet the Teachers' Standards.

Providers should consider a wide range of evidence to determine applicants' suitability to teach. For example:

- information from application forms
- information from Disclosure and Barring Service (DBS) checks
- referees' reports
- · advice from schools
- · results of any entry tests or tasks
- applicants' portfolios
- interviews

### Interviews

Providers should consider how information from interviews can help to identify and take account of applicants' prior experience. The interview process might include, for example, classroom observation, discussions of professional portfolios of evidence and discussions with managers.

### Equality

To comply with equality legislation, providers must ensure that interview procedures promote equality of opportunity and avoid discrimination.

The <u>Equality Act 2010</u> requires providers to ensure they are not discriminating against applicants with disabilities.

Applicants with disabilities are under no obligation to disclose their disabilities. Providers must ensure that their provision does not place applicants with disabilities at a disadvantage. Providers should also consider making anticipatory adjustments to promote positive equality of access for disabled applicants, including access to benefits, facilities and services. They should provide as many opportunities as possible for applicants to identify any special arrangements they may require. For example when inviting them for interview or making arrangements for any entrance tests.

#### Intellectual and academic capabilities

Providers should consider the full range of applicants' knowledge, skills, academic background and prior experience to determine their suitability for the assessment only route. The selection process provides an opportunity to assess applicants' ability to communicate effectively.

### Health and physical capacity to teach

Providers have a responsibility to ensure that candidates have the health and physical capacity to teach and will not put children and young people at risk of harm.

The Education (Health Standards) (England) Regulations 2003 sets out the activities that a teacher must be able to perform. Providers are responsible for ensuring that they only accept, onto the assessment only route, candidates who have the capacity to teach.

Many people with disabilities or chronic illnesses may have the capacity to teach, just as those without disabilities or medical conditions may be unsuitable to teach.

Successful applicants offered a place on the assessment only route may complete a fitness questionnaire. Providers should not ask all-encompassing health questions but should ensure they only ask targeted and relevant health-related questions which are necessary to ensure that a person is able to teach.

### **Disclosure and Barring Service checks**

Providers should have regard to the <u>Keeping Children Safe in Education statutory guidance</u> when carrying out their duties to safeguard and promote the welfare of children. They should ensure all candidates have been subject to appropriate pre-selection checks. This will include obtaining and considering <u>DBS</u> criminal records checks and children's barred list information. They should keep records showing that applicants have obtained these.

Candidates are not required to be employed by a school. Providers should confirm to schools hosting a non-employed candidate for their period of assessment that the candidate's criminal record check, including a check of the children's barred list, has been completed and that the provider has judged the individual to be suitable to work with children. Schools may wish to record this confirmation in their single central record, but they are not required to do so.

Where a school or college allows an individual to start work in regulated activity before the DBS certificate

is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

In the case of employed candidates, the responsibility lies with the employer to ensure the checks have been carried out. A provider should not do a further DBS check if they have received notification from the employing school that a satisfactory check has been obtained.

Providers should establish clear safeguarding procedures and protocols that are agreed by all partners in the partnership. This should include a common understanding across the partnership of convictions, offences, cautions and warnings that would not pose a barrier to joining the assessment only route.

Schools should ensure that all candidates are provided with the following:

- the child protection policy
- the staff behaviour policy (sometimes called a code of conduct)
- information about the role of the designated safeguarding lead
- the statutory guidance Keeping Children Safe in Education

Providers may wish to recommend to applicants that they register with the DBS update service.

If a provider removes a candidate from the assessment only programme, or if they would have removed the candidate had they not left, because that candidate has harmed or poses a risk of harm to children, the provider must refer this case to the DBS.

Any queries about DBS checks should be referred to the DBS at <u>customerservices@dbs.gsi.gov.uk</u> or on 03000 200 190.

### Other background checks

Individuals who are unsuited to working with children may not have any previous convictions, and providers should be vigilant during the selection process. Providers and employing schools have a duty to ensure that trainees are properly managed and supervised and that, if they have concerns, information is referred to the police and the DBS.

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in schools and colleges. In addition, further checks should be carried out so that events that occurred outside the UK can be considered. The Home Office has published guidance on <u>criminal record checks for overseas applicants</u>.

Providers and employers must check that candidates are not:

- subject to a prohibition order issued by the Secretary of State
- prohibited to teach in another country of the European Economic Area (EEA)

The lists of prohibited teachers is on the <u>Teacher Services System</u>.

### Childcare disqualification

Providers must have regard to the Disqualification under the Childcare Act 2006 statutory guidance and

related obligations under the Childcare Act 2006 when carrying out their duties to safeguard and promote the welfare of children.

Further advice on the childcare disqualification arrangements can be obtained from DfE at <u>mailbox.disqualification@education.gov.uk</u> or on 01325 340 409.

### **Further information**

- Statutory guidance: Working together to safeguard children
- Statutory guidance: Keeping children safe in education

## A1.4 Professional skills test

All providers must ensure, before acceptance onto the route, that:

• all candidates have passed the professional skills tests prior to entry

The <u>professional skills tests</u> are set in the context of the wider professional role of a teacher. All candidates must pass them prior to starting the assessment only route.

Applicants can register for special arrangements when registering for skills tests.

## A1.5 School teaching experience

All providers must ensure, before acceptance onto the route, that:

• all candidates have taught in at least 2 schools

Candidates need to demonstrate sufficient breadth and variety of experience in schools or other settings to enable them to meet all of the Teachers' Standards. They need to have:

- taught children and young people from different backgrounds, across the ability range in their chosen age ranges
- gained experience of different approaches to teaching and learning and to school organisation and management

Candidates must have taught in 2 schools, early years or further education settings before entry to the

assessment only route. It is not sufficient for candidates only to have had experience of 2 schools or settings. Providers should consider whether a candidate's prior experience of teaching in schools provides enough evidence to allow the provider to confidently count those previous teaching experiences towards the 2 schools required.

Providers will need to be clear about the nature and extent of the prior experience, whether it offered the candidate the opportunity to teach children and young people and whether, taken together with other experiences, it prepared the candidate sufficiently to meet the Teachers' Standards.

Typically, a candidate with fewer than 2 years of teaching experience in schools as an unqualified teacher would be unsuitable for the assessment only route. Practical teaching experience for the purposes of assessment only is not restricted to taking place wholly or mainly in England.

## Assessment criteria

## A2.1 Provision

All providers must ensure that:

- the content, structure, delivery and assessment of assessment only provision are designed to:
  - enable candidates to demonstrate meeting all of the Teachers' Standards across the age range of assessment
  - ensure that no candidate is recommended for the award of QTS unless they have demonstrated meeting all of the Teachers' Standards

At the outset, providers should make clear to candidates, and to all of those involved in assessment only, the scope and coverage of the route, including subject and curriculum knowledge and the anticipated assessment outcomes.

Assessment only route design underpins all the assessment criteria and should be flexible enough to meet the needs of every candidate. Providers should look particularly at the extent to which their assessment practices are designed to ensure that candidates have met the Teachers' Standards.

For those being assessed in non-specialist primary settings, the assessment process must cover the relevant curriculum subjects. For secondary candidates, providers will need to assess the necessary knowledge and understanding of their subjects and related pedagogy. Candidates that are assessed in a subject that is always or predominantly taught in only one age range (for example post 16) may need to demonstrate subject knowledge in a related subject if they do not have the opportunity to be assessed in their subject across the full age range.

Providers should ensure they have the expertise to assess candidates in the age ranges and subjects they teach; this expertise will usually have been developed through delivery of high-quality ITT in these age ranges and subjects.

Deciding whether a candidate meets the Teachers' Standards is a matter of professional judgement, taking into account the assessed performance, and all other relevant evidence, produced by the candidate. It is important to devise assessment processes that pay due regard to equality and fairness, that are robust and that make consistent and accurate judgements.

Assessment processes must be designed so that candidates are only recommended for the award of QTS when they have demonstrated that they meet all of the Teachers' Standards. Providers will need to devise procedures to do this that are fit for purpose and provide accurate assessments based on secure evidence, while not placing an unnecessary burden on candidates.

## A2.2 Age ranges

All providers must ensure:

- all candidates recommended for the award of QTS have been assessed as meeting the Teachers' Standards within one of the following age phases:
  - ages 3 to 11 (primary)
  - ages 7 to 14 (middle)
  - ages 11 to 19 (secondary)

Assessment must ensure that candidates have the knowledge and skills they need to be able to teach in one of the specified age phases. Typically, assessment will take place across the following age ranges:

- 3 to 7, 5 to 11, or 7 to 11 for primary assessment
- 7 to 14 for middle assessment
- 11 to 16 or 14 to 19 for secondary assessment

Candidates on middle phase programmes will demonstrate that they have met the Teachers' Standards across the relevant curriculum in primary, and in their specialist subject in secondary.

Providers should consider how the assessment design and candidates' time teaching in at least 2 schools prior to entry will ensure they can teach across the full ability range of their chosen age phase.

## A2.3 Candidate assessment

All providers must ensure that:

- the process of assessment:
  - includes the assessment of practical teaching in a school (or early years or further education setting)

typically does not last longer than 3 months

This is to ensure that assessors have the opportunity to verify a candidate's achievement against the Teachers' Standards in a practical teaching context, within a suitably short period of time.

Assessments of candidates against the Teachers' Standards, and subsequent recommendations for the award of QTS, should not be based solely upon evidence of prior experience and achievement. This evidence, whilst being valuable in its own right, must be verified by providers so they can be sure that candidates are continuing to meet the Teachers' Standards, and that a subsequent recommendation for the award is secure.

Assessment may take place in an independent school, a special school, or in a pupil referral unit (PRU). Providers should satisfy themselves that employing schools have the capacity to undertake their responsibilities. Where a school has serious weakness or is in special measures, it may still be possible for providers to use the school, especially if the improvements to be made do not affect the subject or age range in which the candidate is being assessed. The provider will need to be confident that the candidate will not be disadvantaged by being assessed in the school.

Candidates are accepted onto the assessment only route after an initial assessment to assess whether they are likely to be able to demonstrate that they are meeting all of the Teachers' Standards. The assessment only route is intended for very experienced graduate teachers without QTS who can demonstrate meeting all of the Teachers' Standards without the need for further training. Therefore, the whole process for a candidate should be completed in no longer than 3 calendar months from their registered start date.

Where a candidate fails to meet a provider's reasonable expectation of providing evidence for assessment within the 3-month period, or where assessment determines that the candidate does not fully meet the Teachers' Standards, the candidate should be deemed to have failed the route.

# Management and quality assurance criteria

# A3.1 Management

All providers must ensure that:

· their management structure ensures the effective operation of the assessment only provision

Providers must plan their provision to ensure they comply with the current criteria and provide the opportunity for candidates to demonstrate that they meet all of the Teachers' Standards. Assessment should be of high quality and providers should seek continuing improvement.

# A3.2 Partnerships

All providers must ensure that:

• partners establish an agreement setting out the roles and responsibilities of each partner in working together to assess candidates against the Teachers' Standards

This is to ensure that schools and other settings that contribute to the assessment only route:

- work as full partners
- are actively involved in the route
- work together, under the guidance of the approved provider and within the context of a partnership agreement, to select, support and assess candidates

Providers may wish to work with their existing school partners, but will also need to consider how to work in a one-off partnership with new schools that approach them in support of an individual's application for the assessment only route.

The partnership agreement should be a clear, working document that can be used to guide and inform the contributions of each partner and help to support coherent arrangements across the various contexts in which the assessment takes place. The partnership agreement will be underpinned by other practices, such as well-understood procedures for communication between the partners and agreed arrangements for the co-ordination of assessment.

Where provision is not school-led, providers must assure the significant role of schools in the selection and assessment of candidates. The roles and responsibilities of all partners should be clearly defined in the partnership agreement.

The partnership agreement should also include details of the:

- partnership's quality assurance procedures
- policies for equality of opportunity
- formal organisation and management of the partnership

The partnership agreement may make reference, for example, to the functions of groups and committees in managing the partnership and the ways in which resources are allocated among partners. It will set out the criteria for removing schools from the partnership, particularly where quality issues arise. The agreement and any associated supplementary documentation should be reviewed and revised by members of the partnership at appropriate intervals.

### **Roles and responsibilities**

All assessors and candidates need to be clear about who is responsible for elements of assessment, how

provision is managed and how the elements fit together to ensure assessment addresses all of the Teachers' Standards.

The partnership agreement should specify the different roles within the partnership including, for example, provider assessors, school staff, and internal and external moderators. It should also set out how partners contribute towards:

- selecting and interviewing applicants
- moderating assessment judgements of candidates against the Teachers' Standards
- any route committees
- quality assurance, including improvement planning and self-evaluation
- the promotion of equality of opportunity
- the safeguarding of children and young people

## A3.3 Legislation

All providers must ensure that:

• they comply with all current legislation relevant to the assessment only route

Providers must review and update their provision so that it continues to meet the criteria and associated legislation:

- Education (School Teachers' Qualifications) (England) Regulations 2003 (SI 1662) statutory requirements for QTS in England
- Education (Specified Work) (England) Regulations 2012 (SI 762) includes requirements that must be satisfied by individuals who are not qualified teachers in order to carry out specified work in schools
- Equality Act 2010 legislation relating to equality, discrimination and employment
- Data protection legislation:
  - General Data Protection Regulation (GDPR)
  - Data Protection Act 2018
  - Freedom of Information Act 2000

Providers must also ensure they carry out relevant background checks for all applicants.

Providers should make sure that all members of the partnership are fully aware of their duties under all relevant legislation and have in place arrangements for ensuring that these are met when selecting and assessing candidates.

From 1 July 2015 specified authorities, including all schools, are subject to a duty under section 26 of the <u>Counter-Terrorism and Security Act 2015 (the CTSA 2015)</u>, to have "due regard to the need to prevent people from being drawn into terrorism". Bodies to which the duty applies must have regard to statutory

guidance issued under section 29 of the CTSA 2015 (the Prevent duty guidance).

The Prevent duty guidance states that schools and other institutions to which the duty applies should make sure that staff have training that gives them the knowledge and confidence to identify children at risk of being drawn into terrorism and to challenge extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups.

### **Further information**

The following is a list of relevant legislation and guidance. This is not intended to be exhaustive and providers will need to ensure they have identified and comply with all legislation relevant to assessment only.

The Equality Act 2010 is the governing legislation for all matters relating to discrimination. Also relevant are:

- Education (Health Standards) (England) Regulations 2003 (SI 3139)
- Special Educational Needs and Disability Act (2001)
- Disabled Students' Allowances (DSAs)

The Equality and Human Rights Commission (EHRC) provides further guidance on the Equality Act for schools and further and higher education institutions. The EHRC also has information on the Codes of Practice that relate to equal pay, race, disability and gender discrimination.

The work that is reserved to qualified teachers in maintained schools in accordance with section 133 of the Education Act 2002, subject to limited exceptions, is prescribed by the Education (Specified Work) (England) Regulations 2012.

Providers should familiarise themselves with the Competition and Markets Authority's consumer law advice. Providers that do not meet their obligations to candidates may be in breach of consumer protection law. Find out more about <u>Higher education: consumer law advice for providers</u>.

## A3.4 Moderation

All providers must ensure that:

• rigorous moderation procedures are in place to assure the reliability, accuracy and consistency of assessments of candidates against the Teachers' Standards

Providers can only recommend candidates for the award of QTS if they meet all of the Teachers' Standards. Therefore, the assessment of candidates must be accurate and reliable in establishing whether or not candidates meet the Teachers' Standards. In order to ensure accuracy and reliability providers should have clear and robust assessment and moderation arrangements in place, informed by appropriate Assessment only route to QTS: criteria and supporting advice - GOV.UK

criteria for the various aspects and stages of the assessment process.

#### Internal moderation

Internal moderation provides a system of checks and balances to ensure that candidates in different settings are assessed accurately and reliably. Providers should ensure that arrangements for internal moderation are in place and that they work effectively. The roles and responsibilities of those carrying out such arrangements are likely to be contained in the partnership agreement.

#### **External moderation**

Providers should appoint suitable external moderators. External moderators should have no direct involvement with the provider's work. They should be able to offer an external perspective on the attainment of other providers' candidates being assessed for the award of QTS, which should help to verify the accuracy of the provider assessments. Providers should consider how to use external moderators to corroborate and standardise their assessments of candidates.

### A3.5 Quality assurance

All providers must ensure that:

• they monitor, evaluate and moderate all aspects of provision rigorously and demonstrate how these contribute to securing improvements in the quality of the assessment of candidates

Providers should have robust procedures in place for monitoring and evaluating all aspects of their assessment only provision. They should also be able to demonstrate, through gathered evidence and candidate outcomes, how the implementation of these procedures contributes to securing improvements in quality.

Providers should define clearly the arrangements and responsibilities for monitoring and evaluating the quality of provision across all the contexts in which it takes place, and identify ways in which it could be improved.

Providers should have systematic procedures in place in order to demonstrate that monitoring and evaluation have secured improvements in quality and outcomes for candidates. This may mean keeping comparative data and other evidence over a period of time. Providers are not required to grade candidates, but may wish to consider whether this is possible and if it would support their evaluation of outcomes for candidates.

Similarly, providers may wish to examine the procedures and practices they have in place for assessing the subject and pedagogical knowledge of all candidates and the knowledge of relevant curriculum areas for generalist primary and early years candidates. They can evaluate these against the success of candidates in demonstrating meeting the Teachers' Standards. The evidence will need to be sufficiently

robust to enable the provider to draw conclusions, and act upon them.

All monitoring and evaluation processes and activities should focus on impact and outcomes – particularly in the context of the standards achieved by candidates. Reporting and documenting of such activities should be evaluative rather than descriptive.

### **Relevant legislation**

- Education (School Teachers' Qualifications) (England) Regulations 2003
- Education (Health Standards) (England) Regulations 2003
- Education (Specified Work) (England) Regulations 2012
- Equality Act 2010
- Special Educational Needs and Disability Act (2001)
- General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- Freedom of Information Act 2000
- <u>Counter-Terrorism and Security Act 2015 (the CTSA 2015)</u>

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