



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

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Consultation

Consultation document No: 044/2007

Date of issue: 19 October 2007

Action required: Responses by 14 December 2007

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

Audience Local education authorities, schools diocesan organisations, professional education organisations, teaching unions, the General Teaching Councils for Wales and England, the Higher Education Funding Council for Wales, Initial Teacher Training Providers in Wales (including the Open University in Wales), the Universities Council for the Education of Teachers Cymru (UCET Cymru), Estyn, the Training and Development Agency for Schools, Central Government Education Departments and head teachers and Governing Bodies in a 10% sample of schools, including ITT Partnership Schools in Wales via ITT Providers.

Overview This consultation concerns a proposal to make modifications to The Education (School Teachers' Qualifications) (Wales) Regulations 2004 by requiring trainees on initial teacher training courses to undertake their practical teaching experience wholly or mainly in Wales; and to remove an age 24 restriction relating to teachers qualifying from, and to correct any references to the relevant Authority in, Guernsey.

Action required Any comments which consultees might have on this document should be e-mailed to teachingenquiries@wales.gsi.gov.uk by 14 December 2007. Please include "Teachers' Qualifications Consultation" in the subject box.

This document is being distributed in electronic format only. Copies of this consultation and the electronic response proforma can be downloaded from the Welsh Assembly Government's website at www.wales.gov.uk.

Comments can also be made in writing to Elizabeth Rees at the address below.

Further information Further information about this consultation can be obtained by contacting:
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Welsh Assembly Government
Cathays Park, Cardiff CF10 3NQ
Tel: 029 2082 6085 Fax: 029 2082 6109
E-mail: teachingenquiries@wales.gsi.gov.uk

Additional copies As above, they can be downloaded from the Welsh Assembly Government's website at: www.wales.gov.uk

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Consultation on amendments to The Education (School Teachers' Qualifications) (Wales) Regulations 2004

Summary

1. The Education (School Teachers' Qualifications) (Wales) Regulations 2004 ("the 2004 Qualification Regulations") specify the requirements to be met by persons before they can become qualified teachers; requires that persons meeting those requirements must be notified that they are qualified teachers; enables the Higher Education Funding Council for Wales to accredit institutions provide courses of initial teacher training that satisfy criteria specified by the Welsh Assembly Government; and allows the Welsh Assembly Government to establish an employment based teacher training scheme which enables persons to train to become teachers whilst employed.

2. This consultation document invites comments on the following proposed amendments to the 2004 Qualification Regulations:

- (a) a requirement that trainees on courses of initial teacher training undertake their practical teaching experience wholly or mainly in Wales;
- (b) the remove the requirement that persons, in respect of whom the States of Guernsey Education Council has submitted to the Welsh Assembly Government or the General Teaching Council for Wales a recommendation that they should be awarded qualified teacher status, had attained the age of 24 years before the commencement of the licence; and
- (c) to correct any references in the 2004 Qualification Regulations from the States of Guernsey Education Council to its successor body, the States of Guernsey Education Department.

3. It is proposed that these amendments will be set out in The Education (School Teachers' Qualifications) (Amendment) (Wales) Regulations 2007, a copy of which can be found at Annex A.

4. The consultation period ends on **14 December 2007**.

5. Responses to be e-mailed to: teachingenquiries@wales.gsi.gov.uk Please include "Teachers' Qualifications Consultation" in the e-mail title.

6. Alternatively, comments may be sent in writing to:

Elizabeth Rees
Practitioner Division 1
Department for Children, Education, Lifelong Learning & Skills
Welsh Assembly Government
Cathays Park
Cardiff CF10 3NQ

7. Please note that the responses to the consultation will be made public. Normally, the name and address (or part of the address) or the author are published along with the response. If you do not wish to be identified as the author of your response, please state this expressly in your response.

8. The Schools Workforce Advisory Panel (SWAP) is aware of our proposals to amend the regulations and of the terms and content of the consultation.

Section 1 – Amendment to require trainees on initial teacher training (ITT) courses to undertake their practical teaching experience wholly or mainly in Wales

Background

1. On 26 November 2003, the Welsh Assembly Government issued the consultation document, “Consultation on Regulations Relating to Teachers’ Work and Qualifications”. One of the issues raised in this consultation was whether Wales should in new teachers’ qualifications regulations (which became the 2004 Qualification Regulations) add to what was required for those on ITT courses in Wales to be recognised as qualified teachers by specifying that they must have had undertaken any period of practical teaching experience for the purposes of the ITT course wholly or mainly in Wales.

2. The consultation noted that it was considered important that those undertaking ITT courses in Wales should carry out at least a majority of the practical training in Wales. It also noted that in England, similar provisions were already in place which required trainees there to undertake their ITT practical teaching experience wholly or mainly in England.

3. Views were expressed both for and against the proposal by a range of consultees. Those in favour felt that this would support teaching in Wales. However, others were concerned that such a change could reduce the range of practical teaching experiences available to trainees, and that it would cause difficulties for ITT providers in border areas when placing trainees. Having considered the responses the Welsh Assembly Government did not consider the timing to be right to make such a requirement and decided not to include the requirement in the 2004 Qualifications Regulations.

4. The need to consider implementing such a requirement was raised again following recommendations contained in the report on the Review of ITT Provision in Wales published in January 2006. The Welsh Assembly Government’s response to the Report, which was published on 29 March 2006, included an ITT Change Plan which set out the principal components needed to take forward changes in ITT in Wales. As part of the ITT Change Plan, a commitment was given that the Welsh Assembly Government would consider a revision to the 2004 Qualifications Regulations to introduce a requirement that practical teaching experience on initial teacher training courses here must be undertaken wholly or mainly in Wales.

5. On 2 April 2007 the Minister for Education, Lifelong Learning and Skills agreed in principle that the Welsh Assembly Government should consult on these proposed revisions. The Minister additionally agreed that the consultation should include the removal of the age requirement that persons, in respect of whom the States of Guernsey Education Council has submitted a recommendation that they should be awarded QTS in Wales, have attained the age of 24 before the commencement of their teacher’s licence. The States of Guernsey Education Council has been replaced by a successor body, the States of Guernsey Education Department, and references to the Council in the 2004 Qualifications Regulations would need to be corrected.

6. On 5 July 2007 the Minister for Education, Culture and the Welsh Language agreed an updated ITT Change Plan work programme for 2007-08 and 2008-09 onwards. The short term ITT change plan for 2007-08 includes undertaking a consultation exercise on a draft revision to the 2004 Qualification Regulations (to introduce a requirement that the practical teaching experience on ITT courses here must be wholly or mainly in Wales), and, if agreed, proceeding with changes to the Regulations.

Current requirements

7. The 2004 Qualification Regulations set out the requirements to be met by those on initial teacher training courses in Wales in order for them to be recognised as qualified teachers – i.e. to gain Qualified Teacher Status (QTS). At present these are that they:-

- 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
- have successfully completed a course of initial teacher training at an accredited institution in Wales; and
- are assessed by the accredited institution as meeting the “specified standards” i.e. the QTS standards.

8. The 2004 Qualifications Regulations do not specify as one of the requirements for obtaining QTS in which country trainees on ITT courses in Wales must undertake their school based practical teaching experience.

Proposed Amendment to require ITT students to undertake their practical teaching experience wholly or mainly in Wales and rationale

9. We propose to make an amendment to regulation 5 of Part 1 to Schedule 2 to the 2004 Qualifications Regulations to specify that a requirement for them to be recognised as qualified teachers, and gain QTS, is that the person undertakes any period of practical teaching experience, for the purposes of that course of ITT, wholly or mainly in a school, independent school or other institution (except a pupil referral unit) in Wales.

10. In September 2006, the Welsh Assembly Government introduced revised QTS Standards with an increase in the number of Wales-specific elements. These have applied on a mandatory basis for all ITT trainees on courses commencing from September 2007. The Standards require trainee teachers to show that they can teach the relevant subjects of the Welsh National Curriculum or other subjects taught to public examination level. The areas of the Standards which cover a specifically Welsh dimension include the various Foundation Phase requirements; and the requirement that trainee teachers should show that they make appropriate use of the Curriculum Cymreig.

11. The Welsh Assembly Government noted in Circular No 41/2006, “Becoming a Qualified Teacher: Handbook of Guidance”, issued after the QTS Standards were revised, that placing trainees in schools outside Wales for the whole of their training probably makes it impossible for trainees to demonstrate that they meet the Standards that have a specifically Welsh dimension. The

Handbook noted that this means that as a general rule the majority of the time in schools on ITT courses should take place in schools in Wales.

12. As noted, the Welsh Assembly Government's response to the Furlong review of ITT provision in Wales said that we would look again at a requirement that practical teaching experience on ITT courses here must be wholly or mainly in Wales. The response said that this proposal would help to ensure that the practical teaching experience of students on ITT courses was tied more closely to the QTS standards which they are expected to meet in all cases. It added that in the light of the proposed reduction in ITT numbers, a smaller ITT intake, more geographically concentrated than before, should mean that some of the practical concerns about this issue which were raised a few years ago should be less of a problem now.

13. Providers need to work with a range of schools to provide sufficient breadth of experience but we do not think that this change will reduce the range of practical teaching experiences available to trainees to any significant degree. There is a wide range of schools in Wales but in any event the proposed new requirement does not demand that they should be used exclusively, just 'wholly or mainly'. In practice, the majority of students already undertake their practical teaching experience wholly or mainly in Wales.

14. We consider that the role of schools is crucial in providing trainee teachers with practical experience and opportunities for them to work towards and demonstrate the QTS Standards. In order to help ensure that trainees have the best opportunity to meet our QTS Standards, we propose to introduce a requirement that the practical teaching experience on ITT courses here must be wholly or mainly in Wales.

15. This new provision might require ITT providers and their partnership schools to make adjustments to standing arrangements, but we do not think that it would cause undue difficulties for ITT providers in border areas when placing trainees. The noticeable reductions in ITT numbers over the next few years means that there should be sufficient partnership places becoming available in Wales over the next few years to offer replacements for ones presently provided by schools in England.

16. However, we recognise that arrangements for undertaking practical teaching experience will already have been made for those trainees on courses of more than a year. Therefore, for practical purposes we propose to apply the new requirement from 1 September 2008 for those ITT trainees starting courses from that date only. Trainees commencing courses of ITT before this date would be unaffected.

17. It should be noted that this proposed change would not make ITT provision here only applicable to Wales. Our revised QTS standards and the proposals on practical teaching experience simply recognise that there are some differences in the school curriculum, and training in any country is required to take account of the curriculum. We do not believe that these changes would affect the recognition elsewhere of QTS obtained in Wales. They also do not place any restriction on access to places on ITT courses for those domiciled outside Wales who choose to study here.

Section 2 – Technical amendments to remove an age 24 restriction and to correct any references to the relevant Authority in Guernsey

18. Regulation 11 of Part 1 to Schedule 2 to the 2004 Qualifications Regulations set out the requirements to be met to be recognised as qualified teachers by those qualifying from Guernsey. Paragraph 11(3) requires persons who have successfully completed not less than one school year's service as teachers licensed by the States of Guernsey Education Council and the training specified in the licence, and before the date of commencement of the licence had been employed for not less than two years as teachers or lecturers in specified institutions, to have attained the age of 24 years before the commencement of their teacher's licence.

19. The provision in the regulations describes the Guernsey Licensed Teacher Scheme – a version of the former Licensed Teacher Scheme which operated in Wales and England allowing people to be employed as teachers in schools whilst being given training which leads to QTS. The Licensed Teacher Scheme in Wales and England was replaced by the Graduate Teacher Programme some years ago.

20. We have been advised that this requirement, as worded, may be deemed to be in breach of The Employment Equality (Age) Regulations 2006 which came into force on 1 October 2006 and implement requirements of EC Directive 2000/78/EC. The Regulations and the Directive essentially prohibit discrimination based on age. The age provision actually represents the Guernsey requirements, and the Channel Islands are not part of the UK. However, as the 2004 Qualifications Regulations set out requirements to be met for the purposes of being recognised as a qualified teacher in Wales, it is considered that to ensure the requirements of the Employment Equality (Age) Regulations 2006 are met an externally required age provision should not form part of our requirements. We therefore propose to remove the age restriction from the 2004 Qualifications Regulations.

21. We propose to take the opportunity to make a further minor change to Schedule 2 of the 2004 Qualifications Regulations to amend the references in these provisions from 'the States of Guernsey Education Council', which has ceased to exist, to its successor authority 'the States of Guernsey Education Department'.

22. The Licensed Teacher Scheme is not currently operating in Guernsey. We have decided to retain the reference to the Licensed Teacher Scheme in the event that it might be reinstated in the future, but have decided to make these technical changes in order to meet the requirements of employment law and to update factual references. It is not expected that these revisions will directly affect any individuals in Wales.

Timing

20. It is proposed that, subject to the outcome and consideration of this consultation, the new Regulations if proceeded with would be made via the negative resolution procedure for Statutory Instruments under the Government of Wales Act 2006. If this were done, the changes described in section 1 would

come into force from 1 September 2008 for ITT trainees starting courses from that date; and the changes described in section 2 would come into force immediately.

Next Steps

22. A draft set of regulations and an accompanying explanatory note is attached at Annex A. Comments on the proposed amendments are welcomed by **14 December 2007**.

W E L S H
S T A T U T O R Y I N S T R U M E N T S

2007 No. (W.)

EDUCATION, WALES

**The Education (School Teachers'
Qualifications) (Amendment)
(Wales) Regulations 2007**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which apply in relation to Wales) amend the Education (School Teachers' Qualifications) (Wales) Regulations 2004. Changes have been made to a number of the requirements that have to be met to achieve qualified teacher status in Wales. An amendment is made to references to the States of Guernsey Education Council, which ceased to exist on 6 May 2004 and was replaced by the States of Guernsey Education Department.

2007 No. (W.)

EDUCATION, WALES

**The Education (School Teachers’
Qualifications) (Amendment)
(Wales) Regulations 2007**

Made 2007

*Laid before the National Assembly for
Wales* 2007

Coming into force 1 September 2008

The Welsh Ministers in exercise of the powers in sections 132, 145 and 210(7) of the Education Act 2002(1) and having consulted the General Teaching Council for Wales in accordance with section 132(4) make the following Regulations:

Name, commencement and interpretation

1. These Regulations are called the Education (School Teachers’ Qualifications) (Amendment) (Wales) Regulations 2007 and shall come into force on 1 September 2008.

2. In these Regulations—

“the Principal Regulations” (“*y Prif Reoliadau*”) means the Education (School Teachers’ Qualifications) (Wales) Regulations 2004(2).

Amendment of Principal Regulations

3. The Principal Regulations are amended as follows:

4. In paragraph 5 of Part 1 of Schedule 2 omit the word “and” at the end of (b).

(1) 2002 c40; conferred upon the National Assembly for Wales in the Education Act 2002 and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006 (c.32).

(2) S.I. 2004/1729 (W. 173).

5. In paragraph 5 of Part 1 of Schedule 2 insert after (b) the following paragraph—

“(c) in respect only of persons who commence a course of initial teacher training on or after 1 September 2008 undertake any period of practical teaching experience for the purposes of that course of initial teacher training wholly or mainly in a school, independent school or other institution (except a pupil referral unit) in Wales; and”.

6. In paragraph 5 of Part 1 of Schedule 2 for “(c)” substitute “(d)”.

7. In paragraph 11(3)(a) of Part 1 of Schedule 2 after “the licence;” insert “and”.

8. Omit paragraph 11(3)(b) of Part 1 of Schedule 2.

9. In sub-paragraph 11(3) of Part 1 of Schedule 2 for “(c)” substitute “(b)”.

10. In paragraph (4) of regulation 6 and in sub-paragraph 11(1), sub-paragraph 11(2) and paragraph 11(3)(a) of Part 1 of Schedule 2 for “the States of Guernsey Education Council” substitute “the States of Guernsey Education Department”.

Jane Hutt

Minister for Children, Education, Lifelong Learning
and Skills

[Date]

ANNEX B

ELECTRONIC CONSULTATION: AMENDMENTS TO THE EDUCATION
(SCHOOL TEACHERS' QUALIFICATIONS) (WALES) REGULATIONS 2004

PRO-FORMA FOR RESPONSES

We welcome responses to the questions outlined below and also any comments of a more general nature on the terms of the amending Order. The questions are intended as a prompt and should not limit your response.

**THE CLOSING DATE FOR RESPONSES TO THIS CONSULTATION IS 14
DECEMBER 2007**

Name of respondent*

Organisation*

Address*

.....

Postcode.....

Telephone number

E-mail address.....

* It should be noted that the responses to the consultation will be made public. Normally, the name and address (or part of the address) of the author are published along with the response. If you do not wish to be identified as the author of your response you should state this expressly here.

I am content to be identified as the author of this response.

or

I am not content to be identified as the author of this response.

Question 1: Do you agree that the Education (School Teachers' Qualifications) (Wales) Regulations 2004 should be amended to specify that a requirement for a person undertaking a course of initial teacher training (ITT) at an accredited institution in Wales to be recognised as a qualified teacher, and gain Qualified Teacher Status, should undertake any period of practical teaching experience, for the purposes of that course of ITT, wholly or mainly in a school, independent school or other institution (except a pupil referral unit) in Wales?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments

Question 2: Do you agree that to be recognised as a qualified teacher in Wales, persons who have successfully completed not less than one school year's service as teachers licensed by the States of Guernsey Education Department and the training specified in the licence, and before the date of commencement of the licence had been employed for not less than two years as teachers or lecturers in specified institutions, should no longer need to show that they have attained the age of 24 years before the commencement of their teacher's licence?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments

Question 3: Do you agree that changes to Schedule 2 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004 to amend the references in those provisions from 'the States of Guernsey Education Council', which has ceased to exist, to its successor authority 'the States of Guernsey Education Department'?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments

Question 4: Do you agree that the proposed requirement that trainees on ITT courses in Wales, to be recognised as a qualified teacher, should undertake any period of practical teaching experience wholly or mainly in Wales should apply to trainees commencing courses from 1 September 2008?

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Comments

Question 5: Are there any general comments you feel are relevant to this consultation?

Next Steps

Please return the completed forms electronically by **14 December 2007** by either:

- ◆ responding via e-mail, addressing the questions above to: teachingenquiriesmailbox@wales.gsi.gov.uk. Please include “Teachers’ Qualifications Consultation” in the e-mail title.
- ◆ completing the electronic response form on the Welsh Assembly Government’s website at: www.wales.gov.uk

- ◆ Completing the response form and sending it to:

Elizabeth Rees
Practitioner Division 1
Department for Children, Education, Lifelong Learning and Skills
Welsh Assembly Government
Cathays Park
Cardiff CF10 3NQ

We are proposing to publish the outcome of this consultation and a summary of the findings will be published on the Welsh Assembly Government's website at: www.wales.gov.uk in due course.

Thank you for taking the time to participate in this consultation exercise.

