

**CONSULTATION ON REVOCATION
OF THE FURTHER EDUCATION
WORKFORCE REGULATIONS:**

**The Further Education Teachers'
Continuing Professional
Development and Registration
(England) Regulations 2007 and
The Further Education Teachers'
Qualifications (England)
Regulations 2007**

APRIL 2012

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Revocation of the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 and the Further Education Teachers' Qualifications (England) Regulations 2007

The Further Education Teachers' Qualifications (England) Regulations 2007 and the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 ("the 2007 Regulations") both came into force on 1 September 2007 and set requirements for teachers to hold or acquire within a specified period of time recognised qualifications, to complete a period of professional formation leading to Qualified Teacher Learning and Skills (QTLS) status, to complete at least 30 hours of continuing professional development each year and provide an annual record to the Institute for Learning (IfL), and to be registered with IfL and maintain that registration continuously.

In direct response to concerns raised about the current arrangements for achieving a professionalised workforce, in particular the role and payment of membership fees for the Institute for Learning (IfL), John Hayes, Minister of State for Further Education, Skills and Lifelong Learning, announced an Independent Review, chaired by Lord Lingfield, and supported by a small panel of expert professionals led by David Sherlock.

The Government has recently welcomed the [interim report and recommendations](#) of the review. One of the key recommendations is the revocation of the 2007 Regulations, to be replaced by largely discretionary advice to employers on appropriate qualifications for staff and continuous professional development. As a result the Government is setting in motion a formal consultation to canvas the sector's views regarding the revocation of the regulations. This is ahead of the final stage of the review, which will consider professionalism more widely and report in July 2012.

Issued: 10 April 2012

Respond by: 4 June 2012

Enquiries to:

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1. Foreword from the Minister of State for Further Education, Skills and Lifelong Learning

Just as the viability of any business depends ultimately on the quality of its workforce, so the quality of the service offered by the Further Education (FE) sector depends on the skills of its leaders, teachers and support staff. There are already high levels of professionalism amongst FE teachers. But I believe that few indeed of those who teach in the sector could not benefit from ongoing, high-quality professional support; and who would not benefit from being empowered to take responsibility for their own professional development?

That is why, in November 2011, I announced an independent review of professionalism in FE. Lord Lingfield accepted my invitation to lead this important work, chairing a panel of experts drawn from the sector. The review was asked to consider the appropriateness and effectiveness of current arrangements to regulate and facilitate the professionalism of the FE workforce, and to make recommendations on how these should be changed or improved, taking account of the Government's vision for FE set out in 'Skills for Sustainable Growth' and 'New Challenges, New Chances', both of which contend that building the status of workforce is central to building and protecting the reputation of the sector.

In direct response to concerns triggered by the introduction of fees for registration with the Institute for Learning (IfL), the review has considered in particular the role, functions, benefits for members and governance of IfL as the sector's professional membership body.

Lord Lingfield and his panel have now presented their [interim report](#) which sets out a compelling vision for raising the status of the FE workforce. Broadly speaking, it concludes that leaving matters as they are is not a practical option and recommends changes to clear the ground, so the sector can move forward and unite around the improvements required to continue progress in raising professional standards and status. The changes that the panel recommends include the revocation of the current regulations governing FE teachers' qualifications and the removal of the statutory obligation for teachers to register with the IfL, which will then be free to develop as a voluntary membership body.

The Government has welcomed these recommendations. In parallel, we have introduced Government-funded bursaries to make it easier for potential FE teachers to train for the profession.

The independent review has already taken account of views and evidence from practitioners and others with an interest in this area. This consultation is your opportunity to consider its recommendations in respect of the 2007 Regulations and by implication what 'professionalism' means to you.

I now want to hear from you about the best way to ensure professionalism in the FE Sector. Should we move from central direction to more devolved arrangements that give colleges and providers themselves freedom to decide how best to achieve high standards of teaching and learning? How best can we support and recognise practitioners' desire to strive for excellences in every aspect of their craft?

2. Executive Summary

The Government is committed to raising the status of vocational education and training, and recognises the importance of a professional teaching and training workforce if the skills needed across the economy are to be delivered effectively. 'Skills for Sustainable Growth' (November 2010) confirmed that the Government would "continue to support measures to ensure we have a professionally-qualified teaching workforce which takes responsibility for keeping its skills up-to-date and relevant".

In addition, the Wolf Report 'Review of Vocational Education' (March 2011) made recommendations, which the Government has accepted, about strengthening vocational teaching in schools, including that teachers with Qualified Teacher, Learning and Skills (QTLS) status should be recognised to teach in schools.

The current regulatory and institutional framework for the FE and Skills workforce was developed on the basis of plans set out by the previous Government initially in 'Equipping Our Teachers for the Future' in 2004 and then refined in 'Raising Skills, Improving Life Chances' in 2006.

The Further Education Teachers' Qualifications (England) Regulations 2007 and the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 ("the 2007 Regulations") both came into force on 1 September 2007, made under the Education Act 2002(1). These set requirements for teachers to hold or acquire within a specified period of time recognised qualifications; to complete a period of professional formation leading to Qualified Teacher Learning and Skills (QTLS) status; to complete at least 30 hours of continuing professional development each year and provide an annual record to the Institute for Learning (IfL); and to be registered with IfL and maintain that registration continuously. The 2007 Regulations also specify requirements for Associate Teacher Learning and Skills status for those in an associate teaching role. The regulations have important limitations in their scope, for example not applying directly to work-based providers, or to teachers in FE colleges who teach only on courses of higher education. They also refer to a range of organisations that have ceased to exist.

In direct response to concerns raised about the current arrangements for achieving a professionalised workforce, in particular the role and payment of registration fees for the IfL, John Hayes MP, Minister of State for Further Education, Skills and Lifelong Learning, announced an independent review of professionalism in the sector. The review, undertaken by an independent panel of experts chaired by Lord Lingfield, was announced in November 2011 and has been looking at the current arrangements to regulate and facilitate the professionalism of the FE and skills workforce, as well as focusing on the contributions of the IfL and other partners, aimed at supporting a professional workforce.

The independent review presented its [Interim Report](#) to Ministers in March 2012. The review panel's view was that statutory compulsion was not an effective or appropriate means of ensuring professionalism amongst teachers and lecturers who have been successfully practising as lecturers, and in their core profession, for a number of years. One of the panel's key recommendations stated that 'the 2007 Regulations are no longer fit-for-purpose, nor are they so well-founded that amendment will deal adequately with their shortcomings' and that they should be revoked with effect from 1 September 2012, with largely discretionary advice to employers on appropriate qualifications for staff and continuous professional developments replacing statutory requirements. As well as facilitating professionalism in FE and freeing individuals and providers from unnecessary regulation the panel foresee a number of

secondary benefits from these changes, not least that they will bring arrangements for the training of FE lecturers into closer alignment with the higher education sector.

The Government has welcomed the interim report and recommendations. In respect of the current regulations, and subject to consultation, it is proposed that these should be revoked in full. As well as removing the statutory registration requirement in respect of IfL, this will remove the statutory requirements for teachers in colleges to hold or obtain particular qualifications, and to undertake at least 30 hours of continued professional development. The panel have observed that the current regulations are flawed in a number of respects and their scope is incomplete. Furthermore, the regulations place obligations on individuals which in practical terms are only enforceable through placing matching requirements on their employers.

The Government agrees with the independent review that wherever it is sensible to do so colleges and providers, as employers, should be given the freedom, and the responsibility, to decide what arrangements are most appropriate for ensuring the quality of teaching delivered in their organisations and for the development of their staff. Nevertheless, Minister Hayes' view is that good practice is reinforced by benchmarking and the consultation asks if any baseline expectations for training and qualifications should continue to be stipulated. Based on the outcome of the consultation, and advice from the independent review in its final report, the Government will consider further if there is a case for any minimum expectations being made a condition for receipt of public funding. The Government is clear this should not involve continued statutory regulation.

The consultation covers England only. The Government is seeking the views of principals, lecturers, other staff, employer and employee representative bodies, and all others with an interest in these proposals.

Responses are required by 4 June 2012. Ministers have agreed this 8 week consultation period as the independent review has already taken the views of key stakeholders. This will allow the second phase of the review to take account of the results and allow sufficient time to ensure implementation by September 2012.

3. How to respond

When responding, please state whether you are responding as an individual or on behalf of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, by selecting the appropriate interest group on the consultation response form and, where applicable, how the views of members were gathered.

For your ease, you can reply to this consultation online at:

<http://www.surveymonkey.com/s/XWMDMXC>

A copy of the consultation response form is enclosed, or available electronically at www.bis.gov.uk/assets/biscore/further-education-skills/docs/c/12-706rf-consultation-revocation-further-education-workforce-regulations-form (until the consultation closes). If you decide to respond this way, the form can be submitted by letter or email to:

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Teaching, Learning and Workforce Reform Team
Department of Business, Innovation and Skills
2 St Paul's Place
Sheffield
S1 2FJ

Tel: 0114 207 5255
Email: sue.ruck@bis.gsi.gov.uk

A list of those organisations and individuals consulted as part of the independent review is attached at Annex A. We would welcome suggestions of others who may wish to be involved in this consultation process.

4. Additional copies

You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from:

BIS Publications Orderline
ADMAIL 528
London SW1W 8YT
Tel: 0845 015 0010
Fax: 0845 015 0020
Minicom: 0845 015 0030
www.bis.gov.uk/publications

You may make copies of this document without seeking permission.

An electronic version can be found at www.bis.gov.uk/assets/biscore/further-education-skills/docs/c/12-706-consultation-revocation-further-education-workforce-regulations.

Other versions of the document in Braille, other languages or audio-cassette are available on request.

5. Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

6. Help with queries

Questions about the policy issues raised in the document can be addressed to:

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2 St Pauls Place
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S1 2FJ

Tel: 0114 207 5255
Email: sue.ruck@bis.gsi.gov.uk

A copy of the Code of Practice on Consultation is in Annex A.

7. The proposals

The Government has welcomed the interim report of the independent review of professionalism in the further education and skills sector. It has accepted, in principle, the panel's recommendations which include revocation of the Further Education Teachers' Qualifications (England) Regulations (2007) and the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007, with largely discretionary advice to employers on appropriate qualifications for staff and continuous professional development replacing statutory requirements.

The Government agrees that there is a strong case for revoking the 2007 regulations. This chimes in with government policy on de-regulation and also allowing colleges and providers greater freedom and flexibility and will remove the requirement for individuals to:

- register with IfL;
- undertake a PTLLS and CTLLS or DTLLS qualification;

- undertake professional formation with IfL to achieve QTLS status; and
- undertake 30 hours CPD per year (pro-rata equivalent for part-time teachers) and record this with IfL.

While these requirements would be removed, allowing greater freedom and responsiveness to individual circumstances for employers and staff, it is important to note that revoking the 2007 Regulations does not remove the Government's ability to stipulate some minimum requirements for teaching qualifications to be held, through funding conditions imposed by the Chief Executive of Skills Funding. Whether this is now appropriate needs to be judged in the context of the overall framework to ensure high standards of teaching and learning, including the proposed revised Ofsted Common Inspection Framework, output-based success measures and funding, and the development of a more demand-led, choice-based system.

Based on the outcome of this consultation, the Government will therefore consider whether there is still a need for some minimum, mandatory expectations for training and qualifications of teachers, taking account also of the Independent Panel's final report. If some oversight of qualifications and training is needed, we are clear that it may be achieved more simply and equitably across the sector by funding conditions and should not involve continued statutory regulation.

One option, for example, would be for the Skills Funding Agency to make it a condition of funding on providers to ensure that teaching staff hold a preparatory award in FE teaching. The independent review has also highlighted that it will need to consider with great care any special arrangements which should apply to those FE lecturers teaching basic skills in literacy and numeracy or working with learners with disabilities or learning difficulties.

The review has also recommended reconsideration of the in-service teaching qualifications to simplify and re-name them; place them squarely within the normal system of national awards regulated mainly by Ofqual without the need for post-qualification conferment, the new arrangements for funding skills courses through large employers, and the equivalence of similar awards gained overseas. All of this would need to be considered by the Learning and Skills Improvement Service (LSIS) and take account of the following needs:

- a preparatory award in further education to guide the induction procedure for new staff, completed within a recommended time after appointment and contributing to the normal probationary period;
- a 'Certificate in Further Education' at Level 5 for those staff who wish to attain it; and
- a 'Diploma in Further Education' at Level 7 to help form the capabilities of those who aspire to the highest professional levels.

The Government agrees that there is merit in bringing together all responsibility for professionalism under LSIS, who already have some responsibility in this area. LSIS should lead on simplification of qualifications, building on the functions already transferred when LLUK was closed.

Further discussion will also be needed with the Department for Education (DfE) about the implications for recognition of FE qualified staff in schools, once the post-qualification conferment of QTLS is removed.

8. Consultation questions

1. Do you agree that the Further Education Teachers' Qualifications (England) Regulations 2007 should be revoked from 1 September 2012?
2. Do you agree that the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 should be revoked from 1 September 2012?
3. Do you think there will be any unintended consequences or implications by revoking these regulations?
4. What do you consider to be the minimum level of qualification needed to teach in Further Education?
5. What do you consider to be the most effective means of maintaining a professionalised workforce?
6. Do you consider that any minimum expectations for training and qualifications should be stipulated as a condition of public funding?

9. What happens next?

The Government response to the consultation and the timetable for implementation will be published on the BIS website as soon as possible and within 3 months of the close of consultation.

Paper copies of the summary of responses will be made available on request.

Annex A: The Consultation Code of Practice Criteria

Formal consultation should take place at a stage when there is scope to influence policy outcome.

Consultation should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Consultation exercise should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Sameera De Silva,
BIS Consultation Co-ordinator,
1 Victoria Street,
London
SW1H 0ET

Telephone Sameera on 020 7215 2888
or e-mail to: Sameera.De.Silva@bis.gsi.gov.uk

Annex B: List of Organisations consulted

Institute for Learning (IfL)
University and College Union (UCU)
Association of Colleges (AoC)
Ofsted
Universities Council for the Education of Teachers (UCET)
Association of Employment and Learning Providers (AELP)
Association of Teachers and Lecturers (ATL)
Learning and Skills Improvement Service (LSIS)
Association of School and College Leaders (ASCL)
Federation of Awarding Bodies (FAB)
UNISON
Higher Education Academy (HEA)

Annex C: Revocation of the Further Education Teachers' Qualifications (England) 2007 and Further Education Teachers' Continuing Professional Development and Registration Regulations (England) 2007 - Response Form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 4 June 2012

Name:

Organisation (if applicable):

Address:

Completed responses should be returned to:

Sue Ruck
Teaching Learning & Workforce Reform Team
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2 St Pauls Place
Sheffield
S1 2FJ

Email: sue.ruck@bis.gsi.gov.uk

Please tick a box from the list of options below that best describes you as a respondent. This allows views to be presented by group type.

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)

	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

Question 1

Do you agree that the Further Education Teachers' Qualifications (England) Regulations 2007 should be revoked from 1 September 2012?

Yes

No

Not sure

Comments:

Question 2

Do you agree that the Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 should be revoked from 1 September 2012?

Yes

No

Not sure

Comments:

Question 3

Do you think there will be any unintended consequences or implications by revoking these regulations?

Yes

No

Not sure

Comments:

Question 4

What do you consider to be the minimum level of qualification needed to teach in Further Education?

Comments:

Question 5

What do you consider to be the most effective means of maintaining a professionalised workforce?

Comments:

Question 6

Do you consider that any minimum expectations for training and qualifications should be stipulated as a condition of public funding?

Yes No Not sure

Comments:

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Thank you for your views on this consultation and for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would you be happy for us to contact you from time to time either for research purposes or to send through consultation documents?

Yes No

Annex D: Independent Review of Professionalism Terms of Reference

Overall Objective

1. To review the current arrangements to regulate and facilitate the professionalism of the Further Education and Skills workforce, and make recommendations as appropriate for how these should be changed or improved, taking account of the broader context of the Government's strategy of *Skills for Sustainable Growth* and its belief that building the status of workforce is central to building and promoting the reputation of the sector.
2. The Independent Review is not partisan and will be carried out on the basis that there will be no public lobbying by any parties.

Key Tasks

- i. review progress made with professionalising the FE and Skills workforce following the introduction the reforms stemming from 'Equipping Our Teachers for the Future';
 - ii. investigate if lessons can be learnt from the way professional status is facilitated and regulated in other sectors;
 - iii. examine the appropriateness and effectiveness of the current regulations;
 - iv. examine the role, functions, benefits for members and governance of the Institute for Learning as the sector's professional membership body, its regulatory functions and how effectively it is facilitating the achievement of a professionalised workforce, and, where relevant, the contribution of other partner bodies;
 - v. consider what is the fairest, most efficient and appropriate way of meeting the costs of facilitating a professionalised FE and Skills workforce;
 - vi. make recommendations for any changes and improvements required to enable continued progress in raising the professional standards and status of the FE and Skills workforce, to support continuing professional development, and to engage and give confidence to all key stakeholders.
3. In undertaking these tasks, the review would be expected to take account of:
 - views and evidence invited from practitioners and other key stakeholders in the FE and Skills sector on the current arrangements, and what "professionalism" means to them;
 - advice and research evidence from those with expertise in professionalism and the functioning of professional membership bodies in other sectors;
 - related reviews of the funding of initial teacher training and teaching qualifications as these may bear upon the professional standing of the FE teaching workforce;
 - changes in the institutional landscape that have taken place following the de-licensing of LLUK as a Sector Skills Council, and the contribution of the Learning and Skills Improvement Service;
 - changes affecting how the professionalism of the school workforce is regulated and facilitated.

Reporting Timetable

4. A draft report outlining key findings/recommendations to be prepared within 3 months of the date of commencement.

Management

5. The review will be led by an independent chair supported by a small expert panel (membership below).

Review panel membership

The Lord Lingfield Kt DL	Chairman
David Sherlock CBE Former Chief Inspector of Adult Learning for England	Professional lead
Dawn Ward OBE Chief Executive and Principal, Burton and South Derbyshire College	
Dan Wright Chief Executive, First4Skills Ltd.	

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