WELSH STATUTORY INSTRUMENTS

2012 No. 724 (W.96)

EDUCATION, WALES

The School Teachers' Qualifications (Wales) Regulations 2012

Made - - - -	*6 March 2012*
Laid before the National Assembly for Wales - -	*8 March 2012*
Coming into force - -	*1 April 2012*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 132, 145 and 210(7) of the Education Act 2002(**1**) now exercisable by them(**2**), having consulted the General Teaching Council for Wales in accordance with section 132(4) of that Act, and in exercise of the powers conferred on the Secretary of State by sections 19 and 42(6) and (7) of the Teaching and Higher Education Act 1998 now exercisable by them(**3**) make the following Regulations:

Title, commencement and application

1. The title of these Regulations is the School Teachers' Qualifications (Wales) Regulations 2012 and they come into force on 1 April 2012.

2. These Regulations apply in relation to Wales.

Interpretation

3. In these Regulations—

"the 1982 Regulations" ("*Rheoliadau 1982*") means the Education (Teachers) Regulations 1982(**4**);

"the 1989 Regulations" ("*Rheoliadau 1989*") means the Education (Teachers) Regulations 1989(**5**);

(**1**) 2002 c. 32. "Regulations" in sections 132 and 145 means regulations made by the National Assembly for Wales (see section 212(1)). There are amendments to section 145 not relevant to these Regulations.
(**2**) The functions of the National Assembly for Wales under these sections were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(**3**) 1998 c. 30. The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
(**4**) S.I. 1982/106, amended by S.I. 1988/542 and 1989/329. S.I. 1982/106 was revoked by S.I. 1989/1319.
(**5**) S.I. 1989/1319, amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 and 1992/1809. S.I. 1989/1319 was revoked by S.I. 1993/543 with transitional savings.

"the 1993 Regulations" ("*Rheoliadau 1993*") means the Education (Teachers) Regulations 1993(**6**);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(**7**);

"the 2004 Regulations" ("*Rheoliadau 2004*") means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(**8**);

"the 2006 Scheme" ("*Cynllun 2006*") means the Employment Based Teacher Training Scheme 2006 made by the National Assembly for Wales on 24 February 2006(**9**) pursuant to regulation 8 of the 2004 Regulations, as amended by the National Assembly for Wales Employment Based Teacher Training Scheme (Amendment) 2006 on 15 November 2006(**10**);

"the 2011 Scheme" ("*Cynllun 2011*") means the Employment Based Teacher Training Scheme 2011 made by the Welsh Ministers on 25 August 2011 pursuant to regulation 8 of the 2004 Regulations(**11**);

"academy" ("*academi*") means an independent school in England to which academy arrangements relate;

"academy arrangements" ("*trefniadau academi*") has the meaning given by section 1 of the Academies Act 2010(**12**);

"accredited institution" ("*sefydliad achrededig*") means an institution accredited by the Higher Education Funding Council for Wales under regulation 7;

"accredited institution in England" ("*sefydliad achrededig yn Lloegr* ") means an institution approved or accredited as a provider of courses or programmes of initial school teacher training in England under regulations made by the Secretary of State under section 132 of the Education Act 2002;

"city college" ("*coleg dinasol*") means a city technology college or a city college for the technology of the arts;

"the Council" ("*y Cyngor*") means the General Teaching Council for Wales(**13**);

"employment" ("*cyflogaeth*") means employment under a contract of employment or the engagement of a person to provide services otherwise than under a contract of employment; and references to being "employed" are to be construed accordingly;

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means the scheme described in regulation 8 or where the context so requires the schemes described in paragraphs 3 to 5 of Schedule 1;

"employment-based teacher training scheme in England" ("*cynllun hyfforddi athrawon ar sail cyflogaeth yn Lloegr*") means a scheme established by the Secretary of State under regulations made under section 132 of the Education Act 2002 whereby a person may undertake initial teacher training in order to obtain qualified teacher status while being employed to teach;

"foreign institution" ("*sefydliad estron*") means any institution other than a United Kingdom institution;

(**6**) S.I. 1993/543, amended by S.I. 1997/368, 1997/2679 and 1998/1584. S.I. 1993/543 was partially revoked in relation to Wales by S.I. 1999/2817 (W.18) with the remaining provisions being revoked by S.I. 2000/2419 and S.I. 2000/2906 (W.186).
(**7**) S.I. 1999/2817 (W.18), amended by S.I. 2002/1663 (W.158), 2002/2938 (W.279), 2003/140 (W.12), 2003/2458 (W.240), 2004/1729 (W.173), 2004/1744 (W.183), 2004/2733 (W.240) and 2010/1142 (W.101).
(**8**) S.I. 2004/1729 (W.173), amended by S.I. 2007/2811 (W.238), 2008/215 (W.26) and 2010/1142 (W.101).
(**9**) 2006 No.8.
(**10**) 2006 No.74.
(**11**) 2011 No.32.
(**12**) 2010 c. 32.
(**13**) Section 8 of the Teaching and Higher Education Act 1998 (c. 30) provides for the establishment of a General Teaching Council for Wales by Order and S.I. 1998/2911 refers.

"foundation phase" ("*cyfnod sylfaen*") is to be construed in accordance with section 102 of the Education Act 2002(**14**);

"institution" ("*sefydliad*") means, unless the context otherwise requires, an institution within the further education sector or an institution within the higher education sector;

"school" ("*ysgol*") means a school maintained by a local authority or a special school not so maintained;

"specified standards" ("*safonau penodedig*") means the standards applying at the time of assessment specified by the Welsh Ministers from time to time as the standards required of persons who seek to become qualified teachers;

"specified standards in England" ("*safonau penodedig yn Lloegr*") means the standards applying at the time of assessment as specified by the Secretary of State from time to time as the standards required of persons who seek to achieve qualified teacher status in England;

"teaching" ("*addysgu*") means carrying out work of a kind which is specified by regulations made under section 133 of the Education Act 2002(**15**) and "to teach" is to be construed accordingly;

"United Kingdom institution" ("*sefydliad yn y Deyrnas Unedig*") means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom; and

references to the second, third or fourth key stages are to be construed in accordance with section 103 of the Education Act 2002(**16**).

Revocation and saving and transitional provisions

4.—(1) Subject to paragraph (2), the 2004 Regulations are revoked.

(2) The saving and transitional provisions in Schedule 1 are to have effect.

Qualified Teacher Status

5. Subject to regulations 11, 12, 13 and 14 of the 1999 Regulations, persons are qualified teachers if they are persons mentioned in—

(a) paragraphs 1 to 7 of Schedule 2 who have received written notification from the Welsh Ministers or the Council in accordance with regulation 6;

(b) paragraphs 8 to 10 of Schedule 2—

(i) in respect of whom the States of Guernsey Education Department has submitted to the Welsh Ministers or the Council a statement that they satisfy the requirements specified in one of those paragraphs; and

(ii) who have received written notification from the Welsh Ministers or the Council in accordance with regulation 6;

(c) paragraphs 4 to 10 of Schedule 2 who are qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002; or

(d) paragraphs 11 to 14 of Schedule 2.

(**14**) Section 102 was amended by the Learning and Skills (Wales) Measure 2009 (nawm 1), section 47 and the Education (Wales) Measure 2009 (nawm 5), section 21.

(**15**) The regulations in force at the time these Regulations are made are the Education (Specified Work and Registration) (Wales) Regulations 2010, S.I. 2010/2710 (W.227).

(**16**) Section 103 was amended by the Learning and Skills (Wales) Measure 2009 (nawm 1), section 47 and the Education (Wales) Measure 2009 (nawm 5), section 21.

Notification of qualified teacher status

6.—(1) Persons mentioned in paragraphs 1 to 3 of Schedule 2 must be notified in writing by the Welsh Ministers or the Council that they are qualified teachers.

(2) Persons mentioned in paragraphs 4 to 7 of Schedule 2 who are not qualified teachers by virtue of regulation 5(c) must be notified in writing by the Welsh Ministers or the Council that they are qualified teachers.

(3) Persons mentioned in paragraphs 8 to 10 of Schedule 2—

(a) who are not qualified teachers by virtue of regulation 5(c) on the grounds that they are not qualified teachers by virtue of regulations made in relation to England under section 132 of the Education Act 2002; and

(b) in respect of whom the States of Guernsey Education Department has submitted to the Welsh Ministers or the Council a statement that they satisfy the requirements specified in one of those paragraphs,

must be notified in writing by the Welsh Ministers or the Council that they are qualified teachers.

(4) Subject to paragraphs (5) to (9), persons who receive written notification under paragraphs (1), (2) or (3) are qualified from such date as the Welsh Ministers or the Council provide in the notification.

(5) In the case of persons mentioned in paragraph 2 of Schedule 2, the Welsh Ministers or the Council must not provide for such persons to be qualified teachers from a date prior to the date on which the assessment referred to in that paragraph is completed.

(6) In the case of persons mentioned in paragraph 5 of Schedule 2, the Welsh Ministers or the Council must provide for such persons to be qualified teachers from the date of successful completion of the course of initial school teacher training in Scotland or Northern Ireland.

(7) In the case of persons mentioned in paragraph 6 of Schedule 2, the Welsh Ministers or the Council must provide for such persons to be qualified teachers from the date of full registration as school teachers with the General Teaching Council for Scotland.

(8) In the case of persons mentioned in paragraph 7 of Schedule 2, the Welsh Ministers or the Council must provide for such persons to be qualified teachers from the date of registration as school teachers with the General Teaching Council for Northern Ireland.

(9) In the case of persons mentioned in paragraphs 8 to 10 of Schedule 2, the Welsh Ministers or the Council must not provide for such persons to be qualified teachers from a date prior to the date on which they completed the period of service as teachers licensed by the States of Guernsey Education Department as specified in the statement of the States of Guernsey Education Department.

Accredited Institutions

7.—(1) Subject to paragraph (2), the Higher Education Funding Council for Wales may accredit an institution as a provider of courses or programmes of initial school teacher training.

(2) The Higher Education Funding Council for Wales may only accredit an institution that satisfies such criteria as may be specified by the Welsh Ministers from time to time.

(3) The Higher Education Funding Council for Wales may withdraw the accreditation of an institution in accordance with such criteria as may be specified by the Welsh Ministers from time to time.

(4) Before specifying criteria under paragraphs (2) and (3) the Welsh Ministers must consult the Higher Education Funding Council for Wales.

Employment-based teacher training scheme

8.—(1) The Welsh Ministers may establish a scheme whereby persons who are or who have been employed in a school or other educational institution (except a pupil referral unit(**17**)) may become qualified teachers.

(2) A scheme established under paragraph (1) is to be known as an employment-based teacher training scheme.

(3) Such a scheme may make provision for the programme of training persons must undertake.

(4) Such a scheme may make provision for persons to be assessed by an accredited institution to determine whether they meet the specified standards without undertaking further training.

(5) Any person or body exercising a function by virtue of this regulation must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of that function.

Consequential Amendments

9. In regulations 11, 12 and 13(1) of the 1999 Regulations, for "a qualified teacher in accordance with regulation 5 of the Education (School Teachers' Qualifications) (Wales) Regulations 2004" substitute "a qualified teacher in accordance with regulation 5 of the School Teachers' Qualifications (Wales) Regulations 2012".

10. In the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(**18**) in Schedule 1—

(a) in paragraph 22(c) insert after "is a qualified teacher" the words "by virtue of regulation 5 of, and paragraph 2 of Schedule 2 to the School Teachers' Qualifications (Wales) Regulations 2012 or";

(b) for paragraph 22(d) substitute—

"(d) has been assessed as meeting the standards mentioned in regulation 13 by an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the School Teachers' Qualifications (Wales) Regulations 2012 or a person approved by the Welsh Ministers.";

(c) in paragraph 23(a)—

(i) insert after "is a qualified teacher" the words "by virtue of regulation 5 of, and paragraph 7 of Schedule 2 to the School Teachers' Qualifications (Wales) Regulations 2012 or"; and

(ii) after "who" insert "in either case";

(d) for paragraph 23(b) substitute—

"(b) has been assessed as meeting the standards mentioned in regulation 13 by an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the School Teachers' Qualifications (Wales) Regulations 2012 or a person approved by the Welsh Ministers.".

11. In the Further Education Teachers' Qualifications (Wales) Regulations 2002(**19**)—

(a) in regulation 2—

(i) omit the definition of "school teachers' qualification" ("*cymhwyster athrawon ysgol*");

(**17**) Pupil referral units are established and maintained under section 19 of the Education Act 1996 (c. 56).
(**18**) S.I. 2005/1818 (W.146), amended by S.I. 2007/2811 (W.238) and 2010/1142 (W.101).
(**19**) S.I. 2002/1663 (W.158), amended by S.I. 2003/1717 (W.184), 2004/1745 (W.184) and 2010/1142 (W.101).