WELSH STATUTORY INSTRUMENTS

2002 No. 1663 (W.158)

EDUCATION, WALES

Further Education Teachers' Qualifications (Wales) Regulations 2002

Made - - - -	*25th June 2002*
Coming into force - -	*1st July 2002*

In exercise of the powers conferred on the Secretary of State by sections 218(1)(b) and (10)(aa) and 232(5) and (6) of the Education Reform Act 1988(**1**) and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations are called the Further Education Teachers' Qualifications (Wales) Regulations 2002 and shall come into force on 1st July 2002.

(2) These Regulations apply only to Wales.

Interpretation

2. In these Regulations—

"Certificate of Education" ("*Tystysgrif Addysg*") means a qualification known by that name awarded prior to 1st August 2002 by an institution within the higher education sector;

"institution within the further education sector" ("*sefydliad o fewn y sector addysg bellach*") means an institution within the meaning of section 91(3) of the Further and Higher Education Act 1992(**3**);

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"relevant teacher" ("*athro neu athrawes berthnasol*") means a person employed as a teacher (whether or not the post in which the person is employed is described as a teaching post) in an institution within the further education sector other than—

(a) a person who is employed to teach courses of higher education only, and

(**1**) 1988 c. 40; section 218(10)(aa) was inserted by section 93 of, and paragraph 49(c) of Schedule 8 to, the Further and Higher Education Act 1992 (c. 13).
(**2**) The functions of the Secretary of State under this section were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) 1992 c. 13.

(b) a person whose primary occupation or profession is not teaching and who is employed by the college on a temporary or occasional basis to provide updating on current industrial, commercial or professional practice;

"stage 3 FE teaching qualification" ("*cymhwyster addysgu AB cam 3*") means a qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;

"stage 2 FE teaching qualification" ("*cymhwyster addysgu AB cam 2*") means the intermediate stage of the stage 3 FE teaching qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;

"stage 1 FE teaching qualification" ("*cymhwyster addysgu AB cam 1*") means the introductory stage of the stage 3 FE teaching qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;

"stage 3 post" ("*swydd cam 3*") means a teaching post for which a stage 3 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;

"stage 2 post" ("*swydd cam 2*") means a part-time teaching post for which a stage 2 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;

"stage 1 post" ("*swydd cam 1*") means a part-time teaching post for which a stage 1 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(**4**);

"1999 Regulations qualification" ("*cymhwyster Rheoliadau 1999*") means a qualification that confers upon a person the status of a qualified teacher within the meaning of regulation 10 of the 1999 Regulations.

Relevant teachers to have qualifications

3.—(1) This regulation applies to every person who becomes a relevant teacher on or after 1st July 2002 at an institution within the further education sector in Wales who has not at any time before that date been—

(a) a relevant teacher (at an institution within the further education sector in England or Wales);

(b) a teacher at—

(i) in England or Wales, a school maintained by a local education authority, a city technology college, a city college for the technology of the arts or city academy or, before 1st September 1999, a grant-maintained or grant-maintained special school;

(ii) in Scotland, a grant aided school or school maintained by an education authority;

(iii) in Northern Ireland, a controlled school under the authority of a local education and library board, a maintained school, a grant-maintained integrated school or a voluntary grammar school;

(c) a teacher at an institution (in England or Wales) which, before 1st April 2001 was an external institution within the meaning of section 6(5) of the Further and Higher Education Act 1992(**5**);

(**4**) S.I. 1999/2817 (W.18).
(**5**) 1992 c. 13; Section 6(5) was repealed by Sections 149 and 153 of, and paragraphs 1 and 20 of Schedule 9 and Schedule 11 to the Learning and Skills Act 2000 (c. 21).

(d) a teacher at—

(i) in Scotland, a college of further education,

(ii) in Northern Ireland, an institution of further education within the meaning of the Further Education (Northern Ireland) Order 1997(**6**);

(e) a teacher at an institution in the European Economic Area, the Channel Islands or the Isle of Man providing education which is equivalent to secondary or further education and which is part of the public system of education of the state or territory in question.

(2) Every relevant teacher to whom this regulation applies who at any time is employed full-time must, before the date determined in accordance with regulation 4(1) (if it occurs), hold—

(a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;

(b) a Certificate of Education;

(c) a stage 3 FE teaching qualification; or

(d) a qualification equivalent to a stage 3 FE teaching qualification.

(3) Every relevant teacher to whom this regulation applies who at any time is employed part-time under a contract to work for a specified proportion of the period for which a full-time teacher is employed to work must, before the date determined in accordance with regulation 4(1) (if it occurs), hold—

(a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;

(b) a Certificate of Education;

(c) a stage 3 FE teaching qualification; or

(d) a qualification equivalent to a stage 3 FE teaching qualification.

(4) Every relevant teacher to whom this regulation applies who is at any time employed part-time and who does not fall within paragraph (3) must, before the date determined in accordance with regulation 4(2) (if it occurs), hold—

(a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;

(b) a Certificate of Education;

(c) a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is employed in a stage 1, stage 2 or stage 3 post); or

(d) an equivalent qualification to a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is employed in a stage 1, stage 2 or stage 3 post).

(5) For the purposes of this regulation—

(a) a qualification is equivalent to a stage 1, stage 2 or stage 3 FE teaching qualification, if it appears to the National Assembly to be of equivalent standard to, or higher standard than, those qualifications and if it is specified by the National Assembly for the purpose of these Regulations; and

(b) a person who holds a stage 3 FE teaching qualification is to be treated as also holding a stage 2 FE teaching qualification and a person who holds, or is to be treated as holding, a stage 2 FE teaching qualification is to be treated as also holding a stage 1 qualification.

(**6**) S.I. 1997/1772 (N.I. 15).