

EXPLANATORY MEMORANDUM TO
THE EDUCATION (HEAD TEACHERS' QUALIFICATIONS) (ENGLAND)
(AMENDMENT) (NO. 2) REGULATIONS 2005

2005 No. 3322

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament and the House of Commons by Command of Her Majesty.

This memorandum contains information for the Select Committee on Statutory Instruments.

2. Description

2.1 The above instrument is made in exercise of the powers conferred on the Secretary of State by sections 135, 145(1) and 210(7) of the Education Act 2002.

2.2 The S.I. amends the Education (Head Teachers' Qualifications) (England) Regulations 2003 which make provision for first-time head teachers to hold the National Professional Qualification for Headship ("NPQH"), or be working towards it ("the mandatory requirement").

3. Matters of special interest to the [Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Background

4.1 The amendment is needed to exempt heads of maintained nursery schools from the mandatory requirement, provided they hold the National Professional Qualification in Integrated Centre Leadership (NPQICL), or are working towards it.

5. Extent

5.1 By virtue of the definition of "regulations" in section 212(1) of the Education Act 2002, these Regulations apply only in relation to England.

6. European Convention on Human Rights

No statement is required

7. Policy background

7.1 NPQH was originally introduced in England in 1997. It is intended to prepare teachers for headship and is a practical, professional programme, firmly rooted in school improvement. The qualification is awarded by the Secretary of State. Similar programmes exist in Scotland, Wales and Northern Ireland. Since 1 April 2004 it has been a mandatory requirement for all first-time headteachers of schools maintained by an LEA (except pupil referral units) and of non-maintained special schools to hold NPQH. There is transitional provision to permit persons who are not so qualified to be appointed as head teacher prior to 1st April 2009, provided that at the time of the appointment they have been accepted onto the training course and that they obtain the qualification within 4 years of the appointment.

7.2 The National Professional Qualification in Integrated Centre Leadership (NPQICL) has been developed by the NCSL, in collaboration with the Pen Green Leadership Centre, the NHS Leadership Centre, the Social Care Institute for Excellence and the DfES to be a recognised and portable qualification across education, health and social services in meeting the needs of leaders and managers working in integrated children's centres.

7.3 Currently, as some of these integrated centres are located in maintained nursery schools, some leaders of these centres are choosing to take the NPQH because it is mandatory for the maintained sector, although for many in this situation the NPQICL may be a more appropriate qualification. The amendment will allow new heads of integrated centres located in maintained nursery schools to either take NPQH or NPQICL, but does not debar them from taking both programmes if they wish.

7.4 The Department has consulted on the proposal to amend the Regulations. Out of 124 responses, 92 of those responding supported the proposal, although some expressed concerns about parity or equivalence between the programmes. Some respondents also felt that all heads, including those of nursery schools, should have Qualified Teacher Status (QTS).

7.5 We will be considering the issue of equivalence further with the NCSL, in liaison with the Pen Green Leadership Centre. We will also consult further on this issue with key stakeholders, as part of the ongoing debate on the evolving role of headteachers, in line with the new professionalism agenda, and the Government's Every Child Matters, Extended Schools, and 14-19, Strategies.

7.6 On the question of QTS, there is currently no legal requirement for a head teacher to have QTS, and the mandatory requirement to have NPQH (or to be working towards it) only applies to new head teachers appointed since April 2004. The introduction of the NPQICL will not affect this.

7.7 Flexibility to access either NPQICL or NPQH applies to all first-time head teachers of maintained nursery schools. This was a concern for NASWUT who would have preferred that the amendment be confined to those maintained nursery schools that are already or who are about to become, integrated children's centres. While acknowledging the importance of the NPQICL as a qualification for those managing services within integrated children's centres, for whom NPQH might not be appropriate, NASUWT felt that the NPQICL was not applicable to head teachers of

all nursery schools. However, given that it is envisaged that by 2010 there will be a children's centre in every community and that the majority of maintained nursery schools will be involved, offering the heads of maintained nursery schools an alternative to NPQH now, is intended to help lessen pressures on recruitment in the future.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Esther Schofield at the Department for Education and Skills Tel: 0207 925 5680 or e-mail: esther.schofield@dfes.gsi.gov.uk can answer any queries regarding the instrument.