

To: Business Committee

From: Jane Davidson AM,

Minister for Education and Lifelong Learning

## EXPLANATORY MEMORANDUM

EDUCATION, WALES

Head teachers' Qualifications and Registration (Wales) Regulations 2005

### Summary

The intended effect of this Instrument is to introduce a mandatory qualification for all first-time, substantive headteachers in Wales from 1 September 2005.

From that date, all first-time substantive headteachers will be required to:

- hold the National Professional Qualification for Headship (NPQH);
- hold qualified teacher status; and
- register with the General Teaching Council for Wales (GTCW).

The introduction of these Regulations will ensure the provision of consistent professional development for all aspiring headteachers in Wales and will also introduce recognised standard entry requirements for all future headship appointments.

1. This Memorandum is submitted to the Assembly's Business Committee in relation to the Head Teachers' Qualifications and Registration (Wales) Regulations 2005 in accordance with Standing Order 24.6.
2. A copy of the Instrument is submitted with this Memorandum.

### Enabling Power

3. The powers enabling this Instrument to be made are contained in sections 134, 135, 145(1) and (2) and 210(7) of the Education Act 2002, which have been conferred upon the Assembly. Associated functions have been delegated to my portfolio as Minister for Education and Lifelong

Learning.

Effect

4. The Regulations clearly outline the new statutory requirements, which will impact upon future headship appointments in Wales from 1 September 2005.
5. The Regulations will only apply to first-time, substantive headteachers appointed after 1 September 2005. Over 650 teachers currently hold the National Professional Qualification for Headship (NPQH) in Wales, approximately 197 have already secured headship appointments. Based upon current throughput on the NPQH Programme, it is predicted that there will be up to 1,500 NPQH graduates by 2010. This will ensure a sufficient pool of NPQH holders to meet future recruitment demands.
6. Teachers aspiring to headship will need to take account of the Regulations in their future career planning. All candidates seeking to apply for the NPQH prior to the introduction of the mandatory requirement have had sufficient opportunities to access the qualification. The Assembly Government's intention is to introduce a mandatory headship qualification in Wales was originally announced in July 2003 following a national consultation exercise.
7. The Regulations will not apply serving headteachers; appointed to a substantive post prior to 1 September 2005 and also acting headteachers assigned to temporary appointments. Logistically, it would not be possible to apply this statutory requirement to school leaders who are already in post.
8. The Regulations will also impact upon the statutory duties of a governing body (or trustees) in relation to headteacher appointments. When sifting applications for headship posts from September 2005, governing bodies (or trustees) will need to ensure that first-time headteachers comply with the Regulations.
9. The Regulations will apply to all Local Education Authorities (LEA)-maintained schools (infant, primary, junior and secondary) and also non-maintained special schools.
10. The Regulations will not apply to Pupil Referral Units. The leader of a PRU is not necessarily carrying out this role as a headteacher, although they may be doing so in the capacity as a lead teacher.
11. The Regulations will not apply to principals of sixth form colleges, as these institutions form part of the further education sector.
12. Serving headteachers and aspiring headteachers working outside the UK will be treated in a consistent way to those in the UK.
13. The Regulations will not affect serving headteachers in the independent sector appointed prior to 1 September 2005. However, headteachers appointed in the independent sector after this date will require NPQH to move to a headship in the maintained sector.
14. The National Professional Qualification for Headship became a mandatory requirement in England on 1 April 2004. The Education (Headteachers' Qualifications) (England) Regulations 2003 recognise the equivalence of the National Professional Qualification for Headship in Wales. Similarly, the NPQH is regarded to be equivalent to the Scottish Standard for Headship and the Professional Qualification for Headship (PQH) in Northern Ireland, however, the Scottish Standard for Headship and the PQH NI are not yet mandatory requirements.

## Target Implementation

15. It is intended that the proposed Instrument be made on or before 26 April 2005 and come into force on 1 September 2005. There would be a significant impact if the intended making and coming into force dates are not achieved, resulting in considerable confusion amongst the teaching profession and also governing bodies (or trustees) directly involved in headship appointments from 1 September 2005, in anticipation of a mandatory headship qualification. If the Instrument is made on or before 26 April 2005, this would provide an opportunity to arrange regional seminars during the Summer Term 2005 to de-brief key stakeholders including LEAs, governing bodies and trustees and also to publish a detailed Guidance Circular for distribution for all schools.

## Financial implications

16. Any work associated with the preparation of these Regulations will be accommodated within the NPQH Programme Account within the Teacher Development and Support Budget Expenditure Line.
17. The introduction of a mandatory NPQH in Wales will not affect programme costs and/or candidate costs during 2004/05 and/or 2005/06.
18. Following a competitive tender exercise, the Consortium for Education and Leadership Training (CELT) were recently appointed to review and re-launch a new NPQH Programme in January 2006. The £200,000 development costs during 2004/05, will be met from the NPQH Programme Account within the Teacher Development & Support Budget Expenditure Line. The anticipated £50,000 development costs during 2005/06 will also be met from this account.
19. During 2004/05 NPQH Programme costs have been funded from the Better Schools Fund (BSF), Activity 8. Following the annual recruitment round in September 2004, funding has been made available to support a further 150 eligible applicants accessing the programme during 2005.
20. Details of the total cost per participant are outlined below:
  - Programme Costs = £3,000.00 (Including Induction Sessions, Workshop & Training Days, Tutor Support, Programme Materials, Final Assessment & Award).
1. Other potential costs for the model include up to 12 days supply cover:
  - Supply Cover = £145.00 x 12 days (maximum) = £1,740.00
  - TOTAL COST = £4,740.00
1. In view of the increasing pressure on BSF Activity 8 to fund statutory induction for new teachers

in Wales during 2004/05, I recently announced the award of an additional £750,000 to support the NPQH Programme during 2005/06. This funding will be transferred as a grant allocation to the current NPQH Provider, the CELT Consortium to support up to 150 NPQH applicants following mandatory introduction in September 2005.

2. A Quinquennial Review of the National Headship Development Programme (NHDP) during 2005 will provide an opportunity to consider future funding arrangements to support the NPQH Programme in Wales, from 2006/07. The review will consider revisions to current funding arrangements which may include proposals to require candidates to part fund programme costs. It will also outline revisions to current recruitment procedures to take account of local appointment requirements.

### Regulatory Appraisal

3. A Regulatory Appraisal has been carried out and is attached with this Memorandum.

### Consultation

#### With Stakeholders

4. Two national consultation exercises were conducted from 20 September, 2002 until November 15, 2002 and from 27 September, 2004 until 22 November, 2004 . Both provided an opportunity to seek the views of the profession and key stakeholders in response to proposals to introduce a mandatory headship qualification in Wales.
5. The key stakeholders who were invited to contribute to the consultation exercises included a 10% sample of schools; teachers; deputy head teachers; headteachers; governing bodies; professional associations; Higher Education Institutions; Further Education Institutions; church diocesan organisations; Local Education Authorities; Estyn; General Teaching Council for Wales; Wales NPQH Centre; NPQH Candidates; NPQH graduates; NPQH trainers; ELWa; Education Departments; National College for School Leadership (NCSL) The 10% sample of schools targeted responses from teachers, deputy headteachers, headteachers and governing bodies.
6. 81% of respondents to the consultation conducted in 2002 were in favour of the implementation of a mandatory NPQH qualification in Wales from September 1, 2005.
7. In response to a more recent qualification on the Head Teachers' Qualifications and Registration (Wales) Regulations and Guidance in September 2004, 91% of respondents supported the

introduction of the mandatory NPQH. A high percentage of responses to the consultation (over 70%) were received from deputy headteachers and school leaders – those with the highest interest in this issue.

8. A summary of the consultation responses is outlined at Annex A:
9. The overwhelming positive response to the recent consultation confirmed that the Regulations and Guidance are fit for purpose and should be introduced to support the implementation of the mandatory NPQH from September 1, 2005.

#### With Subject Committee

10. This Instrument has been notified to Education and Lifelong Learning Committee via the list of forthcoming legislation (Ref: ELL-07-05) since 28 January 2004 (Annex B to my Report). A report focusing upon the outcome of the consultations on the Regulations was recently considered at a meeting of the Education & Lifelong Learning Committee held on 19 January 2005. At this meeting, I also announced my intention to award additional funding to support the NPQH during 2005/06. A brief discussion then ensued, focusing upon the positive outcome of the consultation exercise.
11. The Regulations will also be further scrutinised by the ELL Committee at its meeting on 9 February 2005.
12. A National Consultation Conference focusing upon the National Headship Development Programme (NHDP) in February 2005, will also provide an opportunity to consult on a range of funding options to support the NPQH from 2006/07.

#### Recommended Procedure

13. I recommend, subject to the views of the Business Committee, that this Order proceeds to Plenary under the Accelerated Procedure, due to the level of scrutiny that these Regulations have already received from Subject Committee.

#### Compliance

14. I confirm that the proposed legislation will (as far as possible):
  - have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
  - be compatible with the Assembly's scheme for sustainable development (Section 121);
  - be compatible with Community law (Section 106);
  - be compatible with the Assembly's human rights legislation (Section 107); and
  - be compatible with any international obligations binding the UK Government and the Assembly (Section 108).
1. I confirm that this Memorandum has been cleared with the Office of the Counsel General and the

Assembly Compliance Officer.

2. Drafting lawyer – D. Huw Davies ext: 1159.
3. Head of Policy Division – Mike Harper ext: 1331
4. Drafting Policy Official: Lisa Clarke, Teaching and Leadership Division 3 (a), ext: 3239.

Jane Davidson, AM February 2005

Minister for Education and Lifelong Learning

## ANNEX A

### Summary of consultation responses

CONSULTATION QUESTION	SUMMARY RESPONSE
Q1. Are you content that all first-time, substantive headteachers in Wales will be required to hold the National Professional Qualification for Headship (NPQH) after September 1, 2005?	91% of respondents welcomed the introduction of a mandatory qualification for all first time headteachers in Wales.
Q2. Are you content that all first-time headteachers in Wales will be required to hold qualified teacher status (QTS) after September 1, 2005?	96% of respondents were in favour of the proposal to introduce a mandatory requirement for all first-time, headteachers to hold QTS after September 1, 2005.
Q3. Are you content that all first-time substantive headteachers in Wales will be required to register with the General Teaching Council for Wales (GTCW) after September 1, 2005?	99% of respondents were in favour of the introduction of requirement for all first time headteachers to register with GTCW after September 1, 2005.

Q4. Are you content with the recommendation that the Regulations should not apply to serving and acting headteachers?

85% of respondents were content with the recommendation that the Regulations should not apply to serving and acting headteachers:

Q5. Are you content with the reciprocal arrangements across the home countries?

93% of respondents approved the proposed reciprocal arrangements to recognise the headship qualifications across the four home countries.