

## **Explanatory Memorandum to The Headteachers' Qualifications and Registration (Wales) (Amendment) Regulations 2011**

This Explanatory Memorandum has been prepared by the Department for Education and Skills and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Headteachers' Qualifications and Registration (Wales) (Amendment) Regulations 2011.

*Leighton Andrews*

Minister for Education and Skills

15 July 2011

## **1. Description**

These Regulations amend the definition of the National Professional Qualification for Headship (“NPQH”) in the Head Teachers’ Qualifications and Registration (Wales) Regulations 2005. The NPQH will now mean such standards as the Welsh Ministers may from time to time approve as opposed to a formal course of training in order to ensure full flexibility for the future.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

None

## **3. Legislative background**

The power to make these Regulations is contained in sections 135 and 145 of the Education Act 2002. These Regulations amend the Head Teachers’ Qualifications and Registration (Wales) Regulations 2005.

The Regulations follow the negative resolution procedure.

## **4. Purpose & intended effect of the legislation**

Currently, the Head Teachers’ Qualification and Registration (Wales) Regulations 2005 state that, with certain exceptions, no person may serve as a Head Teacher in Wales without holding the NPQH. The NPQH is defined in regulation 3(2) of the Head Teachers’ Qualifications and Registration (Wales) Regulations 2005 as the successful completion of such course of training as the Welsh Ministers may from time to time approve.

The Department for Education and Skills are piloting a new rigorous approach to the NPQH to ensure that the most capable candidates are available for headship posts when they arise. This involves an assessment of practical experience against Leadership Standards based on a portfolio of evidence that teachers will develop throughout their career rather than a training course based approach.

In order to provide maximum flexibility during the pilot exercise and beyond, the definition of the NPQH is being amended in these Regulations to the fulfilment of such standards as approved by the Welsh Ministers. This will ensure flexibility to amend the programme following completion and evaluation of the pilot and indeed in the future.

## **5. Consultation**

This is a technical amendment to existing legislation, and as such no formal consultation exercise has taken place.

We consulted in 2002 on the introduction of a mandatory requirement for first time headteachers in Wales to hold the NPQH with 81% of respondents in favour. In September 2004 a further consultation exercise was undertaken to consult on the draft Headteachers' Qualifications and Registration (Wales) Regulations 2005 as well as the content of the NPQH guidance document (Circular 001/2008).

Extensive discussions have taken place, and are ongoing, with stakeholders regarding the changes proposed to the NPQH arrangements. These have formed part of the wider review of Professional Standards, CPD and Performance Management of teachers and the school workforce.

## **6. Regulatory Impact Assessment (RIA)**

A Regulatory Impact assessment has not been prepared as the Regulations do not impose any additional costs on businesses, employers or other third parties.