

**EXPLANATORY MEMORANDUM TO
THE FURTHER EDUCATION TEACHERS' (ELIGIBILITY) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2011**

S.R. 2011 No. 372

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Employment and Learning ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 70(1), 70(2) and 134 of the Education and Libraries (Northern Ireland) Order 1986 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend current legislation to align it with operational practice within the Further Education (FE) Sector in Northern Ireland.
- 2.2 Regulation 1 details the citation and commencement date of the legislation.
- 2.3 Regulation 2(2) removes the definitions of "medical practitioner" and "qualified teacher".
- 2.4 Regulation 2(3) removes the prescriptive nature of what actions a governing body may take in ensuring that a person may not be employed, or continue to be employed, as a teacher where he no longer satisfies the health requirements.
- 2.5 Regulation 2(4) removes the provision for a person who is not a qualified teacher to be temporarily employed where a governing body is unable to secure the services of a qualified teacher.

3. Background

- 3.1 The Further Education Teachers' (Eligibility) Regulations (Northern Ireland) 2007 ("the Regulations") enable the Department to regulate the employment of Further Education (FE) lecturers in Colleges across Northern Ireland. In particular, the Regulations enable the Department to:
 - determine the level of qualifications required by lecturers;
 - temporarily relax qualification requirements in areas of skills shortages; and
 - recommend that employment be restricted or prohibited on medical grounds or misconduct.

Ultimately, the Regulations enable the Department to ensure that Lecturers within the Sector are fit to teach.

3.2 Following an increase in enquiries made by the FE Sector, consultation with Sector representatives highlighted an increasing concern that the Regulations did not align with current operational practice and collectively articulated a desire to amend the Regulations. In particular, it was felt that the regulation which places an onus on ensuring that a lecturer is physically and mentally fit to teach and the regulation regarding the employment of unqualified teachers are no longer appropriate.

3.3 The Department agreed to review the Regulations and seek advice on proposed amendments from the Departmental Solicitors' Office (DSO). DSO advised that there would be no legal impediment to amending Regulation 6 (Health Requirements) and Regulation 7 (Unqualified Teachers).

4. Consultation

4.1 The amendments provided for in these Regulations have been requested by representatives of the FE Sector through consultative correspondence and meetings.

5. Equality Impact

5.1 A Preliminary Equality Impact Assessment on the provisions of the Regulations screened them out without mitigation. A full Equality Impact Assessment was, therefore, deemed not necessary.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment is deemed not necessary because the proposals do not impact on costs or savings.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Regulations are not in contravention of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measures

10.1 Not applicable.

11. Additional Information

11.1 Not applicable.