

2007 No. 2116

EDUCATION, ENGLAND

**The Further Education Teachers' Continuing Professional
Development and Registration (England) Regulations 2007**

<i>Made</i>	- - - -	<i>20th July 2007</i>
<i>Laid before Parliament</i>		<i>30th July 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State for Innovation, Universities and Skills makes the following Regulations in exercise of the powers conferred by sections 136(c) and 210(7) of the Education Act 2002(a):

Citation and commencement

1. These Regulations may be cited as The Further Education Teachers' Continuing Professional Development and Registration (England) Regulations 2007 and come into force on 1st September 2007.

Application

2.—(1) These Regulations apply only in relation to England.
(2) These Regulations do not apply to any person employed as a teacher to teach on courses of higher education only.

Interpretation

3.—(1) In these Regulations—
“certificated illness or injury” means illness certified by a registered practitioner of medicine;
“CPD”, in relation to a teacher, means continuing professional development, which is any activity undertaken by him for the purposes of updating his knowledge of the subjects he teaches or developing his teaching skills;
“ERA 1996” means the Employment Rights Act 1996(b);
“full-time” in relation to a teacher means any person who is paid wholly or in part by reference to the time he spends working for his employer and, having regard to the custom and practice of the employer in relation to other teachers employed by the same employer under the same type of contract, is identifiable as a full-time teacher;
“GTC(E)” means the General Teaching Council for England;
“IfL” means the private company limited by guarantee registered at Companies House as The Institute for Learning (Post Compulsory Education and Training);

(a) 2002 c.32.

(b) 1996 c.18. Part VIII was substituted by Part I of Schedule 4 to the Employment Relations Act 1999 (c. 26).

“part-time”, in relation to a teacher, means any person who is paid wholly or in part by reference to the time he spends working for his employer and, having regard to the custom and practice of the employer in relation to other teachers employed by the same employer under the same type of contract, is not identifiable as a full-time teacher;

“sixth form college” means a further education institution principally concerned with the provision of full-time education suitable to the requirements of persons who have not attained the age of 19 years;

“teacher” means any person who provides education at a further education institution under a contract of employment or a contract for services, other than a person who is employed by the institution on an occasional basis to provide updating on current commercial, industrial, or professional practice; and “teach” and “teaching” are to be construed accordingly; and

“year” means a period of twelve months ending with 31st August.

(2) Any reference in these Regulations to a part-time teacher includes a principal or other member of the management staff who spends only part of his time teaching.

Continuing professional development of teachers

4.—(1) Subject to paragraph (4), every full-time teacher must complete at least 30 hours of CPD each year.

(2) Subject to paragraphs (3) and (4), every part-time teacher must complete at least the pro-rata equivalent of 30 hours of CPD each year, calculated on the basis of the number of hours spent teaching in proportion to the number of hours a full-time teacher in the same institution spends teaching (or would spend teaching, if there were a full-time teacher in that institution), subject to a minimum of 6 hours each year.

(3) Where a teacher is employed at more than one further education institution on a part-time basis, he must apportion the CPD which he is required to complete under paragraph (2) accordingly.

(4) Where a teacher is employed for only part of a year or is absent from work for part of a year—

(a) in exercise of—

(i) her right to maternity leave conferred by section 71 or 73 of the ERA 1996(a) or her contract of employment and has the right to return to work by virtue of those sections or her contract of employment;

(ii) the right to parental leave conferred by section 76 of the ERA 1996;

(iii) the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996(b); or

(iv) the right to adoption leave conferred by section 75A or 75B of the ERA 1996(c);

(b) because of her pregnancy; or

(c) because of certificated illness or injury, where the total period of absence from work in that year exceeds 3 months,

the CPD requirement for that teacher is reduced accordingly, on a pro-rata basis.

(5) Every teacher must maintain a record of the CPD he has undertaken each year and make it available to his employer or, where he has more than one, each of his employers, for monitoring purposes.

(a) Sections 71 and 73 were both amended by section 17 of the Employment Act 2002 (c.22) and further amended by paragraphs 31 and 32 of Schedule 1 to the Work and Families Act 2006 (c.18) respectively.

(b) Sections 80A and 80B were inserted by section 1 of 2002 c.22 and sections 80AA and 80BB (which have not, at the time of making these Regulations, been commenced, were inserted by sections 3 and 4 respectively of 2006 c.18.

(c) Sections 75A and 75B were inserted by section 3 of 2002 c. 22 and amended by paragraphs 33 and 34 of Schedule 1 to 2006 c. 18 respectively.

(6) Every teacher, other than one who is employed solely in a sixth form college and is registered with the GTC(E), must provide the IfL with a record of the CPD which he has undertaken each year, by 31st August, for monitoring purposes.

Registration of teachers

5.—(1) Subject to paragraphs (2) and (3), every teacher must—

- (a) register with the IfL by 31st March 2008 or, in the case of any teacher appointed after 1st September 2007, within 6 months of the date of his appointment; and
- (b) maintain that registration continuously thereafter.

(2) Sub-paragraph (1) does not apply to a teacher who is employed solely in a sixth form college and is registered with the GTC(E).

(3) Sub-paragraph (1) does not apply to a teacher who is employed both in a school and a further education institution and is registered with the GTC(E), provided he commenced such dual employment and registered with the GTC(E) before 1st September 2007.

(4) Every teacher referred to in sub-paragraphs (2) and (3) must provide the IfL with his GTC(E) registration details by 31st August every year.

20th July 2007

Bill Rammell
Minister of State
Department for Innovation, Universities and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 1 September 2007 and apply to teachers at further education institutions, except where they only teach on higher education courses.

They require teachers to complete a minimum number of hours of continuing professional development (CPD) every year, maintain a record of the CPD they have undertaken every year, make that record available to their employers and provide the Institute for Learning (IfL) with a record of the CPD undertaken, for monitoring purposes (*regulation 4*).

They also require teachers to be registered with the IfL, except where they are—

- (a) employed solely in sixth form colleges and registered with the GTC(E); or
- (b) employed both in schools and in further education institutions and registered with the GTC(E), provided they commenced such dual employment and registered with the GTC(E) before 1st September 2007 (*regulation 5*).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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