

EXPLANATORY MEMORANDUM TO
THE FURTHER EDUCATION (PRINCIPALS' QUALIFICATIONS) (ENGLAND)
(AMENDMENT) (No. 2) REGULATIONS 2009

2009 No. 2049

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

These Regulations further amend the Further Education (Principals' Qualifications) (England) Regulations 2007 (SI 2007/1864) (the "Principals' Qualifications Regulations"), to correct a drafting error in the Further Education (Principals' Qualifications) (England) Regulations 2009 (S.I. 2009/472) ("the Amending Regulations") which the JCSI brought to the Department's attention in its 12th Report.

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

None.

4. Legislative Context

Section 137 of the Education Act 2002 introduced the obligation on principals, appointed to their first post to hold a principals' qualification. The Principals' Qualifications Regulations provide for the details of the obligation. The Amending Regulations introduce a time limit by which newly appointed principals must have completed their qualification. These Regulations are required to correct a drafting defect in the Amending Regulations.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

• *What is being done and why*

7.1 The aim of the Education Act 2002 was to introduce an obligation on principals to hold a relevant qualification, proposed in the Further Education White

Paper (2006). The broad policy aim is to establish a benchmark standard for principals at a further education institution in England.

7.2 The Amending Regulations introduce a time limit by which newly appointed principals of an English further education institution must have obtained their qualification. The aim is to ensure principals meet their obligation within a reasonable time (on average 15-18 months) with certain periods of absence taken into account, including maternity leave.

7.3 The Amending Regulations contained a drafting error in the paragraph relating to maternity leave, identified by the JCSI in their 12th Report. These Regulations correct that drafting error. The underlying policy remains unchanged.

- ***Consolidation***

7.4 There is no intention to consolidate.

8. Consultation outcome

A full consultation on the policy underlying the Amending Regulations was held in 2008, and the Explanatory Memorandum to the Amending Regulations contained details on that consultation. These Regulations do not change the policy underlying the Amending Regulations, and so no further consultation has been held.

9. Guidance

Existing guidance will be amended accordingly.

10. Impact

10.1 The impact on business, charities or voluntary bodies is none.

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The Learning Skills and Improvement Service is responsible for the delivery and monitoring of take-up. A review will be held in September 2010 to measure mandatory compliance.

13. Contact

Nigel Smith at the Department for Business, Innovation and Skills Tel: 0203 300 8224 or e-mail: nigel.smith@bis.gsi.gov.uk can answer any queries regarding the instrument.