

EXPLANATORY MEMORANDUM TO
THE EDUCATION (HEAD TEACHERS' QUALIFICATIONS) (ENGLAND)
(REVOCATION) REGULATIONS 2012

2012 No. 18

1. 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This statutory instrument revokes the Education (Head Teachers' Qualifications) (England) Regulations 2003 (and amending Regulations SIs) which make it mandatory for all head teachers, of maintained schools or non-maintained special schools appointed for the first- time ("first-time head teachers"), to hold the National Professional Qualification for Headship ("NPQH") prior to appointment. The NPQH is a development programme which seeks to prepare those who are ready to take on the role of head teacher.

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

3.1 None.

4. Legislative Context

4.1 The decision to make the NPQH optional was made following an extensive review of the qualification, which was announced in the Schools' White Paper in November 2010. An improved, more rigorous version of the NPQH will be launched in spring 2012, with the aim of positioning the NPQH as the qualification of choice for all schools, including Academies and Free Schools. The revocation of the Regulations will mean that the responsibility for deciding what qualifications their prospective head teacher should hold is transferred to schools. This statutory instrument is made in line with wider Government policy to allow schools greater autonomy and decision-making powers, and to reduce the burdens placed on schools through legislation.

5. Territorial Extent and Application

5.1 This instrument applies in relation to England.

6. European Convention on Human Rights

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

7. Policy background

7.1 The NPQH is a competence based development programme for aspiring head teachers. Around 35,000 participants have graduated since the NPQH was introduced in 1997 and 58% of current head teachers hold the qualification. It became clear that many teachers were taking the NPQH for the purposes of general professional development rather than with a serious intention to become a head teacher. In the light of this, in 2008 entry to the NPQH programme was restricted to those assessed to be 12 to 18 months away from headship and the programme was redesigned to reflect this.

7.2 When the NPQH was introduced originally it was optional. On 1 April 2009, it became fully mandatory for all first-time head teachers in the maintained sector. Prior to this there was a five-year transition period (from 1 April 2004 – 31 March 2009), during which new heads could be working towards NPQH.

7.3 The decision to make the NPQH optional fits with Government policy to allow schools greater autonomy to make their own decisions. It means that maintained schools will no longer be required by regulations to recruit first-time head teachers who hold the NPQH. Governing Bodies will be able to use their judgement when considering applicants' qualifications, skills and experience and consider candidates with other management qualifications (such as the M.B.A.) and leadership experience, particularly those recruited from the independent and further education sectors. Governing bodies will, however, still be able to express a preference for NPQH graduates and to choose only to appoint such a graduate if they wish to do so.

7.4 Currently over one third of all maintained secondary schools in England are Academies, which already have the freedom to recruit first-time head teachers without the NPQH if they choose to do so. Anecdotal evidence suggests that the NPQH is popular with Academies.

7.5 The recent review and redesign of the NPQH aims to ensure that the qualification is highly regarded and sought-after, and that it enables prospective heads to develop the key skills required for the role of a head teacher.

7.6 Under the current arrangements the National College for School Leadership estimates how many head teacher vacancies are likely to occur each year. This determines how many NPQH places are made available each year. Although this helps to achieve good value for money and ensures against oversupply, it risks limiting choice for schools that find difficult to recruit a head teacher: particularly faith schools, which look for additional qualities beyond the general competence that the NPQH is designed to ensure.

7.7 It is recognised that a more demanding NPQH will result in fewer graduates and for that reason if the NPQH remained a mandatory qualification this might exacerbate recruitment difficulties. Removing the requirement will

not only allow schools more choice but also ease potential problems in relation to recruitment.

7.8 As this Statutory Instrument revokes existing Regulations the issue of consolidation of previous Regulations does not arise.

8. Consultation outcome

8.1 The National College for School Leadership consulted the profession actively on the revision of the content and structure of the NPQH. This included direct discussion with teachers, head teachers and other leaders in the field. It was decided to remove the NPQH mandatory requirement towards the end of that consultation process and to announce the two changes at the same time in order to give schools a clear picture of how the system was intended to work in the future. It was important to assuage any concerns that schools may have had about the impact of a more demanding NPQH (leading to fewer graduates) on their ability to recruit head teachers in the future. This meant there was insufficient time to extend the consultation period as the peak recruitment season for head teachers, usually starts in earnest in January/February and goes on until the spring. We are keen to avoid creating confusion amongst those advertising and applying for head teacher positions about whether applicants are required to hold the qualification or not, by ensuring the revocation comes into force as soon as possible.

8.2 The intention to give schools greater autonomy has been made clear to the public and is reflected in numerous policy documents and decisions. The decision to remove the NPQH mandatory requirement is entirely consistent with Government policy in the education arena.

8.3 To minimise disruption, those currently undertaking the NPQH will be able to complete their qualification under the current framework. There is a risk that those head teachers and aspiring head teachers who already have the NPQH might interpret the move as a signal that the Government does not value the qualification. That is not the case. The Government has made clear publicly that it values the NPQH and will position it as the qualification of choice. It intends to continue to provide subsidies as appropriate to stimulate take-up.

9. Guidance

9.1 Following the announcement on the 6th December 2011, we have made information about the removal of the NPQH mandatory requirement, including frequently asked questions, available on the National College for School Leadership (the Body that administers the NPQH) website. The National College will also publish full guidance to the revised NPQH when it is launched next year.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 The impact on the public sector is that the removal of the regulatory requirement for the NPQH will mean the decision as to whether to require head teachers to hold the NPQH from Central Government is transferred to schools.

10.3 Anecdotal evidence indicates that the NPQH is popular with Academies, which suggests that many schools will continue to require applicants to hold the NPQH.

10.4 Because no impact on the private or voluntary sector is foreseen an Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Department will continue to keep under review the supply of head teachers.

13. Contact

13.1 Paula Penny at the Department for Education, Tel: 0207 3408249 or email: paula.penny@education.gsi.gov.uk, can answer any queries regarding the instrument.