

## **REGULATORY APPRAISAL**

### **EDUCATION, WALES**

#### **THE HEAD TEACHERS' QUALIFICATIONS AND REGISTRATION (WALES) REGULATIONS 2005**

##### **Purpose and intended effect of the measure**

1. The Head Teachers' Qualifications and Registration (Wales) Regulations 2005 will introduce a statutory requirement for all first-time, substantive headteachers in Wales to hold the National Professional Qualification for Headship from 1 September 2005.
2. The National Professional Qualification for Headship (NPQH) was introduced in Wales in 1997. The NPQH provides effective preparation and professional development for teachers aspiring to school leadership and forms an integral element of the Welsh Assembly Government's highly successful National Headship Development Programme (NHDP). Over 650 teachers have successfully completed the NPQH in Wales.
3. Proposals requiring all first-time headteachers to hold a professional qualification have been considered as part of a strategy for raising the standard of school leadership in Wales since 1999. A proposal to make the NPQH mandatory in Wales by 2005 was set out in the 1999 Green Paper "The Best for Teaching and Learning."
4. The introduction of the proposed Headteachers' Qualifications and Registration (Wales) Regulations 2005 will require all first-time substantive headteachers to:
  - hold the National Professional Qualification for Headship (NPQH);
  - hold qualified teacher status; and
  - be registered with the General Teaching Council for Wales (GTCW).
5. The move towards the mandatory NPQH will improve professional development for school leaders to raise the standard of school leadership and promote high standards of teaching and learning to improve quality and provision for learners in schools throughout Wales.

##### **Risk Assessment**

6. The Welsh Assembly Government's intention to introduce a mandatory headship qualification in Wales from 1 September 2005 was originally announced in July 2003. This decision was based upon the outcome of a national consultation conducted in 2002, with 81% of respondents supporting the implementation of a mandatory qualification for headship in Wales from September 2005.
7. Failure to introduce these Regulations from 1 September 2005 could result in considerable confusion amongst those directly involved in headship appointments, including aspiring headteachers who are currently working

towards the qualification, in anticipation of forthcoming mandatory implementation.

8. A mandatory NPQH qualification was introduced in England on 1 April 2004 and it is proposed that the Scottish Standard for Headship will become a mandatory requirement from August 2005. Northern Ireland also plans to make its version of the NPQH (PQH (NI)) mandatory in due course.
9. Therefore, if a mandatory headship qualification is not introduced in Wales, entry requirements for headship will not be consistent with the proposed mandatory entrance requirements within the other Territorial Countries. This may result in more lenient access arrangements to gain a headship appointment in Wales. It would also compromise reciprocal arrangements across the Territorial Countries.

### **Options**

10. There are three options:

#### **(a) Delay Mandatory Introduction**

11. It would be difficult to justify a decision to delay mandatory implementation in view of the overwhelming positive response to two national consultation exercises focusing upon the introduction of a mandatory headship qualification conducted in 2002 (81%) and 2004 (91%). In view of the announcement in July 2003, there has been sufficient notice of this requirement, for any person wishing to prepare for headship. Only a limited number of respondents (9%) to the recent consultation in September 2004 expressed concerns regarding the timing of mandatory implementation.

#### **(b) Phased Implementation**

12. Following the introduction of the mandatory NPQH in England in April 2004, transitional arrangements require new headteachers to hold NPQH, or be 'working towards' the qualification. 'Working towards' means that appointees must have a confirmed place on the NPQH prior to their headship appointment. Once in post, they must gain the qualification within four years of their appointment. The working towards arrangements will continue until 2009.
13. In response to a recent consultation in September 2004, only 7% of respondents were in favour of phased implementation. In the move towards mandatory implementation, development work has focused upon modelling current NPQH data to ensure the availability of an appropriate pool of candidates to meet the requirements of future headship vacancies in Wales. Current data reveals that there is an adequate supply of NPQH graduates to meet future recruitment demands in Wales. Over 650 teachers currently hold the qualification, of which, 197 are currently serving headteachers. Over 200 candidates are currently working towards the qualification. The annual recruitment round for 2004 was fully subscribed, and a further 170 candidates commenced the qualification in January 2005.

(c) Make the Legislation

14. This option would be in line with the Welsh Assembly Government's strategy to raise the standard of school leadership by introducing a mandatory headship qualification in Wales from September 2005. In light of the evidence emerging from the national consultation in 2002, the Minister for Education & Lifelong Learning agreed to honour this commitment, subject to the outcome of future development work.
15. Preparations for mandatory implementation have included: detailed modelling of NPQH data, a further national consultation on the Regulations in September 2004; the introduction of revised funding arrangements to support the NPQH from 2005/06; and a commitment to revise and re-launch a new NPQH Programme in 2006. The mandatory NPQH will ensure consistent preparation for all first-time headteachers in Wales and will significantly impact upon the future school leadership agenda in Wales.

**Benefits**

16. There are no clear benefits for Options A and B. The benefits for Option C are outlined in paragraphs 14 and 15 above.

**Costs**

17. Any work associated with the preparation of these Regulations will be accommodated within the NPQH Programme Account, within the Teacher Development and Support Budget Expenditure Line.
18. The introduction of a mandatory NPQH in Wales will not affect programme costs and/or candidate costs during 2004/05 and/or 2005/06.
19. Following a competitive tender exercise, the Consortium for Educational Leadership Training (CELT) were recently appointed to review and re-launch a new NPQH Programme in January 2006. The £200,000 development costs during 2004/05, will be met from the NPQH Programme Account within the Teacher Development & Support Budget Expenditure Line. The anticipated £50,000 development costs during 2005/06 will also be met from this account.
20. During 2004/05 NPQH Programme costs have been funded from the 'Better Schools Fund (BSF), Activity 8'. Following the annual recruitment round in September 2004, funding has been made available to support a further 150 eligible applicants accessing the programme during 2005.
21. The total cost per participant of £4,740, is based on Programme Costs of £3,000 (including Induction Sessions, Workshop & Training Days, Tutor Support, Programme Materials, Final Assessment & Award); and other potential costs, such as up to 12 days supply cover of £1,740 (£145.00 x 12 days (maximum)).
22. In view of the increasing pressure on BSF Activity 8 to fund statutory induction for new teachers in Wales during 2004/05, the Minister for Education and Lifelong Learning announced the award of an additional £750,000 to support the NPQH Programme during 2005/06 at a meeting of

the Education & Lifelong Learning Committee on January 19, 2005. This funding will be transferred as a grant allocation to the current NPQH Provider and the CELT Consortium to support up to 150 NPQH applicants following mandatory introduction in September 2005.

23. A Quinquennial Review of the National Headship Development Programme (NHDP) during 2005 will provide an opportunity to consider future funding arrangements to support the NPQH Programme in Wales, from 2006/07. The review will consider revisions to current funding arrangements which may include proposals to require candidates to part fund programme costs. It will also outline revisions to current recruitment procedures to take account of local appointment requirements. The Directorate of Legal Services has advised that the introduction of a requirement for candidates to part fund the programme would not require additional legislation.

### **Consultation**

#### With Stakeholders

24. Two national consultation exercises were conducted from 20 September 2002 to 15 November 2002 and from 27 September 2004 to 22 November 2004. Both provided an opportunity to seek the views of the profession and key stakeholders in response to proposals to introduce a mandatory headship qualification in Wales.
25. The key stakeholders who were invited to contribute to the consultation exercises included a 10% sample of schools; professional associations; Higher Education Institutions; Further Education Institutions; church diocesan organisations; Local Education Authorities; Estyn; the General Teaching Council for Wales; Wales NPQH Centre; NPQH Candidates; NPQH graduates; NPQH trainers; ELWa; Education Departments; and the National College for School Leadership. The 10% sample of schools targeted responses from teachers, deputy headteachers, headteachers and governing bodies. This sample was selected by the Assembly Government's Statistics Department, in line with current procedures to reduce bureaucratic burdens on schools in Wales, in limiting documentation distributed by the Assembly Government.
26. 81% of respondents to the consultation conducted in 2002 were in favour of the implementation of a mandatory NPQH qualification in Wales from 1 September 2005.
27. In response to a more recent consultation on the Headteachers' Qualifications and Registration (Wales) Regulations and Guidance in September 2004, 91% of respondents supported the introduction of the mandatory NPQH. A high percentage of responses to the consultation (over 70%) were received from deputy headteachers and school leaders – those with the highest interest in this issue.
28. The overwhelming positive response to the recent consultation confirmed that the Regulations and Guidance are fit for purpose and should be introduced to support the implementation of the mandatory NPQH from September 1, 2005.

29. A National Consultation Conference focusing upon the National Headship Development Programme (NHDP) from 24-25 February 2005, also provided an opportunity to consult on a range of funding options to support the NPQH from 2006/07. Early feedback reflected support for the proposed funding arrangements for 2005/06, subject to the provision of full funding for all candidates and the introduction of more rigorous recruitment procedures. During 2005, the CELT Consortium will maintain responsibility for the administration of the recruitment process and therefore, the introduction of more rigorous recruitment procedures for the NPQH will have no legislative impact for the Welsh Assembly Government.

#### With Subject Committee

30. These Regulations have been notified to Education and Lifelong Learning Committee via the list of forthcoming legislation (ELL(2)02-04(p.1) Annex B, item no: ELL-07-05) since 28 January 2004 and a report focusing upon the outcome of the consultation on the Regulations was considered by the Committee on 19 January 2005 (ELL2-01-05(p.1)). At this meeting, the Education and Lifelong Learning Minister also announced her intention to award additional funding to support the NPQH during 2005/06. A brief discussion then followed focusing upon the positive outcome of the consultation exercise.
31. The Regulations were further scrutinised by the ELL Committee on 9 February 2005 (ELL2-02-05 p.3 a-d). Concerns were raised regarding funding to support the NPQH. The Minister for Education and Lifelong Learning reiterated that a separate funding stream had been identified outside the Better Schools Fund (BSF) to support the Programme during 2005/06. The Minister also noted that a future plenary session would present an opportunity to further discuss material issues. No amendments to the Regulations were tabled at this meeting and the Committee recommended approval of the draft Regulations.

#### **Enforcement, monitoring and review**

32. In preparation for mandatory implementation, the Welsh Assembly Government recently awarded a 3 year contract to the CELT Consortium to revise and re-launch the NPQH to compliment mandatory implementation and recent revisions to the National Standards for Headteachers. The new NPQH will be launched in January 2006.
33. Regional seminars will be held during the Summer Term 2005 to de-brief key stakeholders including Local Education Authorities (LEAs), governing bodies and trustees regarding the revised procedures impacting upon all headteacher appointments made after 1 September 2005. In addition, the Welsh Assembly Government will publish a detailed Guidance Circular for distribution to all schools to further clarify the requirements of the new Regulations.
34. To monitor the implementation of the Regulations, the Welsh Assembly Government will work in partnership with LEAs, governing bodies and the

General Teaching Council for Wales (GTCW). In their response to the recent consultation, GTCW have agreed in principle to undertaking a monitoring function. *'The Council currently has an arrangement with Assembly officials whereby an employer who continues to knowingly employ an unregistered teacher is referred to the Assembly, who in turn investigate this matter. The Council would propose to follow a similar practice in respect of headteachers in respect of the requirements to hold NPQH and QTS. This offer would, of course, be subject to appropriate arrangements in line with Data Protection legislation.'* GTCW Consultation Response 16/11/04.

35. LEAs will be responsible for ensuring that selection panels are familiar with the revised recruitment procedures for headship appointments when the Regulations come into force. When governing bodies notify the LEA of the recommended candidate to fill a headship vacancy, it will not be possible for the authority to endorse the appointment unless the recommended candidate has met the requirements of the Regulations.
36. In addition, the Welsh Assembly Government will also commission a six-month contract to quality assure the effective implementation of the Regulations from September 2005. An invitation to tender for this contract will be issued in June 2005.
37. The overarching impact of the mandatory NPQH upon teaching and learning and the standards agenda will be evaluated through the ongoing Estyn Remit.

### **Summary**

38. The purpose of the proposed Regulations is to introduce a nationally recognised qualification to ensure the provision of consistent professional development for aspiring headteachers in Wales. In addition, the Regulations will clearly define the standard entry requirements for all future headship appointments in Wales, in ensuring that all first-time substantive headteachers are professionally qualified; have attained qualified teacher status; and are registered with the GTCW. The introduction of the Regulations will also build upon the positive impact of the NPQH on standards of School Leadership in Wales.