

Jane Davidson AM

Minister for Education and Lifelong Learning
Gweinidog dros Addysg a Dysgu Gydol-Oes



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Our Ref: JD/00792/04
Your Ref:

Margaret Phelan
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Unit 33
The Enterprise Centre
Bryn Road
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RECEIVED
JD/00792/04

7th July 2004

Dear Margaret,

FE PAY

I was very pleased to receive your and John Graystone's joint letter of 21 June about FE Pay Phase II. The FE Unions and fforwm are to be congratulated for the excellent progress made and the benefits that this agreement will bring to employees. FE is a key part of the post-16 sector and the staff are its most important resource. I understand that ELWa is putting in place arrangements to make payments to colleges shortly, subject to agreement of the detailed figure work between it and fforwm.

I touched upon the future direction of the FE Pay policy when I met fforwm on 5 July. As I said at that meeting, I look forward to fforwm and the Unions resolving payments for part-time hourly paid lecturers swiftly and, thereafter, to your joint proposals for Phase III which I look to you to develop in consultation with ELWa.

Jane Davidson AM

Minister for Education and Lifelong Learning



Jane Davidson AM
Minister for Education and Lifelong Learning
National Assembly for Wales
Crickhowell House
Cardiff Bay
CF99 1NA

21 June 2004

Dear Jane

Agreement on Phase 2 (2004/05) of the Three-Year Further Education Pay Initiative

We are writing on behalf of fforwm and the FE trade unions' side to inform you that fforwm and the trade unions have reached agreement on Phase 2 of the three year further education (FE) Pay Initiative and on the allocation of pay for staff employed in further education institutions.

We were tasked with moving towards pay parity between FE lecturers and schoolteachers. The negotiations have been complex. The 23 FE colleges and two FE institutions have developed different pay systems over the eleven years since incorporation. To bring these into a single pay spine for lecturers was a major challenge for colleges and trade unions.

During the course of the negotiations we have kept officials at the Welsh Assembly Government and at ELWa regularly informed on progress.

Under the agreement, from 1 April 2004, all staff employed in FE colleges and FE institutions will receive a 2.5 per cent pay increase. In addition, there will be other increases for full-time, fractional and part-time lecturers and the minimum hourly rate for business support staff will increase. The changes in arrangements for part-time hourly paid staff will run from 1 August 2004, as both sides agree that it would be sensible to change the contractual terms for this group from the start of the academic year.

Separate pay scales have been agreed for instructors/demonstrators, associate lecturers (lecturers without a teaching or an appropriate qualification); and full-time/fractional lecturers. For full-time/fractional lecturers a six-point scale has been agreed that is based on that for schoolteachers. In addition, the lecturers' main grade scale has been extended by one scale point which is the same as the Upper Pay Spine 1 (UP1) for school teachers. Discussions will take place between fforwm and trade unions on threshold criteria for the progression of lecturers onto an Upper Pay Spine (UP points 2 and 3) as part of the Year 3 negotiations.

The agreement takes account of part-time hourly paid lecturing staff. Under the Part-Time Worker Regulations part-time hourly paid lecturers cannot be treated less favourably than lecturers in full-time and fractional posts if they are carrying out similar duties. It appears that there are not sufficient funds remaining from the £11m allocated to Year 2 to address all the issues affecting this group of staff. A Joint Working Group is due to report its findings by August 2004. Any costs over and above the £11m will need to be included in Year 3 negotiations.

For Year 3 (2005/06), there will be negotiations about the responsibilities and allowances paid to teachers and managers. Many managers have substantial teaching duties but are not paid on the lecturers' main grade scale. They have therefore not benefited from that restructuring and their differentials have been eroded as a result.

For business support staff, it has been agreed that there should be a minimum hourly rate of £5.33 per hour from 1 April 2004 and that this should rise to a minimum of £6 per hour on a staged basis to be achieved by 1 April 2005, subject to funding from the Welsh Assembly Government. In addition, both sides have agreed that there should be job evaluation of business support staff, subject to funding from the Welsh Assembly Government.

The agreement between fforwm and trade unions goes a considerable way to achieving the targets set by the Welsh Assembly Government for bringing about pay parity between lecturers and schoolteachers. A number of important issues need to be negotiated in Year 3 and the current agreement has been reached on the firm understanding that these will be resolved in Year 3. These will have cost implications. Both sides agree that it would be inappropriate for pay increases for staff to be funded by job losses.

The agreement has been reached after lively debate in a spirit of partnership and cooperation. Further work is currently being carried out in determining the arrangements for part-time lecturers and in drawing up guidelines for defining the roles and responsibilities of instructors and demonstrators.

As we pointed out last year, the agreement represents a significant shift in employer/trades union relations in Wales in a way that could not have been achieved before the setting up of the devolved administration in Wales. A copy of the signed agreement is attached.

If you have any comments about the agreement or require any points of clarification, we would welcome contact with your office.

Yours sincerely



Dr John Graystone
Chief Executive
fforwm
on behalf of fforwm



Margaret Phelan
National Officer, Wales, NATFHE
on behalf of trades unions representing
FE staff

Trade unions representing FE staff

Association for College Management (ACM)
Association of Teachers and Lecturers (ATL Cymru)
GMB, Britain's General Union
National Association of Schoolmasters and Union of Women Teachers (NASUWT)
National Association of Teachers in Further and Higher Education (NATFHE)
Transport and General Workers Union (TGWU)
UNISON – Cymru
Undeb Cenedlaethol Athrawon Cymru (UCAC)

PAY PARITY BETWEEN FE COLLEGE LECTURERS AND SCHOOL TEACHERS IN WALES: THE FINAL AGREEMENT FOR YEAR 2 (2004 – 05)

Terminology

Further Education (FE) Colleges – this refers to the 23 FE colleges and two FE institutions in Wales covered by this agreement

NFENCW is the National Further Education Negotiations Committee for Wales

Year 1 refers to the period 1 April 2003 – 31 March 2004

Year 2 refers to the period 1 April 2004 – 31 March 2005

Year 3 refers to the period 1 April 2005 – 31 March 2006

Introduction

- 1 This paper has been amended and updated following the meeting of the NFENCW on 30 March.
- 2 The paper sets out a number of core principles underpinning the move towards pay parity between further education (FE) college lecturers and school teachers and a proposed common pay scale for lecturers in Wales. It follows the letter sent to fforwm's chief executive by the Minister for Education and Lifelong Learning on 30 October 2002 (and confirmed in subsequent discussions) in which she seeks pay parity with school teachers from 1 April 2004
- 3 The context for pay negotiations in Wales has changed significantly in that any agreement has to be subject to the willingness of the Assembly fully to fund the increased costs to colleges arising from the proposals. FE colleges in Wales will not accept an agreement that places additional financial costs on them. This agreement is reached therefore on the assumption that its proposals are acceptable to the Minister for Education and Lifelong Learning.

- 4 For **Year 1**, the Minister allocated £9m for FE pay for staff employed in FE colleges and FE institutions in Wales. The NFENCW agreed the principles and method of distributing this money in a way that was transparent and auditable. However the gross figure of £9m did not take account of the increases from 1 April 2003 in employers' contributions of one per cent in national insurance and 5.15 per cent in teachers' pensions from 1 April 2003. fforwm estimates this additional cost to have been £90,000 in national insurance contributions and £257,000 in contributions to teachers' pensions; a total of £347,000. Thus it cost FE colleges and FE institutions £9.347,000 to pay the £9m increase.
- 5 The agreement is based on a common view of the meaning of pay parity with school teachers and is unique to Wales.
- 6 This agreement covers the staff employed in the 23 FE colleges and two FE institutions in Wales. However it is subject to approval by college employers collectively represented by fforwm and by trade unions of staff employed by colleges. The legal position is that each corporation/governing body has the responsibility to set the framework for the pay and conditions of staff in their own college or institution. Each corporation/governing body will have to agree therefore to the proposals set out in this paper to access funding. Further, the Trade Union side reiterated that St David's Catholic College is a Sixth Form College and that teaching staff are employed under NJC Pay & Conditions of Service. Teacher's pay at the college will, therefore, need to reflect nationally negotiated settlements. fforwm did not accept the Trade Union side's view. In its opinion, national negotiations on pay were now being conducted on an all-Wales basis through the NFENCW.
- 7 The 23 colleges and two FE institutions in Wales have a wide range of pay scales in place and a variety of different posts which may not match descriptions set out in this paper. The costs of moving to a common pay scale for lecturers will differ considerably between colleges and institutions. Thus lecturers in some colleges as a result of this agreement will receive higher or lower percentage increases – in some cases considerable - than in other colleges.

Some Core Principles

- 8 The following are core principles underpinning the proposals:
 - the £9m paid to all college employees in 2003/04 is consolidated in 2004/05 and succeeding years
 - an additional £347,000 is made available to cover the real costs to colleges of the consolidation of the additional £9m

- the additional £4m allocated by the Assembly Government in 2003/04 to help pay for pension and other costs and included in the funding unit is consolidated
- any agreement needs to be in the context of the overall responsibility of FE corporations/governing bodies for setting the framework for pay and conditions of staff in their institutions
- there will be significant additional costs of any settlement as a result of incremental drift. Colleges will face escalating annual increases as staff move up the new scales year on year. This will be particularly significant in the longer term for part-time hourly paid lecturers who will be entitled to move up the lecturers' pay scale. Colleges are concerned at the long-term impact of this settlement and the risk to financial stability. Their agreement is conditional upon guarantees from the Assembly of long-term financial support.
- recognition is made for the added costs to colleges of any recommended pay increase e.g. employers' contributions to teachers' pensions are now 13.5 per cent, national insurance contributions are on average (assuming a salary of £25,000) 7.6 per cent. Employers' contributions to local government pensions vary from 7 per cent to 27 per cent and average around 13.5 per cent, although these are likely to increase in the near future
- recognition is also made of the increased costs to colleges in 2003/04, rolling forward to 2004/05, of employers' contributions to teachers' pensions on the pay bill of those in the teachers' pension scheme and increased national insurance contributions on the total paybill – estimated by fforwm to be £7.14m in a full year (including the £347,000 noted above). The Assembly Government allocated £4m as a contribution towards these costs in 2003/04.
- in line with the Part-Time Worker Regulations, part-time hourly paid lecturers should be treated no less favourably than full-time staff and their pay should be calculated on the same basis as that of full-time lecturers, subject to contract hours and the type of work done. This principle applies to all part-time staff – instructors, lecturers, business support staff and managers
- all staff employed by college corporations and covered by this agreement shall receive a percentage increase. Assimilation of staff on to the pay scales will take place before applying a cost of living increase.

- with the introduction of the new scale points, instructors/demonstrators and associate lecturers and lecturers should move to the scale point immediately above their current salary point on 1 April 2004. The cost of living increase shall also take effect on 1st April 2004.
- unqualified lecturers who are on the qualified lecturers' scale will not progress up the scale until they receive the appropriate qualification as defined by the Further Education Teachers' Qualifications (Wales) Regulations 2002 (see Annex 2). This does not apply to those lecturers who are exempt from the requirement to obtain an appropriate qualification.
- in 2004, staff migrating to the new pay scale should not be entitled to a further increment in August 2004
- fforwm and trade unions support the principle of the need to review payment for responsibilities and allowances especially affecting management spine staff in Year 3 (2005/06)
- the introduction of a common pay spine for lecturers will have a differential impact on colleges. Some colleges have invested in the pay of lecturing staff and/or have been able to reward staff through their overall performance to a level above that of the proposed common six-point scale. Many of these staff might progress to Upper Pay Spine 1 which will be funded as part of this settlement, although a significant number of lecturers are already paid above the level of Upper Pay Spine 1. In Year 3, particular attention will need to be given to those staff being paid above UP1 and to those colleges which have invested in staff pay but which will not receive funding for the amount they have already invested in these staff
- no member of staff should suffer a reduction in salary as a result of this agreement
- for similar reasons as listed above, some colleges have revised the pay of their part-time hourly paid lecturers in line with the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 out of their own budgets.
- fforwm and trade unions do not want an agreement that leads to pay increases at the expense of jobs.

Proposed New Scale

- 9 There should be a pay spine of levels 1 - 4 for instructors/demonstrators (IDs) and a separate but similar scale for unqualified lecturers (to be named associate or assistant lecturers (ASLs)) and a 6-point scale for qualified lecturers. On 1 April 2004, staff in these categories and covered by this agreement would move to the nearest point immediately above their current scale point.
- 10 These scales, based on comparisons with the school teachers' pay scales as existing on 1 April 2003, are set out in the paragraphs below. They do not include any inflationary increase which will be calculated separately. The figures are calculated to answer the questions '(i) what would be the cost of introducing pay parity for lecturers based on the pay levels for lecturers and school teachers from 1 April 2003 and then (ii) what are the additional costs of an inflationary pay increase?'

Instructors/Demonstrators

- 11 Instructors/demonstrators carrying out skills development would remain on the ID scale (see Table 1). The distinction between 'instructing/demonstrating' and 'teaching' is difficult to measure and varies between colleges. A working group should be established to draw up some agreed guidelines and time scale although differences between colleges will remain. The Working Party should aim to complete its task by August 2004.
- 12 There are an estimated 300 such posts in colleges in Wales.

Table 1: Scale for instructors/demonstrators

Grade	Proposed lecturers' main scale
ID1	£15,609
ID2	£16,560
ID3	£17,568
ID4	£18,672

Associate Lecturers

- 13 Associate lecturers do not have a teaching or appropriate qualification (see Annex 2 for a list of the relevant qualifications) and should be placed on the associate lecturer (ASL) scale (see Table 2). They should not be able to move on to the main scale unless they have the requisite teaching qualification or appropriate academic qualifications or a DfES number, dependent on contract. As possession of a teaching qualification has become mandatory for lecturers appointed on or after 1 July 2002 following the Further Education Teachers' Qualifications (Wales) Regulations 2002 (see Annex 2), and will be phased in over the next few years, the number of lecturers carrying out lecturers' duties who are not teacher qualified is likely to reduce over time. The cost of introducing this scale is likely to be small.

**Table 2: Scale for instructors/
demonstrators**

Grade	Proposed lecturers' main scale
ASL1	£15,609
ASL2	£16,560
ASL3	£17,568
ASL4	£18,672

Main Grade Lecturers

- 14 A new six-point scale will be introduced for qualified lecturers, based on those for school teachers. No qualified lecturer should be paid less than this six-point scale. Access to this scale will require lecturers to be appropriately qualified in accordance with the Further Education Teachers' Qualifications (Wales) Regulations 2002 – see Annex 2 for details.
- 15 Lecturers would move up the scale until they reach MG6 (£26,465) (see Table 3). As is the current practice in colleges, progression will be on the basis of the individual having no serious shortcomings in carrying out lecturing duties. On 1 April 2004, lecturers would move to the nearest new scale point immediately above their current salary.

Table 3: Proposed main scale for lecturers

Grade	Proposed lecturers' main scale
1	£18,672 (MG1)
2	£20,031 (MG2)
3	£21,639 (MG3)
4	£23,310 (MG4)
5	£25,146 (MG5)
6	£27,129 (MG6)

Extension of Main Grade Scale

- 16 The fforwm side have supported the principle of extending the main grade scale to allow lecturers to achieve in 2005/06 actual pay parity with school teachers, subject to the Assembly making funding available and to progression on to this scale being based on some threshold criteria. Such a scale however must also be in the context of the pay of those lecturing staff taking on additional academic responsibilities and of management spine staff, many of who have substantial teaching duties. Differentials for these staff must not be eroded.

- 17 The Welsh Assembly Government had originally opposed the introduction of performance related pay for lecturers. This appeared to rule out the introduction for lecturers of any upper pay spine points as used for school teachers passing through the threshold. However, the Minister for Education and Lifelong Learning in a letter to Margaret Phelan on 20 June stated the following. *'You asked my thoughts on the issue of establishment of a threshold and upper pay scale for lecturers in FE institutions and criteria for progression on to such a scale, should it be established. My initial feelings are that I would wish to see similar or current arrangements and criteria operating in Further Education Institutions to those that apply in the maintained schools sector.'* In fforwm's view, this letter gives the green light to press forward with discussions on the introduction of an Upper Pay Spine (UP2 &3) for FE institutions linked to performance. The Trade Union side did not accept this view.

- 18 Recent research shows that around 97 per cent of schoolteachers who apply for threshold have been successful. If a similar proportion of lecturers eligible to apply for threshold payment moved on to UP1, then it is the view of fforwm that it will be costly and administratively time-consuming to set up a selection procedure in order to identify the small number who would not progress. It is proposed that all lecturers who have progressed up the lecturers' pay scale and are therefore eligible for progression to UP1 would have a normal expectation of progression from MG6 to UP1 from 1 April 2004 (see Table 4). If there are any exceptions as outlined in Para 15, the college must notify the person in writing, setting out the reasons.

Table 4: Proposed Upper Pay Spine for Lecturers

Grade	Proposed Lecturers Upper Pay Spine	Implementation
UP1	£29,385	Agreed wef 1/4/04
UP2	£30,474	To Be Agreed in Year 3 Negotiations
UP3	£31,602	

19. Discussions will take place between fforwm and trade unions on criteria for progression of lecturers on to and up the Upper Pay Spine (UP2 & 3) as part of the Year 3 negotiations. The agreement in the Year 3 negotiations on progression to Upper pay Spine 2 and 3 would also be subject to funding from the Welsh Assembly Government.
20. Discussions will also take place between fforwm and the trade unions as part of the Year 3 negotiations to achieve a satisfactory settlement for middle managers, most of who have substantial teaching duties, to avoid the erosion of differentials.

Part-Time Hourly Paid Lecturing Staff

21. Under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, from 1 July 2000 (there were two amendments which came into force on 1 October 2002 covering comparators and access to company pension schemes) part-time workers must not be treated less favourably than comparable full-time workers in their terms and conditions unless it is objectively justified.

22. Thus part-time workers are entitled to:
- the equivalent hourly rates of pay
 - the same access to company pension schemes
 - the same entitlements to annual leave and maternal/parental leave on a pro-rata basis
 - the same entitlement to contractual sick pay
 - no less favourable treatment in access to training.
- (Department of Trade and Industry, Part-Time Work)*
23. Colleges in Wales have implemented or are working towards the implementation of the Part-time Worker Regulations. This agreement sets out the support of employers and trade unions for the principle that part-time hourly paid lecturers should not be treated less favourably than full-time/fractional lecturers and identifies a framework for implementing the Regulations.
24. The hourly rates for part-time hourly paid lecturers should be calculated on a pro rata basis to that of unqualified and qualified full-time/fractional lecturers. Full-time and fractional lecturers carry out teaching duties (class contact) as well as preparation, administration, course/curriculum development, training and other agreed activities.
25. It is suggested that fforwm and unions, drawing on examples of existing good practice in colleges in Wales in implementing the Part-Time Worker Regulations, agree to a set of key principles. These principles can then be implemented by colleges. Because of the complexity of part-time arrangements in colleges and the need to identify examples of employment practice which meets the requirements of the Regulations, it is suggested that a working group makes recommendations with a view to implementation from 1 August 2004 subject to funds being made available as set out in the concluding paragraphs of this agreement . In the interim part time staff shall be awarded a cost of living increase with effect from 1 April 2004.
26. The hourly rate currently paid to part-time lecturers varies between colleges. Also the contracted class contact hours of full-time lecturers and the type of duties carried out differ from college to college. The time spent on class contact varies between colleges as does the length of holidays. These local agreements will need to be taken into account by each college.

27. To comply with relevant legislation, part-time hourly paid lecturing staff are entitled to full incremental progression. This incremental progression will place considerable financial burdens on colleges in the long term. It is also likely that more part-time hourly paid lecturers may wish to join the teachers pension scheme, thus increasing the costs to employers. These added costs need to be taken into account in the future funding of colleges by the Assembly Government and ELWa to avoid considerable longer-term financial problems for colleges.

Management Spine

28. Management spine staff should receive at least an inflationary increase. This will help ensure the preservation of differentials and the recognition of additional responsibilities carried out by management spine staff. A more detailed analysis should be carried out during the year into responsibilities and appropriate allowances. The NFENCW should emphasise strongly to the Minister the need to review responsibilities and allowances for lecturers and managers to be implemented in Year 3 – 2005/06. Management spine staff with teaching duties and those managers with responsibility for managing teaching staff should be entitled to earn at least the level of the UP1. As a general principle, no manager should be paid less than the staff they manage.
29. As part of discussions on Year 3 (2005/06), a working party should be established to consider responsibilities and allowances and should aim to complete its task by August 2004.

Support Staff

30. It is fforwm's view that support staff should receive at least an inflationary increase. The minimum hourly rate for business support staff should be £5.33p per hour from 1 April 2004. There should be a review by a joint Working Party including job evaluation of the pay of business support staff in Year 3 within an agreed time scale.
31. The Trade Union side sought a 3.5 per cent increase for all support staff and the establishment of a £6.00 per hour minimum rate of pay for support staff on a staged basis to be achieved by 1 April 2005. fforwm agreed in principle to the introduction of a minimum hourly rate of £6.00 by 1 April 2005 subject to doing some further work on the cost of its introduction and it being funded by the Welsh Assembly Government.

Conclusion

- 32 This paper has set out some core principles and estimated the costs of introducing pay parity between college lecturers and school teachers in Wales. Costings set out in Annex 1 cover the introduction of a common scale for instructors/demonstrators, associate lecturers and qualified lecturers and a calculation of the costs of an inflationary pay increase based on assumptions of the level of the pay increase given to school teachers from 1 April 2004. Any funds remaining from these costs will be used to resolve the issues affecting part-time hourly paid lecturing staff. If surplus funds remain after resolving the issues affecting part time staff then the balance will be used to address issues affecting other groups of staff. Because of the different pay arrangements in each college, it is difficult to arrive at precise figures for the overall costs. The estimates for introducing pay parity for part-time hourly paid lecturers are particularly complex and it will be difficult to provide accurate figures until the report from the working group set up to identify principles have been agreed and implemented from 1 August 2004.
- 33 The proposals will have considerable long term implications for colleges as they have a wide range of pay systems in place which have evolved since incorporation in 1993. It is difficult to transform these overnight.
- 34 The allocation of funds by the National Council-ELWa, awarded by the Welsh Assembly Government, needs to be carried out fairly and transparently. It should also be recognised that some colleges have already achieved pay parity with schoolteachers and/or have implemented the Regulations affecting Part-Time staff.
- 35 For Year 3 (2005/06), there should be a review of the responsibilities and allowances especially impacting on middle management and a review of the pay of business support staff, assuming that funding will be available from the Assembly Government.

ANNEXES

Annex 1

The National Council-ELWa is making available £11m for FE pay in 2004/05 (Year 2) on top of the £9m consolidated from 2003-04 (Year1). This money can only be used for pay.

The costs set out below are still being revised. The calculations involving large numbers of staff are complex and the figures below remain provisional.

Calculating the Overall Costs

**Table 5: 2.5% pay increases for all staff before introduction of new scale points
(based on paybill 1 April 2003- 31 March 2004)**

FE Staff	Paybill (£)	2.5% increase (£)
FT/fractional lecturers	£100,177,000	£2,504,000
PT hourly lecturers	£28,264,000	£706,600
Support Staff	£60,981,000	£1,825,000
Management spine	£30,741,000	£768,525
Total	£220,163,000	£5,804,125

Table 6: Costs of Introducing New Scales

FE Staff	Cost of new scales
Instructors/demonstrators	£60,000
Associate lecturers	Not costed but small
Main grade lecturers	£1,365,276
Upper pay spine	£993,644
Part-time lecturers (estimated figures)	£2 million - £2.67 million
Additional costs of consolidation of £9m	£347,000
Total	£4,765,920 – £5,435,920

Table 7: Total Costs of Pay Parity

	Assuming £2.m costs for part-time pay (£)	Assuming £2.67m costs for part-time pay (£)
Cost of pay parity	£4,765,920	£5,435,920
2.5% inflation	£5,804,125	£5,804,125
Total (a)	£10,570,045	£11,240,045
Consolidation (b)	£9,000,000	£9,000,000
Consolidation ©	£4,000,000	£4,000,000
Total (a + b + c)	£23,570,045	£24,240,045

(b) - £9m allocated from 1 April 2003 and consolidated in 2004/05
© - £4m allocated to help pay for pension costs and consolidated into the funding unit

Annex 2

2002 No. 1663 (W.158)

EDUCATION, WALES

Further Education Teachers' Qualifications (Wales) Regulations 2002

Made 25th June 2002

Coming into force 1st July 2002

In exercise of the powers conferred on the Secretary of State by sections 218(1)(b) and (10)(aa) and 232(5) and (6) of the Education Reform Act 1988^[1] and now vested in the National Assembly for Wales^[2], the National Assembly for Wales makes the following Regulations:

Citation, commencement and application

1. - (1) These Regulations are called the Further Education Teachers' Qualifications (Wales) Regulations 2002 and shall come into force on 1st July 2002.
- (2) These Regulations apply only to Wales.

Interpretation

2. In these Regulations -

"Certificate of Education" ("*Tystysgrif Addysg*") means a qualification known by that name awarded prior to 1st August 2002 by an institution within the higher education sector;

"institution within the further education sector" ("*sefydliad o fewn y sector addysg bellach*") means an institution within the meaning of section 91(3) of the Further and Higher Education Act 1992^[3];

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"relevant teacher" ("*athro neu athrawes berthnasol*") means a person employed as a teacher (whether or not the post in which the person is employed is described as a teaching post) in an institution within the further education sector other than -

- (a) a person who is employed to teach courses of higher education only, and
- (b) a person whose primary occupation or profession is not teaching and who is employed by the college on a temporary or occasional basis to provide updating on current industrial, commercial or professional practice;

"stage 3 FE teaching qualification" ("*cymhwyster addysgu AB cam 3*") means a qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;

"stage 2 FE teaching qualification" ("*cymhwyster addysgu AB cam 2*") means the intermediate stage of the stage 3 FE teaching qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;

"stage 1 FE teaching qualification" ("*cymhwyster addysgu AB cam 1*") means the introductory stage of the stage 3 FE teaching qualification the standards for which are specified by the National Assembly for the purpose of these Regulations;

"stage 3 post" ("*swydd cam 3*") means a teaching post for which a stage 3 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;

"stage 2 post" ("*swydd cam 2*") means a part-time teaching post for which a stage 2 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;

"stage 1 post" ("*swydd cam 1*") means a part-time teaching post for which a stage 1 FE teaching qualification is, in the opinion of the institution within the further education sector which employs the teacher, an appropriate qualification;

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999^[4];

"1999 Regulations qualification" ("*cymhwyster Rheoliadau 1999*") means a qualification that confers upon a person the status of a qualified teacher within the meaning of regulation 10 of the 1999 Regulations.

Relevant teachers to have qualifications

3. - (1) This regulation applies to every person who becomes a relevant teacher on or after 1st July 2002 at an institution within the further education sector in Wales who has not at any time before that date been –
- (a) a relevant teacher (at an institution within the further education sector in England or Wales);
 - (b) a teacher at -
 - (i) in England or Wales, a school maintained by a local education authority, a city technology college, a city college for the technology of the arts or city academy or, before 1st September 1999, a grant-maintained or grant-maintained special school;
 - (ii) in Scotland, a grant aided school or school maintained by an education authority;
 - (iii) in Northern Ireland, a controlled school under the authority of a local education and library board, a maintained school, a grant-maintained integrated school or a voluntary grammar school;
 - (c) a teacher at an institution (in England or Wales) which, before 1st April 2001 was an external institution within the meaning of section 6(5) of the Further and Higher Education Act 1992[5];
 - (d) a teacher at -
 - (i) in Scotland, a college of further education,
 - (ii) in Northern Ireland, an institution of further education within the meaning of the Further Education (Northern Ireland) Order 1997[6];
 - (e) a teacher at an institution in the European Economic Area, the Channel Islands or the Isle of Man providing education which is equivalent to secondary or further education and which is part of the public system of education of the state or territory in question.
- (2) Every relevant teacher to whom this regulation applies who at any time is employed full-time must, before the date determined in accordance with regulation 4(1) (if it occurs), hold -

- (a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;
 - (b) a Certificate of Education;
 - (c) a stage 3 FE teaching qualification; or
 - (d) a qualification equivalent to a stage 3 FE teaching qualification
- (3) Every relevant teacher to whom this regulation applies who at any time is employed part-time under a contract to work for a specified proportion of the period for which a full-time teacher is employed to work must, before the date determined in accordance with regulation 4(1) (if it occurs), hold -
- (a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;
 - (b) a Certificate of Education;
 - (c) a stage 3 FE teaching qualification; or
 - (d) a qualification equivalent to a stage 3 FE teaching qualification.
- (4) Every relevant teacher to whom this regulation applies who is at any time employed part-time and who does not fall within paragraph (3) must, before the date determined in accordance with regulation 4(2) (if it occurs), hold -
- (a) a 1999 Regulations qualification or an authorisation to teach in accordance with Part II or Part III of Schedule 2 to the 1999 Regulations;
 - (b) a Certificate of Education;
 - (c) a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is employed in a stage 1, stage 2 or stage 3 post); or
 - (d) an equivalent qualification to a stage 1, stage 2 or stage 3 FE teaching qualification (depending on whether the teacher is employed in a stage 1, stage 2 or stage 3 post).
- (5) For the purposes of this regulation -

- (a) a qualification is equivalent to a stage 1, stage 2 or stage 3 FE teaching qualification, if it appears to the National Assembly to be of equivalent standard to, or higher standard than, those qualifications and if it is specified by the National Assembly for the purpose of these Regulations; and
- (b) a person who holds a stage 3 FE teaching qualification is to be treated as also holding a stage 2 FE teaching qualification and a person who holds, or is to be treated as holding, a stage 2 FE teaching qualification is to be treated as also holding a stage 1 qualification.

Dates referred to in regulation 3

- 4. - (1) The date referred to in regulation 3(2) and (3) is the date on which the teacher has been employed full-time, or part-time under a contract such as is mentioned in regulation 3(3) for a period of, or for discontinuous periods which when added together amount to -
 - (a) two years from the date on which the relevant course started, where the teacher is employed full-time; and
 - (b) four years from the date on which the relevant course started, where the teacher is employed part-time.
- (2) The date referred to in regulation 3(4) is -
 - (a) where the teacher is employed in a stage 1 post, the date on which the teacher has been employed for a period of, or for discontinuous periods which when added together amount to, two years from the date on which the relevant course started;
 - (b) where the teacher is employed in a stage 2 post, the date on which the teacher has been employed in a stage 2 or stage 3 post for a period of, or for discontinuous periods which when added together amount to, four years from the date on which the relevant course started;
 - (c) where the teacher is employed in a stage 3 post, the date on which the teacher has been employed in a stage 3 post for a period of, or for discontinuous periods which when added together amount to, four years from the date on which the relevant course started.

- (3) The "relevant course" referred to in paragraphs (1) and (2) is -
- (a) for the purposes of paragraph (1), the first course leading to a stage 3 FE teaching qualification which the teacher might reasonably attend, starting after the teacher first becomes a relevant teacher employed full-time, or employed part-time under a contract such as is mentioned in regulation 3(3);
 - (b) for the purpose of paragraph (2)(a), the first course leading to a stage 1 FE teaching qualification which the teacher might reasonably attend, starting after the teacher first becomes a relevant teacher;
 - (c) for the purposes of paragraph (2)(b), the first course leading to a stage 2 FE teaching qualification which the teacher might reasonably attend, starting after the teacher takes up a stage 2 or stage 3 post for the first time; and
 - (d) for the purpose of paragraph (2)(c), the first course leading to a stage 3 FE teaching qualification which the teacher might reasonably attend, starting after the teacher takes up a stage 3 post for the first time.
- (4) In computing the periods referred to in paragraphs (1) to (3) the following periods are not to be taken into account -
- (a) any periods during which the teacher is on sick leave, maternity leave or parental leave; and
 - (b) any other periods which in all the circumstances it is reasonable to leave out of account.

Amendment of the 1999 Regulations

5. Regulation 4 of the 1999 Regulations is amended as follows -
- (a) in paragraph (2)(b) after "further education institution" there is inserted "maintained by a local education authority"; and
 - (b) for paragraph (3) there is substituted -

" (3) The requirement in paragraph (1) is additional to the requirements relating to qualifications for employment at schools and institutions within the further education sector contained in Part IV of these Regulations and the Further Education

Teachers' Qualifications (Wales) Regulations 2002
respectively.".

Signed on behalf of the National Assembly for Wales under section 66(1) of the
Government of Wales Act 1998[7]

D. Elis-Thomas
The Presiding Officer of the National Assembly

25th June 2002

21 June 2004