



# Education (Wales) Act 2014

2014 anaw 5

## PART 2

### EDUCATION WORKFORCE

#### *Induction and appraisal of registered persons*

#### **17 Requirement to undertake period of induction**

- (1) The Welsh Ministers may by regulations make provision for, and in connection with, requiring a person to have satisfactorily completed such period of induction in a place or setting of such description as may be specified before the person may be registered (otherwise than on a provisional basis).
- (2) Regulations under subsection (1) may make provision—
  - (a) about the circumstances in which a person may be exempted from the requirement to have satisfactorily completed a period of induction;
  - (b) about the period and process of induction including, in particular, provision relating to—
    - (i) the periods of employment which may count towards the period of induction;
    - (ii) the approvals which may be required before a person may undertake a period of induction;
    - (iii) the circumstances in which induction is not to occur at a place or setting of a specified description;
    - (iv) the circumstances in which a person may undertake more than one period of induction;
  - (c) about the training and supervision of a person during a period of induction;
  - (d) about the assessment of persons who are undertaking a period of induction, including, in particular, provision—
    - (i) specifying the person or body who is responsible for deciding whether a person has satisfactorily completed a period of induction (“the appropriate body”);

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*Status: This is the original version (as it was originally enacted).*

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- (ii) requiring a relevant principal to make a recommendation to the appropriate body as to whether a person has met the required standards determined under section 18;
  - (iii) specifying circumstances in which the appropriate body may or must decide that a person's period of induction should be extended;
  - (e) about the consequences of a person completing a period of induction (whether satisfactorily or not), including, in particular, provision—
    - (i) requiring the appropriate body to inform the Welsh Ministers and the Council when a person has completed a period of induction or had it extended;
    - (ii) requiring that the employer of a person who has not satisfactorily completed a period of induction terminate the person's employment or otherwise secure that the person stops providing relevant services for the employer;
    - (iii) requiring that the person only provides such relevant services for the person's employer as may be determined in accordance with the regulations;
  - (f) about such other matters relating to periods of induction as the Welsh Ministers consider necessary or expedient, including (for example) provision —
    - (i) requiring an appropriate body which is not a local authority to include a representative of such an authority,
    - (ii) conferring further functions on the appropriate body, and
    - (iii) authorising the appropriate body, in such circumstances as may be specified, to make such charges in connection with the exercise of its functions as it may determine.
- (3) A person or body exercising a function under this section or any regulations made under it must have regard to any relevant guidance issued by the Welsh Ministers.

## **18 Induction assessment standards**

- (1) The Welsh Ministers may determine the standards against which a person is to be assessed for the purpose of deciding whether or not that person has satisfactorily completed a period of induction under section 17.
- (2) Different standards may be determined for different categories of registration.
- (3) The Welsh Ministers must consult the Council before making a determination under this section.

## **19 Appeals against induction decisions**

- (1) A person who is aggrieved by a decision of the appropriate body under section 17(2)(d) may appeal against the decision to the Council.
- (2) Any decision made on such an appeal is final (and may not be appealed).
- (3) The Welsh Ministers may by regulations make provision about such matters relating to appeals under this section as the Welsh Ministers consider necessary or expedient.

## **20 Induction: intervention powers**

- (1) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) has effect in relation to duties imposed and powers conferred by virtue of section 17 as if references to the local authority included—
  - (a) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution, and
  - (b) an appropriate body other than a governing body of a school maintained by a local authority, the governing body of a special school not so maintained or a local authority.
- (2) For the purposes of subsection (1), a direction given by the Welsh Ministers under Chapter 2 of Part 2 of the 2013 Act is enforceable by an injunction (rather than a mandatory order) on application by, or on behalf of, the Welsh Ministers.
- (3) This section is without prejudice to Part 2 of the 2013 Act as it applies to—
  - (a) governing bodies of—
    - (i) schools maintained by a local authority in Wales,
    - (ii) special schools in Wales which are not so maintained, and
  - (b) local authorities in Wales,in respect of any duties imposed or powers conferred on them by virtue of section 17.

## **21 Induction: interpretation**

For the purposes of sections 17 to 20—

“appropriate body” is to be construed in accordance with section 17(2)(d);

“relevant principal” means—

- (a) the head teacher of a school,
- (b) the principal of a further education institution, and
- (c) any other person with overall responsibility for registered persons providing relevant services.

## **22 Special provision for maintained schools with delegated budgets**

- (1) This section applies where a person—
  - (a) has undertaken a period of induction at a relevant maintained school with a view to becoming a school teacher or a school learning support worker,
  - (b) has not satisfactorily completed such period of induction, and
  - (c) in accordance with a requirement imposed by virtue of section 17(2)(e)(iii), is providing only such relevant services at the school as have been determined in accordance with the regulations.
- (2) Any costs incurred by the local authority in respect of the person’s remuneration are not to be met from the school’s budget share for any financial year except in so far as the authority has good reason for deducting those costs, or any part of those costs, from that share.
- (3) In this section—
  - (a) a “period of induction” means a period of induction required under regulations under section 17(1);

- (b) a “relevant maintained school” is a school maintained by a local authority in Wales which has a delegated budget;
- (c) a reference to a school’s budget share or to its having a delegated budget has the same meaning as in Part 2 of the School Standards and Framework Act 1998.

### **23 Appraisal of registered persons**

- (1) The Welsh Ministers may by regulations require the appraisal of the performance of registered persons—
  - (a) in a manner specified by the regulations, and
  - (b) at times specified by or determined in accordance with the regulations.
- (2) Regulations under subsection (1) may impose a duty on—
  - (a) a local authority;
  - (b) the governing body of a school or a further education institution;
  - (c) any other employer of registered persons providing relevant services;
  - (d) the head teacher of a school or the principal of a further education institution;
  - (e) any other person with overall responsibility for registered persons providing relevant services.
- (3) Regulations under subsection (1) may—
  - (a) require or permit an appraisal to be carried out in a manner which confers a discretion on a person specified by, or chosen or determined in accordance with, the regulations;
  - (b) permit a person on whom a duty is imposed under subsection (2) to delegate that duty in whole or in part.
- (4) Regulations under subsection (1) may require or permit a person listed in subsection (2) to have regard to the results of an appraisal in the performance of a function specified by the regulations.
- (5) The results of an appraisal may be used in determining a school teacher’s remuneration.
- (6) Before making regulations under this section the Welsh Ministers must consult such persons or bodies as they consider appropriate.
- (7) In this section, “school” means—
  - (a) a school maintained by a local authority in Wales, and
  - (b) a special school in Wales not so maintained.