
STATUTORY INSTRUMENTS

2012 No. 1115

The Education (Induction Arrangements for School Teachers) (England) Regulations 2012

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 and, subject to paragraph (2), come into force on 1st September 2012.

(2) Regulation 16(b) comes into force on 1st September 2013.

(3) These Regulations apply in relation to England.

Revocations and transitional provision

2.—(1) Subject to paragraph (2), the 2008 Induction Regulations are revoked.

(2) The 2008 Induction Regulations continue to apply to any person who completed an induction period within the meaning of those Regulations before 1st September 2012, and these Regulations do not apply to any such person.

(3) In paragraph (2) the reference to a person who has completed an induction period includes a person—

(a) whose induction period is extended under regulation 16(3)(b), 19(3)(c) or 19(4)(c) of the 2008 Induction Regulations; and

(b) who immediately before 1st September 2012 has not completed the induction period as extended.

Interpretation

3.—(1) In these Regulations—

“appropriate body” means the appropriate body under regulation 4;

“authority” means a local authority;

“institution” means a school or institution in which an induction period may be served under these Regulations;

“teaching school” means a school designated as such by the National College for School Leadership or the Secretary of State;

“the 1998 Act” means the School Standards and Framework Act 1998(1);

“the 2003 Qualifications Regulations” means the Education (School Teachers’ Qualifications) (England) Regulations 2003(2);

(1) 1998 c. 31.

(2) S.I. 2003/1662, as amended by section 74 of the Education Act 2005 (c. 18) and further amended by S.I. 2007/2782, 2009/3156, 2010/1172 and 2012/431.

“the 2008 Induction Regulations” means the Education (Induction Arrangements for School Teachers) (England) Regulations 2008(3);

“the Welsh Induction Regulations” means the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(4).

(2) For the purposes of these Regulations, “head teacher” includes the principal of an institution.

Appropriate body

4.—(1) For the purposes of these Regulations the appropriate body —

- (a) in relation to a relevant school(5) is a body mentioned in paragraph (2) which has agreed to act as the appropriate body in relation to the school;
- (b) in relation to an independent school, a 16 to 19 Academy(6), an alternative provision Academy(7) or a non-maintained nursery school is a body mentioned in paragraph (2) which has agreed to act as the appropriate body in relation to the school or Academy (as the case may be); and
- (c) in relation to a further education institution is a body mentioned in paragraph (2) (b) or (c) which has agreed to act as the appropriate body in relation to the institution.

(2) A body referred to in paragraph (1) is —

- (a) any body of persons (corporate or unincorporate) whom the Secretary of State has determined may act as the appropriate body in relation to such institutions;
- (b) an authority; or
- (c) subject to paragraph (3), a teaching school.

(3) A teaching school may not act as the appropriate body in relation to an institution in respect of any teacher—

- (a) who has been assessed by that teaching school as meeting the specified standards for the purposes of the award of qualified teacher status; or
- (b) who is serving any part of their induction period at that school.

(4) For the purposes of this regulation, “specified standards” means the standards set out in “Teachers’ Standards” published by the Secretary of State in July 2011(8).

Requirement to serve an induction period

5. Subject to the exceptions in Schedule 1, no qualified teacher(9) is to be employed or engaged as a teacher at a relevant school unless that person has satisfactorily completed an induction period in accordance with these Regulations.

Institutions in which an induction period may be served

6.—(1) Subject to paragraphs (3) and (4), an induction period may be served in—

- (a) a relevant school;

(3) [S.I. 2008/657](#), as amended by [S.I. 2010/1172](#) and [S.I. 2012/513](#).

(4) [S.I. 2005/1818](#), as amended by [S.I. 2007/2811](#) and [2010/1142](#).

(5) See section 135A(4) of the Education Act 2002 for the definition of a relevant school.

(6) See section 1B of the Academies Act 2010 ([c.32](#)) for the definition of a 16 to 19 Academy. Section 1B was inserted by section 53(7) of the 2011 Act.

(7) See section 1C of the Academies Act 2010 for the definition of an alternative provision Academy. Section 1C was inserted by section 53(7) of the 2011 Act.

(8) The Teachers’ Standards can be found at <https://www.gov.uk/government/publications/teachers-standards>.

(9) See section 132 of the Education Act 2002 for the definition of a qualified teacher.

- (b) a nursery school that—
 - (i) is not maintained by an authority; and
 - (ii) is not a special school;
 - (c) an independent school in England;
 - (d) an independent school overseas, provided that—
 - (i) such a school is a member of an organisation which the Secretary of State has determined may represent independent schools overseas; and
 - (ii) an inspection within the previous six years by an inspectorate accredited by the Secretary of State has confirmed that the school complies with the standards⁽¹⁰⁾ issued by the Secretary of State for such schools;
 - (e) a 16 to 19 Academy and an alternative provision Academy; or
 - (f) a further education institution.
- (2) Subject to paragraph (3), an induction period may also be served in a school or a further education institution in Wales in which an induction period may be served under the Welsh Induction Regulations.
- (3) An induction period may not be served in—
- (a) a school which is eligible for intervention by virtue of section 62 of the 2006 Act, unless—
 - (i) the person in question first worked as a qualified teacher, or was employed on an employment-based teacher training scheme, at the school at a time when the school was not eligible for intervention by virtue of section 62 of the 2006 Act or at a time when the circumstances described in section 15(6) of the 1998 Act did not apply; or
 - (ii) the Chief Inspector has certified in writing that the Chief Inspector is satisfied that the school, or the part of such a school in which the person in question teaches, is fit for the purpose of providing supervision and training during an induction period; or
 - (b) a further education institution where the most recent report made pursuant to section 124(4)(a) of the 2006 Act stated that the Chief Inspector considered that the education or training inspected was not of an adequate quality, unless—
 - (i) the person in question first worked as a qualified teacher in that institution at a time when the most recent of such reports did not state that the Chief Inspector considered that the education or training inspected was not of an adequate quality; or
 - (ii) the Chief Inspector has certified in writing that the institution, or the part of such an institution in which the person in question teaches, is fit for the purpose of providing supervision and training during an induction period.
- (4) An induction period may not be served unless, before the start of the induction period, it has been agreed that an appropriate body is to act as such.
- (5) For the purposes of this regulation—
- (a) “the 2006 Act” means the Education and Inspections Act 2006⁽¹¹⁾;
 - (b) “employment-based teacher training scheme” means a scheme established, or having effect as if established, by the Secretary of State for the purposes of paragraph 10 of Schedule 2 to the 2003 Qualifications Regulations⁽¹²⁾;

(10) The standards for independent schools overseas can be found at <https://www.gov.uk/government/publications/british-schools-overseas-standards-for-schools>.

(11) 2006 c. 40.

(12) By paragraph 5 of Schedule 1 to S.I. 2003/1662, the employment-based teacher training programme established under paragraph 19 of Schedule 2 to S.I. 1999/2166 as amended has effect as if established under paragraph 10 of Schedule 2 to S.I. 2003/1662.

- (c) “Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.

Length of an induction period

7.—(1) Subject to the following provisions of this regulation, the length of the induction period is a period equivalent to three school terms of the institution in which induction is begun, based on a school year of three terms.

(2) A period of continuous employment as a qualified teacher of at least the equivalent of one school term, based on a school year of three terms, counts towards an induction period.

(3) The appropriate body may, with the consent of the teacher concerned, reduce the induction period which the teacher is required to serve to a minimum of one school term if they are satisfied that the teacher has met the standards referred to in regulation 10(5).

(4) Unless, before the start of the induction period, the head teacher of the institution agrees, no period of engagement as a supply teacher counts towards an induction period.

Extension of an induction period before completion

8.—(1) Subject to paragraph (2), where a person serving an induction period is absent from work on 30 or more days, that person’s induction period is to be extended by the aggregate period of that person’s absences.

(2) Paragraph (1) does not apply where a person is absent from work for more than 30 days only by reason of the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999(13) unless she requests her induction period to be so extended.

(3) Where an induction period is extended under regulation 10 of the Welsh Induction Regulations and the person serving the induction period becomes employed at an institution in England, the induction period is to be treated as having been extended under this regulation.

(4) Except as provided for in this regulation an induction period may not be extended before its completion.

Service of more than one induction period

9. No person may serve more than one induction period.

Supervision, training and assessment

10.—(1) The head teacher of an institution in which a person is serving an induction period and the appropriate body are responsible for that person’s supervision and training during that induction period.

(2) Where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of those institutions must agree which of them, and which appropriate body, is to be responsible for that person’s supervision and training.

(3) The duties assigned to a person serving an induction period, that person’s supervision and the conditions under which that person works are to be such as to facilitate a fair and effective assessment of that person’s conduct and efficiency as a teacher.

(4) A person serving an induction period in a relevant school must not teach for more than 90 per cent of the time that a teacher at the school would be expected to teach.

(5) The Secretary of State may determine the standards against which a person is to be assessed for the purpose of deciding whether the person has satisfactorily completed an induction period.

Completion of an induction period

11.—(1) A person (“P”) has completed an induction period for the purposes of this regulation where that person has served an induction period of the length specified in regulation 7 and any extension to that period provided for by these Regulations.

(2) This regulation is subject to Schedule 2.

(3) The head teacher of the institution at which P is employed at the completion of the induction period must within 10 working days beginning with the date on which the induction period was completed make a written recommendation to the appropriate body as to whether P—

(a) has achieved the standards mentioned in regulation 10(5); or

(b) should have the induction period extended by such period as the head teacher recommends, and at the same time send a copy of the recommendation to P.

(4) P may make written representations to the appropriate body with regard to the head teacher’s recommendation under paragraph (3) within 10 working days beginning with the date on which the recommendation is received.

(5) The appropriate body must within 20 working days beginning with the date on which they received the head teacher’s recommendation under paragraph (3), decide whether P—

(a) has achieved the standards mentioned in regulation 10(5) and has accordingly satisfactorily completed the induction period;

(b) should have the induction period extended by such period as they determine; or

(c) has failed satisfactorily to complete the induction period.

(6) Before making a decision under paragraph (5) the appropriate body must have regard to any written representations made in accordance with paragraph (4).

(7) The appropriate body must, within 3 working days (or as soon as practicable in the case of the Secretary of State) beginning with the date on which the decision was made under paragraph (5), give written notice of the decision to—

(a) P;

(b) the head teacher of the institution at which P was employed at the completion of the induction period;

(c) if P is not employed by the appropriate body, P’s employer at the completion of the induction period; and

(d) the Secretary of State.

(8) Where the appropriate body made a decision falling within paragraph (5)(b) or (c), the appropriate body must also give P written notice of—

(a) P’s right to appeal pursuant to regulation 14 against the decision;

(b) the address to which an appeal should be sent; and

(c) the time period for making an appeal.

(9) In this regulation “appropriate body” means the appropriate body for the institution at which the person is employed at the completion of the induction period.

Termination of employment following failure satisfactorily to complete an induction period

12.—(1) This paragraph applies to a person employed as a teacher at a relevant school in England when the decision is made under regulation 11(5)(c) of these Regulations, or regulation 14(3)(c) of the Welsh Induction Regulations, that the person has failed satisfactorily to complete their induction period.

(2) The employer of a person to whom paragraph (1) applies must secure the termination of the person's employment as a teacher if—

- (a) no appeal is made to the Secretary of State or the General Teaching Council for Wales against the decision of the appropriate body; or
- (b) such an appeal is dismissed.

(3) An employer must take the steps necessary to secure the termination of the person's employment in the circumstances mentioned in paragraph (2)(a) so that the termination takes effect within 10 working days beginning with the date on which—

- (a) the employer received written notification from the person that they did not intend to appeal to the Secretary of State; or
- (b) the time limit for appeal imposed by paragraph 2 of Schedule 3 or by paragraph 2(1) of Schedule 2 to the Welsh Induction Regulations expired, as the case may be.

(4) The employer must take the steps necessary to secure the termination of the person's employment in the circumstances mentioned in paragraph (2)(b) so that the termination takes effect within 10 working days beginning with the date on which the employer received written notice of the outcome of the appeal hearing.

Inclusion on the list of persons who have failed satisfactorily to complete an induction period

13.—(1) Subject to paragraph (2), the name of any person in respect of whom a decision is made under regulation 11(5)(c) that the person has failed satisfactorily to complete an induction period which the person is required to serve must be included on the list kept by the Secretary of State under section 141C(1)(b) of the Education Act 2002⁽¹⁴⁾.

(2) The name of the person shall not be included on the list until—

- (a) the time within which an appeal may be made against the decision has expired; or
- (b) any such appeal is dismissed.

Appeals

14.—(1) Where the appropriate body makes a decision under regulation 11(5) that a person —

- (a) should have the induction period extended; or
- (b) has failed satisfactorily to complete the induction period,

that person may appeal to the Secretary of State against the decision.

(2) Schedule 3 has effect in relation to appeals under this regulation.

(3) Where a person appeals against a decision to extend the induction period, the Secretary of State may—

- (a) allow the appeal;
- (b) dismiss the appeal; or

⁽¹⁴⁾ Section 141C(1)(b) of the Education Act 2002 provides for the Secretary of State to maintain a list including the names of persons who have begun, but have failed satisfactorily to complete, an induction period in prescribed circumstances. Section 141C(1)(b) was inserted by section 8 of the 2011 Act.

(c) substitute a different period of extension.

(4) Where a person appeals against a decision that they have failed satisfactorily to complete the induction period, the Secretary of State may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) extend the induction for such period as the Secretary of State thinks fit.

Other functions of the appropriate body

15. The appropriate body may provide—

- (a) guidance, support and assistance to institutions; and
- (b) training for teachers,

in connection with providing training, supervision and assessment under these Regulations.

Charges

16. Where an appropriate body exercises a function under these Regulations, they may make a reasonable charge not exceeding the cost of exercising that function—

- (a) to the proprietor of an independent school, 16 to 19 Academy, alternative provision Academy or nursery school, or to the governing body of a further education institution; or
- (b) to the governing body of a relevant school.

Guidance given by the Secretary of State

17. A person or body exercising a function under these Regulations must have regard to any guidance given by the Secretary of State from time to time as to the exercise of that function.

Notice under these Regulations

18. Notice under these Regulations may be given to a person by facsimile, electronic mail or other similar means which are capable of producing a document containing the text of the communication, in which case the notice will be deemed to have been received on the second day after the day on which it was transmitted.

18th April 2012

Nick Gibb
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Department for Education