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WELSH STATUTORY INSTRUMENTS

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**2003 No. 543 (W.77)**

**EDUCATION, WALES**

**The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003**

*Made* - - - - - *5th March 2003*

*Coming into force* - - - - - *17th March 2003*

In exercise of the powers conferred on the Secretary of State by sections 19 and 42(6) and (7) of the Teaching and Higher Education Act 1998<sup>(1)</sup> and now vested in the National Assembly for Wales<sup>(2)</sup>, the National Assembly for Wales makes the following Regulations:

**Name, commencement and application**

1.—(1) These Regulations are called the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 and shall come into force on 17th March 2003.

(2) These Regulations apply in relation to school teachers in Wales.

**Interpretation**

2.—(1) Save where the context otherwise requires, in these Regulations —

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(3)</sup>;

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998<sup>(4)</sup>;

“appropriate body” (“*corff priodol*”) means the appropriate body under regulation 4;

“authority” (“*awdurdod*”) means a local education authority;

“core subject” (“*pwnc craidd*”) means a subject referred to in section 354(1) of the 1996 Act;

“the Council” (“*y Cyngor*”) means the General Teaching Council for Wales;

“employer” (“*cyflogwr*”) includes an authority, governing body or other person who engage (or make arrangements for the engagement of) a person to provide his or her services as a teacher otherwise than under a contract of employment, and “employed” (“*cyflogi*”),

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(1) 1998 c. 30; for the meaning of “prescribed” and “regulations” see section 43(1).

(2) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) 1996 c. 56.

(4) 1998 c. 31.

“employment” (*“cyflogaeth”*) and any expressions relating to the termination of employment are to be construed accordingly;

“England’s Induction Regulations” (*“Rheoliadau Ymsefydlu Lloegr”*) means regulations made from time to time under section 19 of the Teaching and Higher Education Act 1998<sup>(5)</sup> in relation to teachers in England;

“foundation subject” (*“pwnc sylfaen”*) means a subject referred to in section 354(1) or (2) of the 1996 Act;

“governing body” (*“corff llywodraethu”*) in relation to a sixth form college has the same meaning as in section 90(1) of the Further and Higher Education Act 1992<sup>(6)</sup>;

“graduate teacher” (*“athro neu athrawes raddedig”*) means a person employed in a school in accordance with Part II of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999<sup>(7)</sup>;

“head teacher” (*“pennaeth”*) includes the principal of a sixth form college;

“induction period” (*“cyfnod ymsefydlu”*) means an induction period required by these Regulations;

“institution” (*“sefydliad”*) means a relevant school, an independent school or a sixth form college in which an induction period may be served under these Regulations, as the context requires;

“key stage” (*“cyfnod allweddol”*) has the same meaning as in section 355(1) of the 1996 Act;

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

“non-maintained special school” (*“ysgol arbennig nas cynhelir”*) means a special school which is neither a community special school nor a foundation special school;

“qualified teacher” (*“athro neu athrawes gymwys”*) has the same meaning as in section 218(2) of the Education Reform Act 1988<sup>(8)</sup>;

“registered teacher” (*“athro neu athrawes gofrestredig”*) means a person employed in a school in accordance with Part III of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999;

“relevant school” (*“ysgol berthnasol”*) has the meaning given to it by section 19 of the Teaching and Higher Education Act 1998;

“school day” (*“diwrnod ysgol”*) in relation to a school means any day on which at that school there is a school session;

“school session” (*“sesiwn ysgol”*) has the same meaning as in regulations 3 and 4 of the Education (School Day and School Year) (Wales) Regulations 2000<sup>(9)</sup>;

“school term” (*“tymor ysgol”*) includes a term of a sixth form college;

“school year” (*“blwyddyn ysgol”*) includes the academic year of a sixth form college;

“sixth form college” (*“coleg chweched dosbarth”*) means a further education institution principally concerned with the provision of full-time education suitable to the requirements of persons who have not attained the age of 19 years;

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(5) The regulations in force for England at the time of making these Regulations were the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (S.I. 2001/2897) as amended by S.I. 2001/3938 and S.I. 2002/2063.

(6) 1992 c. 13.

(7) S.I. 1999/2817 (W. 18) amended by S.I. 2002/2938 (W.279) and S.I. 2003/140 (W.12).

(8) 1988 c. 40. The Regulations currently in force under this provision are the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2187 (W.18) amended by S.I. 2002/2938 (W.279) and S.I. 2003/140 (W.12).

(9) S.I. 2000/1323 (W. 101) amended by S.I. 2001/2499 (W. 202), S.I. 2002/107 (W. 12) and S.I. 2002/1556 (W. 153).

“special school” (“*ysgol arbennig*”) has the same meaning as in section 337(1) of the 1996 Act<sup>(10)</sup>;

“supply teacher” (“*athro neu athrawes gyflenwi*”) means a teacher employed wholly or mainly for the purpose of supervising or teaching pupils whose regular teacher is not available to teach them; and

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971<sup>(11)</sup>.

- (2) Any reference in these Regulations to —
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations;
  - (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and
  - (c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

### **Breach of time limits**

3. Failure by any person to discharge any duty within a time limit specified in these Regulations shall not relieve that person of that duty.

### **Appropriate body**

4. For the purposes of these Regulations —
- (a) the appropriate body in relation to a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school (in each case within the meaning of the 1998 Act) is the authority maintaining it;
  - (b) the appropriate body in relation to a non-maintained special school is the authority for the area in which the school is situated;
  - (c) the appropriate body in relation to an independent school is —
    - (i) an authority, or
    - (ii) such persons or body as the National Assembly may determine, which persons or body must include as a member a representative of an authority; and
  - (d) the appropriate body in relation to a sixth form college is an authority.

### **Requirement to serve an induction period**

5. Subject to the exceptions in Schedule 1, no person is to be employed on or after 1st September 2003 as a teacher at a relevant school unless that person has satisfactorily completed an induction period in accordance with the following provisions of these Regulations in a school or sixth form college to which regulation 6(1) refers.

### **Schools in which an induction period may be served**

- 6.—(1) Subject to paragraph (2), an induction period may only be served in —

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<sup>(10)</sup> Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

<sup>(11)</sup> 1971 c. 80.

- (a) a relevant school in Wales other than a community or foundation special school established in a hospital; or
  - (b) in the circumstances prescribed in paragraph (3) an independent school in Wales; or
  - (c) in the circumstances prescribed in paragraph (4) a sixth form college in Wales; or
  - (d) a school or sixth form college in England in which an induction period may be served under England's Induction Regulations.
- (2) An induction period may not be served in —
- (a) a school in Wales in respect of which the circumstances described in section 15(6)(a) to (c) of the 1998 Act apply, unless —
    - (i) the person in question began his or her induction period or was employed as a graduate teacher or a registered teacher at the school at a time when such circumstances did not apply, or
    - (ii) one of Her Majesty's Inspectors of Education and Training in Wales has certified in writing that he or she is satisfied that the school is fit for the purpose of providing induction supervision and training; or
  - (b) a pupil referral unit.
- (3) The circumstances in which a person may serve an induction period in an independent school are —
- (a) in the case of a person who is employed to teach pupils at the third or fourth key stage, the curriculum of the school for pupils at those key stages includes all the core and other foundation subjects specified in relation to the third and fourth key stages in section 354(3) of the 1996 Act which such person is employed to teach; and
  - (b) in all cases, the curriculum for all registered pupils at the first and second key stages meets the requirements of section 353 of the 1996 Act (the National Curriculum), other than the requirements of paragraph (c) of that section (assessment arrangements); and
  - (c) in all cases, before the start of the induction period the proprietor of the school and either an authority or the persons or body determined by the National Assembly under regulation 4(c) have agreed that the authority or the persons or body, as the case may be, are to act as the appropriate body in relation to the school.
- (4) A person may serve an induction period in a sixth form college in Wales where before the start of the induction period the governing body of the college and an authority have agreed that the authority are to act as the appropriate body in relation to the college.
- (5) In this regulation, "induction period" ("*cyfnod ymsefydlu*") includes a part of an induction period.

### **Length of an induction period**

- 7.—(1) The length of an induction period for a person in full-time service as a teacher is —
- (a) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which a school year consists of three school terms, three school terms;
  - (b) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which the school year consists of four school terms, four school terms;
  - (c) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which the school year consists of five school terms, five school terms; and

(d) in all other cases, one year.

(2) The length of an induction period for a person in part-time service as a teacher in a school, or in two or more schools is the period of time it would take in accordance with his or her contract of employment, or the terms of his or her engagement, for that person to complete 380 school sessions.

(3) The length of an induction period for a person in part-time service as a teacher in a sixth form college, in two or more sixth form colleges or in a combination of one or more schools and one or more sixth form colleges is the period of time it would take in accordance with the contract of employment or the terms of engagement for that person to complete 190 working days falling in term time.

(4) A person has completed an induction period for the purposes of these Regulations when that person has served —

- (a) an induction period of the length specified in paragraph (1) or (2) or (3) (as the case may be) discounting periods of employment which do not count towards an induction period under regulation 8; and
- (b) any extended period under regulation 9.

(5) Where a person serving an induction period is employed in two or more schools simultaneously, the length of his or her induction period is to be determined in accordance with paragraph (2).

(6) Where a person serving an induction period is employed in two or more sixth form colleges simultaneously or in a combination of one or more schools and one or more sixth form colleges simultaneously, the length of his or her induction period is to be determined in accordance with paragraph (3).

### **Periods of employment counting towards an induction period**

**8.—**(1) Subject to paragraph (3) any period of employment on or after 1 September 2003 as a qualified teacher in a school in Wales to which regulation 6(1) applies of not less than one school term in duration counts towards an induction period.

(2) Subject to paragraph (3) any period of employment on or after 1 September 2003 as a qualified teacher in a sixth form college in Wales to which regulation 6(1) applies of not less than one term in duration counts towards an induction period.

(3) No period of employment as a supply teacher in Wales counts towards an induction period unless the head teacher of the school or sixth form college so agrees before the start of such period.

(4) Any period of employment on or after 1 September 2003 at a school or sixth form college in England counts towards an induction period if it would count towards an induction period under England's Induction Regulations.

(5) Except as provided for in paragraph (1), (2) or (4) no period of employment as a teacher counts towards an induction period.

### **Extension of an induction period before completion**

**9.—**(1) Subject to paragraph (2) where a person serving an induction period is absent from work for an aggregate period of thirty or more school days the induction period must be extended by the aggregate period of his or her absences.

(2) Paragraph (1) does not apply where a woman is absent from work by reason of the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999(12) unless she so chooses.

(3) Where five or more years have passed since a person started his or her induction period, and that person has not completed the induction period, he or she may with the agreement of the appropriate body choose to extend the induction period —

- (a) in the case of a teacher in full-time service by a period of no less than a term but not exceeding the appropriate period specified in regulation 7(1); or
- (b) in the case of a teacher in part-time service by a period of no less than a term but not exceeding the period specified in regulation 7(2) or (3).

(4) Where an induction period is extended under England’s Induction Regulations and the person serving the induction period becomes employed at an education institution in Wales, the induction period is to be treated as having been extended under this regulation.

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

#### **Service of more than one induction period**

**10.** Except as provided for in regulation 14 or 17, no person may serve more than one induction period.

#### **Supervision and training during the induction period**

**11.—**(1) The head teacher of a school or sixth form college in Wales in which a person serves an induction period and the appropriate body in relation to that school or sixth form college is responsible for that person’s supervision and training during the induction period.

(2) The duties assigned to a person serving an induction period, the supervision of that person and the conditions under which he or she works must be such as to facilitate a fair and effective assessment of his or her conduct and efficiency as a teacher.

(3) If a person moves from one school or sixth form college to another school or sixth form college during an induction period, the head teacher of the school or college from which the person moves must —

- (a) if he or she knows the identity of the new school or college, within ten working days of the person moving from the school or college, send to it all documents or reports relating to that person’s induction; or
- (b) if he or she does not know the identity of the new school or college, send to the new school or college all documents or reports relating to that person’s induction within ten working days of receiving a request from that school or college.

#### **Responsibility for an induction period served by a teacher in two or more institutions simultaneously**

**12.—**(1) Where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of all the institutions must agree which of them is to act as the lead head teacher.

(2) The lead head teacher is to be solely responsible for carrying out the functions of the head teacher specified in regulation 14(2) to (4) and before doing so he or she must consider all relevant materials relating to a person’s induction provided by any other institution where the person is serving an induction period.

(3) The head teacher of an institution who is not the lead head teacher must provide to the lead head teacher such materials relating to a person’s induction that the lead head teacher may reasonably require to carry out the functions specified in regulation 14(2) to (4).

(4) The appropriate body in relation to the lead head teacher's school or sixth form college is to be solely responsible for carrying out the functions of the appropriate body specified in regulations 9(3) and 14.

### **Standards for determining whether a person has satisfactorily completed an induction period**

13. The National Assembly may determine the standards against which a person who has completed an induction period is to be assessed for the purpose of deciding whether that person has satisfactorily completed his or her induction period, and it may determine different standards in relation to different categories of persons.

### **Completion of an induction period**

14.—(1) This regulation applies where a person has completed an induction period if —

- (a) at the completion of the induction period, that person is employed at a school or sixth form college in Wales, or
- (b) at the completion of an induction period served in two or more institutions simultaneously, the lead head teacher's institution is in Wales.

(2) Within the period of ten working days beginning with the date on which the induction period was completed the head teacher of the school or sixth form college at which the person is employed at the completion of the induction period —

- (a) must make a written recommendation to the appropriate body as to whether the person has achieved the standards mentioned in regulation 13, and
- (b) may, if the recommendation is that the standards have not been achieved, recommend that the induction period be extended and the length of such extension, and
- (c) must at the same time send a copy of the recommendation to the person concerned and,
  - (i) in the case of a relevant school or sixth form college, to the governing body of the school or college at which the person is employed, or
  - (ii) in the case of an independent school, to the proprietor.

(3) Where a person has served induction in more than one educational institution, the head teacher in making a recommendation under paragraph (2) must take into account any documents or reports submitted under regulation 11(3).

(4) Before making a recommendation under paragraph (2), the head teacher must discuss it with the person concerned.

(5) The appropriate body must within the period of twenty working days beginning with the date on which it received the head teacher's recommendation under paragraph (2) decide whether the person who has completed an induction period —

- (a) has achieved the standards mentioned in regulation 13 and has accordingly satisfactorily completed his or her induction period; or
- (b) should have his or her induction period extended by such period as it determines but
  - (i) in the case of a teacher in full-time service not exceeding the appropriate period specified in regulation 7(1); or
  - (ii) in the case of a teacher in part-time service not exceeding the period specified in regulation 7(2) or (3); or
- (c) has failed satisfactorily to complete his or her induction period.

(6) Before making a decision under paragraph (5) the appropriate body must have regard to any written representations received from the person concerned within the period of ten working days beginning with the date on which that person received a copy of the head teacher's recommendation under paragraph (2) (c).

(7) The appropriate body must within the period of three working days beginning with the date on which it made a decision under paragraph (5) —

- (a) give written notice of its decision to —
  - (i) the person concerned,
  - (ii) in the case of a relevant school or sixth form college, the governing body of the school or college at which the person is employed,
  - (iii) in the case of an independent school, the proprietor,
  - (iv) the head teacher of the school or sixth form college at which he or she was employed at the completion of the induction period,
  - (v) if that person is not employed by the appropriate body, his or her employer (if not entitled to receive a notice under paragraph (ii) or (iii) above), and
  - (vi) the Council; and
- (b) if the appropriate body made a decision falling within paragraph (5)(b) or (c), give the person concerned written notice of —
  - (i) his or her right to appeal to the Council against the decision,
  - (ii) the Council's address, and
  - (iii) the time period for making an appeal.

(8) Notice under paragraph (7) 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, and a notice sent by such a method is to be regarded as given when it is received in legible form.

#### **Extension of an induction period pursuant to a decision of the appropriate body or the Council**

**15.**—(1) Regulations 6, 8 to 14, 16 and 17 and Schedule 2 apply in relation to a person serving an induction period extended following its completion by a decision of the appropriate body under regulation 14 or of the Council under regulation 17 as those regulations apply in relation to the initial induction period.

(2) Regulations 6, 8 to 14, 16 and 17 and Schedule 2 also apply in relation to a person serving an induction period extended, following its completion, under England's Induction Regulations if that person is subsequently employed at a school or sixth form college in Wales, as those regulations apply in relation to an initial induction period.

#### **Termination of employment following failure to complete an induction period satisfactorily**

**16.**—(1) This paragraph applies to a person employed as a teacher at a relevant school in Wales who has failed satisfactorily to complete an induction period, whether in Wales or England.

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

- (a) he or she does not appeal to the Council against the decision of the appropriate body; or
- (b) his or her appeal to the Council, or the appeal body under England's Induction Regulations, is dismissed.



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

- (a) the employer received written notification from such person that he or she did not intend to appeal to the Council; or
- (b) the time limit for appeal imposed by paragraph 2(1) of Schedule 2 expired.

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

(5) The employer of a person —

- (a) to whom paragraph (1) applies, and
- (b) who appeals to the Council against the decision of the appropriate body or who appeals to the appeal body under England's Induction Regulations,

is not obliged to secure the termination of such person's employment as a teacher pending the outcome of the appeal provided such employer secures that the person only undertakes such limited teaching duties as the National Assembly may determine.

## Appeals

17.—(1) Where the appropriate body decides under regulation 14 that a person —

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

that person may appeal to the Council against the decision.

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

(3) Where a person appeals against a decision to have an induction period extended, the Council may —

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) substitute a different period of extension but
  - (i) in the case of a teacher in full-time service not exceeding the appropriate period specified in regulation 7(1); or
  - (ii) in the case of a teacher in part-time service not exceeding the period specified in regulation 7(2) or (3).

(4) Where a person appeals against a decision that he or she has failed satisfactorily to complete an induction period, the Council may —

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) extend the induction period for such period as it thinks fit but
  - (i) in the case of a teacher in full-time service not exceeding the appropriate period specified in regulation 7(1); or
  - (ii) in the case of a teacher in part-time service not exceeding the period specified in regulation 7(2) or (3).

### **Other functions of the appropriate body**

**18.** The appropriate body may provide —

- (a) guidance, support and assistance to schools and sixth form colleges; and
- (b) training for teachers,

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

### **Charges**

**19.** An appropriate body in relation to an independent school or sixth form college may make a reasonable charge (not exceeding the cost of provision of the service) to the governing body of a school or sixth form college for which it is the appropriate body in connection with any of its functions under these Regulations.

### **Guidance given by the National Assembly**

**20.** A person or body exercising a function under these Regulations must have regard to any guidance given by the National Assembly from time to time as to the exercise of that function.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(13)

5th March 2003

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

## SCHEDULE 1

## Regulation 5

### CASES IN WHICH A PERSON MAY BE EMPLOYED AS A TEACHER IN A RELEVANT SCHOOL WITHOUT HAVING SATISFACTORILY COMPLETED AN INDUCTION PERIOD

1. A person who on 1 April 2003 is a qualified teacher.
2. A person serving an induction period (including an induction period which has been extended before its completion under regulation 9 or after its completion under regulation 14 or 17).
3. A person who has failed satisfactorily to complete an induction period whose employment is subject to restriction under regulation 16(5) pending the outcome of an appeal.
4. A person employed as a supply teacher where the period or periods of employment are in each case less than one term, and the period since the person was first employed as a supply teacher (by any employer) does not exceed one school year and one term.
5. A person who is not a qualified teacher but who is employed as a teacher at a school by virtue of regulations from time to time in force under section 218(1)(a) of the Education Reform Act 1988(14).
6. A person who has satisfactorily completed an induction period under England's Induction Regulations.
7. A person who has, or is eligible for, full registration as a teacher of primary or secondary education with the General Teaching Council for Scotland.
8. A person —
  - (a) who has successfully completed the induction stage of teacher education in Northern Ireland, or
  - (b) was employed as a teacher in Northern Ireland at any time prior to the introduction of the induction stage of teacher training in Northern Ireland.
9. A person who as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC(15) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, as extended by the Agreement of the European Economic Area signed at Oporto on 2nd May 1992(16) as adjusted by the Protocol signed at Brussels on 17th March 1993(17).
10. A person who has successfully completed a probationary period for teachers under arrangements approved and supervised by the Director of Education of Gibraltar.
11. A person who has successfully completed the States of Jersey Induction Programme for Newly Qualified Teachers.
12. A person who has been approved by the States of Guernsey Education Council as having successfully completed an induction period for teachers.
13. A person who has successfully completed an induction period for teachers under arrangements approved and supervised by the Isle of Man Department of Education.
14. A person who has successfully completed the Service Children's Education Schools Induction Programme in Germany or Cyprus.
15. A person who on or before 1 April 2003 —

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(14) The Regulations in force at the time of making these Regulations were the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2817) (W.18), as amended by S.I. 2002/2938 (W.29) and S.I. 2003/140 (W.12).

(15) O.J. No. L19, 24.1.89, p.16.

(16) Cm.2073.

(17) Cm.2183.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) was employed as a teacher at a relevant school in England or Wales; and
  - (b) either —
    - (i) had successfully completed a course of initial training for teachers in schools at an educational institution in Scotland, or
    - (ii) was registered as a teacher of primary or secondary education with the General Teaching Council for Scotland.
- 16.** A person who on or before 1 April 2003 —
- (a) was employed as a teacher at a relevant school in England or Wales; and
  - (b) either —
    - (i) had successfully completed a course of initial training for teachers in schools at an educational institution in Northern Ireland, or
    - (ii) had been awarded confirmation of recognition as a teacher in schools in Northern Ireland by the Northern Ireland Department of Education, that confirmation not having been withdrawn at any time subsequent to the award.
- 17.** A person who is a qualified teacher by virtue of paragraph 10 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (**18**).
- 18.** A person who is a qualified teacher by virtue of paragraph 11 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999.
- 19.** A person who, under England's Induction Regulations, may be employed as a teacher in a relevant school in England without having satisfactorily completed an induction period.

## SCHEDULE 2

Regulation 17

### PROCEDURE FOR APPEAL AGAINST A DECISION OF THE APPROPRIATE BODY

#### Interpretation

**1.** In this Schedule —

“appellant” (“*apelydd*”) means a person who brings an appeal pursuant to regulation 17 against a decision of the appropriate body under regulation 14;

“appropriate body” (“*corff priodol*”) means the appropriate body who took the decision subject to an appeal;

“disputed decision” (“*penderfyniad sy'n cael ei herio*”) means the matter in relation to which the appellant appeals to the Council; and

“proper officer” (“*swyddog priodol*”) means the person appointed by the Council to perform the duties of a proper officer under this Schedule.

#### Time for and manner of making an appeal

**2.—(1)** An appeal is to be made by sending a notice of appeal to the proper officer so that it is received within the period of 20 working days beginning with the date on which the appellant received notice under regulation 14(7) (a) of the disputed decision.

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(18) [SI 1999/2817 \(W.18\)](#) as amended by [SI 2002/2938 \(W.279\)](#) and [S.I. 2003/140 \(W.12\)](#).

(2) The Council may extend the time limit imposed by sub-paragraph (1), whether or not it has already expired, but must not do so unless it is satisfied that not to extend the time limit would result in substantial injustice.

(3) Where the appellant considers it likely that a notice of appeal will be received outside the time limit imposed by sub-paragraph (1) the notice of appeal may be accompanied by a statement of the reasons relied upon to justify the delay and the Council must consider any such statement in deciding whether or not to extend the time limit.

### **The notice of appeal**

- 3.—(1) The notice of appeal must state —
- (a) the name and address of the appellant;
  - (b) the name and address of the school at which the appellant was employed at the end of the induction period;
  - (c) the name and address of the appellant’s employer, if any, at the date of the appeal;
  - (d) the grounds of the appeal;
  - (e) the name, address and profession of the person (if any) representing the appellant, and whether the Council should send documents concerning the appeal to the representative instead of to the appellant; and
  - (f) whether the appellant requests that the appeal should be decided at an oral hearing.
- (2) The notice of appeal must be signed by the appellant.
- (3) The appellant must annex to the notice of appeal a copy of —
- (a) the notice given to the appellant by the appropriate body under regulation 14(7) (a) relating to the disputed decision;
  - (b) any written statement given to the appellant by the appropriate body giving reasons for its decision; and
  - (c) every other document on which the appellant relies for the purposes of the appeal.

### **Additional documents, amendment and withdrawal of the appeal**

4.—(1) The appellant may at any time before receiving notice of the date fixed for the hearing under paragraph 13 or of a decision of the Council under paragraph 11 —

- (a) send copies of such additional documents as he or she wishes to rely on for the purpose of the appeal to the proper officer;
- (b) amend or withdraw the appeal, or any part of it; or
- (c) amend or withdraw any material submitted in support of the appeal.

(2) The appellant may at any time take any step mentioned in sub-paragraph (1) with the leave of the Council.

(3) Where an appellant withdraws an appeal he or she may not bring a fresh appeal in relation to the disputed decision.

(4) An appeal may be amended or withdrawn by sending to the proper officer an amended notice of appeal or a notice stating that the appeal is withdrawn, as the case may be.

### **Acknowledgement and notification of the appeal**

5.—(1) The proper officer must within the period of ten working days beginning with the date on which the Council received the notice of appeal —

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- (a) send an acknowledgement of its receipt to the appellant;
- (b) send a copy of the notice of appeal and any accompanying documents to the appropriate body;
- (c) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, send a copy of the notice of appeal to that person or body; and
- (d) send a copy of the notice of appeal to the head teacher of the school or sixth form college at which the appellant was employed at the completion of the induction period.

(2) Within the period of ten working days beginning with the date on which the Council received from the appellant any additional documents, amended grounds of appeal, amended documents submitted in support of an appeal or notice of withdrawal of an appeal, the proper officer must send a copy to the appropriate body.

### **Request for further material**

6.—(1) Where the Council considers that the appeal could be decided more fairly and efficiently if the appellant provided further material, it may send to the appellant a notice inviting the appellant to supply that material within the period of ten working days beginning with the date of the notice.

(2) Where the Council sends a notice under sub-paragraph (1) the proper officer must at the same time inform the appropriate body that it has done so.

(3) The proper officer must within the period of ten working days beginning with the date on which the Council received further material under sub-paragraph (1) send a copy of it to the appropriate body.

### **Reply by the appropriate body**

7.—(1) The appropriate body must send to the proper officer a reply fulfilling the requirements of paragraph 8 so that it is received within the period of 20 working days beginning with the date on which the appropriate body received a copy of the notice of appeal.

(2) The Council may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired.

(3) The Council must allow the appeal where the appropriate body states in reply, or at any time states in writing, that it does not seek to uphold the disputed decision, and must do so within the period of ten working days beginning with the date on which the Council received notification that the appropriate body did not seek to uphold the disputed decision.

### **Contents of the reply**

8.—(1) The reply must state —

- (a) the name and address of the appropriate body;
- (b) whether the appropriate body seeks to uphold the disputed decision; and
- (c) in cases where the appropriate body seeks to uphold the disputed decision —
  - (i) the appropriate body's answer to each of the grounds of appeal supplied by the appellant,
  - (ii) whether or not the appropriate body requests an oral hearing, and
  - (iii) the name, address and profession of the person (if any) representing the appropriate body, and whether the Council should send documents concerning the appeal to that representative instead of to the appropriate body.

(2) The appropriate body must annex to the reply —

- (a) a copy of any document on which it wishes to rely for the purpose of opposing the appeal; and
- (b) where the appellant has not sent to the proper officer a copy of a written statement given to the appellant by the appropriate body giving reasons for its decision, a statement giving reasons for the decision.

#### **Additional documents, amendment and withdrawal of the reply**

**9.**—(1) The appropriate body may at any time before it receives notice of the date fixed for the hearing under paragraph 13 or of a decision of the Council under paragraph 11 —

- (a) send copies of such additional documents as it wishes to rely on for the purpose of opposing the appeal to the proper officer;
- (b) amend or withdraw its reply, or any part of it;
- (c) amend or withdraw any material submitted in support of the reply.

(2) The appropriate body may at any time take any step mentioned in sub-paragraph (1) with the leave of the Council.

(3) A reply may be amended or withdrawn by sending to the proper officer an amended reply or a notice stating that the reply is withdrawn, as the case may be.

#### **Acknowledgement and notification of the reply**

**10.**—(1) The proper officer must within the period of ten working days beginning with the date on which the Council received the reply —

- (a) send an acknowledgement of its receipt to the appropriate body; and
- (b) send a copy of the reply and any accompanying documents to the appellant.

(2) Within the period of ten working days beginning with the date on which the Council received from the appropriate body any additional documents, amended reply, amended documents submitted in support of a reply, or notice of withdrawal of a reply, the proper officer must send a copy to the appellant.

#### **Power to decide the appeal without a hearing**

**11.**—(1) Where following the expiry of the period within which the appropriate body is required to send its reply neither the appellant nor the appropriate body has requested an oral hearing, and the Council does not consider an oral hearing is necessary, the Council may decide the appeal without an oral hearing.

(2) Where following the expiry of the period within which the appropriate body is required to send its reply the appropriate body has not done so, the Council may allow the appeal without an oral hearing.

(3) If the Council decides the appeal without an oral hearing, it must send notice of its decision as required by paragraph 17 so that it is received by the appellant and the appropriate body within the period of 20 working days beginning with the day following the day on which the time limit for sending a reply expired.

#### **Appeal hearing**

**12.** Paragraphs 13 to 16 apply where the appeal is to be decided on the basis of an oral hearing.

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### **Fixing a date for the hearing**

- 13.—(1) The Council must —
- (a) within the period of 20 working days beginning with the day following the date on which the time for sending a reply expired; and
  - (b) not before the day following the date on which the time for sending a reply expired,
- fix a date for the hearing.
- (2) The proper officer must on the same day as the Council fixes a date for the hearing send to the appellant and the appropriate body a notice —
- (a) informing them of the time and place of the hearing of the appeal;
  - (b) giving guidance regarding the procedure which will apply to the hearing;
  - (c) advising them of the consequences of not attending the hearing; and
  - (d) informing them of the right to submit written representations if they do not attend the hearing.
- (3) The date fixed for the hearing must not be less than 15 working days after the date of the notice.

### **Action by the appellant and appropriate body on receiving notice of the hearing**

- 14.—(1) Not less than ten working days before the date fixed for the hearing the appellant and the appropriate body —
- (a) must inform the proper officer whether or not they intend to appear or be represented at the hearing;
  - (b) must inform the proper officer which, if any, witnesses they intend to call at the hearing;
  - (c) may, if they do not intend to appear or be represented at the hearing send to the proper officer any written representations in support of the material already sent to the proper officer.
- (2) The proper officer must within the period of three working days beginning with the date on which representations are received send to each party a copy of any representations received by the proper officer from the other party under this paragraph.

### **Alteration of place or time of the hearing**

- 15.—(1) The Council may alter the place or time of the hearing in such circumstances as it considers appropriate, provided that the altered date of the hearing is not earlier than the original date.
- (2) Where the Council alters the place or time of the hearing the proper officer must without delay and in any event within the period of three working days beginning with the date on which the alteration was made send a notice to the appellant and the appropriate body informing them of the alteration.

### **Procedure at the hearing**

- 16.—(1) Subject to the following provisions of this paragraph the Council must determine the procedure at the hearing of the appeal.
- (2) The hearing of the appeal must be in public unless the Council determines that it is fair and reasonable for the hearing or any part of it to be in private.
- (3) The appellant and the appropriate body may appear at the hearing and may be represented or assisted by any person.



(4) If the appellant or the appropriate body fails to attend the hearing, the Council may hear, and provided it has considered any representations made by the party concerned under paragraph 14, determine, the appeal in that party's absence.

(5) Subject to sub-paragraph (6) the appellant and the appropriate body may give evidence, call witnesses, question any witnesses and address the Council both on the evidence and generally on the subject matter of the appeal.

(6) The Council may at any point in the hearing limit the rights of either party under sub-paragraph (5) provided it is satisfied that to do so will not prevent the appeal from being decided fairly.

(7) The Council may adjourn the hearing, but must not do so unless it is satisfied that it is necessary to do so in order for the appeal to be decided fairly.

(8) The time and place for an adjourned hearing must either be announced before the adjournment or the Council must without delay and in any event within the period of three working days beginning with the date of the adjournment send notice to the appellant and the appropriate body informing them of the time and place of the adjourned hearing.

### **Decision of the Council**

17.—(1) The decision of the Council may be made and announced at the end of the hearing, but in any event, whether there has been a hearing or not, must be recorded immediately it is made in a document which must also contain a statement of the reasons for the decision and must be signed and dated by a person authorised by the Council.

(2) The Council must within the period of five working days beginning with the date on which it made its decision —

- (a) send a copy of the document referred to in sub-paragraph (1) to the appellant, the appropriate body and the head teacher of the school or sixth form college at which the appellant was employed at the completion of the induction period; and
- (b) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, notify that body or person of its decision.

### **Irregularities**

18.—(1) Any irregularity resulting from failure to comply with any provision of this Schedule before the Council has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Council it may, and must if it considers either party may have been prejudiced by the irregularity, give such directions as it thinks just, before reaching its decision, to cure or waive the irregularity.

### **Documents**

19.—(1) Anything required to be sent to a person for the purposes of an appeal under this Schedule may be —

- (a) delivered to that person personally; or
- (b) sent to that person at his or her appropriate address by post; or
- (c) sent to him or her by facsimile or electronic mail or other similar means which are capable of producing a document containing the text of the communication, in which case the document is to be regarded as sent when it is received in a legible form.

(2) A person's appropriate address is the address stated in the notice of appeal or reply, or such other address as may be subsequently notified to the proper officer.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require persons qualifying as teachers to complete successfully an induction period before taking up employment at a “relevant school” in Wales. By virtue of section 43(2) of the Teaching and Higher Education Act 1998, this includes engagement otherwise than under a contract of employment at such a school.

A “relevant school” is a school maintained by a local education authority, and a special school not so maintained.

An induction period may be served in a relevant school (other than a hospital school), or an independent school the curriculum of which meets certain requirements of the National Curriculum or a sixth form college. It may not be served in a pupil referral unit or a school which is subject to “special measures”, unless the person in question is completing an induction period already started at the school or one of Her Majesty’s Inspectors of Education and Training in Wales certifies that the school is fit to provide induction. A period of employment which counts towards induction under the corresponding induction regulations in England will count towards induction in Wales.

The length of an induction period is generally three school terms for a full-time teacher and its equivalent for a teacher working part-time.

There are exceptions to the requirement to serve an induction period: the main exceptions are for teachers who qualified before the Regulations come into force, teachers excepted from the requirement to be qualified teachers, teachers who have successfully completed induction periods in other parts of the United Kingdom, and teachers to whom Article 3 of Council Directive 89/48 EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration applies.

The Regulations provide for the National Assembly for Wales to set the standards against which teachers serving induction periods are to be assessed for the purpose of determining whether they have completed their induction periods successfully.

At the end of the induction period the head teacher of the school at which the teacher is employed makes a recommendation to the body which assesses teachers undergoing induction (usually the local education authority). That body decides whether the teacher has successfully completed induction, should have the induction period extended or whether he or she has failed to complete the induction satisfactorily. A person whose induction period has been extended or who has failed to complete induction satisfactorily can appeal to the General Teaching Council for Wales.