



# Education Act 2011

## 2011 CHAPTER 21

### PART 3

#### SCHOOL WORKFORCE

##### *Abolition of the General Teaching Council for England*

## 9 Requirement for teachers in England to serve induction period

In Part 8 of EA 2002 (teachers), after section 135 insert—

*“Induction periods: teachers in England*

### **135A Requirement to serve induction period: teachers in England**

- (1) Regulations may make provision for, and in connection with, requiring persons employed as teachers at relevant schools in England, subject to such exceptions as may be provided by or under the regulations, to have satisfactorily completed an induction period of not less than three school terms in—
  - (a) a relevant school,
  - (b) in such circumstances as may be prescribed, a nursery school that—
    - (i) is not maintained by a local authority, and
    - (ii) is not a special school,
  - (c) in such circumstances as may be prescribed, an independent school, or
  - (d) in such circumstances as may be prescribed, an institution within the further education sector (or an institution within the further education sector of a prescribed description).
- (2) Regulations under this section may, in particular, make provision—
  - (a) as to the length of the induction period in any prescribed circumstances;
  - (b) as to periods of employment which are to count towards the induction period;

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*Changes to legislation: There are currently no known outstanding effects for the Education Act 2011, Section 9. (See end of Document for details)*

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- (c) as to the number of induction periods that a person may serve, and the circumstances in which a person may serve more than one induction period;
  - (d) precluding a relevant school, in such circumstances as may be prescribed, from being one at which an induction period may be served;
  - (e) as to supervision and training during a person's induction period;
  - (f) authorising the Secretary of State to 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;
  - (g) requiring the appropriate body to decide whether a person—
    - (i) has achieved those standards and has accordingly satisfactorily completed his or her induction period, or
    - (ii) should have his or her induction period extended by such period as may be determined by the appropriate body, or
    - (iii) has failed satisfactorily to complete his or her induction period;
  - (h) requiring the head teacher of a school to make a recommendation to the appropriate body as to whether a person has achieved the standards mentioned in paragraph (f);
  - (i) requiring the appropriate body to inform the Secretary of State of any decision under paragraph (g);
  - (j) requiring the employer of a person employed as a teacher at a relevant school to secure—
    - (i) the termination of that person's employment as a teacher, or
    - (ii) that the person only undertakes such teaching duties as may be determined in accordance with the regulations,
 in such circumstances following a decision that the person has failed satisfactorily to complete his or her induction period as may be prescribed;
  - (k) authorising or requiring the appropriate body to exercise such other functions as may be prescribed (which may include functions with respect to the provision of assistance to schools or to institutions within the further education sector or of training for teachers);
  - (l) authorising the appropriate body in such circumstances as may be prescribed to make such reasonable charges in connection with the exercise of its functions under the regulations as it may determine;
  - (m) requiring any person or body exercising any prescribed function under the regulations to have regard to any guidance given from time to time by the Secretary of State as to the exercise of that function.
- (3) Regulations under subsection (1)(d) may, in particular—
- (a) provide that an induction period may not be begun without approval of the appropriate body for the serving of that induction period;
  - (b) provide for approval to be general or specific;
  - (c) make provision (including transitional provision) about the withdrawal of approval;
  - (d) impose conditions or limitations on the appropriate body's power to give or withhold approval.

(4) In this section—

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“the appropriate body” means such person or body (including a local authority) as may be prescribed by, or determined by the Secretary of State in accordance with, regulations under this section (and such regulations may provide for an appropriate body which is not a local authority to include a representative of such an authority);

“relevant school” means a school maintained by a local authority or a special school not so maintained.

- (5) In the application of this section to an institution within the further education sector—
- (a) a reference to a school term is to be read as a reference to a term of the institution;
  - (b) a reference to the head teacher of a school is to be read as a reference to the principal of the institution.

### **135B Induction periods: appeals**

- (1) Regulations under section 135A must include provision conferring on a person aggrieved by a decision under subsection (2)(g) of that section a right to appeal against the decision to the Secretary of State.
- (2) A decision on an appeal made by virtue of subsection (1) is to be final.
- (3) Regulations under section 135A made in pursuance of subsection (1) may make provision for, or for the determination in accordance with the regulations of, such matters relating to appeals as the Secretary of State considers necessary or expedient.

### **135C Induction periods: supplementary**

- (1) During the induction period which a person is required to serve by virtue of regulations under section 135A, the provisions of section 131 (appraisal of teachers' performance) and regulations under that section do not apply to the person.
- (2) Where, in accordance with a requirement imposed by virtue of subsection (2)(j)(ii) of section 135A, a teacher employed at a school maintained by a local authority—
  - (a) continues to be employed at the school, but
  - (b) is not undertaking his or her normal teaching duties there,any costs incurred by the local authority in respect of the teacher's emoluments are not to be met from the school's budget share for any funding period except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.

Nothing in this subsection applies to a maintained school at any time when the school does not have a delegated budget.
- (3) In subsection (2)—
  - (a) the references to a school's budget share and to a school not having a delegated budget have the same meaning as in Part 2 of the School Standards and Framework Act 1998;

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- (b) “funding period”, in relation to a school's budget share, has the same meaning as in that Part.
- (4) Sections 496 and 497 of the Education Act 1996 (default powers of Secretary of State) have effect in relation to the duties imposed and powers conferred by virtue of section 135A as if the bodies to which those sections apply included—
- (a) the governing body of a special school that is not maintained by a local authority;
  - (b) the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of an institution within the further education sector;
  - (c) the appropriate body (within the meaning of section 135A).”

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**Commencement Information**

**II** S. 9 in force at 1.4.2012 by [S.I. 2012/924](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Education Act 2011, Section 9.