
WELSH STATUTORY INSTRUMENTS

2003 No. 543

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

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⁽¹⁾;

“the 1998 Act” (“*Deddf 1998*”) means the School Standards and Framework Act 1998⁽²⁾;

“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*”), “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⁽³⁾ 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⁽⁴⁾;

“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⁽⁵⁾;

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

(1) 1996 c. 56.

(2) 1998 c. 31.

(3) 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.

(4) 1992 c. 13.

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

“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(6);

“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(7);

“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;

“special school” (“*ysgol arbennig*”) has the same meaning as in section 337(1) of the 1996 Act(8);

“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(9).

(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.

(6) 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).

(7) 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).

(8) Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(9) 1971 c. 80.

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 —
- (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⁽¹⁰⁾ 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.

⁽¹⁰⁾ S.I. 1999/3312 as amended by S.I. 2001/4010.

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.

Status: This is the original version (as it was originally made).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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(11)**

5th March 2003

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