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WELSH STATUTORY INSTRUMENTS

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**2004 No. 872 (W.87)**

**EDUCATION, WALES**

**The Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004**

*Made* - - - - 23rd March 2004

*Coming into force* - - 1st April 2004

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) (Amendment) (Wales) Regulations 2004 and come into force on 1st April 2004.

(2) These Regulations apply in relation to Wales.

**Amendment of the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003**

2. The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003<sup>(3)</sup> are amended as follows.

3. In regulation 2(1) —

(a) insert after the definition of “the 1998 Act” the following definition —

““the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002<sup>(4)</sup>”;

(b) omit the definition of “core subject”;

(c) omit the definition of “foundation subject”;

(d) in the definition of “key stage” substitute for the words “section 355(1) of the 1996 Act” the words “section 103(1) of the 2002 Act”;

(e) insert after the definition of “key stage” the following definition —

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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) S.I. 2003/543 (W.77).

(4) 2002 c. 32.

“maternity leave period” (“*cyfnod absenoldeb mamolaeth*”) means the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999<sup>(5)</sup>;

(f) insert after the definition of “non-maintained special school” the following definitions —

“ordinary adoption leave period” (“*cyfnod absenoldeb mabwysiadu arferol*”) means a period of ordinary adoption leave under Part 3 of the Paternity and Adoption Leave Regulations 2002<sup>(6)</sup>;

“parental leave period” (“*cyfnod absenoldeb rhieiniol*”) means a period of parental leave under Part III of the Maternity and Parental Leave etc Regulations 1999;

“paternity leave period” (“*cyfnod absenoldeb tadolaeth*”) means a period of paternity leave under Part 2 of the Paternity and Adoption Leave Regulations 2002;”.

4.—(1) Regulation 6 is amended as follows.

(2) In paragraph (2)(a) for the words “section 15(6)(a) to (c)” substitute the words “section 15(6)(a) and (b)”.

(3) In paragraph (3)(a) for the words “section 354(3) of the 1996 Act” substitute the words “section 105(2) and (3) and section 106(2) and (3) of the 2002 Act”.

(4) In paragraph (3)(b) for the words “section 353” to the end substitute the words “section 105(1) of the 2002 Act (the National Curriculum for Wales) other than in relation to assessment arrangements; and”.

5.—(1) Regulation 8 is amended as follows.

(2) In paragraph (1) insert after the words “in duration” the words “, or, subject to paragraph (1A), two half school terms,”.

(3) Insert after paragraph (1) the following —

“(1A) Where a period of employment under paragraph (1) is two half school terms, then (disregarding school holidays) those half school terms must be consecutive.”.

(4) In paragraph (2) insert after the words “in duration” the words “, or, subject to paragraph (2A), two half terms,”.

(5) Insert after paragraph (2) the following —

“(2A) Where a period of employment under paragraph (2) is two half terms, then (disregarding holidays) those half terms must be consecutive.”.

(6) At the end of paragraph (3) add the following —  
“or within 2 weeks of its start”.

6. Regulation 9 is amended by substituting for paragraph (2) the following —

“(2) Paragraph (1) does not apply to an absence from work by reason of a maternity leave period, an ordinary adoption leave period, a parental leave period or a paternity leave period unless the person so chooses.”.

7.—(1) Regulation 18 is amended as follows.

(2) The existing wording is renumbered as paragraph (1).

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

(6) S.I. 2002/2788, as amended by S.I. 2003/921.

(3) Insert after the renumbered paragraph (1) the following —

“(2) Subject to paragraph (3) the appropriate body may authorise a person who can no longer be employed as a supply teacher under paragraph 4 of Schedule 1 to be employed for a period or periods of less than one term as a supply teacher.

(3) A person may only be employed as a supply teacher pursuant to paragraph (2) during a period of twelve months commencing on the date that he or she is first so employed (by any employer).

(4) Subject to paragraph (6), a period to which paragraph (5) applies is to be disregarded in calculating the period of twelve months referred to in paragraph (3).

(5) This paragraph applies to a period during which a person does not work because of circumstances which would entitle an employee to whom the Maternity and Parental Leave etc Regulations 1999 or the Paternity and Adoption Leave Regulations 2002 applied, to a maternity leave period, an ordinary adoption leave period, a parental leave period or a paternity leave period, as the case may be.

(6) The period to be disregarded under paragraph (4) is to be a period equal to the relevant maternity leave period, ordinary adoption leave period, parental leave period or paternity leave period, or, if shorter, the period during which the person does not work.”.

8.—(1) Schedule 1 is amended as follows.

(2) For paragraph 4 substitute the following —

“4.—(1) 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 in a relevant school (by any employer) does not exceed one year and one term.

(2) Subject to paragraph (4), a period to which sub-paragraph (3) applies is to be disregarded in calculating the period of one year and one term referred to in sub-paragraph (1).

(3) This sub-paragraph applies to a period during which a person does not work because of circumstances which would entitle an employee to whom the Maternity and Parental Leave etc Regulations 1999 or the Paternity and Adoption Leave Regulations 2002 applied, to a maternity leave period, an ordinary adoption leave period, a parental leave period or a paternity leave period, as the case may be.

(4) The period to be disregarded under paragraph (2) is to be a period equal to the relevant maternity leave period, ordinary adoption leave period, parental leave period or paternity leave period, or, if shorter, the period during which the person does not work.”.

(3) After paragraph 4, insert the following paragraphs —

“4A. A person employed as a supply teacher by virtue of regulation 18(2).

4B. A person who can no longer be employed under paragraph 4 but who is employed for a period of less than one term as a supply teacher while serving an induction period in part-time service.”.

(4) Substitute the following paragraph for paragraph 5 —

“5. A person who is a school teacher within the meaning of section 122(5) of the 2002 Act.”.

(5) Add at the end of paragraph 9 the words “, and as amended by the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the

other, on the Free Movement of Persons signed at Luxembourg on 21 June 1999<sup>(7)</sup> and which came into force on 1 June 2002.”.

(6) Add after paragraph 19, the following paragraph —

“**20.** A person who —

- (a) has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such by the competent authority in that country;
- (b) has no less than two years' full-time teaching experience, or its equivalent in the United Kingdom or elsewhere;
- (c) is a qualified teacher by virtue of paragraph 7 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999<sup>(8)</sup>; and
- (d) has been assessed by a person approved by the National Assembly as meeting the standards mentioned in regulation 13.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>.

23rd March 2004

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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<sup>(7)</sup> Cm 4904.

<sup>(8)</sup> S.I. 1999/2817 (W.18) as amended by S.I. 2002/1663 (W.158), 2002/2938 (W.279), 2003/140 (W.12) and 2003/2458 (W.240).

<sup>(9)</sup> 1998 c. 38.

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## EXPLANATORY NOTE

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

These Regulations amend the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 (the 2003 Regulations).

Regulations 3 and 4 update the definitions in regulation 2 of the 2003 Regulations and amend regulation 6 of the 2003 Regulations so as to refer to the relevant provisions of the Education Act 2002 (the 2002 Act).

Regulation 5 amends regulation 8 of the 2003 Regulations so as to provide that periods of employment that count towards an induction period can consist of two consecutive half terms as well as complete terms. It also enables, either before the start of the period or within two weeks of its start, head teachers to agree that periods of employment as supply teachers may count towards an induction period.

Regulation 6 amends regulation 9 of the 2003 Regulations so as to enable persons who are absent by reason of ordinary adoption leave, parental leave or paternity leave (in addition to maternity leave) to choose to extend an induction period.

Regulation 7 amends regulation 18 of the 2003 Regulations so as to provide that the appropriate body can authorise persons who have already worked during a period of a year and a term as supply teachers to be so employed for a further twelve months. Absences by reason of maternity leave, ordinary adoption leave, parental leave or paternity leave are to be disregarded in calculating those twelve months.

Regulation 8 amends Schedule 1 to the 2003 Regulations so as to —

- provide that the limit of one year and one term during which persons can be employed as supply teachers without being required to serve an induction period begins from the time those persons are first employed as supply teachers at a relevant school and that in calculating that period any absence by reason of maternity leave, ordinary adoption leave, parental leave or paternity leave is to be disregarded;
- enable persons who are authorised under the new regulation 18(2) of the 2003 Regulations to be employed without being required to serve an induction period;
- enable persons who are serving an induction period as part-time teachers also to do supply teaching even though they have already worked as supply teachers for one year and one term;
- substitute the reference to unqualified teachers with a reference to school teachers within the meaning of section 122(5) of the 2002 Act;
- add a reference to the Swiss Agreement which enables teachers qualified in Switzerland to be exempt from the requirement to serve an induction period, in the same way as EEA nationals;
- add as a new category of persons who are exempt from the requirement to serve an induction period teachers who qualified overseas, have two years' teaching experience, are qualified teachers in Wales by virtue of the graduate teacher programme and who have been assessed as meeting the induction standards.