
WELSH STATUTORY INSTRUMENTS

2005 No. 1818

The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005 and they come into force on 1 September 2005.

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

Revocation and transitional provision

2.—(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003⁽¹⁾, the Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004⁽²⁾ and regulation 4 of the School Teachers (Consequential Amendments) (Wales) Regulations 2004⁽³⁾ are revoked.

(2) A person who on 1 September 2005 is serving an induction period in accordance with the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 is to be treated as if he or she were serving an induction period in accordance with these Regulations.

Interpretation

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

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

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002⁽⁵⁾;

“the 1999 Regulations” (“*Rheoliadau 1999*”) means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999⁽⁶⁾;

“appropriate body” (“*corff priodol*”) means the appropriate body under regulation 5;

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

“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;

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

(2) S.I. 2004/872 (W.87).

(3) S.I. 2004/1745 (W.184).

(4) 1998 c. 31.

(5) 2002 c. 32.

(6) S.I. 1999/2817 (W. 18) amended by S.I. 2002/1663 (W.158), 2002/2938 (W.279), 2003/140 (W.12), 2003/2458 (W.240) and revoked in large part by S.I. 2004/1729 (W.173), 2004/1744 (W.183) and 2004/2733 (W.240).

“employment-based teacher training scheme” (“*cynllun hyfforddi athrawon ar sail cyflogaeth*”) means a scheme established by the National Assembly under regulation 8 of the School Teachers' Qualifications Regulations;

“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(7) in relation to teachers in England;

“FE college” (“*coleg AB*”) means an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(8);

“governing body” (“*corff llywodraethu*”) in relation to an FE college has the same meaning as in section 90(1) of the Further and Higher Education Act 1992;

“graduate teacher” (“*athro neu athrawes raddedig*”) means a person who was granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations before 1 September 2004;

“head teacher” (“*pennaeth*”) includes the principal of an FE college;

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

“institution” (“*sefydliad*”) means a relevant school, an independent school or an FE 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 103(1) of the 2002 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 gymwysedig*”) means a person who satisfies requirements specified in regulations made under section 132 of the 2002 Act(9);

“registered teacher” (“*athro neu athrawes gofrestredig*”) means a person who was granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations before 1 September 2004;

“relevant school” (“*ysgol berthnasol*”) means a school maintained by an authority or a non-maintained special school;

“school day” (“*diwrnod ysgol*”) in relation to a school means any day on which at that school there is a school session, and in relation to an FE college, means any day on which the college meets;

“school session” (“*sesiwn ysgol*”) has the same meaning as in regulations 4 and 5 of the Education (School Day and School Year) (Wales) Regulations 2003(10);

“the School Teachers' Qualifications Regulations” (“*Rheoliadau Cymwysterau Athrawon Ysgol*”) means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(11);

“school term” (“*tymor ysgol*”) includes a term of a an FE college;

“school year” (“*blwyddyn ysgol*”) includes the academic year of an FE college;

(7) 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](#), S.I. [2002/2063](#) and S.I. [2003/2148](#).

(8) [1992 c. 13](#).

(9) The Regulations currently in force under this provision are the Education (School Teachers' Qualifications) (Wales) Regulations 2004, S.I. [2004/1729 \(W.173\)](#).

(10) S.I. [2003/3231 \(W. 311\)](#).

(11) S.I. [2004/1729 \(W.173\)](#).

“short term supply teacher” (“*athro neu athrawes gyflenwi tymor byr*”) means a supply teacher who is employed for a period of less than one term;

“special school” (“*ysgol arbennig*”) has the same meaning as in section 337(1) of the Education Act 1996⁽¹²⁾;

“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⁽¹³⁾.

(2) For the purposes of these Regulations a person has completed an induction period when that person has served an induction period of —

- (a) three school terms, or
- (b) such other length as the appropriate body has determined in accordance with regulation 8(2) (comprising only periods of employment which count towards an induction period under regulation 9); and

where the appropriate body extends the induction period in accordance with regulation 10, the period of that extension.

(3) 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

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

Appropriate body

5.—(1) 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; and
- (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 an FE college is an authority.

⁽¹²⁾ 1996 c. 56. Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

⁽¹³⁾ 1971 c. 80.

(2) Any question as to who is the appropriate body for the purposes of exercising any functions imposed or conferred on an appropriate body by these Regulations in a case where a person serves an induction period in more than one institution is to be determined by the National Assembly.

Requirement to serve an induction period

6. Subject to the exceptions in Schedule 1, no person is to be employed on or after 1 September 2005 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 an FE college to which regulation 7(1) refers.

Institutions in which an induction period may be served

- 7.—(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) an FE college in Wales; or
 - (d) a school or an FE 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) and (b) 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 or on an employment-based teacher training scheme, 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 105(2) and (3) and section 106(2) and (3) of the 2002 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 105(1) of the 2002 Act (the National Curriculum for Wales), other than in relation to 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 5(1)(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 not serve an induction period in an FE college in Wales unless 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) A person may not serve an induction period in two or more institutions simultaneously unless before the start of the induction period the head teachers of all the institutions have agreed which of them is to act as the lead head teacher.

(6) In this regulation, “induction period” (“*cyfnod ymsefydlu*”) includes a part of an induction period.

Length of an induction period

8.—(1) Subject to paragraphs (2) and (3) the length of an induction period is to be three school terms (“the three term rule”).

(2) The three term rule does not apply in the following circumstances —

- (a) where an induction period is served at an institution at which a school year does not consist of three school terms;
- (b) where an induction period is served by a person in part time service;
- (c) where an induction period is served in two or more institutions simultaneously;
- (d) where in the opinion of the appropriate body it is not appropriate that it applies.

(3) The length of an induction period where the three term rule does not apply is such length as the appropriate body determines.

Periods of employment counting towards an induction period

9.—(1) Only periods of employment specified in paragraph (2) on or after 1 September 2003 as a qualified teacher count towards an induction period.

(2) For the purpose of paragraph (1), the periods of employment are:

- (a) a period of employment in an institution in Wales to which regulation 7(1) applies of not less than one school term in duration;
- (b) a period of employment in an institution or institutions in Wales to which regulation 7(1) applies of two half school terms which (disregarding holidays) are consecutive; or
- (c) in the case of an individual teacher a period of employment in an institution or institutions in Wales to which regulation 7(1) applies of such other length as the appropriate body considers appropriate;
- (d) a period of employment in a school or FE college in England if it would count towards an induction period under England’s Induction Regulations.

Extension of an induction period before completion

10.—(1) Where a person serving an induction period is absent from work for an aggregate period of thirty or more school days the appropriate body may extend the induction period by the aggregate period of the absences or by any lesser period as it considers appropriate.

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

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

Service of more than one induction period

11. 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

12. The head teacher of an institution in Wales in which a person serves an induction period and the appropriate body in relation to that institution is responsible for that person's supervision and training during the induction period.

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 an institution 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 institution 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 an FE 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) 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;
- (c) has failed satisfactorily to complete his or her induction period.

(4) Before making a decision under paragraph (3) 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).

(5) The appropriate body must within the period of three working days beginning with the date on which it made a decision under paragraph (3) —

- (a) give written notice of its decision to —
 - (i) the person concerned,

- (ii) in the case of a relevant school or an FE 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 institution 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 (3) (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.

(6) Notice under paragraph (5) 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 7, 9 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 provisions apply in relation to the initial induction period.

(2) Regulations 7, 9 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 an institution in Wales, as those provisions 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.

(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 person as it thinks fit.

Other functions of the appropriate body

18. The appropriate body may provide —

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

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

(2) Subject to paragraph (3), where it is satisfied that it is appropriate to do so in order to take into account circumstances which materially affected a person’s ability to serve an induction period, an appropriate body which is an authority may authorise a person who can no longer be employed under paragraph 4 of Schedule 1 to be employed as a short term supply teacher.

(3) In the first instance a person may only be employed as a short term 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), and after that time only if the National Assembly consents to the appropriate body’s authorisation.

Charges

19. An appropriate body in relation to an independent school or an FE college may make a reasonable charge (not exceeding the cost of provision of the service) to the governing body of a school or an FE 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(14)

5 July 2005

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