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STATUTORY INSTRUMENTS

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**2012 No. 431**

**EDUCATION, ENGLAND**

**The Education (School Teachers) (Qualifications and Appraisal)  
(Miscellaneous Amendments) (England) Regulations 2012**

<i>Made</i>	- - - -	<i>8th March 2012</i>
<i>Laid before Parliament</i>		<i>9th March 2012</i>
<i>Coming into force</i>	- -	<i>1st April 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 131(3), 132(1) and (2), 145(1) and 210(7) of the Education Act 2002<sup>(1)</sup>.

In accordance with section 131(6) of that Act<sup>(2)</sup>, the Secretary of State has consulted with such associations of local authorities in England, local authorities in England, bodies representing the interests of governing bodies in England and bodies representing the interests of teachers in England as appeared to the Secretary of State to be appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Education (School Teachers) (Qualifications and Appraisal) (Miscellaneous Amendments) (England) Regulations 2012 and come into force on 1st April 2012.

**Amendments to the Education (School Teachers' Qualifications) (England) Regulations 2003**

2. The Education (School Teachers' Qualifications) (England) Regulations 2003<sup>(3)</sup> are amended as set out in regulations 3 to 8.

3. In regulation 3 (interpretation) in the definition of "accredited institution" for "Training and Development Agency for Schools" substitute "Secretary of State".

4. For regulation 5 (qualified teacher status) substitute—

“5. Subject to regulations 6, 7, 8 and 9, a person is a qualified teacher if that person is mentioned in paragraphs 2 to 13B of Part 1 of Schedule 2.”.

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(1) 2002 c.32; section 145(1) was amended by Schedule 14, paragraph 24 to the Education Act 2005 (c. 18). For the meaning of "regulations", see section 212(1) of the Education Act 2002.  
(2) Section 131(6) was amended by S.I. 2010/1080 and 2010/1158.  
(3) S.I. 2003/1662, amended by virtue of section 74 of the Education Act 2005 (c. 18) and further amended by S.I. 2007/2782, 2009/3156 and 2010/1172.

5. Omit regulation 10 (award of qualified teacher status by the General Teaching Council for England).

6. For regulation 11 (accredited institutions) substitute—

“11. The Secretary of State may accredit an institution as a provider of courses or programmes of initial school teacher training.”.

7. In Part 2 of Schedule 1 after paragraph 4 (accreditation of institutions providing initial teacher training) insert—

“4A. Any accreditation given for the purposes of regulation 11, in force immediately before 1st April 2012, shall continue to have effect.”.

8. In Part 1 of Schedule 2 (qualified teacher status requirements)—

- (a) in paragraph 1 insert ““the 2008 Regulations” means the Education (Induction Arrangements for School Teachers) (England) Regulations 2008(4)” in the appropriate place;
- (b) in paragraph 9(1) before “Council” insert “Secretary of State or, before 1st April 2012, submitted to the”;
- (c) in paragraph 9(3) before “Training” insert “Secretary of State or, before 1st April 2012, the”;
- (d) in paragraph 10—
  - (i) in sub-paragraph (1)(b) for “Training and Development Agency for Schools” substitute “Secretary of State, or was assessed before 1st April 2012 by the Training and Development Agency for Schools;
  - (ii) omit sub-paragraphs (2) and (4);
- (e) in paragraph 11(1) before “Council” insert “Secretary of State or, before 1<sup>st</sup> April 2012, submitted to the”; and
- (f) after paragraph 13 insert the following paragraphs—

“13A.—(1) The person—

- (a) has successfully completed a programme of professional training for teachers in a country mentioned in sub-paragraph (2), which programme is recognised as such by the competent authority in that country;
- (b) has satisfied any additional requirements (including any period of professional experience comparable to an induction period under the 2008 Regulations) which are necessary in order for a person in that country to be eligible for employment as a qualified teacher on a permanent basis in—
  - (i) a government school, where that country is Australia; or
  - (ii) a school which is wholly or mainly government funded, where that country is Canada, New Zealand or the United States of America; and
- (c) is not a person mentioned in sub-paragraph (3).

(2) The countries are—

- (a) Australia;
- (b) Canada;
- (c) New Zealand; and

(d) the United States of America.

(3) The person—

- (a) is the subject of any decision of, or proceedings before, the relevant body which restricts or may restrict that person's eligibility to teach in that country;
- (b) has, before 1st April 2012, failed to obtain qualified teacher status following assessment against the specified standards mentioned in paragraph 10(1)(b); or
- (c) is included on the list kept by the Secretary of State under section 141C(1)(b) of the Education Act 2002<sup>(5)</sup>.

(4) In this paragraph “relevant body” means the authority or person who is authorised to take action or decisions in respect of professional disciplinary proceedings concerning the teaching profession in each of the countries mentioned in sub-paragraph (2).

**13B.** The person—

- (1) has been awarded qualified teacher learning and skills status by the Institute for Learning<sup>(6)</sup>;
- (2) is a member of the Institute for Learning; and
- (3) is not included on the list kept by the Secretary of State under section 141C(1)(b) of the Education Act 2002.”.

### **Amendments to the Education (School Teachers' Appraisal) (England) Regulations 2012**

**9.**—(1) The Education (School Teachers' Appraisal) (England) Regulations 2012<sup>(7)</sup> are amended as follows.

(2) In regulation 6(8) after the word “teacher”, where it first appears, insert the following words—  
“other than a teacher mentioned in paragraph (9)”.

(3) In regulation 6 (standards and objectives) after paragraph (8) insert the following paragraph—

“(9) The standards referred to in paragraphs (1)(a), (3)(a) and (6)(a) in respect of a teacher who is a qualified teacher by virtue of paragraph 13B of Part 1 of Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003 are such of the following standards, or a combination of any of the following standards, as the governing body, head teacher or local authority (as the case may be) determines as being applicable to the performance of that teacher—

- (a) the standards mentioned in paragraph (8)(a);
- (b) the standards mentioned in paragraph (8)(b); and
- (c) any other relevant professional standards.”.

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(5) Section 141C(1)(b) of the Education Act 2002 provides for the Secretary of State to maintain a list including the names of persons who have begun, but have failed satisfactorily to complete, an induction period in prescribed circumstances. Section 141C(1)(b) was inserted by section 8 of the Education Act 2011.

(6) The Institute for Learning is a private company limited by guarantee registered at Companies House under the name Institute for Learning.

(7) [S.I. 2012/115](#).

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

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8th March 2012

*Nick Gibb*  
Minister of State  
Department for Education

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## EXPLANATORY NOTE

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

The Education (School Teachers' Qualifications) (England) Regulations 2003 ("the 2003 Regulations") set out the requirements which must be satisfied in order to be a qualified teacher.

Schedule 2 to the 2003 Regulations specifies the various routes to achieve qualified teacher status. These Regulations amend the 2003 Regulations to add to Schedule 2 the following two routes to achieve qualified teacher status (regulations 4 and 8(e)). First, teachers who have successfully completed a programme of professional training for teachers in Australia, Canada, New Zealand or the United States of America and who have satisfied any additional requirements which are necessary in order for a person in that country to be eligible for employment as a qualified teacher on a permanent basis in government schools (in the case of Australia) or schools which are wholly or mainly government funded (in the case of Canada, New Zealand and the United States of America). Secondly, teachers who have been awarded qualified teacher learning and skills status by the Institute for Learning and who are members of the Institute for Learning. Both routes are subject to exceptions.

These Regulations further amend the 2003 Regulations consequential upon the abolition of the General Teaching Council for England and the Training and Development Agency for Schools with effect from 1st April 2012 (regulations 3 to 8).

The Education (School Teachers' Appraisal) (England) Regulations 2012 ("the 2012 Regulations") set out the appraisal requirements applying to teachers whose pay and conditions are determined by an order of the Secretary of State under section 122 of the Education Act 2002. Regulation 7 of the 2012 Regulations requires the annual appraisal of the performance of teachers, which must include an assessment of the teacher's performance against, among other things, the appropriate standards. Regulation 6 sets out what the appropriate standards are. These Regulations (regulation 9) amend regulation 6 of the 2012 Regulations to give the governing body, head teacher or local authority (as the case may be) the freedom to apply different standards to those teachers who have qualified teacher status by virtue of their qualified teacher learning and skills status.

An impact assessment has not been produced for this instrument as it has no impact on businesses or civil society organisations. The instrument has a minimal impact on the public sector.