

Regulation 5(9) of this Statutory Instrument has been made in consequence of a defect in S.I. 2020/476 and so this Statutory Instrument is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 385

EDUCATION, ENGLAND

The Education (Coronavirus) (School Teachers' Qualifications, Induction, Inspection Arrangements, Etc) (Amendment) Regulations 2021

Made - - - - 23rd March 2021

Laid before Parliament 25th March 2021

Coming into force in accordance with regulation 1

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 132(1) and (2), 135A, 145(1), and 210(7) of the Education Act 2002⁽¹⁾, sections 114(1) and (3) and 120(2) of the Education Act 2005⁽²⁾ and section 123(1)(h) of the Education and Inspections Act 2006⁽³⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Coronavirus) (School Teachers' Qualifications, Induction, Inspection Arrangements, Etc) (Amendment) Regulations 2021.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 19th April 2021.

(3) Paragraphs (3)(b) and (c) of regulation 2 come into force on 1st May 2021.

(4) Regulations 3 and 5 come into force on 1st September 2021.

(1) 2002 c.32; section 135A was inserted by section 9 of the Education Act 2011 (c.21); section 135A was amended by S.I. 2012/976 and sections 135A(1) and (2) were amended by paragraph 13 of Schedule 13 to the Education Act 2011; there are amendments to section 145(1) which are not relevant to these Regulations. For the meaning of "prescribed" and "regulations" see section 212(1); there are amendments to section 212(1) which are not relevant to these Regulations.

(2) 2005 c. 18, for the meaning of "prescribed" and "regulations" see section 114(10).

(3) 2006 c. 40.

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

2.—(1) The Education (School Teachers' Qualifications) (England) Regulations 2003(4) are amended as follows.

- (2) In regulation 5 (qualified teacher status) for “13B” substitute “13C”.
- (3) In Part 1 of Schedule 2 (qualified teacher status requirements)—
- (a) in paragraphs 7(1)(c)(ii), d(ii) and 10(1)(b)(ii) for “2020” substitute “2021”;
- (b) in paragraph 13A—
- (i) in sub-paragraph (1)(a) for “by the competent authority in that country” substitute “by the relevant competent authority”;
- (ii) for paragraph (b) of sub-paragraph (1) substitute—
- “**(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 to be eligible for employment as a qualified teacher on a permanent basis—
- (i) in Australia, in a government school; or
- (ii) in Canada, New Zealand or the United States of America, in a school which is wholly or mainly government funded; and”;
- (iii) in sub-paragraph (3)(a) after “that country” insert “or the part of that country in which the person is or has been employed to teach”; and
- (iv) for sub-paragraph (4) substitute—
- “(4) In this paragraph, in relation to a country listed in sub-paragraph (2)—
- (a) “the relevant competent authority” is—
- (i) the national competent authority; or,
- (ii) where there is no national competent authority, the competent authority in the part of the country in which that person completed the programme of professional training; and
- (b) “relevant body” means—
- (i) the national authority or person authorised to take action or decisions in respect of professional disciplinary proceedings concerning the teaching profession in that country; or,
- (ii) where there is no national authority, the authority or person so authorised in the part of the country in which that person is or has been employed to teach.”;
- (c) after paragraph 13B insert—
- “**13C.**—(1) The person—
- (a) is registered as a qualified teacher in a register established and maintained by the Director of Education of Gibraltar; and
- (b) is not a person mentioned in sub-paragraph (2).
- (2) The person—
- (a) is subject to any decision of, or proceedings before, the relevant body which restricts or may restrict that person’s eligibility to teach in Gibraltar;

(4) [S.I. 2003/1662](#), amended by [S.I. 2012/431](#), [S.I. 2014/2697](#), [S.I. 2020/464](#) and [S.I. 2020/476](#), other amendments have been made which are not relevant to these Regulations.

(b) has, before 1st April 2012, failed to obtain qualified teacher status following assessment against the specified standards mentioned in paragraph 10(1)(b) for a reason other than failure to pass a skills test, and for this purpose “skills test” has the meaning given in paragraph 1A; or

(c) is included on the list kept by the Secretary of State under section 141C(1)(b) of the Education Act 2002.

(3) In this paragraph “relevant body” means the authority or person authorised to take action or decisions in respect of professional disciplinary proceedings concerning the teaching profession in Gibraltar.”

Amendments to the Education and Inspections Act 2006 (Prescribed Education and Training etc) Regulations 2007

3.—(1) The Education and Inspections Act (Prescribed Education and Training etc) Regulations 2007(5) are amended as follows.

(2) In regulation 3 (prescribed education and training), after paragraph (1)(b) insert—

“(c) training (not falling within section 123(1)(a) to (g) of the Act or paragraph (1)(a)) that started on or after 1st September 2021 which—

(i) is for teachers, lecturers, trainers or other persons engaged in the provision of education or training; and

(ii) is wholly or partly funded by the Secretary of State.”

Amendments to the Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007

4.—(1) The Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007(6) are amended as follows.

(2) In regulation 8(2) (persons to whom the Secretary of State may supply information for qualifying purposes) omit sub-paragraphs (e), (f) and (k).

(3) In Part 2 of Schedule 1 (provision of information by schools and authorities), after paragraph 12, insert—

“12A. In relation to each person who is a qualified teacher and who is serving an induction period in accordance with the Education (Induction Arrangements for School Teachers) (England) Regulations 2012(7), whether that person is serving the first three school terms or the second three school terms of that induction period.”

Amendments to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012

5.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012(8) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) for the definition of “teaching school” substitute—

““teaching school hub” means a school which has been designated as such by the Secretary of State”; and

(5) S.I. 2007/464 as amended by S.I. 2021/11, other amendments are not relevant to these Regulations.

(6) S.I. 2007/2260.

(7) S.I. 2012/1115.

(8) S.I. 2012/1115, as amended by S.I. 2020/354, S.I. 2020/464 and S.I. 2020/842.

- (b) for “Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005” substitute “Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015.”
- (3) In regulation 4 (appropriate body), in paragraphs (2)(c) and (3) after “teaching school” in each place it occurs insert “hub”.
- (4) In regulation 7 (length of induction period)—
- (a) in paragraph (1), for “three school terms of the institution in which induction is begun” substitute “six school terms, divided into two parts each consisting of three school terms of the institution in which induction is begun”;
- (b) after paragraph (1) insert—
- “(2) Where an induction period started before 1st September 2021 and is completed by 1st September 2023, it must be served for a period equivalent to no less than three school terms of the institution in which induction is begun, based on a school year of three terms.”
- (5) In regulation 8 (extension of an induction period before completion)—
- (a) for paragraph (1) substitute—
- “(1) Subject to paragraph (2), where a person serving an induction period is absent from work on 30 or more days in either the first or the second part of an induction period, then the relevant part is to be extended by the aggregate period of that person’s absence within that part”;
- (b) in paragraph (2) after sub-paragraph (b) insert—
- “(c) the exercise of the right to parental leave conferred by or under section 76 of the Employment Rights Act 1996;
- (d) the exercise of the right to paternity leave conferred by or under section 80A or 80B of the Employment Rights Act 1996;
- (e) the exercise of the right to adoption leave conferred by or under section 75A or 75B of the Employment Rights Act 1996.”
- (6) In regulation 10 (supervision, training and assessment), for paragraph 4 substitute—
- “(4) A person serving an induction period in a relevant school must not—
- (a) during the first three school terms of that induction period, teach for more than 90 per cent of the time that a teacher at the school would be expected to teach; and
- (b) during the second three school terms of that induction period, teach for more than 95 per cent of the time that a teacher at the school would be expected to teach.”
- (7) In regulation 12 (termination of employment following failure satisfactorily to complete an induction period)—
- (a) in paragraph (1) for “regulation 14(3)(c)” substitute “regulation 13(3)(c)”;
- (b) in paragraph (2)(a) for “General Teaching Council for Wales” substitute “Education Workforce Council”; and
- (c) in paragraph (3)(b) for “Schedule 2” substitute “Schedule 3”.
- (8) In Schedule 1 (cases in which a person may be employed as a qualified teacher in a relevant school without having satisfactorily completed an induction period)—
- (a) in paragraph 2(b), for “regulation 14(3)” substitute “regulation 13(2)”; and
- (b) in paragraph 6, after “section 19 of the Teaching and Higher Education Act 1998” insert “or under section 17 of the Education (Wales) Act 2014”.

(9) In Schedule 1A (special provisions applying to qualified teachers for whom the requirement to pass a numeracy skills test has been abolished), in paragraph 3 omit the words “(also see regulation 1(5))”.

23rd March 2021

Nick Gibb
Minister of State
Department for Education

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Teachers' Qualifications) (England) Regulations 2003 ("the 2003 Regulations"), the Education and Inspections Act (Prescribed Training) Regulations 2007 ("the 2007 Education and Inspections Act Regulations"), the Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007 ("the 2007 Information Regulations") and the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 ("the 2012 Regulations").

Regulation 2 amends the 2003 Regulations to relax requirements during the period from the date of coming into force of these Regulations to 1st September 2021 relating to meeting prescribed standards before achieving qualified teacher status where it has not been possible to do so for a reason relating to the incidence or transmission of coronavirus. It also extends, to the same date, the period for completion of a period of practical teaching experience to be undertaken wholly or mainly outside England.

Regulation 2 also amends the provisions in the 2003 Regulations relating to the route to qualified teacher status for teachers coming to England from the United States, Canada, Australia and New Zealand so as to reflect the regulatory arrangements in those countries. It also sets out a route to qualified status in England for teachers who have completed a course of teacher training in Gibraltar.

The amendments made by regulation 3 to the 2007 Education and Inspection Act Regulations bring training for teachers which is funded by the Secretary of State within the scope of application of Chapter 3 of the Education and Inspections Act 2006.

Regulation 4 amends Schedule 1 to the 2007 Information Regulations to require schools to provide information to the Secretary of State about the number of teachers who are serving an induction period and update those Regulations in relation to certain bodies which have been abolished or changed name.

The 2012 Regulations provide that no qualified teacher may be employed in a maintained school or a non-maintained special school unless they have satisfactorily completed an induction period. The amendments made by regulation 5 to the 2012 Regulations extend the length of an induction period from three school terms to six school terms, make some changes to the provisions for Appropriate Bodies, amend the reasons why a period of induction may be extended so as to include parental leave, paternity leave, and adoption leave, amend the percentage of time for which a teacher is expected to teach during an induction period, update those Regulations in relation to certain bodies which have been abolished or changed name, correct an error and make some consequential amendments.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.