

**2001 No. 2897**

**EDUCATION, ENGLAND**

**The Education (Induction Arrangements for  
School Teachers) (Consolidation)  
(England) Regulations 2001**

*Made - - - - - 10th August 2001*

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*Coming into force - - 1st September 2001*

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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(a) the Secretary of State for Education and Skills hereby makes the following Regulations:

### **Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 and shall come into force on 1st September 2001.

(2) These Regulations shall apply in relation to England.

### **Revocations**

2. The Regulations specified in Schedule 1 to these Regulations are hereby revoked.

### **Interpretation**

3.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996(b);

“the 1998 Act” means the School Standards and Framework Act 1998(c);

“appeal body” means the appeal body under regulation 6;

“appropriate body” means the appropriate body under regulation 5;

“authority” means a local education authority;

“core subject” means a subject referred to in section 354(1) of the 1996 Act;

“foundation subject” means a subject referred to in section 354(1) or (2) of the 1996 Act;

“governing body” in relation to a sixth form college has the same meaning as in section 90(1) of the Further and Higher Education Act 1992(d);

“graduate teacher” means a person employed in a school in accordance with Part II of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999(e);

“head teacher” includes the principal of a sixth form college;

“induction period” means an induction period required by these Regulations;

“institution” 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” has the same meaning as in section 355(1) of the 1996 Act;

“non-maintained special school” means a special school which is neither a community special school nor a foundation special school;

“qualified teacher” has the same meaning as in section 218(2) of the Education Reform Act 1988(f);

“registered teacher” means a person employed in a school in accordance with Part II of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999;

“relevant school” has the same meaning as in section 19(10)(b) of the Teaching and Higher Education Act 1998;

“school session” has the same meaning as in regulations 3 and 4 of the Education (School Day and School Year) (England) Regulations 1999(g);

“school term” includes a term of a sixth form college;

“school year” includes the academic year of a sixth form college;

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(a) 1998 c. 30: By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by sections 19 and 42 are exercisable by the Secretary of State only in relation to England.

(b) 1996 c. 56.

(c) 1998 c. 31.

(d) 1992 c. 13.

(e) S.I. 1999/2166 amended by S.I. 2000/2704, 2001/1209, 2001/1391 and 2001/2896.

(f) 1988 c. 40.

(g) S.I. 1999/3181: the Education (School Day and School Year) (England) Regulations 1999 revoke and replace regulation 10 of the Education (Schools and Further Education) Regulations 1981 in relation to England only.

“sixth form college” 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” has the same meaning as in section 337(1) of the 1996 Act;

“supply teacher” 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” 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(a).

(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.

#### **Breach of time limits**

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

#### **Appropriate body**

5. For the purpose 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 Secretary of State may determine, which persons or body shall include as a member a representative of an authority; and
- (d) the appropriate body in relation to a sixth form college is an authority.

#### **Appeal body**

6.—(1) In these Regulations “appeal body” means—

- (a) in relation to an appeal against a decision of the appropriate body falling within regulation 16(3)(b) or (c) where the induction period ends on or before 30th June 2001, the Secretary of State; and
- (b) in all other cases, the General Teaching Council for England.

(2) In paragraph (1) “induction period” includes an induction period which has been extended following its completion in accordance with regulation 16(3)(b), regulation 19(3)(c) or regulation 19(4)(c) so that the period as extended ends on or before 30th June 2001.

#### **Requirement to serve an induction period**

7. Subject to the exceptions in Schedule 2, no person shall be employed on or after 1st September 2001 as a teacher at a relevant school unless he 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 8(1) refers.

#### **Schools in which an induction period may be served**

8.—(1) Subject to sub-paragraph (2) an induction period may only be served in—

- (a) a relevant school in England; or
- (b) in the circumstances prescribed in paragraph (3) an independent school in England; or

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(a) 1971 c. 80.

- (c) in the circumstances prescribed in paragraph (4) a sixth form college.
- (2) An induction period may not be served in—
- (a) a school 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 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 Schools in England has certified in writing that he 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(2) 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 Secretary of State under regulation 5(c) have agreed that the authority or the persons or body, as the case may be, shall act as the appropriate body in relation to the school.
- (4) A person may serve an induction period in a sixth form college where—
- (a) before the start of the induction period, or
  - (b) in the case of an induction period starting before 1st November 2000, before 1st November 2000,
- the governing body of the college and an authority have agreed that the authority shall act as the appropriate body in relation to the college.
- (5) In this regulation, “induction period” includes a part of an induction period.

**Length of an induction period**

- 9.—(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 2 or more such institutions at which a school year consists of 3 school terms, 3 school terms;
  - (b) in the case of an induction period served wholly in a school, a sixth form college or in 2 or more such institutions at which the school year consists of 4 school terms, 4 school terms;
  - (c) in the case of an induction period served wholly in a school, a sixth form college or in 2 or more such institutions at which the school year consists of 5 school terms, 5 school terms; and
  - (d) in all other cases, 1 year.
- (2) The length of an induction period for a person in part-time service as a teacher in a school, or in 2 or more schools is the period of time it would take in accordance with his contract of employment or the terms of his engagement for him to complete 378 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 2 or more sixth form colleges or in a combination of 1 or more schools and sixth form colleges is the period of time it would take in accordance with his contract of employment or the terms of his engagement for him to complete 189 working days falling in term time.

(4) A person has completed an induction period for the purposes of these Regulations when he has served—

- (a) an induction period of the length specified in paragraph (1), (2) or (3) (as the case may be) discounting periods of employment which do not count towards an induction period under regulation 10; and
- (b) any extended period under regulation 11.

(5) Where a person serving an induction period is employed in 2 or more schools simultaneously, the length of his induction period shall be determined in accordance with regulation 9(2).

(6) Where a person serving an induction period is employed in 2 or more sixth form colleges simultaneously or in a combination of 1 or more schools or sixth form colleges simultaneously, the length of his induction served shall be determined in accordance with regulation 9(3).

#### **Periods of employment counting towards an induction period**

**10.**—(1) Subject to paragraph (3) any period of employment on or after 1st September 1999 as a qualified teacher in a school to which regulation 8(1) applies of not less than 1 school term in duration counts towards an induction period.

(2) Subject to paragraph (3) any period of employment on or after 1st September 2000 as a qualified teacher in a sixth form college to which regulation 8(1) applies of not less than 1 term in duration counts towards an induction period.

(3) No period of engagement as a supply teacher 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) Except as provided for in paragraphs (1) or (2) no period of employment as a teacher counts towards an induction period.

#### **Extension of an induction period before completion**

**11.**—(1) Subject to paragraph (2) where a person serving an induction period is absent from work for an aggregate period of 30 or more working days falling in term time in an induction period, his induction period shall be extended by the aggregate period of his absences.

(2) Paragraph (1) does not apply where a person 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(a) unless she so chooses.

(3) Where 5 or more years have passed since a person started his induction period, and that person has not completed his induction period, he may with the agreement of the appropriate body choose to extend his induction period—

- (a) in the case of a teacher in full-time service by a period not exceeding the appropriate period specified in regulation 9(1); or
- (b) in the case of a teacher in part-time service by a period not exceeding the period specified in regulation 9(2) or (3).

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

#### **Service of more than one induction period**

**12.** Except as provided for in regulations 16 or 19, no person may serve more than one induction period.

#### **Supervision and training during the induction period**

**13.**—(1) The head teacher of a school or sixth form college in which a person serves an induction period and the appropriate body in relation to that school or sixth form college shall be responsible for his supervision and training during the induction period.

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(a) S.I. 1999/3312.

(2) The duties assigned to a person serving an induction period, his supervision and the conditions under which he works shall be such as to facilitate a fair and effective assessment of his conduct and efficiency as a teacher.

**Responsibility for an induction period served by a teacher employed in two or more institutions simultaneously**

**14—(1)** Where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of all the institutions shall agree which of them shall act as the lead head teacher.

(2) The lead head teacher shall be solely responsible for carrying out the functions of the head teacher specified in regulations 13 and 16(2).

(3) The appropriate body in relation to the lead head teacher's school or sixth form college shall be solely responsible for carrying out the functions of the appropriate body specified in regulations 11(3), 13 and 16.

**Standards for determining whether a person has satisfactorily completed an induction period**

**15.** The Secretary of State may determine the standards against which persons who have completed an induction period shall be assessed for the purpose of deciding whether they have satisfactorily completed their induction period, and he may determine different standards in relation to different categories of persons.

**Completion of an induction period**

**16.—(1)** This regulation applies where a person has completed an induction period.

(2) The head teacher of the school or sixth form college at which he is employed at the completion of his induction period shall not later than the end of the period of 10 working days beginning with the date on which he completed his induction period—

- (a) make a written recommendation to the appropriate body as to whether he has achieved the standards mentioned in regulation 15, and
- (b) at the same time send a copy of such recommendation to him.

(3) The appropriate body shall not later than the end of the period of 20 working days beginning with the date on which it received the head teacher's recommendation under paragraph (2) decide whether he—

- (a) has achieved the standards mentioned in regulation 15 and has accordingly satisfactorily completed his induction period; or
- (b) should have his induction period extended by such period as it determines; or
- (c) has failed satisfactorily to complete his induction period.

(4) Before making a decision under paragraph (3) the appropriate body shall have regard to any written representations received from the person in question no later than the end of the period of 10 working days beginning with the date on which it received the head teacher's recommendation under paragraph (2).

(5) The appropriate body shall not later than the end of the period of 3 working days beginning with the date on which it made a decision under paragraph (3)—

- (a) give written notice of its decision to—
  - (i) him,
  - (ii) the head teacher of the school or sixth form college at which he was employed at the completion of his induction period,
  - (iii) if he is not employed by the appropriate body, his employer,
  - (iv) the General Teaching Council for England, and
  - (v) the Department for Education and Skills; and
- (b) if the appropriate body made a decision falling within paragraph (3)(b) or (c), give him written notice of—
  - (i) his right to appeal against the decision,
  - (ii) the name and address of the appeal body, 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 shall 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 appeal body**

17. Regulations 8, 10 to 16, 18 and 19 and Schedule 3 apply in relation to a person serving an induction period extended following its completion by a decision of the appropriate body under regulation 16 or of the appeal body under regulation 19.

#### **Termination of employment following failure to complete an induction period satisfactorily**

18.—(1) This paragraph applies to a person employed as a teacher at a relevant school who has failed satisfactorily to complete his induction period.

(2) The employer of a person to whom paragraph (1) applies shall secure the termination of his employment as a teacher if—

- (a) he does not appeal to the body against the decision of the appropriate body; or
- (b) his appeal to the appeal body is dismissed.

(3) An employer shall 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 no later than the end of the period of 10 working days beginning with the date on which—

- (a) the employer received written notification from such person that he did not intend to appeal to the appeal body; or
- (b) the time limit for appeal imposed by the paragraph 2(1) of Schedule 3 expired.

(4) The employer shall 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 not later than the end of the period of 10 working days beginning with the date on which the employer received written 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 appeal body against the decision of the appropriate body, is not obliged to secure the termination of such person's employment as a teacher pending the outcome of that appeal provided such employer secures that the person only undertakes such limited teaching duties as the Secretary of State may determine.

#### **Appeals**

19.—(1) Where the appropriate body decides that a person—

- (a) should have his induction period extended; or
- (b) has failed satisfactorily to complete his induction period, that person may appeal to the appeal body against the decision.

(2) Schedule 3 has effect in relation to appeals under this regulation.

(3) Where a person appeals against a decision that he should have his induction period extended, the appeal body 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 has failed satisfactorily to complete his induction period, the appeal body may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) extend the induction for such period as it thinks fit.

#### **Other functions of the appropriate body**

20. 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**

**21.** 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 Secretary of State**

**22.** A person or body exercising a function under these Regulations shall have regard to any guidance given by the Secretary of State from time to time as to the exercise of that function.

**Grants for education and training**

**23.** References to “eligible expenditure” in section 484 of the 1996 Act includes expenditure incurred by an authority in respect of their functions under these Regulations.

10th August 2001

*Stephen Timms*  
Minister of State,  
Department for Education and Skills

## SCHEDULE 1

Regulation 2

### REVOCATIONS

The following Regulations shall be revoked in their entirety—

Regulations revoked	Reference
The Education (Induction Arrangements for School Teachers) (England) Regulations 1999	S.I. 1999/1065
The Education (Induction Arrangements for School Teachers) (Amendment) (England) Regulations 1999	S.I. 1999/2211
The Education (Induction Arrangements for School Teachers) (Amendment) (England) Regulations 2000	S.I. 2000/1001
The Education (Induction Arrangements for School Teachers) (Amendment No. 2) (England) Regulations 2000	S.I. 2000/1177
The Education (Induction Arrangements for School Teachers) (Amendment No. 3) (England) Regulations 2000	S.I. 2000/2171
The Education (Induction Arrangements for School Teachers) (Amendment) (England) Regulations 2001	S.I. 2001/103
The Education (Induction Arrangements for School Teachers) (Amendment No. 2) (England) Regulations 2001	S.I. 2001/1390
The Education (Induction Arrangements for School Teachers) (Amendment No. 3) (England) Regulations 2001	S.I. 2001/1642

## SCHEDULE 2

Regulation 7

### CASES IN WHICH A PERSON MAY BE EMPLOYED AS A TEACHER IN A RELEVANT SCHOOL WITHOUT HAVING SATISFACTORILY COMPLETED AN INDUCTION PERIOD

1. A person who on 7th May 1999 is a qualified teacher.
2. A person serving an induction period (including an induction period which has been extended before its completion under regulation 11 or after its completion under regulation 16 or 19).
3. A person who has failed satisfactorily to complete an induction period whose employment is subject to restriction under regulation 18(5) pending the outcome of his appeal.
4. A person employed for a period of less than one term as a supply teacher during the period of a school year and one term commencing on the date that he is first employed as a supply teacher (by that or any other employer).
5. A person who is not a qualified teacher but who is employed as a teacher at a school by virtue of regulations from time to time in force under section 218(1)(a) of the Education Reform Act 1988.
- 6.—(1) A person who has satisfactorily completed an induction period under regulations made from time to time under section 19 of the Teaching and Higher Education Act 1998 in relation to teachers in Wales.
  - (2) A person—
    - (a) who qualified as a teacher after 7th May 1999 and before the date of the introduction of a requirement to serve an induction period in relation to teachers in Wales (“the relevant date”);
    - (b) whose first post as a teacher or supply teacher following his qualification is in a school in Wales; and
    - (c) who before the relevant date has completed not less than two terms’ service in such post.
7. A person who has, or is eligible for, full registration as a teacher of primary or secondary education with the General Teaching Council for Scotland.
8. A person who—
  - (a) has successfully completed the induction stage of teacher education in Northern Ireland, or
  - (b) was employed as a teacher in Northern Ireland at any time prior to the introduction of the induction stage of teacher training in Northern Ireland.

9. A person who as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, as extended by the Agreement of the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

10. A person who has successfully completed a probationary period for teachers under arrangements approved and supervised by the Director of Education of Gibraltar.

11. A person who has successfully completed the States of Jersey Induction Programme for Newly Qualified Teachers.

12. A person who has been approved by the States of Guernsey Education Council as having successfully completed an induction period for teachers.

13. A person who has successfully completed an induction period for teachers under arrangements approved and supervised by the Isle of Man Department of Education.

14. A person who on or before 7th May 1999—

(a) was employed as a teacher at a relevant school in England or Wales; and

(b) either—

(i) had successfully completed a course of initial training for teachers in schools at an educational institution in Scotland, or

(ii) was registered as a teacher of primary or secondary education with the General Teaching Council for Scotland.

15. A person who on or before 7th May 1999—

(a) was employed as a teacher at a relevant school in England or Wales; and

(b) either—

(i) had successfully completed a course of initial training for teachers in schools at an educational institution in Northern Ireland, or

(ii) had been awarded confirmation of recognition as a teacher in schools in Northern Ireland by the Northern Ireland Department of Education, that confirmation not having been withdrawn at any time subsequent to the award.

16. A person who is a qualified teacher by virtue of paragraph 10 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999.

17. 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 not less than two years' full-time teaching experience, or its equivalent, in the United Kingdom or elsewhere;

(c) is a qualified teacher who achieved qualified teacher status, by virtue of paragraph 7 or paragraph 9 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 on or after 26th April 2001; and

(d) has been assessed by a person approved by the Teacher Training Agency as meeting the standards mentioned in regulation 15.

18. A person who is a qualified teacher by virtue of paragraph 10A of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999.

## SCHEDULE 3

Regulation 19

### PROCEDURE FOR APPEAL AGAINST A DECISION OF THE APPROPRIATE BODY

#### Interpretation

1. In this Schedule—

“appellant” means a person who brings an appeal pursuant to regulation 19 against a decision of the appropriate body under regulation 16;

“appropriate body” means the appropriate body who took the decision subject to an appeal;

“disputed decision” means the matter in relation to which the appellant appeals to the appeal body; and

“proper officer” means the proper officer appointed by the appeal body to perform the duties of a proper officer under this Schedule.

### **Time for and manner of making an appeal**

2.—(1) An appeal shall be made by sending a notice of appeal to the proper officer so that it is received not later than the end of the period of 20 working days beginning with the date on which the appellant received notice under regulation 16(5) of the disputed decision.

(2) The appeal body may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired, but shall not do so unless it is satisfied that not to extend the time limit would result in substantial injustice.

(3) Where the appellant considers it likely that a notice of appeal will be received outside the time limit imposed by sub-paragraph (1) he may include with the notice of appeal a statement of the reasons on which he relies to justify the delay and the appeal body shall consider any such statement in deciding whether or not to extend the time limit.

### **The notice of appeal**

3.—(1) The notice of appeal shall state—

- (a) the name and address of the appellant;
- (b) the name and address of the school at which the appellant was employed at the end of his induction period;
- (c) the name and address of his employer, if employed in a teaching capacity, at the date of his appeal;
- (d) the grounds of the appeal;
- (e) the name, address and profession of the person (if any) representing the appellant, and whether the appeal body should send documents concerning the appeal to the representative instead of to the appellant; and
- (f) whether the appellant requests that the appeal should be decided at an oral hearing.

(2) The notice of appeal shall be signed by the appellant.

(3) The appellant shall annex to the notice of appeal a copy of—

- (a) the notice given to the appellant by the appropriate body under regulation 16(5) relating to the disputed decision;
- (b) any written statement given to the appellant by the appropriate body giving reasons for its decision; and
- (c) every other document on which the appellant relies for the purposes of his appeal.

### **Additional documents, amendment and withdrawal of the appeal**

4.—(1) The appellant may at any time before he receives notice under paragraph 13 of the date fixed for the hearing or a decision of the appeal body under paragraph 11—

- (a) send copies of such additional documents as he wishes to rely on for the purposes of the appeal to the proper officer;
- (b) amend or withdraw his appeal, or any part of it; or
- (c) amend or withdraw any material submitted in support of the appeal.

(2) The appellant may at any time take any step mentioned in sub-paragraph (1) with the leave of the appeal body.

(3) Where an appellant withdraws an appeal he may not bring a fresh appeal in relation to the disputed decision.

(4) An appeal shall be amended or withdrawn by sending to the proper officer an amended notice of appeal or a notice stating that the appeal is withdrawn, as the case may be.

### **Acknowledgement and notification of the appeal**

5.—(1) The proper officer shall not later than the end of the period of 3 working days beginning with the date on which the appeal body received the notice of appeal—

- (a) send an acknowledgement of its receipt to the appellant;
- (b) send a copy of the notice of appeal and any accompanying documents to the appropriate body;
- (c) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, send a copy of the notice of appeal to that person or body; and
- (d) send a copy of the notice of appeal to the head teacher of the school or sixth form college at which the appellant was employed at the completion of his induction period.

(2) The proper officer shall not later than the end of the period of 3 working days beginning with the date on which the appeal body received from the appellant any additional documents, amended grounds of appeal, amended documents submitted in support of an appeal or notice of withdrawal of an appeal send a copy to the appropriate body.

### **Request for further material**

6.—(1) Where the appeal body decides the appeal could be decided more fairly and efficiently if the appellant provided further material, it may send to the appellant a notice inviting him to supply that material by not later than the end of the period of 10 working days beginning with the date of the notice.

(2) Where the appeal body sends a notice under sub-paragraph (1) the proper officer shall at the same time inform the appropriate body that it has done so.

(3) The proper officer shall not later than the end of the period of 3 working days beginning with the date on which the appeal body received further material under sub-paragraph (1) send a copy of it to the appropriate body.

### **Reply by the appropriate body**

7.—(1) The appropriate body shall send to the proper officer a reply fulfilling the requirements of paragraph 8 so that it is received not later than the end of the period of 20 working days beginning with the date on which the appropriate body received a copy of the notice of appeal.

(2) The appeal body may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired.

(3) The appeal body shall allow the appeal where the appropriate body states in the reply, or at any time states in writing that it does not seek to uphold the disputed decision, and shall do so not later than the end of the period of 3 working days beginning with the date on which the appeal body received notification that the appropriate body did not seek to uphold the disputed decision.

### **Contents of the reply**

8.—(1) The reply shall state—

- (a) the name and address of the appropriate body;
- (b) whether the appropriate body seeks to uphold the disputed decision; and
- (c) in cases where the appropriate body seeks to uphold the disputed decision—
  - (i) the appropriate body's answer to each of the grounds of appeal supplied by the appellant,
  - (ii) whether or not the appropriate body requests an oral hearing; and
  - (iii) the name, address and profession of the person (if any) representing the appropriate body, and whether the appeal body should send documents concerning the appeal to the representative instead of to the appropriate body.

(2) The appropriate body shall annex to the reply a copy of—

- (a) any document on which it wishes to reply for the purpose of opposing the appeal; and
- (b) where the appellant has not sent to the proper officer a copy of a written statement given to him by the appropriate body giving reasons for its decision, a statement giving reasons for the decision.

### **Additional documents, amendment and withdrawal of the reply**

9.—(1) The appropriate body may at any time before it receives notice under paragraph 13 of the date fixed for the hearing or a decision of the appeal body under paragraph 11—

- (a) send copies of such additional documents as it wishes to rely on for the purposes of opposing the appeal to the proper officer;
- (b) amend or withdraw its reply, or any part of it;
- (c) amend or withdraw any material submitted in support of the reply.

(2) The appropriate body may at any time take any step mentioned in sub-paragraph (1) with the leave of the appeal body.

(3) A reply shall be amended or withdrawn by sending to the proper officer an amended reply or a notice stating that the reply is withdrawn, as the case may be.

### **Acknowledgement and notification of the reply**

10.—(1) The proper officer shall not later than the end of the period of 3 working days beginning with the date on which the appeal body received the reply—

- (a) send an acknowledgement of its receipt to the appropriate body; and
- (b) send a copy of the reply and any accompanying documents to the appellant.

(2) The proper officer shall not later than the end of the period of 3 working days beginning with the date on which the appeal body received from the appropriate body any additional documents, amended reply, amended documents submitted in support of a reply, or notice of withdrawal of a reply send a copy to the appellant.

### **Power to decide the appeal without a hearing**

**11.**—(1) Where following the expiry of the period within which the appropriate body is required to send its reply neither the appellant nor the appropriate body has requested an oral hearing, and the appeal body does not consider an oral hearing is necessary, the appeal body may decide the appeal without an oral hearing.

(2) Where following the expiry of the period within which the appropriate body is required to send its reply the appropriate body has not done so, the appeal body may allow the appeal without an oral hearing.

(3) If the appeal body decides the appeal without an oral hearing, it shall send notice of its decision as required by paragraph 17 so that it is received by the appellant and the appropriate body not later than the end of the period of 20 working days beginning with the day following the date on which the time limit for sending a reply expired.

### **Appeal hearing**

**12.** Paragraphs 13 to 16 apply where the appeal is to be decided on the basis of an oral hearing.

### **Fixing a date for the hearing**

**13.**—(1) The appeal body shall—

- (a) not later than the end of the period of 20 working days beginning with the day following the date on which the time for sending a reply expired; and
- (b) not before the day following the date on which the time for sending a reply expired, fix a date for the hearing.

(2) The proper officer shall on the same day as the appeal body fixes a date for the hearing send to the appellant and the appropriate body a notice—

- (a) informing them of the time and place of the hearing of the appeal;
- (b) giving guidance regarding the procedure which will apply to the hearing;
- (c) advising them of the consequences of not attending the hearing; and
- (d) informing them of the right to submit written representations if they do not attend the hearing.

(3) The date fixed for the hearing shall not be less than 15 working days after the date of the notice.

### **Action by the appellant and the appropriate body on receiving notice of the hearing**

**14.**—(1) Not less than 10 working days before the date fixed for the hearing the appellant and the appropriate body—

- (a) shall inform the proper officer whether or not he or it intends to appear or be represented at the hearing;
- (b) shall inform the proper officer which, if any, witnesses he or it intends to call at the hearing; and
- (c) may if he or it does not intend to appear or be represented at the hearing send to the proper officer any written representations in support of the material already sent to the proper officer.

(2) The proper officer shall not later than the end of the period of 3 working days beginning with the date on which representations are received send to each party a copy of any representations received by him from the other party under this paragraph.

### **Alteration of place or time of the hearing**

**15.**—(1) The appeal body may alter the place or time of the hearing in such circumstances as it considers appropriate provided that the altered date of the hearing is not earlier than the original date.

(2) Where the appeal body alters the place or time of the hearing the proper officer shall without delay and in any event not later than the end of the period of 3 working days beginning with the date on which the alteration was made send a notice to the appellant and the appropriate body informing them of the alteration.

### **Procedure at the hearing**

**16.**—(1) Subject to the following provisions of this paragraph the appeal body shall determine the procedure at the hearing of the appeal.

(2) The hearing of the appeal shall be in public unless the appeal body determines that it is fair and reasonable for the hearing or any part of it to be in private.

(3) The appellant and the appropriate body may appear at the hearing and may be represented or assisted by any person.

(4) If the appellant or the appropriate body fails to attend the hearing, the appeal body may hear and, provided it has considered any representations made by the absent party under paragraph 14, determine the appeal in his or its absence.

(5) Subject to sub-paragraph (6) the appellant and the appropriate body may give evidence, call witnesses, question any witnesses and address the appeal body both on the evidence and generally on the subject matter of the appeal.

(6) The appeal body may at any point in the hearing limit the rights of either party under sub-paragraph (5) provided it is satisfied that to do so will not prevent the appeal from being decided fairly.

(7) The appeal body may adjourn the hearing, but shall not do so unless it is satisfied that it is necessary to do so in order for the appeal to be decided fairly.

(8) The time and place for an adjourned hearing shall either be announced before the adjournment or the appeal body shall without delay and in any event not later than the end of the period of 3 working days beginning with the date of the adjournment send notice to the appellant and the appropriate body informing them of the time and place of the adjourned hearing.

### **Decision of the appeal body**

17.—(1) The decision of the appeal body may be made and announced at the end of the hearing but, in any event whether there has been a hearing or not, shall be recorded immediately it is made in a document which shall also contain a statement of the reasons for the decision and shall be signed and dated by a person authorised by the appeal body.

(2) The appeal body shall not later than the end of the period of 2 working days beginning with the date on which it made its decision—

- (a) send a copy of the document referred to in sub-paragraph (1) to the appellant, the appropriate body and the head teacher of the school or sixth form college at which the appellant was employed at the completion of his induction period; and
- (b) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, notify him or it of its decision.

### **Irregularities**

18.—(1) Any irregularity resulting from failure to comply with any provision of this Schedule before the appeal body has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the appeal body, it may and shall if it considers either party may have been prejudiced by the irregularity, give such directions as it thinks just before reaching its decision to cure or waive the irregularity.

### **Documents**

19.—(1) Anything required to be sent to a person for the purposes of an appeal under this Schedule may be—

- (a) delivered to him personally; or
- (b) sent to him at his appropriate address by post; or
- (c) sent to him by facsimile or electronic mail or other similar means which are capable of producing a document containing the text of the communication, in which case the document shall be regarded as sent when it is received in a legible form.

(2) A person's appropriate address is the address stated in his notice of appeal or reply, or such other address as may be subsequently notified to the proper officer.

## EXPLANATORY NOTE

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

These Regulations consolidate the Regulations revoked by regulation 2 and Schedule 1 comprising all the regulations concerning the induction arrangements for school teachers in England made under section 19 of the Teaching and Higher Education Act 1998.

In addition these Regulations provide for the following changes of substance in relation to induction arrangements—

Further education teachers who are awarded qualified teacher status by virtue of paragraph 10A of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 are exempted from induction.

Teachers in Northern Ireland are exempted from induction if they have either successfully completed induction in Northern Ireland or were employed as teachers in Northern Ireland prior to the introduction of the induction stage of teacher training in Northern Ireland.

Overseas trained teachers who meet the induction assessment criteria and fall within the terms of paragraph 17 of Schedule 2 are exempted from induction.

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