
STATUTORY INSTRUMENTS

2008 No. 657

The Education (Induction Arrangements for School Teachers) (England) Regulations 2008

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Induction Arrangements for School Teachers) (England) Regulations 2008 and come into force on 1st September 2008.

(2) These Regulations apply in relation to England.

Revocations and transitional provision

2.—(1) Subject to paragraph (2), the Regulations specified in Schedule 1 are revoked to the extent specified in that Schedule.

(2) The Regulations specified in Schedule 1 continue to apply to any person who completed an induction period within the meaning of the 2001 Induction Regulations before 1st September 2008, and these Regulations do not apply to any such person.

(3) In paragraph (2) the reference to a person who has completed an induction period includes a person—

- (a) whose induction period is extended under regulations 16(3)(b), 19(3)(c) or 19(4)(c) of the 2001 Induction Regulations; and
- (b) who immediately before 1st September 2008 has not completed the induction period as so extended.

Interpretation

3. In these Regulations—

“the 1996 Act” means the Education Act 1996(1);

“the 1998 Act” means the School Standards and Framework Act 1998(2);

“the 2002 Act” means the Education Act 2002(3);

“the 2006 Act” means the Education and Inspections Act 2006(4);

“the 2001 Induction Regulations” means the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001(5)

“the 2003 Qualifications Regulations” means the Education (School Teachers’ Qualifications) (England) Regulations 2003(6);

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

(1) 1996 c. 56.

(2) 1998 c. 31.

(3) 2002 c. 32.

(4) 2006 c. 40.

(5) S.I. 2001/2897; amended by S.I. 2001/3938, 2002/2063, 2003/106, 2003/2148, 2005/1740, 2007/172 and 2007/2782.

(6) S.I. 2003/1662, as amended by S.I. 2007/2117.

“authority” means a local education authority;

“Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;

“the Council”, except in regulation 18(5), means the General Teaching Council for England;

“employment-based teacher training scheme” means a scheme established, or having effect as if established, by the Secretary of State for the purposes of paragraph 10 of Schedule 2 to the 2003 Qualifications Regulations(7);

“governing body” in relation to a further education institution has the same meaning as in section 90(1) of the Further and Higher Education Act 1992(8);

“head teacher” is to be construed as a reference to the lead head teacher where regulation 14 applies;

“institution” means a relevant school, an independent school or a further education institution in which an induction period may be served under these Regulations, as the context requires;

“key stage” has the same meaning as in section 82(1) of the 2002 Act;

“non-maintained special school” means a school approved by the Secretary of State under section 342 of the 1996 Act (approval of non-maintained special schools);

“operating day” has the meaning given in regulation 4;

“pupil referral unit” has the same meaning as in section 19 of the 1996 Act;

“qualified teacher” means a person who satisfies requirements specified in regulations made under section 132 of the 2002 Act;

“school year” means the period beginning with the first term to begin after July and ending with the beginning of the first such term to begin after the following July;

“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;

“the Welsh Induction Regulations” means the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(9); and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971 in England(10).

Meaning of references to operating day

4.—(1) In these Regulations “operating day” means, in relation to an institution, a day on which the institution is open for providing facilities for education or in connection with the provision of such facilities.

(7) By paragraph 5 of Schedule 1 to S.I. 2003/1662, the employment-based teacher training programme established under paragraph 19 of Schedule 2 to S.I. 1999/2166 as amended has effect as if established under paragraph 10 of Schedule 2 to S.I. 2003/1662.

(8) 1992 c.13.

(9) S.I. 2005/1818 (W. 146), as amended by S.I. 2007/2811 (W. 238).

(10) 1971 c 80.

(2) The following provisions of this regulation apply for the purposes of determining the extent to which an operating day is to be counted when calculating for the purposes of these Regulations a period of operating days or whether a period consists of a specified number of operating days.

(3) An operating day is not to be counted unless it is a day on which the person concerned is required to work under the terms of the person's contract of employment or terms of engagement.

(4) Where, in the case of a person who is in part-time employment, the person is required to work for no less time on a particular day than the person would have been if employed to work full-time, the whole day is to be counted.

(5) Where, in the case of a person who is in part-time employment on a particular day, the person is only required to work for a part of the time that the person would have been required to work if employed full-time, only that part of the day counts as determined in accordance with paragraph (6).

(6) In a case falling within paragraph (5) the amount that the part of the day represents is A/B where—

A is the amount of time (rounded up to the nearest hour) that the person is required to work on the particular day, and

B is the amount of time (rounded up to the nearest hour) that the person would be required to work on that day if contracted or engaged to work full-time.

Breach of time limits

5. 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

6. 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 the relevant body referred to in regulation 8(3)(c); and
- (d) the appropriate body in relation to a further education institution is the authority referred to in regulation 8(5).

Requirement to serve an induction period

7.—(1) Subject to the exceptions in Schedule 2, no qualified teacher is to be employed as a teacher at a relevant school⁽¹¹⁾ unless that person has satisfactorily completed an induction period in accordance with the following provisions of these Regulations in a school or a further education institution to which regulation 8(1) refers.

(2) A person is employed for the purposes of paragraph (1) if that person is engaged to provide services as a teacher, whether under a contract of employment or otherwise, in accordance with section 43(2) of the Teaching and Higher Education Act 1998⁽¹²⁾.

(11) For the definition of "relevant school" see section 19(10)(b) of the Teaching and Higher Education Act 1998 (c. 30) as amended by the Education Act 2002 (c. 32) Schedule 21 paragraph 85(c).

(12) 1998 c. 30.

Institutions in which an induction period may be served

- 8.—(1) Subject to paragraph (2), an induction period may only be served in—
- (a) a relevant school in England;
 - (b) in the circumstances specified in paragraph (3) an independent school in England;
 - (c) in the circumstances specified in paragraph (5) a further education institution in England; or
 - (d) a school or a further education institution in Wales in which an induction period may be served under the Welsh Induction Regulations.
- (2) An induction period may not be served in—
- (a) a school which is eligible for intervention by virtue of section 62 of the 2006 Act, unless—
 - (i) the person in question first worked as a qualified teacher, or was employed on an employment-based teacher training scheme, at the school at a time when the school was not eligible for intervention by virtue of section 62 of the 2006 Act or at a time when the circumstances described in section 15(6) of the 1998 Act did not apply, or
 - (ii) the Chief Inspector has certified in writing that the Chief Inspector is satisfied that the school, or the part of such a school in which the person in question teaches, is fit for the purpose of providing induction supervision and training;
 - (b) a pupil referral unit; or
 - (c) a further education institution where the most recent report made pursuant to section 124(4)(a) of the 2006 Act stated that the Chief Inspector considered that the education or training inspected was not of an adequate quality, unless—
 - (i) the person in question first worked as a qualified teacher in that institution at a time when the most recent of such reports did not state that the Chief Inspector considered that the education or training inspected was not of an adequate quality, or
 - (ii) the Chief Inspector has certified in writing that the institution, or the part of such an institution in which the person in question teaches, is fit for the purpose of providing induction supervision and training.
- (3) The circumstances in which a person may serve an induction period in an independent school are that—
- (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 and taught by that person includes the relevant programme of study specified under section 84 or 85 of the 2002 Act in relation to every core or other foundation subject which such person is employed to teach; or
 - (b) in the case of a person who is employed to teach pupils at the first or second key stage, the curriculum of the school for pupils at those key stages and taught by that person meets the requirements of section 84 of the 2002 Act other than the requirements in relation to assessment arrangements; and
 - (c) in all cases, before the start of the induction period the proprietor of the school and a relevant body have agreed that that body is to act as the appropriate body in relation to the school.
- (4) In paragraph (3)(c) a “relevant body” is—
- (a) any body of persons (corporate or unincorporate) whom the Secretary of State has determined may act as the appropriate body in relation to independent schools, or
 - (b) where no such determination has effect for the time being, an authority.

(5) A person may only serve an induction period in a further education institution where before the start of the induction period, the governing body of the institution and an authority have agreed that the authority is to act as the appropriate body in relation to the institution.

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

Length of an induction period

9.—(1) —Subject to paragraph (2), the length of the induction period is—

- (a) in the case of an induction period served wholly in one or more schools where the school year consists of 3 terms, 3 terms;
- (b) in the case of an induction period served wholly in one or more schools where the school year consists of 6 terms, 6 terms.

(2) Where in a case falling within paragraph (1)—

- (a) the person concerned serves an induction period which is a single continuous period beginning on a date other than the first day of a school term;
- (b) the person concerned serves an induction period which is not a single, continuous period and where one or more of the separate parts of that period begins on a date other than the first day of a school term; or
- (c) the person concerned is employed to work part-time at any time during the induction period,

the length of the induction period is to be determined in accordance with paragraph (4).

(3) In any case not falling within paragraph (1) (including a case where the person serves the whole or part of the induction period in a further education institution), the length of the induction period is to be determined in accordance with paragraph (4).

(4) The induction period is completed when the person has completed one or more periods of continuous employment falling within regulation 10 and the periods when taken together consist of not less than—

- (a) the number of operating days in the school year of the school in which that person starts the induction period; or
- (b) where that person starts that period in a further education institution, 189 operating days.

(5) The appropriate body may reduce a person’s induction period (the induction period as reduced being referred to as “the reduced period”) by a period which does not consist of more than 29 operating days if the conditions set out in paragraph (7) apply to that person.

(6) Where the person is absent from work on one or more days during the induction period, being days on which the person is required to work under the terms of that person’s contract of employment or terms of engagement, the reference to 29 operating days in paragraph (7) is to have effect instead as a reference to the number of days left after subtracting the number of days of absence from 29.

(7) The conditions are that—

- (a) the person was engaged to provide services as a teacher, whether under a contract of employment or otherwise, and was serving the induction period in an institution during the reduced period so as to meet the requirements of paragraph (1) or (4) but failed to do so;
- (b) the head teacher of that institution has made a recommendation to the appropriate body that the person has met the standards mentioned in regulation 15 during the reduced period;
- (c) the appropriate body has decided that the person has achieved the standards mentioned in regulation 15 during the reduced period; and
- (d) that person agrees to the reduced period in place of the prescribed induction period.

Periods of employment counting towards an induction period

10.—(1) Subject to the following provisions of this regulation, a period of continuous employment as a qualified teacher of not less than 1 term in duration counts towards an induction period where it is served in an institution to which regulation 8(1) applies, and—

- (a) where the institution is a school in England, it is served entirely on or after 1st September 1999;
- (b) where it is a sixth form college in England, it is served entirely on or after 1st September 2000;
- (c) where it is a school or sixth form college in Wales, it is served entirely on or after 1st September 2003;
- (d) where it is a further education institution other than a sixth form college in Wales, it is served entirely on or after 1st September 2005; and
- (e) where it is a further education institution other than a sixth form college in England, it is served entirely on or after 1st September 2008.

(2) A period of continuous employment of not less than 63 operating days as a qualified teacher in a further education institution counts towards an induction period where—

- (a) that person is engaged to provide services as a teacher by contract or otherwise and the period of employment under the contract or engagement is not for a specified number of terms; and
- (b) it is served in a further education institution in England or Wales to which regulation 8(5) applies and is served on or after 1st September 2008.

(3) In the case of a school where—

- (a) the school year consists of 6 terms, the reference in paragraph (1) to a period of continuous employment of not less than 1 term has effect instead as a reference to a period of continuous employment of not less than 2 terms; or
- (b) the school year does not consist of 3 or 6 school terms, the reference in paragraph (1) to a period of continuous employment of not less than one term has effect instead as a reference to a period of continuous employment of not less than 63 days.

(4) A continuous period of employment in an institution where the school year consists of 3 school terms which consists of—

- (a) consecutive parts of 2 school terms; and
- (b) where (disregarding holidays between them) when aggregated those parts equal at least the length of the shorter school term of that period,

counts as employment of 1 term for the purposes of paragraph (1).

(5) A continuous period of employment in an institution where the school year consists of 6 school terms which consists of—

- (a) a school term preceded by and followed by parts of 2 school terms; and
- (b) where those parts (which disregarding holidays between them) when aggregated equal at least the length of the shorter school term of those 2 parts,

counts as employment of 2 terms for the purposes of paragraph (1) as read with paragraph (3).

(6) No period of engagement as a supply teacher counts towards an induction period unless the head teacher of the school so agrees before the start of such period.

(7) Except as provided for in paragraphs (1) to (5), 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 on 30 or more operating days, that person's induction period is to be extended by the aggregate period of that person's absences.

(2) Paragraph (1) does not apply where a person is absent from work for more than 30 operating days only by reason of the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999(13) unless she so chooses.

(3) Where an induction period is extended under regulation 10 of the Welsh Induction Regulations and the person serving the induction period becomes employed at a school or a further education institution in England, the induction period is to be treated as having been extended under this regulation.

(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. No person may serve more than one induction period.

Supervision and training during the induction period

13.—(1) The head teacher of an institution in which a person serves a period of employment for the purposes of regulation 10 and the appropriate body in relation to that institution is responsible for that person's supervision and training during that period of employment.

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

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

14.—(1) Subject to paragraph (2), where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of those institutions must agree which of them is to act as the lead head teacher.

(2) The lead head teacher is to be solely responsible for carrying out the functions of the head teacher specified in regulation 16(4).

(3) The appropriate body in relation to the lead head teacher's school or further education institution is to be solely responsible for carrying out the functions of the appropriate body specified in regulation 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 are to be assessed for the purpose of deciding whether they have satisfactorily completed their induction period, and may determine different standards in relation to different categories of persons.

Completion of an induction period

- 16.—(1) Subject to paragraph (2), this regulation applies where—
- (a) a person is working as a qualified teacher at an institution in England when the induction period is completed, or
 - (b) in the case of a person to whom regulation 14(1) applies when the induction period is completed, the lead head teacher’s institution is in England.
- (2) This regulation is subject to Schedule 3.
- (3) A person has completed an induction period for the purposes of this regulation where that person has served—
- (a) an induction period of the length specified in regulation 9; and
 - (b) any extension to that induction period pursuant to—
 - (i) regulation 11;
 - (ii) a decision by the appropriate body under paragraph (5)(b); or
 - (iii) a decision by the Council under regulation 19(3)(c) or (4)(c).
- (4) The head teacher of the institution at which the person is employed at the completion of the induction period must within the period of 10 working days beginning with the date on which the induction period was completed—
- (a) make a written recommendation to the appropriate body in relation to that institution as to whether the person has achieved the standards mentioned in regulation 15, and
 - (b) at the same time send a copy of the recommendation to the person.
- (5) The appropriate body must within the period of 20 working days beginning with the date on which it received the head teacher’s recommendation under paragraph (4), decide whether the person—
- (a) has achieved the standards mentioned in regulation 15 and has accordingly satisfactorily completed the induction period;
 - (b) should have the induction period extended by such period as it determines; or
 - (c) has failed satisfactorily to complete the induction period.
- (6) Before making a decision under paragraph (5) the appropriate body is to have regard to any written representations received from the person in question within the period of 10 working days beginning with the date on which it received the head teacher’s recommendation under paragraph (4) (a).
- (7) The appropriate body must, within the period of 3 working days (or as soon as practicable in the case of the Council) beginning with the date on which it made a decision under paragraph (5)—
- (a) give written notice of its decision to—
 - (i) the person in question;
 - (ii) the head teacher of the institution at which that person was employed at the completion of the induction period;
 - (iii) if the person is not employed by the appropriate body, that person’s employer at the completion of the induction period;
 - (iv) the Council; and
 - (b) if the appropriate body made a decision falling within paragraph (5)(b) or (c), give the person to whom the decision relates written notice of—
 - (i) that person’s right to appeal pursuant to regulation 19 against the decision;
 - (ii) the name and address of the Council; and

(iii) the time period for making an appeal.

(8) Notice under paragraph (7) 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 regarded as given when it is received in legible form.

(9) In this regulation “appropriate body” means the appropriate body for the institution at which the person is employed at the completion of the induction period except where it is determined by regulation 14(3).

Extension of an induction period pursuant to a decision of the appropriate body or the Council

17. Regulations 8, 10, 12 to 16, 18 and 19 and Schedule 4 apply in relation to —

- (a) a person serving an induction period extended under regulation 16 or by the Council under regulation 19, or
- (b) a person for the time being serving an induction period in England where the induction period has been extended under regulation 10 of the Welsh Induction Regulations.

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 in England when the decision is made under regulation 16(5)(c) of these Regulations, or regulation 14(3)(c) of the Welsh Induction Regulations, that the person has failed satisfactorily to complete the induction period which the person is required to serve under these Regulations or the Welsh Induction Regulations.

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

- (a) no appeal is made to the Council against the decision of the appropriate body; or
- (b) the appeal to the Council 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 10 working days beginning with the date on which—

- (a) the employer received written notification from such person that the person did not intend to appeal to the Council; or
- (b) the time limit for appeal imposed by paragraph 2(1) of Schedule 4 expired or by paragraph 2(1) of Schedule 2 to the Welsh Induction Regulations expired in the case of a person who has served an induction period under those Regulations.

(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 10 working days beginning with the date on which the employer received written notice of the outcome of the appeal hearing.

(5) In this regulation, any reference to “the Council” in relation to a person who has failed satisfactorily to complete an induction period under the Welsh Induction Regulations, is a reference to the General Teaching Council for Wales.

Appeals

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

- (a) the induction period to be served by a person should be extended; or

(b) a person has failed satisfactorily to complete the induction period, that person may appeal to the Council against the decision.

(2) Schedule 4 has effect in relation to appeals under this regulation.

(3) Where a person appeals against a decision to extend the induction period to be served by that person, 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 the person has failed satisfactorily to complete the induction period, the Council 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.—(1) The appropriate body may provide—

- (a) guidance, support and assistance to schools and further education institutions; and
- (b) training for teachers

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

Charges

21. The appropriate body in relation to an independent school or further education institution may make a reasonable charge not exceeding the cost of provision of the service to the proprietor of a school or the governing body of a further education institution, 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 must have regard to any guidance given by the Secretary of State from time to time as to the exercise of that function.

7th March 2008

Jim Knight
Minister of State
Department for Children, Schools and Families