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STATUTORY INSTRUMENTS

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**2008 No. 657**

**EDUCATION, ENGLAND**

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

<i>Made</i>	- - - -	<i>7th March 2008</i>
<i>Laid before Parliament</i>		<i>17th March 2008</i>
<i>Coming into force</i>	- -	<i>1st September 2008</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 19 and 42(6) of the Teaching and Higher Education Act 1998(1):

**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.

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(1) 1998 c. 30; section 19 was amended by the Learning and Skills Act 2000 (c. 21), section 139 and by the Education Act 2002 (c. 32) Schedule 21, paragraph 85. 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. For the meaning of “prescribed” and “regulations” see section 43(1).

## Interpretation

### 3. In these Regulations—

- “the 1996 Act” means the Education Act 1996**(2)**;
- “the 1998 Act” means the School Standards and Framework Act 1998**(3)**;
- “the 2002 Act” means the Education Act 2002**(4)**;
- “the 2006 Act” means the Education and Inspections Act 2006**(5)**;
- “the 2001 Induction Regulations” means the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001**(6)**;
- “the 2003 Qualifications Regulations” means the Education (School Teachers’ Qualifications) (England) Regulations 2003**(7)**;
- “appropriate body” means the appropriate body under regulation 6;
- “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**(8)**;
- “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**(9)**;
- “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;

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(2) 1996 c. 56.

(3) 1998 c. 31.

(4) 2002 c. 32.

(5) 2006 c. 40.

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

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

(8) 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.

(9) 1992 c.13.

“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<sup>(10)</sup>; 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<sup>(11)</sup>.

### **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.

(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;

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<sup>(10)</sup> S.I. 2005/1818 (W. 146), as amended by S.I. 2007/2811 (W. 238).

<sup>(11)</sup> 1971 c 80.

- (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<sup>(12)</sup> 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<sup>(13)</sup>.

### **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—

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<sup>(12)</sup> 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).

<sup>(13)</sup> 1998 c. 30.

- (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 1<sup>st</sup> September 1999;
- (b) where it is a sixth form college in England, it is served entirely on or after 1<sup>st</sup> September 2000;
- (c) where it is a school or sixth form college in Wales, it is served entirely on or after 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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<sup>(14)</sup> 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.

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<sup>(14)</sup> S.I. 1999/3312; regulation 7 has been amended by S.I. 2002/2789 and 2006/2014.

### **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

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

## SCHEDULE 1

Regulation 2

## Revocations

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of Revocation</i>
The Education (Induction Arrangements for School Teachers (Consolidation) (England) Regulations 2001	<a href="#">SI 2001/2897</a>	The whole Regulations
The Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment) Regulations 2001	<a href="#">SI 2001/3938</a>	The whole Regulations
The Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment) Regulations 2002	<a href="#">SI 2002/2063</a>	The whole Regulations
The Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment) Regulations 2003	<a href="#">SI 2003/106</a>	The whole Regulations
The Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment No.2) Regulations 2003	<a href="#">SI 2003/2148</a>	The whole Regulations
The Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment) Regulations 2005	<a href="#">SI 2005/1740</a>	The whole Regulations
The Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment) Regulations 2007	<a href="#">SI 2007/172</a>	The whole Regulations
The Education (Recognition of School Teachers' Professional Qualifications) (Consequential Provisions) (England) Regulations 2007	<a href="#">SI 2007/2782</a>	Regulation 3

## SCHEDULE 2

Regulation 7

Cases in which a person may be employed as a qualified teacher in a relevant school without having satisfactorily completed an induction period under these Regulations

1. A person who on 7th May 1999 was a qualified teacher.
2. A person who—
  - (a) is serving an induction period (including an induction period extended under regulations 11, 16 or 19); or
  - (b) has completed such an induction period and is being employed to work as a teacher pending a decision of the appropriate body pursuant to regulation 16(5) or regulation 14(3) of the Welsh Induction Regulations.
3. A person who has failed satisfactorily to complete an induction period whose employment is pending the outcome of that person's appeal.
4. A person—

- (a) who is employed for one or more periods of less than one term as a supply teacher during the period of sixteen months starting on the date that that person is first employed as a supply teacher (by that or any other employer); or
  - (b) who has been so employed during that period, and whom the appropriate body has authorised to be employed for a period or periods of less than one term, as a supply teacher during a further period of not more than twelve months starting on the date that that person is first employed pursuant to this sub-paragraph (by that or any other employer).
5. A person who can no longer be employed under paragraph 4 of this Schedule but who is employed for a period as a supply teacher while serving an induction period in part-time service.
6. 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<sup>(15)</sup> in relation to teachers in Wales.
7. A person—
- (a) who qualified as a teacher in England on or after 7th May 1999 but before or on 1st April 2003;
  - (b) whose first post as a teacher (including as a supply teacher) following that person's qualification was in a school in Wales; and
  - (c) who before or on 1st April 2003 has completed not less than two terms' service in such a post.
8. 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.
9. 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.
10. A person who is, as respects the profession of school teacher, entitled to practice pursuant to Part 2 and Chapters 1, 2 and 4 of Part 3 of the European Communities (Recognition of Professional Qualifications) Regulations 2007<sup>(16)</sup>.
11. A person who has successfully completed a probationary period for teachers under arrangements approved and supervised by the Director of Education of Gibraltar.
12. A person who has successfully completed the States of Jersey Induction Programme for Newly Qualified Teachers.
13. A person who has been approved by the States of Guernsey Education Department as having successfully completed an induction period for teachers.
14. A person who has successfully completed an induction period for teachers under arrangements approved and supervised by the Isle of Man Department of Education.
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 Scotland, or

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<sup>(15)</sup> 1998 c. 30.

<sup>(16)</sup> S.I. 2007/278.

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- (ii) was registered as a teacher of primary or secondary education with the General Teaching Council for Scotland.
- 16.** 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.
- 17.** A person who is a qualified teacher and who became so qualified by virtue of regulation 5 of, and paragraph 12 of Schedule 2 to, the 2003 Qualifications Regulations.
- 18.** 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 became so qualified on or after 26th April 2001 by virtue of regulation 5 of, and paragraph 9 or 10 of Schedule 2 to, the 2003 Qualifications Regulations; and
  - (d) has been assessed by a person approved by the Training and Development Agency for Schools as meeting the standards mentioned in regulation 15.
- 19.** A person who is a qualified teacher who became so qualified by virtue of regulation 5 of, and paragraph 13 of Schedule 2 to, the 2003 Qualifications Regulations.
- 20.** A person who has successfully completed the Service Children's Education Schools Induction Programme in Germany or Cyprus.
- 21.** A person who on or before 1st September 2003 has successfully completed a course of initial teacher training in an educational institution in Wales.

### SCHEDULE 3

Regulation 16

Special provisions applying to a qualified teacher who has not passed the numeracy skills test on completion of the induction period

**1.—(1)** In this Schedule—

“the numeracy skills test” means the numeracy test for the time being determined by the Secretary of State as an induction standard under regulation 15 in relation to persons who qualified between 1<sup>st</sup> May 2000 and 30<sup>th</sup> April 2001.

(2) This Schedule applies in the case of a person who—

- (a) qualified as a teacher between 1st May 2000 and 30th April 2001; and
- (b) has completed an induction period but has not passed the numeracy skills test on the date when the induction period is completed.

2. The head teacher of the institution at which that person is employed at the completion of the induction period must within the period of 10 working days beginning on the date when the induction period is completed—

- (a) make a written recommendation to the appropriate body as to whether that person has achieved the induction standards mentioned in regulation 15 except for passing the numeracy skills test, and
- (b) at the same time send a copy of that written recommendation to that person.

3. The appropriate body must—

- (a) not take any decision pursuant to regulation 16(5) in respect of such a person;
- (b) notify the Council that it has received notice of such a person and identifying that person;
- (c) notify the employer of the person to whom this Schedule applies where that employer is not the appropriate body; and
- (d) at the same time send a copy of such notification to that person.

4. The employer of a person to whom this Schedule applies is to secure the termination of that person's employment as a teacher so that the termination takes effect as soon as practicable at the end of the induction period.

5. A person to whom this Schedule applies but who subsequently passes the numeracy skills test must give written notification of that fact to—

- (a) the appropriate body; and
- (b) the Council.

6. The appropriate body, within the period of 20 working days beginning with the date on which it receives such notification, must take a decision pursuant to regulation 16(5).

7. Notification under paragraphs 3 and 5 may be given by facsimile, electronic mail or other similar means which are capable of producing a document containing the text of the communication, and notification sent by such method is regarded as given when it is received in legible form.

## SCHEDULE 4

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;

“the appropriate body” is a reference to the appropriate body who took the decision subject to an appeal;

“disputed decision” means the decision against which the appeal is brought; and

“the proper officer” means the person appointed by the Council to perform the duties of the proper officer under this Schedule.

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

2.—(1) An appeal is to 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 Council may extend the time limit imposed by sub-paragraph (1) whether or not that time limit has already expired, but must 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) that person may include with the notice of appeal a statement of the reasons on which that person relies to justify the delay and the Council must consider any such statement in deciding whether or not to extend the time limit.

### **The notice of appeal**

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

- (a) the name and address of the appellant;
- (b) the name and address of the school or further education institution at which the appellant was employed at the end of the induction period;
- (c) the name and address of the appellant's 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 Council 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 appellant must sign the notice of appeal.

(3) The appellant must 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 the appeal.

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

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

- (a) send to the proper officer copies of any additional documents which the appellant wishes to rely on for the purposes of the appeal;
- (b) amend or withdraw the 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 Council.

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



(4) An appeal is to 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 must not later than the end of the period of 3 working days beginning with the date on which the Council 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 institution at which the appellant was employed at the completion of the appellant's induction period.

(2) The proper officer must not later than the end of the period of 3 working days beginning with the date on which the Council 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 Council 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 Council sends a notice under sub-paragraph (1) the proper officer must at the same time inform the appropriate body that it has done so.

(3) The proper officer must not later than the end of the period of 3 working days beginning with the date on which the Council 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 must 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 Council may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired.

(3) The Council is to 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 must do so not later than the end of the period of 3 working days beginning with the date on which the Council received notification that the appropriate body did not seek to uphold the disputed decision.

### **Contents of the reply**

8.—(1) The reply must 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—

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- (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 Council should send documents concerning the appeal to the representative instead of to the appropriate body.
- (2) The appropriate body must 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 that person 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 of a decision of the Council 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 Council.

(3) A reply is to 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 must not later than the end of the period of 3 working days beginning with the date on which the Council 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 must not later than the end of the period of 3 working days beginning with the date on which the Council 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 Council does not consider an oral hearing is necessary, the Council 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 Council may allow the appeal without an oral hearing.

(3) If the Council decides the appeal without an oral hearing, it must send notice of its decision as required by paragraph 17.

### **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 Council must—

- (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 must on the same day as the Council 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 must 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) must inform the proper officer whether or not that person or it intends to appear or be represented at the hearing;
- (b) must inform the proper officer which, if any, witnesses that person or it intends to call at the hearing; and
- (c) may, if that person 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 must 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 that person from the other party under this paragraph.

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

15.—(1) The Council 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 Council alters the place or time of the hearing the proper officer must 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 Council must determine the procedure at the hearing of the appeal.

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(2) The hearing of the appeal is to be in public unless the Council 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 Council may hear and, provided it has considered any representations made by the absent party under paragraph 14, determine the appeal in the absent party's absence.

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

(6) The Council 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 Council may adjourn the hearing, but must 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 is either to be announced before the adjournment or the Council must 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 Council**

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

(2) The Council must not later than the end of the period of 3 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 institution at which the appellant was employed at the completion of the appellant's 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 that person or that body of its decision.

### **Irregularities**

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

(2) Where any such irregularity comes to the attention of the Council, it may and must 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 that person personally; or
- (b) sent to that person at his or her appropriate address by post; or

- (c) sent to that person 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 that person's notice of appeal or reply, or such other address as may be subsequently notified to the proper officer.

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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 as amended. They come into force on 1<sup>st</sup> September 2008.

No qualified teacher can be employed in a maintained school or a non-maintained special school unless that person has satisfactorily completed an induction period in accordance with these Regulations (regulation 7). There are exceptions to this, however. They are set out in Schedule 2.

The changes of substance in relation to the previous induction arrangements include provisions that allow a person to serve an induction period in a further education institution (regulation 8). These Regulations also make different provision for the length of the induction period, including provision for reducing the induction period in specified circumstances.

A person can serve an induction period in a maintained school or a non-maintained special school. Induction can also be served in a further education institution or an independent school subject to prescribed conditions (regulation 8).

The length of the induction period will vary depending on the circumstances. Where a person in full-time employment serves the induction period wholly in one or more schools which operate a 3 term or a 6 term school year, the induction period is 3 terms or 6 terms respectively. However, this only applies where the person serves an induction period which consists entirely of full terms. In all other cases, the length of the induction period is to be determined in accordance with paragraph (4) of regulation 9 and will depend on whether the person begins serving the period in a school or further education institution. In all cases, the length of the induction period may be reduced by a period not exceeding 29 operating days (regulation 9(5)).

Only periods of continuous employment lasting a minimum of one term count towards an induction period (regulation 10). The induction period must be extended where a person has been absent for 30 or more days (regulation 11). Regulation 13 makes provision for a person's supervision and training when serving an induction period, and regulation 14 makes provision about which appropriate body and head teacher are responsible for assessing a person's induction in any case where a person is serving induction in more than one institution at the same time.

The Secretary of State sets standards which must be met by a person serving induction, if that person is to complete the induction period satisfactorily (regulation 15). On completion of that period, the head teacher of the school or principal of the further education institution where that person completes induction, must make a recommendation as to whether those standards have been met. That head teacher or principal must then inform the appropriate body of the recommendation. The appropriate body then has to decide whether or not that person has satisfactorily completed induction or whether that person should have their induction period extended (regulation 16). A person who has

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failed to complete induction satisfactorily can appeal that decision to the General Teaching Council for England. Schedule 4 sets out the procedure for such appeals.

The appropriate body for the purposes of these Regulations is the local authority where the person is serving an induction period in a maintained school or a non-maintained special school. The appropriate body where induction is served in a further education institution is any local authority, and in an independent school is a local authority or a body decided by the Secretary of State.

Any person exercising functions under these Regulations must have regard to guidance issued by the Secretary of State. This guidance can be found at [www.teachernet.gov.uk](http://www.teachernet.gov.uk).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

The Explanatory Memorandum for this instrument is available on the website of the Office of Public Sector Information, [www.opsi.gov.uk](http://www.opsi.gov.uk).