

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS)  
(ENGLAND) REGULATIONS 2008**

**2008 No. 657**

**1.** This explanatory memorandum has been prepared by The Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These regulations stipulate that school teachers, subject to prescribed exceptions, who are employed in schools maintained by local authorities or in non-maintained special schools must satisfactorily complete an induction period. The instrument sets out the arrangements and requirements for teachers who need to serve such a period and for the bodies which are responsible for managing the induction process.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 Part I of the Teaching and Higher Education Act 1998 makes provision for the teaching profession. Chapter III of that Part deals with teacher training, and enables regulations to be made requiring teachers to have satisfactorily completed an induction period in order to teach in maintained and non-maintained special schools. Such provision is currently contained in the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001. This instrument revokes and replaces those Regulations.

**5. Extent**

5.1 This instrument applies to England only.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

**Summary of the Current System**

7.1 The Department introduced a statutory induction period for newly qualified teachers (NQTs) from September 1999. Induction must be served by NQTs who obtain Qualified Teacher Status (QTS) after 7 May 1999 and who wish to be employed in the schools that are maintained by local authorities or non-maintained special schools. Induction may also be served in independent schools and sixth form colleges that are able to provide a suitable induction programme.

7.2 An induction period for a full-time NQT working in a school with a three term year is three terms. The provisions regarding the length of an induction period now cover variations to the “standard” three term model, for example where a teacher works across terms or is part-time. Responsibility for the supervision and training during an induction period is shared by the head teacher and the appropriate body, which is normally the local authority or the Independent Schools Council Teacher Induction Panel (ISCTIP) in the case of certain independent schools. Throughout the induction programme the appropriate body undertakes a quality assurance role, ensuring that the programme is of the necessary quality to allow the NQT to demonstrate that they have met the Core Standards (set out in the Standards Framework for Teachers) by the end of the induction period. After the final assessment the headteacher makes a recommendation to the appropriate body as to whether or not the individual has met the Core Standards. It is the appropriate body that makes the final decision on whether a NQT has passed induction, drawing on the head teacher’s assessment. A NQT is only allowed one chance to pass induction and, consequently, a NQT who is judged to have failed induction is prevented from working as a teacher in the maintained sector. NQTs in this position have the right to appeal against the appropriate body’s decision. The Appeal Body for induction is the General Teaching Council for England (GTCE) and their decision, once made, is final.

### **Argument for Change**

7.3 The Department has, through casework and discussions with local authorities and schools about their experience of the present system, confirmed that the induction arrangements could be improved in some important areas. The existing regulations do not cater adequately for the greater diversity of employment patterns that have emerged since the introduction of the requirement to serve an induction period. They do not cover satisfactorily, for example, the employment of staff working part-time, staff whose appointment begins after the start of term or those appointed on fixed-term contracts or similar to cover maternity absence.

7.4 The current regulations are also overly prescriptive. For example they allow the appropriate body to discount absences occurring during the induction period up to a limit. However, in cases where teachers either start late or leave early, there is no flexibility for appropriate bodies to discount days at the start or the end of a term. Consequently the instrument provides a clearer more flexible and inclusive definition of the induction period and provides for limited shortening of the induction period in specified circumstances. These include a safeguard that the NQT must consent to this shortening. These changes will not affect the way the arrangements work for the vast majority of NQTs, but they will cut down on the disproportionate time schools and authorities spend checking requirements and handling nugatory casework for a minority of NQTs.

7.5 A person wishing to qualify as a teacher must complete satisfactorily initial teacher training (ITT). The current regulations for ITT, allow work placements during that training to be served in Further Education (FE) institutions. The current arrangements for the induction period provide that it can be served in a FE institution only if it is a sixth form college. It is inconsistent to provide no scope for completing induction in a FE institution, even where a NQT has undertaken ITT in FE. Moreover, curriculum reform and in particular developments in the education of pupils aged between 14 and 19 are producing increased movement of pupils and staff between school and FE settings, and this trend is likely to continue. Permitting all FE institutions who meet the requirements in regulations and guidance to host induction is consistent with greater deployment of staff with QTS across

the sectors. It will also enable FE institutions that take up this option to draw on the expertise of a wider pool of teachers with QTS and potentially further enhance FE provision for pupils aged 14-19. It will also open up access to the NQT induction programme to staff with QTS currently working in the FE sector who have not as yet completed induction.

## **Consultation**

7.6 From the outset of the review of the induction system, we consulted key partners and stakeholders. These included: the Training and Development Agency for Schools (TDA); the GTCE; local authorities; schools; ISCTIP; Ofsted; representatives from the FE sector (including the Learning and Skills Council, the Institute for Learning, the Association of Colleges and the Sixth Form Colleges Forum) and policy officials responsible for teacher induction in Scotland, Northern Ireland and Wales. We have also worked closely with members of the Association of Teachers and Lecturers, the Association of School and College Leaders, the National Association of Head Teachers, the National Association of Schoolmasters and Union of Women Teachers and the Local Government Employers Organisation.

7.7 In May 2007 we undertook a 12 week public consultation on the proposed amendments to the induction regulations. There were 77 responses including from individual local authorities, schools and FE Colleges and governor bodies. Overall, the majority of respondents agreed with all of the proposals in the consultation document. There was very positive support for the proposal to allow FE institutions to host induction. Respondents made valuable suggestions about how to improve the work-in-progress guidance, that was circulated with the consultation document, and made useful suggestions about how to implement the proposed arrangements successfully, all of which we are currently considering. Respondents welcomed efforts to clarify the current regulations and guidance, and to provide greater flexibility for a shorter period, provided the limited circumstances in which this might happen were made clear. We will continue to consult with key stakeholders and partners as we develop the statutory guidance and our implementation and communications plans

## **Guidance**

The DCSF will publish statutory guidance on the interpretation of these Regulations. Any person exercising functions under these Regulations must have regard to this guidance. The guidance will be published on [www.teachernet.gov.uk](http://www.teachernet.gov.uk).

## **8. Impact**

8.1 A full Impact Assessment has not been prepared for this instrument because the initial assessment has concluded that the instrument will have an insignificant impact on business, charities or voluntary bodies. The main stakeholder group that is outside of the public sector is the independent schools sector. Although teachers working in the independent sector are not required to undertake induction, independent schools can recruit NQTs and host their induction should they wish to. Independent schools in this position and ISCTIP (which act as the Appropriate Body for some) will be required to familiarise themselves with the new regulations and guidance but beyond this the changes will not cause any burdens or engage them in additional work. In fact the introduction of greater flexibility is intended to make the regulations less bureaucratic for schools and Appropriate Bodies across sectors.

8.2 The impact on the public sector is minimal. The initial assessment concluded that the instrument does not represent significant changes to policy, there is widespread support for the changes, the costs are negligible and outweighed by the benefits of greater clarity and flexibility.

## **9. Contact**

9.1 Paula Penny at the Department for Children, Schools and Families (email: [paula.penny@dscf.gsi.gov.uk](mailto:paula.penny@dscf.gsi.gov.uk) , telephone 020-79255021) can answer any queries regarding this instrument.