

EXPLANATORY MEMORANDUM TO

THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS) (ENGLAND) (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020

2020 No. 842

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amends the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 to address the ongoing impact of the coronavirus (COVID-19) outbreak on newly qualified teachers (NQTs) undergoing statutory induction. It extends, from 1 September 2020 to 1 September 2021, the period during which any NQT absence related to the coronavirus (COVID-19) outbreak will not contribute towards the 30-day absence limit that would cause an automatic extension of the induction period. This will allow NQTs who meet the Teachers' Standards to complete their induction periods as anticipated despite the potential for additional absences due to the current public health emergency.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 The regulations amend the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 ("the induction regulations"). The induction amendment regulations provide that ordinarily, where an NQT serving an induction period is absent from work for 30 or more days during their induction period, that period is extended by the aggregate period of the person's absences.

- 6.2 The regulations were previously amended on the 21 May 2020 by the Education (School Teachers' Qualifications and Induction Arrangements) (England) (Coronavirus) (Amendment) Regulations 2020, to allow a teacher to complete a statutory induction period before 1 September 2020 without extension, if the reason for such an extension would have been due to absences related to the coronavirus (COVID-19) outbreak.
- 6.3 This instrument extends the effect of that amendment to 1 September 2021, meaning the relaxation will remain in place for the next academic year.

7. Policy Background

What is being done and why?

- 7.1 With some limited exceptions a teacher is required to successfully complete an induction period in order to be able to teach as a qualified teacher in a relevant¹ school in England. Each year, around 30,000 NQTs undertake their statutory induction in schools in England. If an NQT fails to meet the Teachers' Standards at the end of induction, they cannot be employed lawfully as a qualified teacher in a relevant school.
- 7.2 The length of the induction period an NQT is required to serve is usually the full-time equivalent of one school year (although that can be reduced in limited circumstances). The induction period is automatically extended prior to completion when an NQT's absences during the period amount to 30 days or more (with the exception of statutory maternity leave and parental bereavement leave). In these circumstances the induction period must be extended by the aggregate total of days absent.
- 7.3 As set out above, in response to the coronavirus (COVID-19) pandemic, the amendments to the induction regulations ensured that coronavirus-related absences before 1 September 2020 did not contribute to the 30-day threshold which results in the induction period being automatically extended. This provision has allowed NQTs the opportunity to complete their induction periods to original timescales as expected, provided they satisfactorily meet the Teachers' Standards.
- 7.4 As a result of the potential for ongoing disruptions beyond 1 September 2020, there remains the possibility that large numbers of NQTs in the coming academic year could be subject to lengthy absences as a result of the coronavirus (COVID-19), which will mean that their total period of absence will be 30 days or over.
- 7.5 Without regulatory change, this could delay the completion of induction for many NQTs, with both individual and sector-wide impacts. Not only would these NQTs be unable to take up employment in relevant schools until they have completed induction, but they would continue to be subject to induction arrangements that require schools to deliver a programme of monitoring, support and assessment, potentially placing a significant burden upon schools. These impacts would most likely peak at the end of the 2020/21 academic year, and from September 2021, as the majority of NQTs align their induction periods with the academic year. By extending the provision until September 2021 it ensures that the changes capture the vast majority of NQTs completing induction.

¹ A relevant school includes: a maintained school (maintained by a Local Authority in England); a non-maintained special school; a maintained nursery schools; a nursery school that forms part of a maintained school; a local authority maintained children's centre; and a pupil referral unit (PRU).

7.6 We do not expect NQTs or schools to be adversely impacted by these amendments; nor do we expect teacher quality to suffer. All NQTs have already demonstrated their ability to meet the Teachers' Standards (upon achieving qualified teacher status) and statutory induction supports the NQT to demonstrate their performance over a sustained period. If any NQT is assessed not to have met the Teachers' Standards by the end of their induction period, their induction can still be extended under the regulations.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 There are no plans to consolidate the relevant regulations

10. Consultation outcome

10.1 Whilst there is no statutory duty to consult on amending these regulations, Department for Education officials have consulted with sector experts when considering the impact of coronavirus (COVID-19) related absences on NQT induction. Those engaged have expressed concerns about the ongoing impact of coronavirus (COVID-19) and are supportive of the extension of the provision.

10.2 The May 2020 amendment was positively welcomed by the education sector. It was also tested with several large appropriate bodies (organisations responsible for the quality assurance of NQT Induction) including the National Teacher Accreditation (NTA) and the Independent School Teacher Induction Panel (ISTIP) who were supportive of our changes.

11. Guidance

11.1 The Department for Education published guidance² in relation to absences for NQTs undergoing induction on 1 April 2020, ahead of the initial amendment being made. This guidance was also communicated to all appropriate bodies in England via the Teaching Regulation Agency, an executive agency of the Department for Education with responsibility for the supply, quality, and regulation of the education workforce.

11.2 The Department for Education will update this guidance to reflect the changes made by this instrument.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 The impact on the public sector is not anticipated to be significant.

12.3 An Impact Assessment has not been prepared for this instrument because there is no anticipated impact, or significant impact, on businesses.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

² This can be found at : <https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers>

14. Monitoring & review

- 14.1 This amendment extends the previous provision relating to NQT induction periods which would have expired on 1 September 2020 and will only apply to absences related to coronavirus (COVID-19) which occur before 1 September 2021. It is therefore not considered that a review of its provisions are necessary.

15. Contact

- 15.1 Rebecca White at the Department for Education, (Telephone: 07469 413 525 or email: rebecca4.white@education.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Gareth Conyard, Deputy Director for Developing Teachers and Leaders, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Nick Gibb MP, Minister of State for School Standards at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.