

2022 No. 1256

EDUCATION, ENGLAND

The Education (School Teachers' Qualifications and Induction Arrangements) (Amendment) (England) Regulations 2022

<i>Made</i>	- - - -	<i>29th November 2022</i>
<i>Laid before Parliament</i>		<i>1st December 2022</i>
<i>Coming into force</i>	- -	<i>1st February 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 132, 135A, 145 and 210(7) of the Education Act 2002(a).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Education (School Teachers' Qualifications and Induction Arrangements) (Amendment) (England) Regulations 2022 and come into force on 1st February 2023.

(2) These Regulations extend to England and Wales, but apply only in England.

Amendment of the Education (School Teachers' Qualifications) (England) Regulations 2003

2. In regulation 5 of the Education (School Teachers' Qualifications) (England) Regulations 2003(b) (qualified teacher status), for "13C" substitute "13E".

3.—(1) Part 1 of Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003(c) (qualified teacher status requirements) is amended as follows.

(2) In paragraph 1, after the definition of "graduate teacher", insert—

““QTS list request” means a request made to the Secretary of State for inclusion in the list of persons who are qualified teachers in England which is maintained by, or on behalf of, the Secretary of State;”.

(3) For paragraph 3 substitute—

“3. The person is, immediately before 1st February 2023, a qualified teacher by virtue of regulations made in relation to Wales under section 132 of the Education Act 2002.”.

(4) In paragraph 4, for “Scotland” substitute “Wales, Scotland”.

(5) For paragraph 5 substitute—

(a) 2002 c. 32. Section 132 was amended, in relation to England, by paragraph 19(2) of Schedule 2 to the Education Act 2011 (c. 21) (“the 2011 Act”). Section 135A was inserted by section 9 of the 2011 Act and amended by paragraph 13(2) of Schedule 13 to that Act and by S.I. 2012/976. Section 145 was amended, in relation to England, by paragraph 19(4) of Schedule 2 to, and paragraph 17 of Schedule 5 to, the 2011 Act. “Regulations” is defined in section 212(1) of the Education Act 2002.

(b) S.I. 2003/1662. Relevant amending instruments are S.I. 2012/431 and 2021/385.

(c) Relevant amending instruments are S.I. 2009/3156, 2012/431, 2020/464, 2021/385 and 2021/1093.

- “5. The person—
- (a) has full registration as a teacher of primary or secondary education with the General Teaching Council for Scotland^(a), and
 - (b) has, before 1st February 2023, made a QTS list request.”.
- (6) In paragraph 6—
- (a) omit “and” at the end of sub-paragraph (a);
 - (b) at the end of sub-paragraph (b), insert—
 - “, and
 - (c) has, before 1st February 2023, made a QTS list request”.
- (7) In paragraph 7(1)(b), for “an accredited institution in England” substitute—
- “an institution in England which—
 - (i) is an accredited institution, or
 - (ii) provides that course on behalf of an accredited institution in England”.
- (8) In paragraph 11(1), for “has submitted” substitute “has, before 1st February 2023, submitted”.
- (9) In paragraph 13A(1)—
- (a) omit “and” at the end of paragraph (b);
 - (b) at the end of paragraph (c), insert—
 - “; and
 - (d) has, before 1st February 2023, made a QTS list request”.
- (10) After paragraph 13C insert—
- “**13D.**—(1) The person has an international qualified teacher status (“iQTS”) qualification awarded by an accredited institution in England which is approved to award iQTS qualifications by the Secretary of State.
- (2) For the purposes of this paragraph, an iQTS qualification is a qualification awarded following the successful completion of a course of initial teacher training outside England provided by, or under arrangements made by, an accredited institution in England.
- 13E.**—(1) The person—
- (a) is qualified to teach in a specified country or territory other than the United Kingdom,
 - (b) is assessed by or on behalf of the Secretary of State as meeting such requirements as to professional skills and knowledge as may from time to time be specified, and
 - (c) does not fall within sub-paragraph (2).
- (2) A person falls within this sub-paragraph if they are—
- (a) the subject of any decision of, or proceedings before, a relevant authority which restricts or may restrict their eligibility to teach in the country in which their overseas teaching qualification was awarded or any part of that country in which they are or have been employed, or
 - (b) included on the list kept by the Secretary of State under section 141C(1)(b) of the Education Act 2002^(b) (list of persons prohibited from teaching etc).
- (3) For the purposes of this paragraph, a person is qualified to teach in a country or territory other than the United Kingdom if they—

(a) See article 4 of S.S.I. 2011/215.

(b) Section 141C was inserted by section 8(1) of the Education Act 2011 (c. 21).

- (a) have successfully completed a programme of professional training for teachers in that country or territory which is recognised by the national competent authority in that country or territory, or, where there is no national competent authority, the competent authority for the part of the country or territory where the programme was completed, and
 - (b) have successfully completed any additional requirements which are necessary in order for a person to be eligible as a qualified teacher in the relevant country or territory, or part of the relevant country or territory.
- (4) In this paragraph “specified” means specified by the Secretary of State.”.

Amendment of Schedule 1 to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012

4.—(1) Schedule 1 to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012(a) (exceptions to the requirement to serve an induction period) is amended as follows.

(2) For paragraph 8 substitute—

“8. A person who—

- (a) has, or is eligible for, full registration as a teacher of primary or secondary education with the General Teaching Council for Scotland; and
- (b) unless the person had, or was eligible for, such registration immediately before 1st February 2023, has successfully completed a probationary period in Scotland.”.

(3) In paragraph 10—

- (a) the existing text becomes sub-paragraph (1);
- (b) in sub-paragraph (1), after “Regulations” insert—

“—

- (a) before 1st February 2023 and remains so qualified; or
- (b) pursuant to—
 - (i) a decision taken or determination made under the 2007 Regulations in accordance with paragraph 50 or paragraph 51 of Schedule 1 to the 2019 Regulations in respect of a transitional application; or
 - (ii) a decision taken or determination made under the 2015 Regulations in accordance with paragraph 44 of Schedule 1 to the 2019 Regulations in respect of a transitional application”;

(c) after sub-paragraph (1) insert—

“(2) In this paragraph “transitional application” means an application made, but not finally determined, before the transition end date—

- (a) under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the 2007 Regulations;
- (b) for recognition of a relevant qualification (within the meaning of paragraph 51 of Schedule 1 to the 2019 Regulations); or
- (c) under, or relying on an entitlement under, Chapters 1 and 2 of Part 3 of the 2015 Regulations.

(3) For the purposes of sub-paragraph (2)—

- (a) “transition end date” means—
 - (i) in the case of an application made for recognition of a relevant qualification, the end of the period of four years beginning with IP completion day;

(a) S.I. 2012/1115; relevant amending instrument is S.I. 2019/312.

- (ii) in any other case, 1st February 2023;
 - (b) an application is finally determined if the competent authority has notified, or is deemed to have notified, the applicant of its decision and either—
 - (i) the period for appeal against that decision under regulation 36 of the 2007 Regulations or, as the case may be, regulation 68 of the 2015 Regulations has expired without an appeal being made; or
 - (ii) where an appeal was made against that decision, that appeal has been finally determined or withdrawn;
 - (c) “competent authority” has the meaning that it has for the purposes of the 2007 Regulations or, as the case may be, the 2015 Regulations.
- (4) In this paragraph—
- “the 2007 Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007(a);
- “the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015(b);
- “the 2019 Regulations” means the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(c).”.
- (4) For paragraph 20 substitute—
- “20. A person who has successfully completed an induction programme for teachers in a school which is administered or maintained by, or on behalf of, the Secretary of State for Defence and outside the United Kingdom.”.
- (5) After paragraph 24 insert—
- “25.—(1) A person who—
- (a) is a qualified teacher and became so qualified on or after 1st February 2023 by virtue of—
 - (i) regulation 5 of, and paragraph 8 or 8A of Schedule 2 to, the 2003 Qualifications Regulations, otherwise than following a transitional application (within the meaning given in paragraph 10 of this Schedule); or
 - (ii) regulation 5 of, and paragraph 13E of Schedule 2 to, the 2003 Qualifications Regulations, and
 - (b) has not less than two years’ full-time teaching experience, or its equivalent, in the United Kingdom or elsewhere.”.

29th November 2022

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Teachers’ Qualification) (England) Regulations 2003 (“the QTS Regulations”) and the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 (“the Induction Regulations”).

(a) S.I. 2007/2781. The Regulations were revoked, with savings, by S.I. 2015/2059.
 (b) S.I. 2015/2059, as amended by paragraphs 388 to 394 of Schedule 19 to the Data Protection Act 2018 (c. 12) and by S.I. 2016/696, 2016/1030, 2016/1094, 2018/166, 2018/838, 2018/893, 2018/1101, 2019/89, 2019/312 and 2020/1038. The Regulations are revoked by section 5 of the Professional Qualifications Act 2022 (c. 20), but that section is not yet in force.
 (c) S.I. 2019/312. Relevant amending instruments are S.I. 2020/1038 and 2021/574.

The QTS Regulations set out the requirements which must be satisfied in order to be a qualified teacher in England. The QTS Regulations are amended:

- (a) to provide for teachers who hold the qualification known as “international qualified teacher status” (or iQTS) to be qualified teachers in England (new paragraph 13D of Schedule 2 to the QTS Regulations, as inserted by regulation 3(10) of these Regulations), and
- (b) to set out new requirements to be satisfied by certain teachers who have completed their teacher training outside England (paragraph 4 of Schedule 2 to the QTS Regulations, as amended by regulation 3(4) of these Regulations and new paragraph 13E of that Schedule, as inserted by regulation 3(10) of these Regulations).

These Regulations make related transitional provisions for those who complete their teacher training outside England and have sought to work as a teacher in England before 1st February 2023 (regulation 3(3), (5), (6) and (8) of these Regulations).

Paragraph 7 of Schedule 2 to the QTS Regulations is amended to clarify the institutions in England at which a person may complete their course of initial teacher training to be a qualified teacher (regulation 3(7) of these Regulations).

The Induction Regulations set out the arrangements and requirements for induction periods for teachers who are employed in maintained schools and non-maintained special schools. The Induction Regulations are amended so that the following are exempt from the requirement to complete an induction period before taking up employment in such a school:

- (a) teachers who have successfully completed a probationary period at a Ministry of Defence school which is not in the United Kingdom (paragraph 20 of Schedule 1 to the Induction Regulations, as amended by regulation 4(4) of these Regulations), and
- (b) teachers who are qualified teachers under paragraph 13E of Schedule 2 to the QTS Regulations (which is inserted by these Regulations) and who have at least two years (full-time equivalent) practical teaching experience (new paragraph 25 of Schedule 1 to the Induction Regulations, as inserted by regulation 4(5) of these Regulations).

The Inductions Regulations are also amended so that:

- (a) teachers who become qualified teachers under paragraph 8 or 8A of Schedule 2 to the QTS Regulations on or after 1st February 2023 are exempt from the requirement to complete an induction period only if they have at least two years (full-time equivalent) practical teaching experience (new paragraph 25 of Schedule 1 to the Induction Regulations), and
- (b) teachers who have, or are eligible for, full registration with the General Teaching Council for Scotland are exempt from the requirement to complete an induction period only if they had, or were eligible, for full registration before 1st February 2023 or have completed a probationary period in Scotland (paragraph 8 of Schedule 1 to the Induction Regulations).

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

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