

EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL TEACHERS' QUALIFICATIONS AND INDUCTION ARRANGEMENTS) (AMENDMENT) (ENGLAND) REGULATIONS 2022

2022 No. 1256

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Education (DfE) and is laid before Parliament by Command of His Majesty.
- 1.2 This explanatory memorandum has been re-laid to provide additional information requested by the Secondary Legislation Scrutiny Committee. This new information can be found in paragraphs 6.2, 6.3, 6.5, 7.1 and 10.1 to 10.3. This new version also includes a correction to a reference to statutory induction in paragraph 7.5.

2. Purpose of the instrument

- 2.1 This instrument amends two sets of Regulations to give effect to the Secretary of State's policy for recognition of overseas teaching qualifications for Qualified Teacher Status (QTS) in England¹. The current legislation allows teachers who qualified from some countries to be treated as qualified in England, while others cannot, even if they have equivalent skills and experience. Under the new policy, a new professional recognition system will be introduced that will set consistent standards so that the qualifications and experience of suitably qualified teachers from all countries can be fairly assessed for QTS.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) 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 This instrument amends two sets of Regulations to give effect to DfE's new policy for professional recognition of overseas teachers' qualifications. These are the Education

¹ <https://www.gov.uk/government/publications/awarding-qualified-teacher-status-to-overseas-teachers/a-fairer-approach-to-awarding-qts-to-overseas-teachers>

(School Teachers' Qualifications) (England) Regulations 2003 ("2003 Regulations") and the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 ("2012 Regulations").

- 6.2 The 2003 Regulations set out the various routes by which a person might become a "qualified" teacher, allowing them to work in maintained schools in England. They include provision for the recognition of qualifications from the European Economic Area (EEA), Switzerland and a limited number of other states. The 2012 Regulations set out the key requirements for schoolteachers to complete an induction period and, crucially, the exemptions from induction, which currently exempt teachers awarded QTS under an overseas recognition route from being required to complete an induction period.
- 6.3 This instrument introduces a new overseas qualification route. This will allow individuals qualified to teach in countries beyond the EEA and Switzerland (and, when current EEA and Swiss specific routes are closed next year, individuals qualified in those countries) to have those qualifications recognised in England. This will allow them to teach in maintained schools without further training or assessment. These teachers will need to meet key criteria set by the Secretary of State. These criteria include, for example having an undergraduate degree and teacher training qualifications that are equivalent to the UK academic levels as verified by UK ENIC², demonstrating English language proficiency, and a minimum level of professional teaching experience of at least one academic year. More details of key criteria are set out in the policy paper dated 10 June 2022³.
- 6.4 It makes provision for teachers who complete DfE's new international teacher training qualification known as "iQTS" in an institution approved by the Secretary of State. Teachers who successfully complete iQTS will be recognised as qualified teachers in England.
- 6.5 It closes some of the current, country-specific routes that provide automatic recognition for teachers from Australia, Canada, New Zealand, and the USA, whose eligibility will be assessed under the new route under which teachers qualified anywhere can be recognised, and amends recognition routes for the Home Nations. Where teachers have previously achieved qualified teacher status by routes being closed that status is unaffected. Transitional arrangements are made so that teachers having sought recognition under those routes before they are closed, and have not yet had that confirmed, can continue to be recognised as qualified teachers under the previous routes.
- 6.6 The principal domestic route to QTS is also amended so that teacher trainees can complete their course either at an accredited provider or at a partner-provider working with that provider, to better reflect the initial teacher training market post current reform.
- 6.7 Regarding statutory induction, this instrument makes amendments to the categories of teachers exempted from completing statutory induction in England.

² The UK agency responsible for the recognition and evaluation of international qualifications and skills.

³ <https://www.gov.uk/government/publications/awarding-qualified-teacher-status-to-overseas-teachers/a-fairer-approach-to-awarding-qts-to-overseas-teachers>

7. Policy background

What is being done and why?

- 7.1 Suitably qualified overseas teachers make an important contribution to the teaching workforce in England. Despite this, there remains significant supply pressures on the teaching workforce in England and the numbers of teachers from the EEA and Switzerland applying for automatic recognition has fallen significantly as seen in the Teaching Regulation Agency's (TRA) 2021/22 annual report⁴. The Teacher Workforce Model (TWM) also indicates a shortage of teachers in certain subjects particularly in Modern Foreign Languages (MFL) and Physics, where international teachers and trainees have often contributed to help compensate for some of the domestic shortfall.
- 7.2 The Department wants to ensure that its arrangements for recognising overseas qualifications are best optimised to support the movement of teachers to the English workforce and to ensure that the arrangements are consistent and fair. There is a need to create a new recognition system to facilitate this.
- 7.3 This instrument effects a change in policy that will come into effect from 1 February 2023, whereby those with overseas teaching qualifications beyond the EEA and Switzerland will be able to have those qualifications recognised in England where they meet criteria reflecting the skills, knowledge and experience currently expected of those allowed to teach in maintained schools in England. This was announced on 10 June 2022.
- 7.4 The Department's new international recognition approach will also complement a new international training route. iQTS was announced in the joint DfE-DIT International Education Strategy (IES) 2021 Update in February 2021⁵ as a new international teaching qualification based on English methods and standards of teacher training. iQTS will provide export opportunities for English initial teacher training (ITT) providers and support the global spread of high quality teaching. iQTS will be taught by DfE-approved English teacher training providers and accessible to trainees all over the world. Teachers who successfully complete the new iQTS qualification will be recognised as qualified teachers in England.
- 7.5 Regarding induction, all qualified teachers who are employed in a relevant school in England must have successfully completed an induction period, subject to specified exemptions. Certain categories of overseas teachers awarded QTS are exempt from undergoing statutory induction. The new policy will exempt only those overseas teachers who have more than two years of post-qualification experience.
- 7.6 User research has suggested that overseas teachers without two years of post - qualification experience would strongly benefit from the mentoring, reduced timetable and development support entailed in statutory induction. Current policy exempting them from induction denies them this opportunity. The new policy addresses that, while recognising that those with two years of post-qualification experience will be better able to meet the expectations of qualified teachers straight away.

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1092765/TRA_Annual_Report_2021-22.pdf

⁵<https://www.gov.uk/government/publications/international-education-strategy-2021-update>

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 There are no plans to consolidate the relevant regulations.

10. Consultation outcome

10.1 We developed the new recognition criteria through combining research into international training systems, direct user research and consultation meetings with stakeholder groups. User research was used to understand the experiences of overseas teachers who have or would consider teaching in England, and the perspectives of school leaders who have recruited overseas teachers or who would consider recruiting them. This was used to develop our recognition policy, which was then tested through consultation with school leaders, teachers, teaching unions and initial teacher training providers. These groups included:

- Representatives of and members of the National Association of Head Teachers.
- Representatives of and members of the Association of School and College Leaders.
- Representatives and members of the National Education Union.
- Representatives and members of the National Association of School Based Teacher Trainers (NASBTT).
- Representatives of NASUWT.
- Representatives and members of the Universities' Council for the Education of Teachers (UCET).
- The Department for Education's Recruitment and Retention Expert Advisory Group.
- The Department for Education's Trade Union Working Group (including the unions listed above).
- The Initial Teacher Training Advisory Group (ITTAG) (including UCET and NASBTT listed above).
- The Department for Education's Teacher Reference Group, Secondary Headteacher Reference Group and Primary Headteacher Reference Group.
- Statutory Induction Appropriate Bodies.
- Providers of the Early Career Framework.
- Individual overseas teachers through user research.

10.2 Most stakeholders agreed with the principle of a global recognition system based on uniform criteria, and with the addition of new criteria to make the process more robust. There were some differences in views as to where the criteria should be set – for example, the number of years of professional experience that should be required. In these instances, we have sought to balance the need to address deficiencies in the current system without screening out significant numbers of teachers who might otherwise meet all criteria.

10.3 In addition, while giving effect under powers in the Education Act 2002, our approach was developed to be in line with the provisions of the Government's Professional

Qualifications Act 2022, for which a call for evidence was carried out in the Autumn of 2020.

- 10.4 With regard to iQTS, we ran a public consultation on proposals for iQTS from 6 February 2021 to 3 May 2021. We received 264 responses to the survey and a further 7 written responses via email. Some responses were from organisations representing hundreds of members. Overall, the response to the proposals for iQTS were very positive, and respondents largely agreed with the framework set out. There was clear interest both from ITT providers in offering iQTS, and from the international sector on potential demand all over the world in a range of different settings.
- 10.5 Most respondents agreed that the various elements of the iQTS framework, including the iQTS Teachers' Standards, entry requirements and application of the Core Content Framework (CCF), should remain aligned with the requirements for English initial teacher training. On quality assurance, there was significant support for creating a robust inspection framework and limiting the delivery of iQTS to accredited English ITT providers to maintain high standards.
- 10.6 Responses highlighted that QTS is perceived as a gold standard globally and that providing a route to QTS via iQTS would therefore be desirable in many international settings.

11. Guidance

- 11.1 New professional recognition service: Guidance available at:
<https://www.gov.uk/government/publications/awarding-qualified-teacher-status-to-overseas-teachers/a-fairer-approach-to-awarding-qts-to-overseas-teachers>.
- 11.2 iQTS: Guidance available at:
<https://www.gov.uk/government/publications/international-qualified-teacher-status-iqts/introducing-the-international-qualified-teacher-status-iqts-pilot>.

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 on businesses.

13. Regulating small business

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

14. Monitoring & review

- 14.1 We have developed a Theory of Change and an evaluation plan to monitor the impact of this new approach. The Theory of Change explains how the intended policy change will happen, the linear relationship between the problem we are trying to solve, and how we would check that our policy intervention has had the intended impact. We will consider evaluating key questions to help us assess both the policy and operational impacts of our approach. We have identified various metrics and data sets such as QTS awards per year, school workforce census, and user satisfaction measures to evaluate key questions. Where possible, we have integrated some of these measures into the new QTS application service to monitor service impact in live whilst iterating

for better outcomes. The timelines for evaluation will vary but we assess that our earliest point of evaluation would be late 2023.

- 14.2 The instrument does not make or amend regulatory provision regarding any qualifying activity (as defined under section 28 of the Small Business, Enterprise and Employment Act 2015), and it was not otherwise thought necessary to include a statutory review clause.

15. Contact

- 15.1 Pete Benwell at the Department for Education, email: pete.benwell@education.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Stacy Singleton, Deputy Director for Becoming a Teacher at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Rt Hon Nick Gibb MP, Minister of State for School Standards at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.