EXPLANATORY MEMORANDUM TO

THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS) (CONSOLIDATION) (ENGLAND) (AMENDMENT) REGULATIONS 2007

2007 No. 172

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

2. Description

2.1 This amendment allows extra time for teachers that gained Qualified Teacher Status (QTS) between 1st May 2000 and 30th April 2001, known as Cohort 1, to pass the numeracy skills test so that they may satisfactorily complete induction.

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

3.1 Regulation 4(c), in substituting regulation 16A(4) of the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 ("the principal Regulations"), revives and extends the induction period of an affected teacher whose induction period was completed before the amendments come into force. This amendment regularises the continued employment of the teachers concerned, whose employment has been irregular since 31st August 2002 or the later date on which they completed induction. However the amendment is not retrospective.

4. Legislative Background

4.1 The principal Regulations specify that no one is to be employed as a teacher in a maintained or non-maintained special school unless he or she has satisfactorily completed an induction period. Regulations 16A and 18A give special provision for that cohort of teachers who were set to gain Qualified Teacher Status (QTS) between 1st May 2000 and 30th April 2001 (the teachers). They did not have to take a set of skills tests to achieve QTS, as is the case for later cohorts seeking that qualification. However, regulation 16A of the Regulations provided that the teachers had to pass a numeracy skills test (the test) to complete induction satisfactorily. Regulation 18A required the teachers to pass it by 31st August 2002. After this deadline any of the teachers who had not passed the test could not be employed in a maintained school or non-maintained special school since they had not satisfactorily completed an induction period (regulation 7).

4.2 There are some of the teachers who still have not passed the test. The aim is to allow them further time to do so through this new deadline to ensure that these experienced teachers are not lost to the profession.

5. Extent

5.1 This instrument applies to England.

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

7.1 The Department for Education and Skills (the Department) and the Training and Development Agency for Schools (the TDA) publicised the 31st August 2002 deadline, making clear the implications for those who did not pass. Namely, that they would be prohibited from teaching in maintained and non-maintained special schools. Despite this some teachers had not passed by the deadline. Ministers decided in December 2002 that no further action should be taken: the numbers involved were small and the individuals concerned were not expected to continue in employment in maintained or non-maintained special schools.

7.2 However, a recent exercise has identified 229 Cohort 1 teachers who have not passed the test and who appear to be working in maintained schools or non-maintained special schools when they should not be. It seems action to dismiss such teachers in line with the Regulations may not have been taken as it should, or shortcomings in recruitment checks may have led to some Cohort 1 teachers being employed incorrectly.

7.3 The purpose of this amendment is to allow these teachers to work lawfully whilst they attempt to pass the test. It is unreasonable, after 4 years of silence, to dismiss these teachers instantly, especially when it is considered that these teachers may have been successfully teaching for potentially the last 6 years.

7.4 A consultation of three weeks was carried out among employers, local authority induction co-ordinators, trades unions, educational bodies such as the Independent Schools Council Teacher Induction Panel (ISCTIP), contacts responsible for induction policy (or its equivalent) in Scotland, Wales and Northern Ireland, as well as other related policy areas within the Department. There was widespread support for the proposed amendment with the vast majority of respondents in favour of a change to the deadline as proposed.

7.5 The TDA and the General Teaching Council for England (the GTCE) have written a letter to these teachers, their schools and local authorities to inform them of the current situation and also that a consultation was taking place on this proposed amendment. The letters stated that a deadline of 27 April 2007 would be, subject to the outcome of the consultation and Parliamentary process, the last date by which they could pass the test and notify the GTCE,. The letters also provided contact details for information on the policy, the tests, test and support arrangements and related enquiries.

7.6 The Department will write to these teachers and their employers and all consultees directly to update them on the outcomes from the consultation and the intention to amend the Regulations to set a new deadline. The letters will include reminders about contact details. Similar information will also be publicised on the Department and TDA websites and the TDA's extranet site for induction co-ordinators. Guidance for those needing to take the tests continues to be available on the TDA website.

7.7 The Department plans to consolidate the Regulations within a year during a wider revision of the regulations for the induction of school teachers.

8. Impact

8.1 A Regulatory Impact Assessment has not been produced because the initial assessment concluded that the costs are negligible and outweighed by the benefits to the individuals and their employing organisations.

8.2 The impact on the public sector is that teachers will be able to remain in post beyond a previous deadline. After this date, if they have failed to pass the test, they will not be permitted to teach in the maintained or non-maintained sector. The maximum number affected is 229 individuals currently so employed. Teachers may have to spend some time preparing for the tests and will certainly need to travel to do the tests. There are over 40 providers of the test in the country and travel costs and time should be minimal for most teachers. Tests can be taken outside of normal working hours and at weekends at some centres and so should have a relatively low impact on a teacher's daily work.

8.3 There are 75 teachers in the independent sector and 347 individuals who are not teaching who, although it would not affect their current employment, may wish to teach in maintained or non-maintained special schools in future. Consequently, the GTCE and TDA have also, where they hold contact details, written to such teachers to explain the position and the proposal to set a new deadline.

9. Contact

Thomas Rawlings at the Department for Education and Skills, Tel: 0207 925 7486 or e-mail: thomas.RAWLINGS@dfes.gsi.gov.uk, can answer any queries regarding the instrument.