EXPLANATORY MEMORANDUM TO

THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS) (ENGLAND) (AMENDMENT) REGULATIONS 2012

2012 No. 513

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

2. Purpose of the instrument

2.1 This amendment:

- provides that, following the abolition of the General Teaching Council for England ("the GTCE"), functions with regard to the induction arrangements for school teachers are to be carried out by the Secretary of State. Those functions relate primarily to dealing with appeals against a decision that a person has failed satisfactorily to complete an induction period;

- provides that the name of any person who has failed satisfactorily to complete an induction period must be included on the list of such persons kept by the Secretary of State. The name cannot be added until the time for appeal has expired or the appeal has been dismissed;

- adds two exemptions to the list of persons who may be employed as a qualified teacher in a relevant school without having to complete an induction period. The first of these is teachers with Qualified Teacher Learning and Skills status. The second is teachers from Australia, Canada, New Zealand and USA who are qualified to teach in the state sector in their own countries;

- adds 16-19 Academies to the list of settings in which statutory induction may be served; and

- provides for appeal panels to be appointed to advise the Secretary of State as to whether induction appeals should be allowed, and for the composition of such panels.

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

3.1 None

4. Legislative Context

4.1 The Education (Induction Arrangements for School Teachers) (England) Regulations 2008 ("the Induction Regulations") provide that no qualified teacher is to be employed as a teacher at a relevant school, subject to prescribed

exceptions, unless they have satisfactorily completed an induction period. They set 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. This instrument amends those Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 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 Schools White Paper, *The Importance of Teaching* published in November 2010 set out the Government's intention to raise the quality of new entrants to the teaching profession. Newly qualified teacher induction is a key element of securing this goal.

7.2 The GTC is to be abolished with effect from 1 April 2012. Its abolition and the transfer of some of its functions to the Secretary of State is consistent with Government's plans to reform Arms Length Bodies to achieve greater efficiency and provide appropriate accountability for ongoing activities.

7.3 The GTC's functions in respect of induction are being transferred to the Secretary of State and this requires consequential amendments to the regulations so that references to the GTC are removed and replaced with the Secretary of State.

7.4 It has been the case since statutory induction was introduced in 1999 that teachers who fail to complete satisfactorily their induction period cannot repeat it and are not permitted to continue to teach in a relevant school. The GTC keeps a record of all teachers who have failed induction on their register. With the abolition of the GTC, this will no longer be possible as the register will not be maintained. Notifications will instead be made to the Teaching Agency who will, on behalf of the Secretary of State, place the names of teachers who have failed induction on a list of such teachers. Under section 141C(1)(b) Education Act 2002 the Secretary of State must keep a list containing the names of persons who have begun, but have failed satisfactorily to complete, an induction period in prescribed circumstances.

7.5 It has always been the policy intention for all Academies to be able to offer statutory induction to their NQTs, and this now includes 16-19 Academies.

7.6 One of the recommendations in Professor Wolf's *Review of Vocational Education* was to make it possible for teachers who are qualified to teach in further education colleges and hold Qualified Teacher Learning and Skills status (QTLS) to teach in relevant schools. Exempting such teachers from the requirement to serve induction will allow relevant schools to draw on a wider pool of talent when appointing vocational teachers and will help raise the standard of vocational teaching in schools.

7.7 As part of its strategy to improve the quality of entrants to the teaching profession, the Department for Education announced in September 2011 that it would remove barriers to teachers from Australia, Canada, New Zealand and USA teaching in relevant schools in England. Teachers who are fully qualified to teach in these countries will no longer be required to complete an additional course of initial teacher training in England in order to be appointed as qualified teachers in relevant schools. These teachers will also be exempt from serving induction. As the teacher training systems in these four countries are very similar to the English system, teachers who qualified in one of these countries are sufficiently prepared to begin teaching immediately in relevant schools in England without serving an induction period.

7.8 The Department plans to consolidate the Regulations during wider revision of the Regulations for the induction of newly qualified teachers (NQTs).

8. Consultation outcome

8.1 Most of these amendments are largely consequential on the abolition of the GTC.

8.2 A public consultation on the changes to the Teacher Disciplinary Regulations was undertaken between 20 July and 12 October 2011. There were no responses specific to the inclusion of failed inductees on the prohibited list.

8.3 The Department has publicly consulted on the above mentioned exemptions. There was relatively strong support for exemption from induction to be given to QTLS holders, with two thirds of respondents in favour. Those against often thought that full induction was not necessary but that QTLS holders should complete a short 'transition' course before working in schools. There was also relatively strong support for exemption from induction to be given to teachers from Australia, Canada, New Zealand and USA, with only a third of respondents against the proposition. Those against the proposition often thought that teachers from these countries should complete a short 'reorientation' course before they were permitted to teach as fully qualified teachers.

8.4 After careful consideration, we have decided that it is appropriate for QTLS holders and teachers from these four countries to be exempt from statutory induction. By achieving QTLS an individual has demonstrated that they are a competent teacher in the further education sector and therefore further assessment would be unnecessary. Overseas trained teachers from the aforementioned countries will have to demonstrate that they have completed all required training, including an induction period where appropriate, before they are awarded qualified teacher status in England. Further assessment is therefore unnecessary. We would expect a head teacher to arrange an appropriate induction and any further training and development that they consider necessary for their new members of staff, without requiring this in law.

9. Guidance

9.1 The statutory guidance which accompanies the induction Regulations will be amended and issued alongside the amendments.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The impact of these amendments will be monitored at an operational level, and consideration given to amending the legislation as need is identified.

13. Contact

Kathy McTaggart at the Department for Education, tel: 0207 340 8231 or email: kathy.mctaggart@education.gsi.gov.uk can answer any queries regarding the instrument.