EXPLANATORY MEMORANDUM TO

THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS) (ENGLAND) (CORONAVIRUS) (AMENDMENT) REGULATIONS 2022

2022 No. 369

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 addresses the impact of the coronavirus (COVID-19) pandemic on early career teachers (ECTs) currently undergoing statutory induction.

2.2 It amends, from 1 September 2021 to 1 September 2022, the period during which any ECT absence related to coronavirus (COVID-19) will not contribute towards the 30-day ad hoc absence limit, per year of induction, that would cause an automatic extension of the relevant part of the induction period.

2.3 This will allow ECTs finishing their first year of induction who are absent for an extended period due to coronavirus (COVID-19) to continue into their second year of induction in sync with their original cohorts and allow ECTs who experience such absence and who are due to complete their induction and who meet the Teachers' Standards to complete their induction periods as anticipated.

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 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 This instrument amends The Education (Induction Arrangements for School Teachers) (England) Regulations 2012[1] ("The Induction Regulations"). The Induction Regulations provide that ordinarily, where an ECT serving an induction period is absent from work for 30 or more days per year of induction, that the relevant part of induction is extended by the aggregated period of the person's absences.

[1] The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 (legislation.gov.uk)

6.2 The Induction Regulations were previously amended on the 21 May 2020 by The Education (School Teachers' Qualifications and Induction Arrangements) (England) (Coronavirus) (Amendment) Regulations 2020[2], 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 sue to absences related to coronavirus (COVID-19). On 1 September 2020 this relaxation period was extended until 1 September 2021 by The Education (Induction Arrangements for School Teachers) (England) (Coronavirus) (Amendment) Regulations 2020[3].

6.3 This instrument substitutes 1 September 2021 for 1 September 2022, meaning the relaxation will be available to those completing an induction period who have been absent due to coronavirus (COVID-19) during this 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 relevant school in England. Each year, around 30,000 ECTs undertake their statutory induction in schools in England. If an ECT fails to meet the Teachers' Standards at the end of induction, they cannot be employed lawfully as a qualified teacher in a relevant school[4].

7.2 Since 1 September 2021, due to the early career framework (ECF) reforms, for those commencing their induction period after that date, the length of the induction period an ECT is required to serve is usually the full-time equivalent of two school years (although that can be reduced in limited circumstances). Under transitional arrangements, for those starting before that date it remains the full-time equivalent of one school year (subject to any reduction), until 1 September 2023. The induction period is automatically extended when an ECT's ad hoc absences per year of induction amount to 30 days or more (with the exception of statutory maternity leave, statutory paternity leave, shared parental leave, statutory adoption leave, or parental bereavement leave). In these circumstances the relevant part of the induction period must be extended by the aggregate total of days absent.

7.3 In response to the coronavirus (COVID-19) pandemic, the amendments to the induction regulations ensured that coronavirus-related absences before 1 September 2021 did not contribute to the 30-day threshold which results in the relevant induction period being automatically extended. This provision has allowed ECTs 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 disruption caused by the Omicron coronavirus (COVID-19) variant over the winter months, the sector saw teacher workforce absence and school closures due to staff shortages increase. As coronavirus (COVID-19) related absences (including through school closures) would under current legislation count towards the

[2] The Education (School Teachers' Qualifications and Induction Arrangements) (England) (Coronavirus) (Amendment) Regulations 2020 (legislation.gov.uk)

[3] The Education (Induction Arrangements for School Teachers) (England) (Coronavirus) (Amendment) Regulations 2020 (legislation.gov.uk)

[4] 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).

30-day ad hoc absence limit, there remains the possibility that a significant number of ECTs from the 2021/2022 cohort could be subject to automatic extensions.

7.5 Without regulatory change, this could delay the completion of the induction or the first year of induction (depending on the start date) for affected ECTs with both individual and sector wide impacts. A substantial number of ECTs requiring extension into the Autumn term 2022 to complete a period of induction would present significant logistical challenges since the ECTs would no longer be in sync with their peer cohorts.

7.6 For ECTs on a two-year induction programme this would require bespoke catch-up programmes before they could progress to year two of the programme. They would then start their second year of induction late, not aligned with the main termly start dates for year two of their programme which would cause difficulties for ECF providers and schools. These impacts will most likely peak at the beginning of the 2022/2023 academic year with the start of the new ECT cohort beginning their first year in September 2022, creating a bottleneck at the point when schools and providers will face the new pressures of providing induction to two cohorts of ECTs simultaneously for the first time. This instrument ensures that changes capture the vast majority of ECTs who would be due to have their inductions automatically extended in June/July 2022, avoiding these potential problems.

7.7 We do not expect ECTs or schools to be adversely impacted by these amendments; nor do we expect teacher quality to suffer. All ECTs have already demonstrated their ability to meet the Teachers' Standards (upon achieving qualified teacher status) and statutory induction supports the ECT to demonstrate their performance over a sustained period. If any ECT 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 and Future Relationship

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

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 stakeholders when considering the impact of coronavirus (COVID-19) related absences on ECT induction. Those engaged have expressed concerns about the logistical challenges for schools should a significant number of ECTs require their first year of induction extended into the next academic year and are supportive of the extension of the provision.

10.2 The previous instruments making similar amendments were positively welcomed by the education sector.

11. Guidance

11.1 The Department for Education published guidance[5] in relation to absences for ECTs 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 (TRA), 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 and communicate these updates via the TRA.

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 A full 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.

14. Monitoring & review

14.1 This amendment extends the previous provision relating to ECT induction periods which would have expired on 1 September 2021 and will only apply to absences related to coronavirus (COVID-19) which occur before 1 September 2022. It is therefore not considered that a review of its provisions is necessary.

15. Contact

15.1 Korin Wilshaw at the Department for Education, (Email: korin.wilshaw@education.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Chris Armstrong-Stacey, Deputy Director for Developing Teachers and Leaders, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

15.3 Robin Walker MP, Minister of State for School Standards at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

[5] This can be found at : https://www.gov.uk/government/publications/early-career-teacher-ect-induction-coronavirus-covid-19-absence-exemption