



# Teaching and Higher Education Act 1998

## 1998 CHAPTER 30

### PART I

#### THE TEACHING PROFESSION

#### CHAPTER III

#### TEACHER TRAINING

##### *Induction periods*

#### **19 Requirement to serve induction period.**

- (1) Regulations may make provision for, and in connection with, requiring persons employed as teachers at relevant schools, subject to such exceptions as may be provided for by or under the regulations, to have satisfactorily completed an induction period of not less than three school terms in—
  - (a) a relevant school, [<sup>F1</sup>or]
  - (b) in such circumstances as may be prescribed, an independent school [<sup>F2</sup> or
  - (c) in such circumstances as may be prescribed, a further education institution (or a further education institution of a prescribed description).]
- (2) Regulations under this section may, in particular, make provision—
  - (a) as to the length of the induction period in any prescribed circumstances;
  - (b) as to periods of employment which are to count towards the induction period;
  - (c) precluding a person from serving more than one induction period except in any prescribed circumstances;
  - (d) precluding a relevant school, in such circumstances as may be prescribed, from being one at which an induction period may be served;
  - (e) as to the supervision and training of a person during his induction period;

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- (f) authorising the Secretary of State to determine the standards against which a person<sup>F3</sup> . . . is to be assessed for the purpose of deciding whether he has satisfactorily completed an induction period;
  - (g) requiring the appropriate body to decide whether a person—
    - (i) has achieved those standards and has accordingly satisfactorily completed his induction period, or
    - (ii) should have his induction period extended by such period as may be determined by the appropriate body, or
    - (iii) has failed satisfactorily to complete his induction period;
  - (h) requiring the head teacher of a school to make a recommendation to the appropriate body as to whether a person has achieved the standards mentioned in paragraph (f);
  - (i) requiring the appropriate body to inform the Secretary of State and either the Council or the General Teaching Council for Wales of any decision under paragraph (g);
  - (j) requiring the employer of a person employed as a teacher at a relevant school to secure—
    - (i) the termination of that person’s employment as a teacher, or
    - (ii) that he only undertakes such teaching duties as may be determined in accordance with the regulations,
 in such circumstances following a decision that he has failed satisfactorily to complete his induction period as may be prescribed;
  - (k) authorising or requiring the appropriate body to exercise such other functions as may be prescribed (which may include functions with respect to the provision of assistance to schools [<sup>F4</sup>or to further education institutions] or of training for teachers);
  - (l) authorising the appropriate body in such circumstances as may be prescribed to make such reasonable charges in connection with the exercise of its functions under the regulations as it may determine;
  - (m) requiring any person or body exercising any prescribed function under the regulations to have regard to any guidance given from time to time by the Secretary of State as to the exercise of that function.
- (3) Once the Council or the General Teaching Council for Wales have been established, the Secretary of State shall consult one or both of those Councils (as appropriate) before making any determination as to standards by virtue of regulations made under subsection (2)(f).
- (4) Regulations under this section shall include provision conferring on a person aggrieved by a decision under subsection (2)(g) a right to appeal against the decision to one of the following, namely—
- (a) the Secretary of State, or
  - (b) the Council or the General Teaching Council for Wales;
- and any decision made on such an appeal shall be final.
- (5) Regulations made in pursuance of subsection (4) may make provision for, or for the determination in accordance with the regulations of, such matters relating to such appeals as the Secretary of State considers necessary or expedient.
- (6) In [<sup>F5</sup>subsections (2) and (6A)] “the appropriate body” means such person or body (including a local education authority) as may be prescribed by, or determined by

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the Secretary of State in accordance with, regulations under this section; and such regulations may provide for an appropriate body which is not a local education authority to include a representative of such an authority.

- [<sup>F6</sup>(6A) Regulations under subsection (1)(c) may, in particular—
- (a) provide that an induction period may not be begun without approval of the appropriate body for the serving of that induction period;
  - (b) provide for approval to be general or specific;
  - (c) make provision (including transitional provision) about the withdrawal of approval;
  - (d) impose conditions or limitations on the appropriate body’s power to give or withhold approval.]
- (7) During the induction period which a person is required to serve by virtue of regulations made under this section, the provisions of [<sup>F7</sup>section 131 of the Education Act 2002] (appraisal of teachers’ performance) and regulations made under that section shall not apply to him.
- (8) Regulations may provide for references to “eligible expenditure” in section 484 of the <sup>M1</sup>Education Act 1996 (education standards grants) to include such expenditure incurred by local education authorities [<sup>F8</sup>in Wales] in consequence of any regulations made by virtue of subsection (1) or (2) as may be prescribed.
- (9) Where, in accordance with a requirement imposed by virtue of subsection (2)(j)(ii), a teacher employed at a school maintained by a local education authority—
- (a) continues to be employed at the school, but
  - (b) is not undertaking his normal teaching duties there,
- any costs incurred by the local education authority in respect of the teacher’s emoluments shall not be met from the school’s budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.
- Nothing in this subsection applies to a maintained school at any time when the school does not have a delegated budget.
- (10) In this section—
- (a) any reference to a school’s budget share or to its not having a delegated budget has the same meaning as in Part II of the School Standards and Framework Act 1998,
  - [<sup>F9</sup>(b) “relevant school” means a school maintained by a local education authority or a special school not so maintained,]
  - (c) “independent school” has the same meaning as in the Education Act 1996.
  - [<sup>F10</sup>(d) “a further education institution” means an institution within the further education sector.]
- [<sup>F11</sup>(11) In the application of this section to a further education institution—
- (a) a reference to a school term shall be taken as a reference to a term of the institution;
  - (b) a reference to the head teacher of a school shall be taken as a reference to the principal of the institution.]

[<sup>F12</sup>(12) Sections 496 and 497 of the Education Act 1996 shall have effect as if—

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- (a) the duties and powers referred to in those sections included duties imposed and powers conferred by virtue of this section, and
- (b) in relation to those duties and powers, the bodies to which those sections apply included the governing body of a relevant school, the governing body (within the meaning given by section 90(1) of the Further and Higher Education Act 1992) of a further education institution and an appropriate body for the purposes of subsection (2).]

#### Textual Amendments

- F1** Word in s. 19(1)(a) repealed (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 153, **Sch. 11**; S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F2** S. 19(1)(c) and word inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(2); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F3** Words in s. 19(2)(f) repealed (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, ss. 139(3)(a), 153, **Sch. 11**; S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F4** Words in s. 19(2)(k) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(3)(b); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F5** Words in s. 19(6) substituted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(4); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F6** S. 19(6A) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(5); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F7** Words in s. 19(7) substituted (1.10.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), s. 215(1), s. 216(4), **Sch. 21 para. 85(a)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, art. 4, **Sch. Pt. I**
- F8** Words in s. 19(8) inserted (31.3.2003 for W. and 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 85(b)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. II**; S.I. 2003/124, art. 4
- F9** S. 19(10)(b) substituted (31.3.2003 for W., 1.8.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 85(c)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. II**; S.I. 2003/1667, art. 3
- F10** S. 19(10)(d) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(6); S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F11** S. 19(11) inserted (3.8.2000 for E. and 1.1.2001 for W.) by 2000 c. 21, s. 139(7) S.I. 2000/2114, art. 2(1), **Sch. Pt. I**; S.I. 2000/3230, art. 2, **Sch.**
- F12** S. 19(12) inserted (1.10.2000) by 2000 c. 21, s. 139(7); S.I. 2000/2559, art. 2(1), **Sch. Pt. I**

#### Commencement Information

- I1** S. 19 wholly in force at 1.4.1999; s. 19 not in force at Royal Assent; s. 19(1)-(8)(10)(b)(c) in force at 1.10.1998 by S.I. 1998/2215, **art. 2**; s. 19(9)(10)(a) in force at 1.4.1999 by S.I. 1998/2215, **art. 3**

#### Marginal Citations

- M1** 1996 c. 56.

### *Inspection of teacher training institutions*

## 20 Inspection of institutions training teachers for schools.

After section 18 of the <sup>M2</sup>Education Act 1994 there shall be inserted—

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### **“18A Inspection of institutions training teachers for schools.**

- (1) The Chief Inspector may inspect and report on—
  - (a) any initial training of teachers, or of specialist teaching assistants, for schools, or
  - (b) any in-service training of such teachers or assistants,  
which is provided by a relevant institution.
- (2) When asked to do so by the Secretary of State, the Chief Inspector shall—
  - (a) give advice to the Secretary of State on such matters connected with training falling within subsection (1)(a) or (b) as may be specified in the Secretary of State’s request;
  - (b) inspect and report on such one or more relevant institutions as may be so specified.
- (3) The Chief Inspector may at any time give advice to—
  - (a) the Secretary of State,
  - (b) a funding agency,
  - (c) the General Teaching Council for England, or
  - (d) the General Teaching Council for Wales,on any matter connected with training falling within subsection (1)(a) or (b).
- (4) The Chief Inspector may—
  - (a) make such reports of inspections carried out by him under this section as he considers appropriate, and
  - (b) arrange for any such report to be published in such manner as he considers appropriate,and section 42A(2) to (4) of the <sup>M3</sup>School Inspections Act 1996 (publication of inspection reports) shall apply in relation to the publication of any such report as they apply in relation to the publication of a report under any of the provisions mentioned in section 42A(2).
- (5) When inspecting a relevant institution under this section, the Chief Inspector shall have at all reasonable times—
  - (a) a right of entry to the premises of the institution, and
  - (b) a right to inspect, and take copies of, any records kept by the institution, and any other documents containing information relating to the institution, which he considers relevant to the exercise of his functions under this section;and section 42 of the School Inspections Act 1996 (inspection of computer records for purposes of Part I of that Act) shall apply for the purposes of this section as it applies for the purposes of Part I of that Act.
- (6) Without prejudice to subsection (5), a relevant institution to which an inspection under this section relates—
  - (a) shall give the Chief Inspector all assistance in connection with the exercise of his functions under this section which it is reasonably able to give; and
  - (b) shall secure that all such assistance is also given by persons who work for the institution.

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- (7) The Chief Inspector shall not carry out any inspection under subsection (1) unless—
- (a) at least eight weeks previously, he has given notice of his intention to carry out the inspection—
    - (i) to the relevant institution concerned, or
    - (ii) where that institution is a partnership or association of eligible institutions, to one of those institutions; or
  - (b) with the agreement of that institution or (as the case may be) one of those institutions, he has given it shorter notice of that intention.
- (8) Any notice under subsection (7)—
- (a) shall be given in writing, and
  - (b) may be sent by post;
- and any such notice may (without prejudice to any other lawful method of giving it) be addressed to an institution at any address which the institution has notified to a funding agency as its address.
- (9) Nothing in this section confers any right or imposes any duty, whether as regards the carrying out of any inspection or otherwise, in relation to any course which consists of instruction given wholly or mainly for purposes other than training falling within subsection (1)(a) or (b).
- (10) In this section—
- (a) “the Chief Inspector” means—
    - (i) in relation to England, Her Majesty’s Chief Inspector of Schools in England, and
    - (ii) in relation to Wales, [<sup>F13</sup>Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru];
  - (b) “relevant institution” means—
    - (i) any eligible institution, or
    - (ii) any other institution, body or person designated by the Secretary of State as being in receipt of public funding in respect of the provision of training falling within subsection (1) (a) or (b);
  - (c) “in-service training” includes any training provided to a teacher serving an induction period (within the meaning of section 19 of the Teaching and Higher Education Act 1998); and
  - (d) “document” and “records” each include information recorded in any form.
- (11) Any reference in this section to the Chief Inspector shall be read, in relation to any inspection which he is authorised or required to carry out under this section, as including a reference to any person authorised to act on his behalf under sub-paragraph (1) or (2) of paragraph 5 of Schedule 1 to the <sup>M4</sup>School Inspections Act 1996.
- (12) Nothing in this section shall be taken as prejudicing the generality of section 2 or 5 of that Act or of paragraph 5(1) or (2) of Schedule 1 to that Act.”

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#### Textual Amendments

**F13** Words in s. 20(10)(a)(ii) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, Sch.

#### Marginal Citations

**M2** 1994 c. 30.

**M3** 1996 c. 57.

**M4** 1996 c. 57.

## 21 Inspection of institutions training teachers for schools: Scotland.

In section 66 of the <sup>M5</sup>Education (Scotland) Act 1980 (inspection of educational establishments), after subsection (1A) there shall be inserted—

“(1B) Notwithstanding subsection (1) above, the Secretary of State shall have power to cause inspection to be made of the education and training, wherever it is carried out, provided by institutions within the higher education sector (within the meaning of the <sup>M6</sup>Further and Higher Education (Scotland) Act 1992) wholly or mainly for persons preparing to be, or persons who are, teachers in schools, and such inspections shall be made by Her Majesty’s Inspectors or other persons appointed by the Secretary of State for the purpose.”

#### Marginal Citations

**M5** 1980 c. 44.

**M6** 1992 c. 37.

**Status:**

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**Changes to legislation:**

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