

1999 No. 1065

EDUCATION, ENGLAND AND WALES

The Education (Induction Arrangements for School Teachers) (England) Regulations 1999

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ARRANGEMENT OF REGULATIONS

1. Citation, commencement and application
2. Interpretation
3. Breach of time limits
4. Appropriate body
5. Appeal body
6. Requirement to serve an induction period
7. Schools in which an induction period may be served
8. Length of an induction period
9. Periods of employment counting towards an induction period
10. Extension of an induction period before completion
11. Service of more than one induction period
12. Supervision and training during the induction period
13. Standards for determining whether a person has satisfactorily completed an induction period
14. Completion of induction period
15. Extension of an induction period pursuant to a decision of the appropriate body or appeal body
16. Termination of employment following failure to complete an induction period satisfactorily
17. Appeals
18. Other functions of the appropriate body
19. Charges
20. Guidance given by the Secretary of State
21. Education Standards Grants

SCHEDULES

Schedule 1: Cases in which a person may be employed as a teacher in a relevant school without having satisfactorily completed an induction period.

Schedule 2: Procedure for appeal against a decision of the appropriate body.

1. Interpretation
2. Time for and manner of making an appeal
3. The notice of appeal
4. Additional documents, amendment and withdrawal of the appeal
5. Acknowledgement and notification of the appeal
6. Request for further material
7. Reply by the appropriate body
8. Contents of the reply
9. Additional documents, amendment and withdrawal of the reply
10. Acknowledgement and notification of the reply
11. Power to decide the appeal without a hearing
12. Appeal hearing
13. Fixing a date for the hearing
14. Action by the appellant and the appropriate body on receiving notice of the hearing
15. Alteration of place or time of the hearing
16. Procedure at the hearing
17. Decision of the appeal body
18. Irregularities
19. Documents

In exercise of the powers conferred on the Secretary of State by sections 19 and 42(6) and (7) of the Teaching and Higher Education Act 1998(a) the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Induction Arrangements for School Teachers) (England) Regulations 1999 and shall come into force on 7th May 1999.

(2) These Regulations apply in relation to school teachers in England.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996(b);

“the 1998 Act” means the School Standards and Framework Act 1998(c);

“appeal body” means the appeal body under regulation 5;

“appropriate body” means the appropriate body under regulation 4;

“authority” means a local education authority;

“core subject” means a subject referred to in section 354(1) of the 1996 Act;

(a) 1998 c. 30; for the meaning of “prescribed” and “regulations” see section 43(1).

(b) 1996 c. 56.

(c) 1998 c. 31.

“foundation subject” means a subject referred to in section 354(1) or (2) of the 1996 Act;

“induction period” means an induction period required by these Regulations;

“key stage” has the same meaning as in section 355(1) of the 1996 Act;

“non-maintained special school” means a special school which is neither a maintained special school, a grant-maintained special school, a community special school nor a foundation special school;

“qualified teacher” has the same meaning as in section 218(2) of the Education Reform Act 1988(a);

“school day” means any day on which at that school there is a school session;

“school session” has the same meaning as in regulation 10 of the Education (Schools and Further Education) Regulations 1981(b);

“special school” has the same meaning as in section 337(1) of the 1996 Act(c);

“supply teacher” means a teacher employed wholly or mainly for the purpose of supervising or teaching pupils whose regular teacher is not available to teach them; and

“working day” means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(d).

(2) Any reference in these Regulations to—

(a) a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and

(c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

Breach of time limits

3. Failure by any person to discharge any duty within a time limit specified in these Regulations shall not relieve him of that duty.

Appropriate body

4. For the purposes of these Regulations—

(a) the appropriate body in relation to—

(i) a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school (in each case within the meaning of the 1998 Act), and

(ii) a county, voluntary, maintained nursery, maintained special, grant-maintained, or grant-maintained special school (in each case within the meaning of the 1996 Act(e)),

is the authority maintaining(f) it;

(b) the appropriate body in relation to a non-maintained special school is the authority for the area in which the school is situated; and

(a) 1988 c. 40. The Regulations currently in force under this provision are the Education (Teachers) Regulations 1993 (S.I. 1993/543); the relevant amending instrument is S.I. 1997/2679.

(b) S.I. 1981/1086; Regulation 10 was amended by S.I. 1987/879, 1990/2259 and 1998/2792.

(c) Section 337(1) is prospectively amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(d) 1971 c. 80.

(e) “county school” is defined in section 31(1); “voluntary school” is defined in section 31(2); “grant-maintained school” is defined in section 183(1); “grant-maintained special school” is defined in sections 337(4) and 346(2); and “maintained nursery school” is defined in sections 6(1) and 33(1).

(f) The Schools Standards and Framework Act 1998 (Modification) Regulations 1998 (S.I. 1998/2670) oblige authorities to maintain grant-maintained and grant-maintained special schools from 1st April 1999.

- (c) the appropriate body in relation to an independent school is—
 - (i) where the authority for the area in which the school is situated and the proprietor of the school both agree, that authority, or
 - (ii) in any other case, such body as the Secretary of State shall determine, which body shall include as a member a representative of an authority.

Appeal body

5. In these Regulations, “appeal body” means the Secretary of State.

Requirement to serve an induction period

6. Subject to the exceptions in Schedule 1, no person shall be employed on or after 1st September 1999 as a teacher at a relevant school unless he has satisfactorily completed an induction period in accordance with the following provisions of these Regulations in a school to which regulation 7(1) refers.

Schools in which an induction period may be served

- 7.—(1) Subject to paragraph (2) an induction period may only be served in—
- (a) a relevant school in England; or
 - (b) in the circumstances prescribed in paragraph (3) an independent school in England.
- (2) An induction period may not be served in—
- (a) a school in respect of which the circumstances described in section 15(6)(a) to (c) of the 1998 Act apply, unless—
 - (i) the person in question began his induction period at the school at a time when such circumstances did not apply, or
 - (ii) one of Her Majesty’s Inspectors of Schools in England, has certified in writing that he is satisfied that the school is fit for the purpose of providing induction supervision and training; or
 - (b) a pupil referral unit.
- (3) The circumstances in which a person may serve an induction period in an independent school are—
- (a) in the case of a person who is employed to teach pupils at the third or fourth key stage, the curriculum of the school for pupils at those key stages includes all the core and other foundation subjects specified in relation to the third and fourth key stages in section 354(2) of the 1996 Act which such person is employed to teach; and
 - (b) in all cases, the curriculum for all registered pupils at the first and second key stages meets the requirements of section 353 of the 1996 Act (the National Curriculum), other than the requirements of paragraph (c) of that section (assessment arrangements).
- (4) In this regulation, “induction period” includes a part of an induction period.

Length of an induction period

- 8.—(1) The length of an induction period for a person in full-time service as a teacher is—
- (a) in the case of an induction period served wholly in a school or schools at which a school year consists of three school terms, three school terms;
 - (b) in the case of an induction period served wholly in a school or schools at which the school year consists of four school terms, four school terms;
 - (c) in the case of an induction period served wholly in a school or schools at which the school year consists of five school terms, five school terms; and
 - (d) in all other cases, one year.
- (2) The length of an induction period for a person in part-time service as a teacher is the period of time it would take in accordance with his contract of employment or the terms of his engagement for him to complete 378 school sessions.

(3) A person has completed an induction period for the purposes of these Regulations when he has served—

- (a) an induction period of the length specified in paragraph (1) or (2) (as the case may be) discounting periods of employment which do not count towards an induction period under regulation 9; and
- (b) any extended period under regulation 10.

Periods of employment counting towards an induction period

9.—(1) Subject to paragraph (2) any period of employment on or after 1st September 1999 as a qualified teacher in a school to which regulation 7(1) applies of not less than one school term in duration counts towards an induction period.

(2) No period of engagement as a supply teacher counts towards an induction period unless the head teacher of the school so agrees before the start of such period.

(3) Except as provided for in paragraph (1) no period of employment as a teacher counts towards an induction period.

Extension of an induction period before completion

10.—(1) Subject to paragraph (2) where a person serving an induction period is absent from work for an aggregate period of thirty or more school days in an induction period, his induction period shall be extended by the aggregate period of his absences.

(2) Paragraph (1) does not apply where a person is absent from work by reason of the maternity leave period specified in section 73 of the Employment Rights Act 1996(a) unless she so chooses.

(3) Where five or more years have passed since a person started his induction period, and that person has not completed his induction period, he may with the agreement of the appropriate body choose to extend his induction period—

- (a) in the case of a teacher in full-time service by a period not exceeding the appropriate period specified in regulation 8(1); or
- (b) in the case of a teacher in part-time service by a period not exceeding the period specified in regulation 8(2).

(4) Except as provided for in this regulation an induction period may not be extended before its completion.

Service of more than one induction period

11. Except as provided for in regulation 14 or 17, no person may serve more than one induction period.

Supervision and training during the induction period

12.—(1) The head teacher of a school in which a person serves an induction period and the appropriate body in relation to that school shall be responsible for his supervision and training during the induction period.

(2) The duties assigned to a person serving an induction period, his supervision and the conditions under which he works shall be such as to facilitate a fair and effective assessment of his conduct and efficiency as a teacher.

Standards for determining whether a person has satisfactorily completed an induction period

13. The Secretary of State may determine the standards against which a person who has completed an induction period shall be assessed for the purpose of deciding whether he has satisfactorily completed his induction period.

Completion of an induction period

14.—(1) This regulation applies where a person has completed an induction period.

(a) 1996 c. 18.

(2) The head teacher of the school at which he is employed at the completion of his induction period shall not later than the end of the period of ten working days beginning with the date on which he completed his induction period—

- (a) make a written recommendation to the appropriate body as to whether he has achieved the standards mentioned in regulation 13, and
- (b) at the same time send a copy of such recommendation to him.

(3) The appropriate body shall not later than the end of the period of 20 working days beginning with the date on which it received the head teacher's recommendation under paragraph (2) decide whether he—

- (a) has achieved the standards mentioned in regulation 13 and has accordingly satisfactorily completed his induction period; or
- (b) should have his induction period extended by such period as it determines; or
- (c) has failed satisfactorily to complete his induction period.

(4) Before making a decision under paragraph (3) the appropriate body shall have regard to any written representations received from the person in question no later than the end of the period of 10 working days beginning with the date on which it received the head-teacher's recommendation under paragraph (2).

(5) The appropriate body shall not later than the end of the period of three working days beginning with the date on which it made a decision under paragraph (3)—

- (a) give written notice of its decision to—
 - (i) him,
 - (ii) the head teacher of the school at which he was employed at the completion of his induction period,
 - (iii) if he is not employed by the appropriate body, his employer,
 - (iv) on and after the date of their establishment, the General Teaching Council for England, and
 - (v) the Department for Education and Employment; and
- (b) if the appropriate body made a decision falling within paragraph (3)(b) or (c), give him written notice of—
 - (i) his right to appeal against the decision,
 - (ii) the name and address of the appeal body, and
 - (iii) the time period for making an appeal.

Extension of an induction period pursuant to a decision of the appropriate body or appeal body

15. Regulations 7, 9 to 14, 16 and 17 and Schedule 2 apply in relation to a person serving an induction period extended following its completion by a decision of the appropriate body under regulation 14 or of the appeal body under regulation 17.

Termination of employment following failure to complete an induction period satisfactorily

16.—(1) This paragraph applies to a person employed as a teacher at a relevant school who has failed satisfactorily to complete his induction period.

(2) The employer of a person to whom paragraph (1) applies shall secure the termination of his employment as a teacher if—

- (a) he does not appeal to the appeal body against the decision of the appropriate body; or
- (b) his appeal to the appeal body is dismissed.

(3) An employer shall take the steps necessary to secure the termination of a person's employment in the circumstances mentioned in paragraph (2)(a) so that the termination takes effect not later than the end of the period of ten working days beginning with the date on which—

- (a) the employer received written notification from such person that he did not intend to appeal to the appeal body; or
- (b) the time limit for appeal imposed by paragraph 2(1) of Schedule 2 expired.

(4) The employer shall take the steps necessary to secure the termination of a person's employment in the circumstances mentioned in paragraph (2)(b) so that the termination takes effect not later than the end of the period of ten working days beginning with the date on which the employer received notice of the outcome of the appeal hearing.

(5) The employer of a person—

- (a) to whom paragraph (1) applies, and
- (b) who appeals to the appeal body against the decision of the appropriate body,

is not obliged to secure the termination of such person's employment as a teacher pending the outcome of that appeal provided such employer secures that the person only undertakes such limited teaching duties as the Secretary of State may determine.

Appeals

17.—(1) Where the appropriate body decides that a person—

- (a) should have his induction period extended; or
- (b) has failed satisfactorily to complete his induction period,

that person may appeal to the appeal body against the decision.

(2) Schedule 2 has effect in relation to appeals under this regulation.

(3) Where a person appeals against a decision that he should have his induction period extended, the appeal body may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) substitute a different period of extension.

(4) Where a person appeals against a decision that he has failed satisfactorily to complete his induction period, the appeal body may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) extend the induction period for such period as it thinks fit.

Other functions of the appropriate body

18. The appropriate body may provide—

- (a) guidance, support and assistance to schools; and
- (b) training for teachers,

in connection with providing induction training, supervision and assessment under these Regulations.

Charges

19. An appropriate body in relation to an independent school may make a reasonable charge (not exceeding the cost of provision of the service) to the governing body of a school for which it is the appropriate body in connection with any of its functions under these Regulations.

Guidance given by the Secretary of State

20. A person or body exercising a function under these Regulations shall have regard to any guidance given by the Secretary of State from time to time as to the exercise of that function.

Education Standards Grants

21. References to “eligible expenditure” in section 484 of the 1996 Act(a) (education standards grants) include expenditure incurred by an authority in respect of their functions under these Regulations.

31st March 1999

Estelle Morris
Minister of State,
Department for Education and Employment

SCHEDULE 1

Regulation 6

CASES IN WHICH A PERSON MAY BE EMPLOYED AS A TEACHER IN A RELEVANT SCHOOL WITHOUT HAVING SATISFACTORILY COMPLETED AN INDUCTION PERIOD

1. A person who on 7th May 1999 is a qualified teacher.
2. A person serving an induction period (including an induction period which has been extended before its completion under regulation 10 or after its completion under regulation 14 or 17).
3. A person who has failed satisfactorily to complete an induction period whose employment is subject to restriction under regulation 16(5) pending the outcome of his appeal.
4. A person employed for a period of less than one term as a supply teacher during the period of a school year and one term commencing on the date that he is first employed as a supply teacher (by that or any other employer).
5. A person who is not a qualified teacher but who is employed as a teacher at a school by virtue of regulations from time to time in force under section 218(1)(a) of the Education Reform Act 1988(b).
- 6.—(1) A person who has satisfactorily completed an induction period under regulations made from time to time under section 19 of the Teaching and Higher Education Act 1998(c) in relation to teachers in Wales.
(2) A person—
 - (a) who qualifies as a teacher after 7th May 1999 and before the date of the introduction of a requirement to serve an induction period in relation to teachers in Wales (“the relevant date”);
 - (b) whose first post as a teacher or supply teacher following his qualification is in a school in Wales; and
 - (c) who before the relevant date has completed not less than two terms’ service in such post.
7. A person who has full registration as a teacher of primary or secondary education with the General Teaching Council for Scotland.
8. A person who has successfully completed the induction stage of teacher education in Northern Ireland.
9. A person who—

(a) Section 484 is amended by paragraph 125 of Schedule 30 to the School Standards and Framework Act 1998.

(b) The Regulations currently in force are the Education (Teachers) Regulations 1993 S.I. 1993/543; the relevant provisions are regulation 13 and Schedule 2, and the relevant amending instrument is S.I. 1997/2679.

(c) 1998 c. 30.

- (a) as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC(a) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, as extended by the Agreement of the European Economic Area signed at Oporto on 2nd May 1992(b) as adjusted by the Protocol signed at Brussels on 17th March 1993(c); and
- (b) either—
 - (i) he is assessed as not needing to complete an adaptation period or pass an aptitude test in accordance with Article 4 of the said Council Directive, or
 - (ii) he has successfully completed such an adaptation period or passed such an aptitude test.

SCHEDULE 2

Regulation 17

PROCEDURE FOR APPEAL AGAINST A DECISION OF THE APPROPRIATE BODY

Interpretation

1. In this Schedule—

“appellant” means a person who brings an appeal pursuant to regulation 17 against a decision of the appropriate body under regulation 14;

“appropriate body” means the appropriate body who took the decision subject to an appeal;

“disputed decision” means the matter in relation to which the appellant appeals to the appeal body; and

“proper officer” means the proper officer appointed by the appeal body to perform the duties of a proper officer under this Schedule.

Time for and manner of making an appeal

2.—(1) An appeal shall be made by sending a notice of appeal to the proper officer so that it is received not later than the end of the period of 20 working days beginning with the date on which the appellant received notice under regulation 14(5) of the disputed decision.

(2) The appeal body may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired, but shall not do so unless it is satisfied that not to extend the time limit would result in substantial injustice.

(3) Where the appellant considers it likely that a notice of appeal will be received outside the time limit imposed by sub-paragraph (1) he may include with the notice of appeal a statement of the reasons on which he relies to justify the delay and the appeal body shall consider any such statement in deciding whether or not to extend the time limit.

The notice of appeal

3.—(1) The notice of appeal shall state—

(a) the name and address of the appellant;

(b) the name and address of the school at which the appellant was employed at the end of his induction period;

(a) O.J. No. L19, 24.1.89, p.16.

(b) Cm. 2073.

(c) Cm. 2183.

- (c) the name and address of his employer, if any, at the date of his appeal;
 - (d) the grounds of the appeal;
 - (e) the name, address and profession of the person (if any) representing the appellant, and whether the appeal body should send documents concerning the appeal to the representative instead of to the appellant; and
 - (f) whether the appellant requests that the appeal should be decided at an oral hearing.
- (2) The notice of appeal shall be signed by the appellant.
- (3) The appellant shall annex to the notice of appeal a copy of—
- (a) the notice given to the appellant by the appropriate body under regulation 14(5) relating to the disputed decision;
 - (b) any written statement given to the appellant by the appropriate body giving reasons for its decision; and
 - (c) every other document on which the appellant relies for the purposes of his appeal.

Additional documents, amendment and withdrawal of the appeal

4.—(1) The appellant may at any time before he receives notice under paragraph 13 of the date fixed for the hearing or a decision of the appeal body under paragraph 11—

- (a) send copies of such additional documents as he wishes to rely on for the purposes of the appeal to the proper officer;
- (b) amend or withdraw his appeal, or any part of it; or
- (c) amend or withdraw any material submitted in support of the appeal.

(2) The appellant may at any time take any step mentioned in sub-paragraph (1) with the leave of the appeal body.

(3) Where an appellant withdraws an appeal he may not bring a fresh appeal in relation to the disputed decision.

(4) An appeal shall be amended or withdrawn by sending to the proper officer an amended notice of appeal or a notice stating that the appeal is withdrawn, as the case may be.

Acknowledgement and notification of the appeal

5.—(1) The proper officer shall not later than the end of the period of three working days beginning with the date on which the appeal body received the notice of appeal—

- (a) send an acknowledgement of its receipt to the appellant;
- (b) send a copy of the notice of appeal and any accompanying documents to the appropriate body;
- (c) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, send a copy of the notice of appeal to that person or body; and
- (d) send a copy of the notice of appeal to the head teacher of the school at which the appellant was employed at the completion of his induction period.

(2) The proper officer shall not later than the end of the period of three working days beginning with the date on which the appeal body received from the appellant any additional documents, amended grounds of appeal, amended documents submitted in support of an appeal or notice of withdrawal of an appeal send a copy to the appropriate body.

Request for further material

6.—(1) Where the appeal body decides the appeal could be decided more fairly and efficiently if the appellant provided further material, it may send to the appellant a notice inviting him to supply that material by not later than the end of the period of ten working days beginning with the date of the notice.

(2) Where the appeal body sends a notice under sub-paragraph (1) the proper officer shall at the same time inform the appropriate body that it has done so.

(3) The proper officer shall not later than the end of the period of three working days beginning with the date on which the appeal body received further material under sub-paragraph (1) send a copy of it to the appropriate body.

Reply by the appropriate body

7.—(1) The appropriate body shall send to the proper officer a reply fulfilling the requirements of paragraph 8 so that it is received not later than the end of the period of 20 working days beginning with the date on which the appropriate body received a copy of the notice of appeal.

(2) The appeal body may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired.

(3) The appeal body shall allow the appeal where the appropriate body states in the reply, or at any time states in writing that it does not seek to uphold the disputed decision, and shall do so not later than the end of the period of 3 working days beginning with the date on which the appeal body received notification that the appropriate body did not seek to uphold the disputed decision.

Contents of the reply

8.—(1) The reply shall state—

- (a) the name and address of the appropriate body;
- (b) whether the appropriate body seeks to uphold the disputed decision; and
- (c) in cases where the appropriate body seeks to uphold the disputed decision—
 - (i) the appropriate body's answer to each of the grounds of appeal supplied by the appellant,
 - (ii) whether or not the appropriate body requests an oral hearing, and
 - (iii) the name, address and profession of the person (if any) representing the appropriate body, and whether the appeal body should send documents concerning the appeal to the representative instead of to the appropriate body.

(2) The appropriate body shall annex to the reply a copy of—

- (a) any document on which it wishes to rely for the purpose of opposing the appeal; and
- (b) where the appellant has not sent to the proper officer a copy of a written statement given to him by the appropriate body giving reasons for its decision, a statement giving reasons for the decision.

Additional documents, amendment and withdrawal of the reply

9.—(1) The appropriate body may at any time before it receives notice under paragraph 13 of the date fixed for the hearing or a decision of the appeal body under paragraph 11—

- (a) send copies of such additional documents as it wishes to rely on for the purposes of opposing the appeal to the proper officer;
- (b) amend or withdraw its reply, or any part of it;
- (c) amend or withdraw any material submitted in support of the reply.

(2) The appropriate body may at any time take any step mentioned in sub-paragraph (1) with the leave of the appeal body.

(3) A reply shall be amended or withdrawn by sending to the proper officer an amended reply or a notice stating that the reply is withdrawn, as the case may be.

Acknowledgement and notification of the reply

10.—(1) The proper officer shall not later than the end of the period of three working days beginning with the date on which the appeal body received the reply—

- (a) send an acknowledgement of its receipt to the appropriate body; and
- (b) send a copy of the reply and any accompanying documents to the appellant.

(2) The proper officer shall not later than the end of the period of three working days beginning with the date on which the appeal body received from the appropriate body any additional documents, amended reply, amended documents submitted in support of a reply, or notice of withdrawal of a reply send a copy to the appellant.

Power to decide the appeal without a hearing

11.—(1) Where following the expiry of the period within which the appropriate body is required to send its reply neither the appellant nor the appropriate body has requested an oral hearing, and the appeal body does not consider an oral hearing is necessary, the appeal body may decide the appeal without an oral hearing.

(2) Where following the expiry of the period within which the appropriate body is required to send its reply the appropriate body has not done so, the appeal body may allow the appeal without an oral hearing.

(3) If the appeal body decides the appeal without an oral hearing, it shall send notice of its decision as required by paragraph 17 so that it is received by the appellant and the appropriate body not later than the end of the period of 20 working days beginning with the day following the date on which the time limit for sending a reply expired.

Appeal hearing

12. Paragraphs 13 to 16 apply where the appeal is to be decided on the basis of an oral hearing.

Fixing a date for the hearing

13.—(1) The appeal body shall—

- (a) not later than the end of the period of 20 working days beginning with the day following the date on which the time for sending a reply expired; and
- (b) not before the day following the date on which the time for sending a reply expired,

fix a date for the hearing.

(2) The proper officer shall on the same day as the appeal body fixes a date for the hearing send to the appellant and the appropriate body a notice—

- (a) informing them of the time and place of the hearing of the appeal;
- (b) giving guidance regarding the procedure which will apply to the hearing;
- (c) advising them of the consequences of not attending the hearing; and
- (d) informing them of the right to submit written representations if they do not attend the hearing.

(3) The date fixed for the hearing shall not be less than 15 working days after the date of the notice.

Action by the appellant and appropriate body on receiving notice of the hearing

14.—(1) Not less than ten working days before the date fixed for the hearing the appellant and the appropriate body—

- (a) shall inform the proper officer whether or not he or it intends to appear or be represented at the hearing;
- (b) shall inform the proper officer which, if any, witnesses he or it intends to call at the hearing;
- (c) may, if he or it do not intend to appear or be represented at the hearing send to the proper officer any written representations in support of the material already sent to the proper officer.

(2) The proper officer shall not later than the end of the period of three working days beginning with the date on which representations are received send to each party a copy of any representations received by him from the other party under this paragraph.

Alteration of place or time of the hearing

15.—(1) The appeal body may alter the place or time of the hearing in such circumstances as it considers appropriate, provided that the altered date of the hearing is not earlier than the original date.

(2) Where the appeal body alters the place or time of the hearing the proper officer shall without delay and in any event not later than the end of the period of three working days beginning with the date on which the alteration was made send a notice to the appellant and the appropriate body informing them of the alteration.

Procedure at the hearing

16.—(1) Subject to the following provisions of this paragraph the appeal body shall determine the procedure at the hearing of the appeal.

(2) The hearing of the appeal shall be in public unless the appeal body determines that it is fair and reasonable for the hearing or any part of it to be in private.

(3) The appellant and the appropriate body may appear at the hearing and may be represented or assisted by any person.

(4) If the appellant or the appropriate body fails to attend the hearing, the appeal body may hear, and provided it has considered any representations made by the absent party under paragraph 14, determine the appeal in his or its absence.

(5) Subject to sub-paragraph (6) the appellant and the appropriate body may give evidence, call witnesses, question any witnesses and address the appeal body both on the evidence and generally on the subject matter of the appeal.

(6) The appeal body may at any point in the hearing limit the rights of either party under sub-paragraph (5) provided it is satisfied that to do so will not prevent the appeal from being decided fairly.

(7) The appeal body may adjourn the hearing, but shall not do so unless it is satisfied that it is necessary to do so in order for the appeal to be decided fairly.

(8) The time and place for an adjourned hearing shall either be announced before the adjournment or the appeal body shall without delay and in any event not later than the end of the period of three working days beginning with the date of the adjournment send notice to the appellant and the appropriate body informing them of the time and place of the adjourned hearing.

Decision of the appeal body

17.—(1) The decision of the appeal body may be made and announced at the end of the hearing, but in any event, whether there has been a hearing or not, shall be recorded immediately it is made in a document which shall also contain a statement of the reasons for the decision and shall be signed and dated by a person authorised by the appeal body.

(2) The appeal body shall not later than the end of the period of two working days beginning with the date on which it made its decision—

- (a) send a copy of the document referred to in sub-paragraph (1) to the appellant, the appropriate body and the head teacher of the school at which the appellant was employed at the completion of his induction period; and

- (b) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, notify him or it of its decision.

Irregularities

18.—(1) Any irregularity resulting from failure to comply with any provision of this Schedule before the appeal body has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the appeal body it may, and shall if it considers either party may have been prejudiced by the irregularity, give such directions as it thinks just, before reaching its decision, to cure or waive the irregularity.

Documents

19.—(1) Anything required to be sent to a person for the purposes of an appeal under this Schedule may be—

- (a) delivered to him personally; or
- (b) sent to him at his appropriate address by post; or
- (c) sent to him by facsimile or electronic mail or other similar means which are capable of producing a document containing the text of the communication, in which case the document shall be regarded as sent when it is received in a legible form.

(2) A person's appropriate address is the address stated in his notice of appeal or reply, or such other address as may be subsequently notified to the proper officer.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require persons qualifying as teachers to complete successfully an induction period before taking up employment at a “relevant school” in England. By virtue of section 43(2) of the Teaching and Higher Education Act 1998, this includes engagement otherwise than under a contract of employment at such a school.

“Relevant school” is defined in section 19(10)(b) of the Teaching and Higher Education Act 1998, and includes schools maintained by local education authorities, grant-maintained schools and special schools not maintained by local education authorities. The definition is prospectively amended so as to remove the reference to grant-maintained schools by the School Standards and Framework Act 1998 to take account of the new framework for schools taking effect on 1st September 1999.

An induction period may be served in a relevant school, or an independent school the curriculum of which meets certain requirements of the National Curriculum. It may not be served in a pupil referral unit or a school in “special measures”, unless the person in question is completing an induction period already started at the school or one of Her Majesty’s Inspectors of Schools in England certifies that the school is fit to provide induction.

The length of an induction period is generally three school terms for a full-time teacher and its equivalent for a teacher working part-time.

The requirement to serve an induction period is subject to exceptions: the main exceptions are for teachers who qualified before the Regulations come into force, teachers excepted from the requirement to be qualified teachers, teachers who have successfully completed induction periods in other parts of the United Kingdom, and teachers to whom Article 3 of Council Directive 89/48 EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration applies.

The Regulations provide for the Secretary of State to give guidance against which teachers serving induction periods are to be assessed for the purpose of determining whether they have completed their induction periods successfully.

At the end of the induction period the head teacher of the school at which the teacher is employed makes a recommendation to the body which assesses teachers undergoing induction, in most cases the local education authority, and they decide whether the teacher has successfully completed induction, should have his induction period extended or whether he has failed to complete his induction satisfactorily. There is provision for a person having his induction period extended or failing to complete his induction satisfactorily to appeal to the Secretary of State.

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