

EXPLANATORY MEMORANDUM TO THE

EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS) (CONSOLIDATION) (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No. 1740

1. 1.1 This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Regulations amend the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (“the 2001 Induction Regulations”). Specifically, they:

- (i) provide that an overseas-trained teacher is exempt from the requirement to serve induction if he has, amongst other things, satisfied the requirements of an employment-based teacher training scheme in England or Wales;
- (ii) update statutory references;
- (iii) rectify incorrect paragraph numbering; and
- (iv) introduce cross-references to exemptions in the parallel Regulations for Wales.

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

3.1 These Regulations rectify a mistake reported by the Committee in its Thirty-first Report of Session 2002-03. Regulation 6 of the Education (Induction Arrangements for School Teachers) (Consolidation) (England) (Amendment No. 2) Regulations 2003 (S.I. 2003/2148) amended regulation 10 of the 2001 Induction Regulations by inserting a new paragraph numbered (4) after paragraph (3) and by amending the existing paragraph (4) to include a new paragraph (4). Regulation 2(d) of these Regulations renumbers the second of the two paragraphs numbered (4) as paragraph (5).

4. Legislative Background

4.1 The 2001 Induction Regulations, made under section 19 of the Teaching and Higher Education Act 1998, oblige teachers to complete a period of induction in order to be eligible for permanent employment as teachers in a school maintained by an LEA or a non-maintained special school in England.

4.2 The 2001 Induction Regulations lay down criteria for the successful completion of an induction period. In relation to an induction period served in independent schools, the criteria include requirements related to the National Curriculum – these Regulations update references to the National Curriculum provisions, now found in the Education Act 2002.

4.3 Schedule 2 to the 2001 Induction Regulations sets out exceptions to the requirement that an induction period must be served. Some of the exceptions depend on a teacher having followed a certain route to obtaining Qualified Teacher Status (“QTS”). Conditions for the award of QTS are currently laid down by the Secretary of State for Education and Skills in the Education (School Teachers’ Qualifications) (England) Regulations 2003 (S.I. 2003/1662) (“the 2003 Qualifications Regulations”), made under section 132 of the Education Act 2002. These Regulations add references to the relevant provisions of the 2003 Qualifications Regulations to the existing references to the predecessor Qualifications Regulations.

4.4 Regulations similar to the 2001 Induction Regulations and the 2003 Qualifications Regulations have been made in relation to Wales. These Regulations provide that certain teachers who have obtained QTS in Wales and who are exempt from the requirement to serve induction in Wales, are also exempt from the requirement to serve induction in England.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 Induction is a period of employment, normally lasting one academic year or its part-time equivalent, that a newly-qualified teacher (“NQT”) must serve in order to demonstrate that they meet professional standards of knowledge and competence for permanent teachers laid down by the Secretary of State for Education and Skills. A person may not work permanently as a qualified teacher in the maintained schools sector in England unless they have successfully completed induction or are exempt from the requirement to do so.

7.2 During induction, NQTs follow an individualised programme of monitoring and guidance introduced to provide the support necessary to enable them to build on their professional development to meet the necessary

standards. Decisions on whether or not induction has been completed successfully are taken by the “appropriate body” (usually the local education authority) on the advice of the head teacher of the school at which the teacher is employed. The General Teaching Council for England is responsible for considering appeals against failure of induction.

7.3 The Teacher Training Agency, the General Teaching Council for England and the Welsh Assembly Government were consulted on the draft Regulations and confirmed that they were content for the Regulations to be made.

7.4 Following responses to a public consultation carried out earlier this year, the Government is considering whether it would be appropriate to undertake a wider rationalisation and simplification of the 2001 Regulations. For this reason, we have not taken this opportunity to consolidate all the previous amendments to the 2001 Regulations.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact of the Regulations on the public sector is nil.

9. Contact

9.1 Policy queries should be addressed to Ms Jacqueline Naylor at the Department for Education and Skills. Tel: 0207 925 5910 or e-mail: jacqueline.naylor@dfes.gsi.gov.uk.