

EXPLANATORY MEMORANDUM TO
THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS
(ENGLAND) REGULATIONS 2012

2012 No. 1115

1. 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 These regulations stipulate that school teachers, subject to prescribed exceptions, who are employed in schools maintained by local authorities or in non-maintained special schools must satisfactorily complete an induction period. The instrument sets 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.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 Part 8 of the Education Act 2002 makes provision about the teaching profession. Sections 135A to C, inserted into that Part by section 9 of the Education Act 2011, enable regulations to be made requiring teachers to have satisfactorily completed an induction period in order to teach in maintained schools and non-maintained special schools. Such provision is currently contained in the Education (Induction Arrangements for School Teachers) (England) Regulations 2008. This instrument revokes and replaces those Regulations.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England.
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 Department introduced a statutory induction period for newly qualified teachers (NQTs) from September 1999. Induction must be served by NQTs who obtained

Qualified Teacher Status (QTS) after 7 May 1999 and who wish to be employed in maintained schools and non-maintained special schools. Induction may also currently be served in independent schools and sixth form colleges that are able to provide a suitable induction programme. Regulations introduced from September 2008 established new flexibilities which cater for the diversity of employment patterns and which allow induction to be completed in all FE settings.

7.2 The current induction arrangements are regarded as simple, transparent and fair. However, there is agreement that the arrangements could better reflect the needs of all teachers and schools including Academies and Free Schools. A review of the current induction arrangements began in summer 2011, and proposed changes to regulations were subject to a public consultation during autumn 2011. The review also presented an appropriate opportunity to reduce central prescription and bureaucracy. The new arrangements will give schools greater flexibility to manage their own arrangements according to local circumstances, while ensuring that the independent quality assurance of new entrants to the teaching profession is retained.

7.3 The new regulations enable induction to be served in any setting which can meet the required conditions, allowing institutions such as Pupil Referral Units, independent nurseries which are not part of an independent school, and some British schools abroad such as those accredited by the Council of British International Schools (COBIS) to offer induction to their NQTs. They also allow schools to choose which local authority is to act as their appropriate body, and remove the requirement for independent schools to deliver the national curriculum for the purposes of induction.

7.4 New provisions give appropriate bodies the discretion to reduce the induction period to a minimum of one term if they are satisfied the teacher has met the relevant standards and to deem that induction has been completed in the event that data records are inaccurate or incomplete. It will also enable them to make reasonable charges not exceeding the cost of provision of the service to a relevant school, independent school, nursery school or FE institution for carrying out the statutory duties required of an appropriate body.

7.5 The 16-month limit on short term supply teaching has been removed and replaced with a 5-year period from the date of the award of QTS during which a person may be employed as a supply teacher for periods of less than one term without having completed induction.

7.6 It has been the case since statutory induction was introduced in 1999 that teachers who fail satisfactorily to complete their induction period cannot repeat it and are not permitted to continue to teach in a relevant school. Under section 141C(1)(b) of the 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. The Teaching Agency will, on behalf of the Secretary of State, place the names of teachers who have failed induction on a list of such teachers.

8. Consultation outcome

8.1 From the start of the review we consulted with a small group of induction practitioners representing key stakeholders including schools, local authorities and the Independent Schools Council Teacher Induction Panel (ISCtip). We also drew on recent policy casework in formulating our proposals.

8.2 In September 2011 we undertook a 12 week public consultation on proposed amendments to the induction regulations. There were 157 responses including from individual local authorities, schools and teachers. Of the 14 proposals in the consultation document, 12 received a good or higher level of support, with 6 of these receiving support from 80% or more of respondents. 13 of the proposals were supported by 65% or more of head teachers. Proposals to introduce greater flexibility into induction arrangements were particularly welcomed, as were those which will offer schools and appropriate bodies the opportunity to make discretionary decisions according to local circumstances. 80% or more of respondents endorsed the introduction of measures of this nature.

8.3 Support was less strong for proposals to establish a separate appropriate body for Academies and for teaching schools to be able to act as appropriate bodies, with overall responses to both proposals roughly split between those in favour and those against. However responses from head teachers offered 75% and 66% support respectively for the two proposals. The main opposition to both proposals came from Local Authorities who currently act in this capacity for most schools. They were concerned about a proliferation of organisations fulfilling the appropriate body function, arguing that new appropriate bodies may lack capacity and expertise, leading to inconsistency of practice. However, demand from Academies for an appropriate body for their sector is strong, and there is no evidence to suggest that the quality of service will suffer because more providers are available. In any case, local authorities will be free to compete in this market and competition and choice between organisations will only serve to drive improvement. In addition, it will be for each individual teaching school to decide whether or not it wishes to act as an appropriate body. The National College would have a quality assurance role in monitoring how teaching schools carry out their appropriate body functions.

8.4 Teacher and head teacher unions to respond were the Association of Teachers and Lecturers, the Association of School and College Leaders, the National Association of Head Teachers (NAHT), the National Association of Schoolmasters and Union of Women Teachers (NASUWT) and the National Union of Teachers (NUT). In addition, meetings were offered to members of the Education Forum and were held with NAHT, NASUWT and NUT.

8.5 A report summarising responses to the consultation will be published in spring 2012 on www.education.gov.uk.

9. Guidance

9.1 The DfE will, following consultation, publish statutory guidance on the interpretation of these Regulations. Any person exercising functions under these Regulations must have regard to this guidance. The guidance will be published on www.education.gov.uk.

10. Impact

10.1 The impact on business, charities or voluntary bodies is insignificant.

10.2 The impact on the public sector is minimal. The initial assessment concluded that the instrument does not represent significant changes to policy, there is widespread support for the changes, and the costs are negligible and outweighed by the benefits of greater clarity and flexibility.

10.3 A full Impact Assessment has not been prepared for this instrument because the initial assessment has concluded that the instrument will have an insignificant impact on business, charities or voluntary bodies. The main stakeholder group that is outside of the public sector is the independent schools sector. Although teachers working in the independent sector are not required to undertake induction, independent schools can recruit NQTs and host their induction should they wish to. Independent schools in this position and the Independent Schools Teacher Induction Panel (ISTip) (which acts as the appropriate body for their member schools) will be required to familiarise themselves with the new regulations and guidance but beyond this the changes will not cause any burdens or engage them in additional work. In fact the introduction of greater flexibility is intended to make the regulations less bureaucratic for schools and appropriate bodies.

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.