

EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL TEACHERS' QUALIFICATIONS AND INDUCTION ARRANGMENTS) (ENGLAND) (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020

2020 No. 464

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 amends two sets of regulations in order to address the impact of the coronavirus (COVID-19) outbreak on those undergoing initial teacher training and on newly qualified teachers undergoing statutory induction.

In relation to Initial Teacher Training:

- 2.2 This instrument amends existing regulations so that accredited providers of initial teacher training (ITT) are able to recommend that those trainee teachers whose training has been interrupted for reasons related to the coronavirus (COVID-19) outbreak and who as a result have not been assessed as meeting the required standards ("the Teachers' Standards") should nevertheless be recognised as having achieved qualified teacher status (QTS).
- 2.3 The new, temporary requirement for such trainee teachers is that the ITT provider must be satisfied that they were demonstrating adequate progress towards meeting the Teachers' Standards and that they would have met them, were it not for the interruption in their training. This means that trainee teachers on track in 2020 to meet the standards will be able to qualify, thus protecting newly qualified teacher (NQT) supply to schools in September 2020.
- 2.4 The instrument also amends regulations so that the small minority of trainee teachers for whom the practical teaching experience element of their training up to the date of interruption has taken place wholly or mainly outside England are able similarly to be assessed as qualified - which would otherwise not be the case.

In relation to Newly Qualified Teachers:

- 2.5 This instrument also amends existing regulations so that newly qualified teachers undertaking statutory induction who are absent from work for reasons related to the coronavirus (COVID-19) outbreak will not have their induction periods automatically extended. This will allow NQTs who meet the Teachers' Standards to complete their induction periods as anticipated despite widespread absences.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

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 These regulations amend two of the qualification requirements for teachers which are set out in the Education (School Teachers' Qualifications) (England) Regulations 2003. These set out the various routes to achieve Qualified Teacher Status (QTS) in England.

6.2 The first of these routes is a training route for students that is typically fee-funded, and undertaken by trainee teachers at an accredited institution such as a university or School-Centred ITT (SCITT) provider in England. The second of these routes is the employment-based training route whereby a trainee is employed in a school for the period of training and earns an unqualified teacher's salary. An accredited ITT provider remains accountable for the training programme.

6.3 This legislation requires that for a person to be qualified they must be assessed by the accredited provider as meeting the specified standards. This applies to both non-salaried and employment-based teacher training routes.

6.4 For the non-salaried route, the legislation also requires that for a person to be recognised as qualified, they must undertake any period of practical teaching experience for the purposes of that course of initial teacher training wholly or mainly in a school or other specified institution in England (or in a school administered by Service Children's Education).

6.5 The regulations also amend the Education (Induction Arrangements for School Teachers) (England) Regulations 2012. These regulations set out that where an NQT serving an induction period is absent from work for 30 or more days during their induction period, that period is extended by the aggregate period of the person's absences.

7. Policy Background

What is being done and why?

In relation to Initial Teacher Training

7.1 Initial teacher training (ITT) institutions supply around 30,000 newly qualified teachers to schools annually, in order to meet the supply needs of schools in England – to fill their teacher vacancies. Meeting the supply needs of schools is already

challenging in normal circumstances, particularly in relation to some subjects taught at secondary school.

- 7.2 Because of the coronavirus (COVID-19) outbreak, since 23 March 2020 schools in England only remain open to serve a very limited category of pupils. This includes children who are vulnerable¹, and children whose parents are critical to the coronavirus (COVID-19) response and cannot be safely cared for at home. In addition, and as a result of social distancing restrictions and ‘stay at home’ rules currently in force in England, ITT institutions are now limited to providing their trainee teachers with online or other such distance learning courses. This has meant that trainee teachers are currently no longer able to undertake placements in schools, thus limiting their opportunities to demonstrate that they are meeting the Teachers’ Standards. This in turn limits ITT institutions’ ability to deem trainee teachers as having fully met the specified standards.
- 7.3 For the 2020/21 academic year we need to mitigate the risk of losing most of the potential new supply of qualified teachers to schools as a result of interruptions to training and the failure of those trainees to qualify caused by the coronavirus (COVID-19) outbreak. The regulatory changes are designed to ensure that the flow of NQTs into schools in England is protected, is of high quality, and that schools are able to continue to recruit fully qualified teachers to fill their vacancies and be fully operational in the 2020/21 academic year. In turn, this will contribute to maintaining the quality and capacity of school provision for pupils in schools in England.
- 7.4 Until now, accredited providers of ITT in England may only recommend trainees for the award of QTS where those trainees have been assessed by the accredited institution as fully meeting specified standards (“the Teachers’ Standards”), published in 2011.
- 7.5 The amended regulations will allow accredited ITT institutions, before 1 September 2020 and ahead of the start of the next academic year, to recommend for QTS those trainees on the two most popular ITT routes that they deem would have met the Teachers’ Standards by the completion of their courses, were it not for the interruption of those courses as a consequence of the coronavirus (COVID-19) outbreak. By September 1 2020 most current ITT courses will have completed, and teachers undergoing them will have obtained QTS prior to obtaining employment in schools at the start of the new academic year. These regulations do not capture trainees on courses due to complete on or after 1 September 2020.
- 7.6 To assure the quality of the profession, accredited ITT providers will not be permitted to recommend for QTS those trainees that they deem were not making adequate progress. These trainees will be subject to an extension of their courses and further training once schools reopen fully. In addition, all final assessment judgements of trainee teachers will continue to be subject to processes of internal and external moderation as prescribed in the mandatory ITT Criteria and Supporting Advice².
- 7.7 On the non-salaried training route accredited ITT providers must only recommend for the award of QTS those trainees that have undertaken a period of practical teaching

¹ Vulnerable children include children who are supported by social care, those with safeguarding and welfare needs, including child in need plans, on child protection plans, ‘looked after’ children, young carers, disabled children and those with [education, health and care \(EHC\) plans](#)

² <https://www.gov.uk/government/publications/initial-teacher-training-criteria/initial-teacher-training-itt-criteria-and-supporting-advice>.

experience for the purposes of their ITT course wholly or mainly in a school or other specified institution in England (or in a school administered by Service Children's Education).

- 7.8 The amended regulations will allow the small minority of trainees on this route to qualify who might have been unable, for a reason relating to the incidence or transmission of coronavirus (COVID-19), to undertake their practical teaching placements wholly or mainly in schools in England (or in a school administered by Service Children's Education). This could include trainees trained at accredited institutions in England but who might, for example, have been placed up to the point of interruption mainly in schools in Wales. Alternatively, it could include trainees on modern languages ITT courses in England that up to the point of interruption might have undertaken placements mainly in schools abroad, such as in France, Spain or Germany. For the reasons given above, the amended regulation will apply only to trainees assessed before 1 September 2020.

In relation to induction

- 7.9 With some limited exceptions a teacher in a relevant³ school in England is required to hold QTS. QTS is awarded on successful completion of the training period, but a teacher subsequently must successfully complete an induction period in order to be able to continue to teach as a qualified teacher in a relevant school. There are around 30,000 newly qualified teachers (NQTs) who are currently undertaking their statutory induction in schools in England. If an NQT fails to meet the Teachers' Standards at the end of induction, they cannot be employed lawfully as a teacher in a relevant school.
- 7.10 The length of the induction period an NQT is required to serve is the full-time equivalent of one school year (although that can be reduced in limited circumstances). The induction period is automatically extended prior to completion when an NQT's absences during the period amount to 30 days or more (with the exception of statutory maternity leave). In these circumstances the induction period must be extended by the aggregate total of days absent.
- 7.11 The amended regulations will prevent coronavirus-related absences from contributing to the 30-day threshold upon which the induction period is automatically extended; these NQTs will have the opportunity to complete their induction periods to original timescales as expected (i.e. before the start of the academic year 2020/21), provided they satisfactorily meet the Teachers' Standards. Therefore they will be free to be employed as fully qualified teachers in relevant schools in England. To assure the quality of the profession, if any NQT does not meet the Teachers' Standards by the end of their induction period, their induction can still be extended under the current regulations.
- 7.12 As a result of the coronavirus (COVID-19) outbreak, the vast majority of these NQTs will be absent from their place of work for 30 days or more – the absence threshold at which induction would normally be automatically extended. This in turn would mean that most of this cohort would enter the second year of their teaching careers remaining as NQTs. They would continue to be subject to monitoring and assessment as NQTs at the same time as schools would be employing a new cohort of NQTs for

³ 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).

whom training has been subject to significant disruption, and for whom additional support may be required. This would place a significant burden on schools and school mentors that support NQTs, and the appropriate bodies that quality assure induction.

- 7.13 By enabling newly qualified teacher induction periods to end as would have been anticipated prior to the coronavirus (COVID-19) outbreak, we do not expect NQTs or schools to be adversely impacted; nor do we expect teacher quality to suffer. All NQTs have already demonstrated their ability to meet the Teachers' Standards (upon achieving QTS) and statutory induction supports the NQT to demonstrate their performance over a sustained period.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 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 consulted swiftly with sector experts in the available timescales. The consultation activity undertaken was proportionate with the need to act quickly in a public health emergency situation.
- 10.2 Officials undertook dialogue with ITT Sector representative bodies including The Universities Council for the Education of Teachers (UCET) which represents university-sector ITT institutions, and the National Association of School Based Teacher Trainers (NASBTT) which represents school-led ITT institutions. Both bodies are supportive of the changes.
- 10.3 In addition, changes to absence allowances during NQT induction have been tested with several large appropriate bodies (organisations responsible for the quality assurance of NQT Induction) including the National Teacher Accreditation (NTA) and the Independent School Teacher Induction Panel (ISTIP). Both bodies are supportive of the proposed changes.

11. Guidance

- 11.1 The Department for Education published guidance for ITT providers on 7 April 2020 to advise them of the intended approach for assessing those trainee teachers whose training has been interrupted for reasons related to the coronavirus (COVID-19) outbreak. The guidance⁴ states that the arrangements set out are subject to this secondary legislation.
- 11.2 The Department for Education also amended the published ITT Criteria and Supporting Advice⁵ for ITT institutions on 27 March to ensure that it reflects the intended approach for assessing trainees.

⁴ This can be found at: <https://www.gov.uk/government/publications/coronavirus-covid-19-initial-teacher-training-itt/coronavirus-covid-19-initial-teacher-training-itt>.

⁵ This can be found at: <https://www.gov.uk/government/publications/initial-teacher-training-criteria/initial-teacher-training-itt-criteria-and-supporting-advice>.

11.3 On the change in relation to absences for NQTs undergoing induction, a statement and accompanying FAQs document⁶ was published on 1 April 2020. This statement was also communicated to all appropriate bodies in England via the Teaching Regulation Agency, an executive agency of the Department for Education with responsibility for the supply, quality, and regulation of the education workforce.

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 An Impact Assessment has not been prepared for this instrument because there is no anticipated 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 The amendments relating to both school teachers' qualifications and NQT induction periods will be time limited to coincide with the start of the next academic year 2020/21. In relation to initial teacher training, they will cease to have effect on 1 September 2020, and in relation to NQT induction, they will only apply to absences related to coronavirus which occur before 1 September 2020.

15. Contact

15.1 Paul Moses at the Department for Education, Telephone: 07717 865383 or email: paul.moses@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Ruth Talbot, Deputy Director for Train to Teach, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.

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

⁶ This can be found at: <https://www.gov.uk/government/publications/coronavirus-covid-19-induction-for-newly-qualified-teachers/covid-19-induction-for-newly-qualified-teachers-guidance>