

EXPLANATORY MEMORANDUM TO
THE TEACHERS' SKILLS TEST (ENGLAND) (MISCELLANEOUS
AMENDMENTS) REGULATIONS 2020

2020 No. 476

1. Introduction

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

2. Purpose of the instrument

- 2.1 From 1 April 2020, Teacher Skills Tests were replaced by a requirement for Initial Teacher Training (ITT) providers to assure the fundamental English and mathematics of trainee teachers. Since the Teacher Skills Test is no longer a requirement, the test centres that provided Teacher Skills Tests will close on 24 June 2020. This instrument provides for legacy cases, thereafter.

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 Part 8 of the Education Act 2002 (the Act) provides the framework for teacher qualifications. This instrument amends the following Regulations made under that Part.
6.2 The Education (School Teachers' Qualifications) (England) Regulations 2003 set out the requirements for a person to achieve qualified teacher status.
6.3 The Education (School Teachers' Prescribed Qualifications, etc) Order 2003 prescribes various matters for the purposes of school teacher pay and conditions.

- 6.4 The Education (Specified Work) (England) Regulations 2012 provide that only qualified teachers can carry out specified work, with limited exceptions. Specified work includes planning, preparing and delivering lessons, assessing pupils' progress and reporting on their progress.
- 6.5 The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 set out the requirements for teacher induction.

7. Policy background

What is being done and why?

- 7.1 From May 2000 to April 2001 teachers were required to pass a Numeracy Teacher Skills Test as part of their induction. From 2001 until July 2013 trainee teachers were required to pass the Teacher Skills Test to be recommended for Qualified Teacher Status (QTS). From July 2013 until 31 March 2020 teacher trainee candidates were required to pass the Teacher Skills Test in order to take up a place on an Initial Teacher Training (ITT) course. From 1 April 2020 Teacher Skills Tests have been replaced by a requirement for ITT providers to assure the fundamental English and mathematics of trainee teachers, prior to the end of their course.
- 7.2 Since the Teacher Skills Test is no longer a requirement, the test centres that provided Teacher Skills Tests will close on 24 June 2020 and there will no longer be provision to take Numeracy and Teacher Skills Tests. This instrument provides for legacy cases.

Route to Qualified Teacher Status

- 7.3 Changes to secondary legislation are required to provide legacy cases with an alternative route to gain QTS after the removal of the Teacher Skills Test. There are two groups of trainees who will be affected by the legislative changes.
- 7.4 There are around 2,500 trainees who started their ITT course between 2001 and 1 July 2013 (when the Skills Test was an exit requirement) who have not been awarded QTS as they have not successfully passed the Teacher Skills Test. For some, they may not have proceeded into teaching; for others, they may be teaching without QTS.
- 7.5 A significant effort has been made to contact these trainee teachers, to give them notice of the change and allow them the opportunity to pass the tests before the deadline. Some trainees have responded to this and gained QTS.
- 7.6 This instrument will change the requirements so that from 25 June 2020 these trainees will need to take another route to gain QTS. They will be able to apply for any current route into teaching that is appropriate to them. This will maintain standards and allow those who are working as teachers an alternative route to gaining QTS.

Induction

- 7.7 There is a small group of teachers who were in the first cohort who were required to take the Numeracy Teacher Skills Test (May 2000-April 2001) to meet the induction standards. This cohort is unique as they were required to pass the Numeracy Teacher Skills Test during their induction year. They were awarded QTS at the end of training but would not satisfactorily complete induction without also passing the Numeracy Teacher Skills Test.
- 7.8 These teachers are no longer required to pass the Numeracy Teacher Skills Test to satisfactorily complete their induction. Teachers who have not passed this can now

apply to the Appropriate Body for a decision as to whether they have satisfactorily completed the induction period. If the Appropriate Body is satisfied that they have met the induction standards, but for passing the Numeracy Teacher Skills Test, they will pass their induction. If they have not met other induction standards, the Appropriate Body may decide to extend or fail induction.

Other

- 7.9 Teachers who would have QTS if they had passed the Teacher Skills Test are treated as qualified teachers for some pay purposes under the Education (School Teachers' Prescribed Qualifications, etc) Order 2003. This category will no longer exist, so the instrument includes a saving provision to preserve existing pay arrangements.
- 7.10 Paragraph 4 of the Schedule to the Education (Specified Work) (England) Regulations 2012 is a transitional provision that allowed certain people to carry out work in a school (other than a Pupil Referral Unit) until 1 April 2013. As this provision is now redundant, for clarity this instrument removes this provision and its reference to the Teacher Skills Test.

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

- 8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

- 9.1 There are no immediate plans to consolidate relevant Regulations. Comprehensive guidance on teacher qualifications is available at <https://getintoteaching.education.gov.uk/>

10. Consultation outcome

- 10.1 There is no duty to consult on this instrument.
- 10.2 The Department directly emailed people who will be affected by the removal of the Teacher Skills Test, where contact details were available. The Department also raised awareness of these changes via unions, schools, ITT providers, Teachers' Pension Scheme and provided contact details of officials who could respond to any questions.

11. Guidance

- 11.1 Details of alternative routes into teaching and how to apply for an induction year teaching post will be posted on the Teacher Regulation Authority (TRA) website and provided to TRA call centres. Any trainees seeking to gain QTS who have completed part of their training will be advised to contact the TRA and the TRA holds a database of these people. It is usually contacted by around fifty people a year, but this is likely to be significantly fewer over time. These trainees will be informed of the possible routes they could take to gain QTS.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because the instrument does not directly regulate, deregulate or concern the regulation of private, voluntary and independent sector organisations.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 TRA will receive contact from any trainee who wishes to complete their teacher training. It will be able to monitor how the number of these trainees decreases over time.

14.2 The instrument does not include provision for a statutory review.

15. Contact

15.1 Katie Chubb at the Department for Education Telephone: 07887452831 or email: katie.chubb@education.gov.uk can be contacted with any queries regarding the instrument.

15.2 Rachel Hope, Deputy Director for Teacher Services, 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.