

EXPLANATORY MEMORANDUM TO
THE EDUCATION (INDUCTION ARRANGEMENTS FOR SCHOOL TEACHERS)
(ENGLAND) (AMENDMENT) REGULATIONS 2023

2023 No. 448

1. Introduction

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

2. Purpose of the instrument

2.1 This instrument provides that, from 1 September 2023, local authorities will no longer be listed as being able to act as an appropriate body (AB) to institutions offering teacher induction for early career teachers (ECTs).

2.2 This instrument also provides that from 1 September 2023 until 31 August 2024 a local authority can continue to act as an AB for ECTs in a limited capacity where that local authority has already been appointed as an AB in relation to a particular institution and for an ECT who immediately before these Regulations came into force was serving an induction period in that same institution.

2.3 This will mean that from 1 September 2023 only teaching school hubs (TSHs) and organisations determined by the Secretary of State will be listed as being able to act as an AB.

2.4 These changes will enable more consistent quality assurance of the provision of AB services. The phased removal of the AB role from local authorities will take place over two academic years to allow enough time for TSHs to increase capacity and to reduce disruption to ECTs that could be caused by a change in AB provider during their induction.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. European Convention on Human Rights

5.1 As this instrument is subject to the 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 makes provisions relating to the teaching profession. Sections 135A to C, inserted into Part 8 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.
- 6.2 The Education (Induction Arrangements for School Teachers) (England) Regulations 2012 (“The 2012 Regulations”) set out the arrangements and requirements for teachers who need to serve an induction period and for the bodies which are responsible for managing their induction.
- 6.3 This instrument amends Regulation 4 of the 2012 Regulations so as to remove ‘an authority’ from the list of organisations which may act as an AB. This amendment will come into force on 1 September 2023. This instrument also includes a saving provision to allow a local authority to continue to act as an AB from 1 September 2023 to 31 August 2024 where that local authority has already been appointed as an AB in relation to a particular institution and for an ECT who immediately before these Regulations came into force was serving an induction period in that same institution.

7. Policy background

What is being done and why?

- 7.1 ABs are organisations with a statutory remit to oversee teacher induction and ensure ECTs receive their statutory entitlements during induction. Every headteacher who employs ECTs who are to serve an induction period must appoint an AB before induction can begin. ABs have a quality assurance role which includes ensuring that ECTs receive training, support and mentoring during their induction, and verifying the headteacher’s assessment of the ECT against the Teachers’ Standards¹ to pass induction.
- 7.2 Before the changes made by these Regulations, the organisations listed as being able to offer AB services were local authorities, TSHs and organisations determined by the Secretary of State (of which there are currently two, ISTIP (Independent Schools Teacher Induction Panel) and NTA (National Teacher Accreditation) which were originally set up to serve the needs of independent schools and academy trusts respectively). Local authorities and TSHs provide the vast majority of AB services and total ECT numbers are approximately the same across each. TSHs are a network of 87 designated schools operating across all areas of England that provide centres of excellence for high-quality professional development and support to teachers at all stages of their careers, including ECF-based training programmes for ECTs.
- 7.3 Significant reforms to teacher induction were introduced in 2021, as part of a commitment to creating a world class teacher development system. This has included extending the length of induction from one year to two years and supporting all ECTs by offering high quality training based on the Early Career Framework (ECF)². As part of those reforms, commitments were made to improve the consistency of quality in AB services as a priority for delivering a high quality induction experience to ECTs.

¹ <https://www.gov.uk/government/publications/teachers-standards>

² <https://www.gov.uk/government/publications/early-career-framework>

- 7.4 In considering the options for how to increase accountability for the quality of AB services, the policy on the types of organisations that can act as an AB was reviewed. It was concluded that there are no direct accountability mechanisms to ensure quality across local authority AB services. This creates a barrier to addressing the long standing issues around inconsistency in AB services. The Department already has a formal agreement in place with each TSH and holds them to account against key performance indicators. This relationship with TSHs provides an existing mechanism through which to introduce more robust quality assurance without the need to set up a costly and duplicative quality assurance or accreditation system.
- 7.5 It was further considered that the removal of local authorities from the list of those able to act as an AB would align with the future position set out in the white paper ‘Opportunity for all: strong schools with great teachers for your child’³, published in 2022, which outlined the aims of refocusing the role of local authorities within education and moving towards a fully trust-led system. A decision was therefore taken to reform the sector to remove local authorities from the organisations able to act as an AB.
- 7.6 A consultation⁴ on the AB reforms was held in 2022, specifically consulting on when to introduce changes to which organisations can act as an AB. The results, set out in section 10 of this document, have informed the timescale for moving to a predominantly TSH AB sector from 1 September 2024 with transitional provisions to minimise the number of ECTs who have to change AB during induction before then.
- 7.7 The reforms that this instrument brings into effect aim to offer higher quality support to all ECTs completing induction, by improving the quality and consistency of AB services being offered by ensuring that the AB role is only undertaken by organisations where quality assurance mechanisms are in place to hold them to account.

8. European Union Withdrawal and Future Relationship

- 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 is no plan to consolidate.

10. Consultation outcome

- 10.1 The Department ran an online public consultation for eight weeks between May and July 2022. This consulted on the timeframe for when local authorities would be removed from the list of organisations able to offer AB services, and the needs of ABs and schools to enable a successful transition.
- 10.2 The consultation received 332 responses from a range of organisations. These included:
- Local authorities
 - Teaching school hubs

³ <https://www.gov.uk/government/publications/opportunity-for-all-strong-schools-with-great-teachers-for-your-child>

⁴ <https://www.gov.uk/government/consultations/appropriate-body-reform-and-induction-assessment>

- National ABs
 - Maintained schools
 - Academy trusts
 - Independent schools and representative organisations
 - British schools overseas and representative organisations
 - ECF lead providers and training providers
 - Trade unions
- 10.3 The consultation asked respondents on their views of moving to a predominantly TSH AB sector from 1 September 2023. The responses to this were mixed, and many requested a longer period to manage this transition. In response, the transitional period has been extended so that local authorities can continue in a limited capacity until 1 September 2024. This is a year longer than proposed in the consultation to respond to concerns raised around lead times. This will ensure most ECTs can remain with one AB throughout their induction and provide time for TSHs to build their capacity to cover need.
- 10.4 The full outcomes and response to the consultation can be found here: <https://www.gov.uk/government/consultations/appropriate-body-reform-and-induction-assessment>

11. Guidance

- 11.1 The Induction for Early Career Teachers (England): Statutory Guidance has been updated to reflect this change and is available at: <https://www.gov.uk/government/publications/induction-for-early-career-teachers-england>

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 A full 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 approach to monitoring of this legislation is through engagement with the sector to understand how the changes affect AB provision, and so that the intended effects of this Instrument continue to meet the Department's policy.
- 14.2 This Instrument does not make or amend regulatory provision regarding any qualifying activity (as defined under section 28 of the Small Business, Enterprise and Employment Act 2015), and it was not otherwise thought necessary to include a statutory review clause.

15. Contact

- 15.1 Korin Wilshaw at the Department for Education, email: korin.wilshaw@education.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Chris Armstrong-Stacey, Deputy Director for Developing Teachers and Leaders at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rt Hon Nick Gibb MP, Minister of State for Schools at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.