

2012 No. 513

EDUCATION, ENGLAND

**The Education (Induction Arrangements for School Teachers)
(England) (Amendment) Regulations 2012**

Made - - - - - *28th February 2012*

Laid before Parliament *5th March 2012*

Coming into force - - - *1st April 2012*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 135A, 135B, 141C(1)(b) and 214(1) of the Education Act 2002(a):

Citation and commencement

1. These Regulations may be cited as the Education (Induction Arrangements for School Teachers) (England) (Amendment) Regulations 2012 and come into force on 1st April 2012.

Amendment of the Education (Induction Arrangements for School Teachers) (England) Regulations 2008

2. The Education (Induction Arrangements for School Teachers) (England) Regulations 2008 (b) are amended in accordance with regulations 3 to 17.

3. In regulation 3 (interpretation) in the definition of institution after “an independent school” insert “, a 16 to 19 Academy”(c) .

4. In regulation 6 (appropriate body)—

(a) at the end of paragraph (c) omit “and” and insert “and” at the end of paragraph (d); and

(b) after paragraph (d) insert—

“(e) the appropriate body in relation to a 16 to 19 Academy is the relevant body referred to in regulation 8(3A).”.

5. In regulation 7 (requirement to serve an induction period)—

(a) in paragraph (1) after “in a school” insert “, a 16 to 19 Academy”; and

(b) In paragraph (2) for “in accordance with section 43(2) of the Teaching and Higher Education Act 1998” substitute “by a local authority, governing body or other person who engages (or makes arrangements for the engagement of) that person to provide such services”.

(a) 2002 c.32. Sections 135A, 135B and 141C were inserted by sections 8 and 9 of the Education Act 2011 (c.21). See section 212(1) of the Education Act 2002 for the definitions of “prescribed” and “regulations”.

(b) S.I. 2008/657, as amended by S.I. 2010/1172.

(c) See section 1B of the Academies Act 2010 (c.32) for the meaning of “16 to 19 Academy”. Section 1B was inserted by section 53(7) of the Education Act 2011.

6. In regulation 8 (institutions in which an induction period may be served)—
- (a) after paragraph (1)(b) insert—
 - “(ba) when section 53 of the Education Act 2011 is fully in force, in the circumstances specified in paragraph (3A), a 16 to 19 Academy;”;
 - (b) after paragraph (3) insert—
 - “(3A) A person may only serve an induction period in a 16 to 19 Academy where before the start of the induction period the proprietor of the Academy and a relevant body have agreed that that body is to act as the appropriate body in relation to the Academy.”;
 - and
 - (c) in paragraph (4)—
 - (i) for “paragraph (3)(c)” substitute “paragraphs (3)(c) and (3A)”;
 - (ii) in sub-paragraph (a) after “schools” insert “or 16 to 19 Academies”.
7. In regulation 9 (length of an induction period) in paragraph (4)(b) after “period in a” insert “16 to 19 Academy or a”.
8. In regulation 10 (periods of employment counting towards an induction period) in paragraph (6) after “school” insert “or 16 to 19 Academy”.
9. In regulation 16 (completion of an induction period)—
- (a) in paragraph (3)(b)(iii), and in paragraph (7) in the first two places where it occurs, for “the Council” substitute “the Secretary of State”; and
 - (b) in paragraph (7)(b), for paragraph (ii) substitute—
 - “(ii) the address to which notice of an appeal should be sent; and”.
10. In the heading to regulation 17 (extension of an induction period), and in regulation 17(a), for “the Council” substitute “the Secretary of State”.
11. In regulation 18 (termination of employment following failure to complete an induction period satisfactorily)—
- (a) for paragraph (2)(a) substitute “no appeal is made to the Secretary of State or, in relation to a person who has failed satisfactorily to complete an induction period under the Welsh Induction Regulations, the Council;”;
 - (b) in paragraphs (2)(b) and (3)(a) for “the Council” substitute “the Secretary of State or the Council”; and
 - (c) in paragraph (5) omit “in relation to a person who has failed satisfactorily to complete an induction period under the Welsh Induction Regulations,”.
12. After regulation 18 insert—

“Inclusion on the list of persons who have failed satisfactorily to complete an induction period

18A.—(1) Subject to paragraph (2), the name of any person in respect of whom a decision is made under regulation 16(5)(c) of these Regulations that the person has failed satisfactorily to complete the induction period which the person is required to serve, must be included on the list kept by the Secretary of State under section 141C(1)(b) of the 2002 Act(a).

(2) The name of the person must not be included on the list until—

- (a) the time within which an appeal against the decision may be made has expired; or

(a) Section 141C(1)(b) of the Education Act 2002 provides for the Secretary of State to maintain a list including the names of persons who have begun, but have failed satisfactorily to complete, an induction period in prescribed circumstances.

(b) any such appeal is withdrawn or dismissed.”.

13. In regulation 19 (appeals)—

- (a) in each place where it occurs for “the Council” substitute “the Secretary of State”; and
- (b) in paragraph (4)(c) for “it” substitute “the Secretary of State”.

14. In regulation 21 (charges)—

- (a) after “independent school” insert “, 16 to 19 Academy”; and
- (b) after “proprietor of a school” insert “or 16 to 19 Academy”.

15. In Schedule 2 (exemptions under these Regulations)—

- (a) at the end of paragraph 14 insert “and Children”;
- (b) in paragraph 18(d) for “the Training and Development Agency” substitute “the Secretary of State”; and
- (c) after paragraph 21 insert—

“22. A person who is a qualified teacher and became so qualified by virtue of regulation 5 of, and paragraph 13A of Schedule 2 to, the 2003 Qualifications Regulations(a).

23. A person who is a qualified teacher and became so qualified by virtue of regulation 5 of, and paragraph 13B of Schedule 2 to, the 2003 Qualifications Regulations.”.

16. In Schedule 3 (special provisions applying to qualified teachers who have not passed the numeracy skills test) in paragraphs 3(b) and 5(b) for “the Council” substitute “the Secretary of State”.

17. In Schedule 4 (procedure for appeals)—

- (a) other than in paragraph 16, in each place where it occurs for “the Council” substitute “the Secretary of State”;
- (b) in paragraph 2(2) delete “it is”;
- (c) in paragraphs 6(1) and (2) in each place where it occurs for “it” substitute “the Secretary of State”;
- (d) in paragraph 11(3) for “it must send notice of its decision” substitute “the Secretary of State must send notice of the decision”;
- (e) after paragraph 12 insert—

“Appeal panels

12A.—(1) Where an appeal is to be decided on the basis of an oral hearing, the Secretary of State must appoint a panel in accordance with sub-paragraph (2) to consider the appeal.

(2) A panel must include at least three persons, comprising—

- (a) one or more teachers or persons who have been teachers in the past five years; and
- (b) one or more other persons.”;
- (f) in paragraph 15(1) for “it” substitute “the Secretary of State”;
- (g) in paragraph 16—
 - (i) in each place where it occurs for “the Council” substitute “the panel”;
 - (ii) after sub-paragraph (1) insert—

“(1A) A panel must consider cases referred to it by the Secretary of State in accordance with the provisions of this paragraph.”;

(a) S.I. 2003/1662, amended by section 74 of the Education Act 2005 (2005 c. 18) and further amended by S.I. 2007/2782, 2009/3156, 2010/1172 and 2012/xxxx.

and

(iii) after sub-paragraph (8) insert—

“(9) The panel must make a recommendation to the Secretary of State as to whether the appeal should be allowed.”;

(h) in paragraph 17(2) for “it made its decision” substitute “the decision was made”;

(i) in paragraph 18—

(i) in sub-paragraph (1) for “its” substitute “a”; and

(ii) for sub-paragraph (2) substitute—

“(2) Where any such irregularity comes to the attention of the Secretary of State, the Secretary of State may and must, if of the opinion that either party may have been prejudiced by the irregularity, give such directions as appear to be just before reaching a decision to cure or waive the irregularity.”.

Transitional provision

18. Where an appeal made to the General Teaching Council for England under regulation 19 of the Education (Induction Arrangements for School Teachers) (England) Regulations 2008 is not decided before 1st April 2012, the appeal is to be treated as an appeal to the Secretary of State.

28th February 2012

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Induction Arrangements for School Teachers) (England) Regulations 2008 (“the 2008 Regulations”).

The General Teaching Council for England (“the GTCE”) is to be abolished with effect from the 1st April 2012. The 2008 Regulations are amended to provide that the functions of the GTCE with regard to the induction arrangements for school teachers are to be carried out by the Secretary of State. Those functions relate primarily to dealing with appeals against a decision that a person has failed satisfactorily to complete an induction period. Where an appeal is in progress on 1st April, the appeal is to be treated as an appeal to the Secretary of State. Provision is made for the Secretary of State to appoint a panel to hear appeals and to make recommendations to the Secretary of State as to whether they should be allowed.

The 2008 Regulations are also amended to provide that induction may be served in a 16 to 19 Academy, and to provide for the appropriate body for such Academies. The appropriate body is any body whom the Secretary of State has determined may act as such, or an authority.

Section 141C(1)(b) of the Education Act 2002 (inserted by the Education Act 2011) provides that the Secretary of State must keep a list containing the names of persons who have begun, but who have failed satisfactorily to complete, an induction period in prescribed circumstances. Regulation 10 provides that the name of any person in respect of whom a decision is made that they have failed satisfactorily to complete an induction period must be included on that list. The name cannot be added until the time for appeal has expired or the appeal has been dismissed.

Regulation 15 adds two new exemptions to the list of persons who may be employed as a qualified teacher in a relevant school (as defined in section 135A(4)) without having completed an induction period: subject to exceptions, teachers from certain overseas jurisdictions, and persons who have been awarded qualified teacher learning and skills status and are members of the Institute for Learning.

An impact assessment has not been produced for this instrument as no impact on businesses or civil society organisations is foreseen. The impact on the public sector is minimal.

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STATUTORY INSTRUMENTS

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