WELSH STATUTORY INSTRUMENTS

2005 No. 1818 (W.146)

EDUCATION, WALES

The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005

Made - - - -	*5 July 2005*
Coming into force - -	*1 September 2005*

In exercise of the powers conferred on the Secretary of State by sections 19 and 42(6) and (7) of the Teaching and Higher Education Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005 and they come into force on 1 September 2005.

(2) These Regulations apply in relation to school teachers in Wales.

Revocation and transitional provision

2.—(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003(**3**), the Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004(**4**) and regulation 4 of the School Teachers (Consequential Amendments) (Wales) Regulations 2004(**5**) are revoked.

(2) A person who on 1 September 2005 is serving an induction period in accordance with the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 is to be treated as if he or she were serving an induction period in accordance with these Regulations.

Interpretation

3.—(1) Save where the context otherwise requires, in these Regulations —

(**1**) 1998 c. 30; section 19 was amended by the Learning and Skills Act 2000, section 139 and Schedule 11 and the Education Act 2002, Schedule 21, paragraph 85. For the meaning of "prescribed" and "regulations" *see* section 43(1).
(**2**) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 2003/543 (W.77).
(**4**) S.I. 2004/872 (W.87).
(**5**) S.I. 2004/1745 (W.184).

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**6**);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(**7**);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(**8**);

"appropriate body" ("*corff priodol*") means the appropriate body under regulation 5;

"authority" ("*awdurdod*") means a local education authority;

"the Council" ("*y Cyngor*") means the General Teaching Council for Wales;

"employer" ("*cyflogwr*") includes an authority, governing body or other person who engage (or make arrangements for the engagement of) a person to provide his or her services as a teacher otherwise than under a contract of employment, and "employed" ("*cyflogi*"), "employment" ("*cyflogaeth*") and any expressions relating to the termination of employment are to be construed accordingly;

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means a scheme established by the National Assembly under regulation 8 of the School Teachers' Qualifications Regulations;

"England's Induction Regulations" ("*Rheoliadau Ymsefydlu Lloegr*") means regulations made from time to time under section 19 of the Teaching and Higher Education Act 1998(**9**) in relation to teachers in England;

"FE college" ("*coleg AB*") means an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(**10**);

"governing body" ("*corff llywodraethu*") in relation to an FE college has the same meaning as in section 90(1) of the Further and Higher Education Act 1992;

"graduate teacher" ("*athro neu athrawes raddedig*") means a person who was granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations before 1 September 2004;

"head teacher" ("*pennaeth*") includes the principal of an FE college;

"induction period" ("*cyfnod ymsefydlu*") means an induction period required by these Regulations;

"institution" ("*sefydliad*") means a relevant school, an independent school or an FE college in which an induction period may be served under these Regulations, as the context requires;

"key stage" ("*cyfnod allweddol*") has the same meaning as in section 103(1) of the 2002 Act;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"non-maintained special school" ("*ysgol arbennig nas cynhelir*") means a special school which is neither a community special school nor a foundation special school;

"qualified teacher" ("*athro neu athrawes gymwysedig*") means a person who satisfies requirements specified in regulations made under section 132 of the 2002 Act(**11**);

(**6**) 1998 c. 31.
(**7**) 2002 c. 32.
(**8**) S.I. 1999/2817 (W. 18) amended by S.I. 2002/1663 (W.158), 2002/2938 (W.279), 2003/140 (W.12), 2003/2458 (W.240) and revoked in large part by S.I. 2004/1729 (W.173), 2004/1744 (W.183) and 2004/2733 (W.240).
(**9**) The regulations in force for England at the time of making these Regulations were the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (S.I. 2001/2897) as amended by S.I 2001/3938, S.I. 2002/2063 and S.I. 2003/2148.
(**10**) 1992 c. 13.
(**11**) The Regulations currently in force under this provision are the Education (School Teachers' Qualifications) (Wales) Regulations 2004, S.I. 2004/1729 (W.173).

"registered teacher" ("*athro neu athrawes gofrestredig*") means a person who was granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations before 1 September 2004;

"relevant school" ("*ysgol berthnasol*") means a school maintained by an authority or a non-maintained special school;

"school day" ("*diwrnod ysgol*") in relation to a school means any day on which at that school there is a school session, and in relation to an FE college, means any day on which the college meets;

"school session" ("*sesiwn ysgol*") has the same meaning as in regulations 4 and 5 of the Education (School Day and School Year) (Wales) Regulations 2003(**12**);

"the School Teachers' Qualifications Regulations" ("*Rheoliadau Cymwysterau Athrawon Ysgol*") means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(**13**);

"school term" ("*tymor ysgol*") includes a term of a an FE college;

"school year" ("*blwyddyn ysgol*") includes the academic year of an FE college;

"short term supply teacher" ("*athro neu athrawes gyflenwi tymor byr*") means a supply teacher who is employed for a period of less than one term;

"special school" ("*ysgol arbennig*") has the same meaning as in section 337(1) of the Education Act 1996(**14**);

"supply teacher" ("*athro neu athrawes gyflenwi*") means a teacher employed wholly or mainly for the purpose of supervising or teaching pupils whose regular teacher is not available to teach them; and

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(**15**).

(2) For the purposes of these Regulations a person has completed an induction period when that person has served an induction period of —

(a) three school terms, or

(b) such other length as the appropriate body has determined in accordance with regulation 8(2) (comprising only periods of employment which count towards an induction period under regulation 9); and

where the appropriate body extends the induction period in accordance with regulation 10, the period of that extension.

(3) Any reference in these Regulations to —

(a) a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and

(c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

(**12**) S.I. 2003/3231 (W. 311).
(**13**) S.I. 2004/1729 (W.173).
(**14**) 1996 c. 56. Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.
(**15**) 1971 c. 80.

Breach of time limits

4. Failure by any person to discharge any duty within a time limit specified in these Regulations does not relieve that person of that duty.

Appropriate body

5.—(1) For the purposes of these Regulations —

(a) the appropriate body in relation to a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school (in each case within the meaning of the 1998 Act) is the authority maintaining it;

(b) the appropriate body in relation to a non-maintained special school is the authority for the area in which the school is situated; and

(c) the appropriate body in relation to an independent school is —

(i) an authority, or

(ii) such persons or body as the National Assembly may determine, which persons or body must include as a member a representative of an authority; and

(d) the appropriate body in relation to an FE college is an authority.

(2) Any question as to who is the appropriate body for the purposes of exercising any functions imposed or conferred on an appropriate body by these Regulations in a case where a person serves an induction period in more than one institution is to be determined by the National Assembly.

Requirement to serve an induction period

6. Subject to the exceptions in Schedule 1, no person is to be employed on or after 1 September 2005 as a teacher at a relevant school unless that person has satisfactorily completed an induction period in accordance with the following provisions of these Regulations in a school or an FE college to which regulation 7(1) refers.

Institutions in which an induction period may be served

7.—(1) Subject to paragraph (2), an induction period may only be served in —

(a) a relevant school in Wales other than a community or foundation special school established in a hospital; or

(b) in the circumstances prescribed in paragraph (3) an independent school in Wales; or

(c) in the circumstances prescribed in paragraph (4) an FE college in Wales; or

(d) a school or an FE college in England in which an induction period may be served under England's Induction Regulations.

(2) An induction period may not be served in —

(a) a school in Wales in respect of which the circumstances described in section 15(6)(a) and (b) of the 1998 Act apply, unless —

(i) the person in question began his or her induction period, or was employed as a graduate teacher or a registered teacher or on an employment-based teacher training scheme, at the school at a time when such circumstances did not apply, or

(ii) one of Her Majesty's Inspectors of Education and Training in Wales has certified in writing that he or she is satisfied that the school is fit for the purpose of providing induction supervision and training; or

(b) a pupil referral unit.

(3) The circumstances in which a person may serve an induction period in an independent school are —

(a) in the case of a person who is employed to teach pupils at the third or fourth key stage, the curriculum of the school for pupils at those key stages includes all the core and other foundation subjects specified in relation to the third and fourth key stages in section 105(2) and (3) and section 106(2) and (3) of the 2002 Act which such person is employed to teach; and

(b) in all cases, the curriculum for all registered pupils at the first and second key stages meets the requirements of section 105(1) of the 2002 Act (the National Curriculum for Wales), other than in relation to assessment arrangements; and

(c) in all cases, before the start of the induction period the proprietor of the school and either an authority or the persons or body determined by the National Assembly under regulation 5(1)(c) have agreed that the authority or the persons or body, as the case may be, are to act as the appropriate body in relation to the school.

(4) A person may not serve an induction period in an FE college in Wales unless before the start of the induction period the governing body of the college and an authority have agreed that the authority are to act as the appropriate body in relation to the college.

(5) A person may not serve an induction period in two or more institutions simultaneously unless before the start of the induction period the head teachers of all the institutions have agreed which of them is to act as the lead head teacher.

(6) In this regulation, "induction period" ("*cyfnod ymsefydlu*") includes a part of an induction period.

Length of an induction period

8.—(1) Subject to paragraphs (2) and (3) the length of an induction period is to be three school terms ("the three term rule").

(2) The three term rule does not apply in the following circumstances —

(a) where an induction period is served at an institution at which a school year does not consist of three school terms;

(b) where an induction period is served by a person in part time service;

(c) where an induction period is served in two or more institutions simultaneously;

(d) where in the opinion of the appropriate body it is not appropriate that it applies.

(3) The length of an induction period where the three term rule does not apply is such length as the appropriate body determines.

Periods of employment counting towards an induction period

9.—(1) Only periods of employment specified in paragraph (2) on or after 1 September 2003 as a qualified teacher count towards an induction period.

(2) For the purpose of paragraph (1), the periods of employment are:

(a) a period of employment in an institution in Wales to which regulation 7(1) applies of not less than one school term in duration;

(b) a period of employment in an institution or institutions in Wales to which regulation 7(1) applies of two half school terms which (disregarding holidays) are consecutive; or

(c) in the case of an individual teacher a period of employment in an institution or institutions in Wales to which regulation 7(1) applies of such other length as the appropriate body considers appropriate;