WELSH STATUTORY INSTRUMENTS

2003 No. 543 (W.77)

EDUCATION, WALES

The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003

Made - - - -	*5th March 2003*
Coming into force - -	*17th March 2003*

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:

Name, commencement and application

1.—(1) These Regulations are called the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 and shall come into force on 17th March 2003.

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

Interpretation

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

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**3**);

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(**4**);

"appropriate body" ("*corff priodol*") means the appropriate body under regulation 4;

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

"core subject" ("*pwnc craidd*") means a subject referred to in section 354(1) of the 1996 Act;

"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*"),

(**1**) 1998 c. 30; 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**) 1996 c. 56.
(**4**) 1998 c. 31.

"employment" ("*cyflogaeth*") and any expressions relating to the termination of employment are to be construed accordingly;

"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(**5**) in relation to teachers in England;

"foundation subject" ("*pwnc sylfaen*") means a subject referred to in section 354(1) or (2) of the 1996 Act;

"governing body" ("*corff llywodraethu*") in relation to a sixth form college has the same meaning as in section 90(1) of the Further and Higher Education Act 1992(**6**);

"graduate teacher" ("*athro neu athrawes raddedig*") means a person employed in a school in accordance with Part II of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(**7**);

"head teacher" ("*pennaeth*") includes the principal of a sixth form college;

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

"institution" ("*sefydliad*") means a relevant school, an independent school or a sixth form 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 355(1) of the 1996 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 gymwys*") has the same meaning as in section 218(2) of the Education Reform Act 1988(**8**);

"registered teacher" ("*athro neu athrawes gofrestredig*") means a person employed in a school in accordance with Part III of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999;

"relevant school" ("*ysgol berthnasol*") has the meaning given to it by section 19 of the Teaching and Higher Education Act 1998;

"school day" ("*diwrnod ysgol*") in relation to a school means any day on which at that school there is a school session;

"school session" ("*sesiwn ysgol*") has the same meaning as in regulations 3 and 4 of the Education (School Day and School Year) (Wales) Regulations 2000(**9**);

"school term" ("*tymor ysgol*") includes a term of a sixth form college;

"school year" ("*blwyddyn ysgol*") includes the academic year of a sixth form college;

"sixth form college" ("*coleg chweched dosbarth*") means a further education institution principally concerned with the provision of full-time education suitable to the requirements of persons who have not attained the age of 19 years;

(**5**) 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 and S.I. 2002/2063.
(**6**) 1992 c. 13.
(**7**) S.I. 1999/2817 (W. 18) amended by S.I. 2002/2938 (W.279) and S.I 2003/140 (W.12).
(**8**) 1988 c. 40. The Regulations currently in force under this provision are the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2187 (W.18) amended by S.I. 2002/2938 (W.279) and S.I 2003/140 (W.12).
(**9**) S.I. 2000/1323 (W. 101) amended by S.I. 2001/2499 (W. 202), S.I. 2002/107 (W. 12) and S.I 2002/1556 (W. 153).

"special school" ("*ysgol arbennig*") has the same meaning as in section 337(1) of the 1996 Act(**10**);

"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(**11**).

(2) 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.

Breach of time limits

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

Appropriate body

4. 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;

(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 a sixth form college is an authority.

Requirement to serve an induction period

5. Subject to the exceptions in Schedule 1, no person is to be employed on or after 1st September 2003 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 sixth form college to which regulation 6(1) refers.

Schools in which an induction period may be served

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

(**10**) Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.
(**11**) 1971 c. 80.

(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) a sixth form college in Wales; or.

(d) a school or sixth form 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) to (c) 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 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 354(3) of the 1996 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 353 of the 1996 Act (the National Curriculum), other than the requirements of paragraph (c) of that section (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 4(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 serve an induction period in a sixth form college in Wales where 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) In this regulation, "induction period" ("*cyfnod ymsefydlu*") includes a part of an induction period.

Length of an induction period

7.—(1) The length of an induction period for a person in full-time service as a teacher is —

(a) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which a school year consists of three school terms, three school terms;

(b) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which the school year consists of four school terms, four school terms;

(c) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which the school year consists of five school terms, five school terms; and

(d) in all other cases, one year.

(2) The length of an induction period for a person in part-time service as a teacher in a school, or in two or more schools is the period of time it would take in accordance with his or her contract of employment, or the terms of his or her engagement, for that person to complete 380 school sessions.

(3) The length of an induction period for a person in part-time service as a teacher in a sixth form college, in two or more sixth form colleges or in a combination of one or more schools and one or more sixth form colleges is the period of time it would take in accordance with the contract of employment or the terms of engagement for that person to complete 190 working days falling in term time.

(4) A person has completed an induction period for the purposes of these Regulations when that person has served —

(a) an induction period of the length specified in paragraph (1) or (2) or (3) (as the case may be) discounting periods of employment which do not count towards an induction period under regulation 8; and

(b) any extended period under regulation 9.

(5) Where a person serving an induction period is employed in two or more schools simultaneously, the length of his or her induction period is to be determined in accordance with paragraph (2).

(6) Where a person serving an induction period is employed in two or more sixth form colleges simultaneously or in a combination of one or more schools and one or more sixth form colleges simultaneously, the length of his or her induction period is to be determined in accordance with paragraph (3).

Periods of employment counting towards an induction period

8.—(1) Subject to paragraph (3) any period of employment on or after 1 September 2003 as a qualified teacher in a school in Wales to which regulation 6(1) applies of not less than one school term in duration counts towards an induction period.

(2) Subject to paragraph (3) any period of employment on or after 1 September 2003 as a qualified teacher in a sixth form college in Wales to which regulation 6(1) applies of not less than one term in duration counts towards an induction period.

(3) No period of employment as a supply teacher in Wales counts towards an induction period unless the head teacher of the school or sixth form college so agrees before the start of such period.

(4) Any period of employment on or after 1 September 2003 at a school or sixth form college in England counts towards an induction period if it would count towards an induction period under England's Induction Regulations.

(5) Except as provided for in paragraph (1), (2) or (4) no period of employment as a teacher counts towards an induction period.

Extension of an induction period before completion

9.—(1) Subject to paragraph (2) where a person serving an induction period is absent from work for an aggregate period of thirty or more school days the induction period must be extended by the aggregate period of his or her absences.

(2) Paragraph (1) does not apply where a woman is absent from work by reason of the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999(**12**) unless she so chooses.

(**12**) S.I. 1999/3312 as amended by S.I. 2001/4010.