

Explanatory Memorandum to The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) (Coronavirus) Regulations 2020

This Explanatory Memorandum has been prepared by the Education and Public Services Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Education (Induction Arrangements for School Teachers) (Wales) (Amendment) (Coronavirus) Regulations 2020. I am satisfied that the benefits justify the likely costs.

Kirsty Williams MS
Minister for Education
23 June 2020

PART 1

1. Description

- 1.1 The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) (Coronavirus) Regulations 2020 (“the 2020 Regulations”) amend the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 (S.I. 2015/484 (W.141)) (“the 2015 Regulations”). The 2015 Regulations, together with sections 17 and 19 of the Education (Wales) Act 2014 (“the 2014 Act”), deal with the requirements for school teachers to undertake a period of induction.
- 1.2 The 2020 Regulations amend the 2015 Regulations in two ways:
- (i) They allow the appropriate body to reduce the induction period which the person is required to serve to a minimum of 110 school sessions provided the person consents (see regulation 8). The person will still be required to achieve the standards mentioned in section 18 of the 2014 Act.
 - (ii) Regulation 8(d) inserts a new regulation 8(6) and 8(7) into the 2015 Regulations. These regulations allow sessions of professional learning to count towards a person’s induction period, provided those sessions meet the conditions set out in new regulation 7A (see regulation 7). These professional learning sessions must not exceed 16% of the total length of the induction period.
- 1.3 In addition, Regulations 3 and 4 provide that Regulations 5 to 9 will continue to have effect following the expiry of the 2020 Regulations in prescribed, limited circumstances. Otherwise, as provided for by in regulation 2, the 2020 Regulations will expire on 31 August 2021.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 These Regulations are being made in response to the repurposing of schools in Wales due to the COVID-19 situation and provide that some session of professional learning undertaken before the coming into force of these Regulations can count towards an induction period, when in the absence of these Regulations they would not.
- 2.2 These regulations are considered necessary as newly qualified teachers (NQTs) may not have been able to attend a school in order to complete their induction period due to spread of COVID-19 in Wales.

3. Legislative background

- 3.1 These Regulations are being made under sections 17 and 47(1) of the Education (Wales) Act 2014.

- 3.2 These Regulations are being made under the negative resolution procedure.

4. Purpose and intended effect of the legislation

- 4.1 In response to the COVID-19 pandemic, Welsh Government announced that all schools would close on 20 March and be re-purposed to operate as hubs for the children of key workers from 23 March. Teaching and learning for learners has continued via distance learning.
- 4.2 The purpose of the changes is to ensure that NQTs undertaking induction are not disadvantaged as a result of the COVID-19 situation.
- 4.3 Under the 2015 Regulations, NQTs are required to undertake a statutory induction period, comprising of three school terms or 380 sessions in a school, or in certain circumstances, another institution. NQTs can count periods of employment undertaken on a full-time or part-time basis towards their induction, and record all periods of employment with the Education Workforce Council (EWC) via the appropriate forms.
- 4.4 The COVID-19 outbreak and the subsequent re-purposing of schools has meant that some NQTs (i.e. those undertaking induction on a part-time basis) are not able to meet the requirements to serve three terms or 380 sessions during this academic year. It is also likely that the COVID-19 situation will continue to cause disruption during the 2020/21 academic year, therefore, the 2020 Regulations will continue to have effect for NQTs undertaking induction during that period.
- 4.5 Local authorities are the appropriate bodies (ABs) in the induction process. The AB has the overall statutory responsibility for the supervision and training of all NQTs within the area it covers and for making the final decision at the end of the induction period (pass / fail / requires an extension).
- 4.6 The 2020 Regulations allow the AB the discretion to reduce the induction period, which the NQT is required to serve, to a minimum of 110 school sessions provided that the person consents to the reduction and that they meet the standards mentioned in section 18 of the 2014 Act.
- 4.7 The 2020 Regulations will also allow a maximum of 16% of the total number of sessions that NQTs undertake in order to complete induction, to be sessions of professional learning. The professional learning must be:
- undertaken between 26 March 2020 and 31 August 2021;
 - a minimum of 3 hours duration (whether consecutive or not) to count as a session, and
 - approved by the AB.

The effect of this change is to enable NQTs to count time that they will be spending on professional learning towards their induction period. This change reflects the significance of career-long professional learning which

has even greater importance at this time, when the opportunities for NQTs to complete their induction period have been affected by COVID-19 and teachers may need to develop their skills to teach via distance or blended methods. The ABs, as part of their role in approving professional learning, will be required to ensure that there is a balance between professional learning and practice. An NQT with a disproportionate amount of professional learning compared to teaching practice may not have sufficient practical experience to be able to meet the professional standards and complete induction.

- 4.8 The effect of these changes will enable NQTs who demonstrate that they meet the professional standards, to successfully complete induction should it not be possible for them to meet the three terms / 380 session requirement. It allows more flexibility during a time of unprecedented disruption and will enable NQTs to complete the induction process within an academic year, or equivalent.
- 4.9 The risk if these changes are not made is that the 2019/20 cohort of NQTs will be unable to move to the next stage of their career, despite meeting the professional standards. This may have implications for NQTs' salary and any future employment offered on the basis that they would have completed their induction. Not making the change will also require increased funding to support two cohorts of NQTs (2019/20 and 2020/21) from September.
- 4.10 The 2020 Regulations are time limited and expire on 31 August 2021. This is considered a suitable expiry date because it should allow sufficient time for the current cohort of NQTs and those starting in September 2020 to complete their induction period. Welsh Government will review the 2020 Regulations following the conclusion of one school term of the 2020/21 academic year to consider whether they are still appropriate and will continue to review them termly thereafter.
- 4.11 Other requirements relating to the induction of NQTs will continue to apply, as set out in the 2015 Regulations (as amended by the 2020 Regulations) and the Welsh Government Induction Guidance (2015).

5. Consultation

- 5.1 No formal public consultation was undertaken due to the urgency required to introduce this change of policy in direct response to the COVID-19 situation. However, officials have engaged with key stakeholders including Regional Consortia Induction Leads, a representation of ABs and EWC in the development of the Regulations. We have also engaged with workforce unions. Stakeholders have welcomed the changes as a pragmatic solution in exceptional circumstances.
- 5.2 Revised guidance will be published and shared with stakeholders prior to the 2020 Regulations coming into force to ensure that those involved in induction will be able to clearly understand the changes made.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Options

Two options have been considered:

Option 1: Do nothing, retain the Induction Arrangements for School Teachers (Wales) Regulations 2015 as currently in force.

Option 2: Amend the Induction Arrangements for School Teachers (Wales) Regulations 2015.

Option 1: Do nothing, retain the Induction Arrangements for School Teachers (Wales) Regulations 2015 as currently in force.

The changes are required to ensure that NQTs undertaking induction are not disadvantaged as a result of the ongoing COVID-19 pandemic.

Not making the amendments contained in the 2020 Regulations would have implications for the future employment of some NQTs who were expected to complete induction this summer, as well as leading to increased costs and resources to continue to support them from September 2020. It would also have an impact on NQTs who gain qualified teacher status this summer who wish to commence induction in September. The posts that they would be expected to apply for could still be occupied by NQTs who were unable to complete this summer. NQTs who were unable to complete induction could also be affected financially as they may not progress to the next step of the pay scale in accordance with the School Teachers Pay and Conditions Document (STPCD).

Option 2: Amend the Induction Arrangements for School Teachers (Wales) Regulations 2015.

Amending the 2015 Regulations in the way described in Part 1 meets the policy objective of ensuring that NQTs are not disadvantaged as a result of the COVID-19 pandemic.

The effect of these changes will enable NQTs, who demonstrate that they meet the professional standards, to successfully complete induction without the need to meet the three terms / 380 session requirement. It allows more flexibility for ABs to enable them to adopt a more pragmatic approach during a time of unprecedented disruption. The changes also allow for sessions of professional learning to count towards the completion of the induction period.

7. Costs and benefits

Option 1: Do nothing, retain the Induction Arrangements for School Teachers (Wales) Regulations 2015 as currently in force.

Under the current arrangements, EWC is responsible for administering induction funding on behalf of the Welsh Government, which includes funding for schools to enable them to release NQTs from 10% of their teaching timetable and funding for the supervision and training provided by mentors and external verifiers. EWC also receives funding to administer the induction programme on Welsh Government's behalf, which entails:

- collecting and maintaining a central source of data on teachers, including their status and progress in relation to induction, i.e. not commenced / commenced / passed / failed / requires extension;
- issuing induction certificates, and
- hearing induction appeals.

The total annual funding allocated to EWC for these purposes is £3,935,000.

This option could lead to increased costs for the Welsh Government in both the 2020-21 and 2021-22 financial years should NQTs, who started their induction during the 2019/20 academic year, be required to continue in the 2020/21 academic year. This is because Welsh Government would need to support two cohorts of NQTs for a period of time.

This option could lead to some savings for schools / local authorities with regard to pay. The STPCD notes that the relevant body must decide on pay progression on an annual basis, and in the case of NQTs, use evidence from the induction process. Therefore, if NQTs do not pass induction, the relevant body may decide not to increase their pay from September 2020. It is difficult to quantify the exact savings as it would be on a case-by-case basis, and some schools / local authorities may choose to offer the pay progression regardless of whether an NQT passes induction.

This option does not achieve any of the stated policy benefits associated with amending the 2015 Regulations.

Option 2: Amend the Induction Arrangements for School Teachers (Wales) Regulations 2015.

This option could lead to some savings as a result of enabling NQTs to complete induction in a reduced amount of time.

For example, currently, a school receives approximately £700 per term to fund the 10% time that NQTs are released from their teaching timetable. Should an NQT complete their induction in less than 3 school terms, then the funding allocated to the school would be reduced accordingly. The requirement for mentors or external verifiers to support NQTs could also reduce leading to further savings. However, although the 2020 Regulations would allow for a reduced induction period to apply, Welsh Government will advise ABs that NQTs should take between 2-3 terms / 220 – 380 sessions to complete their induction, and therefore, the cost savings would vary according to individual circumstances of NQTs.

There will be minimal administrative cost for the Welsh Government to develop the guidance referred to support the implementation of the 2020 Regulations. This option achieves the stated policy benefits as outlined in Part 1. NQTs will only pass induction on evidence that they meet the professional standards, therefore, there should be no detrimental impact on learners.

8. Consultation

No formal public consultation was undertaken due to the urgency required to introduce this change of policy in direct response to COVID-19 restrictions.

9. Competition Assessment

On completion of the Competition Filter test it was determined that there are no effects on competition.

10. Post implementation review

It is normally recommended to review legislation three years after implementation. The effect of these Regulations is inherently time limited due to COVID-19 outbreak. However, Welsh Government will review the 2020 Regulations following the conclusion of one school term of the 2020/21 academic year to consider whether they are still appropriate and will continue to review them termly thereafter.