

Explanatory Memorandum to the Education (Induction Arrangements for School Teachers) (Wales) (Amendment) Regulations 2022

This Explanatory Memorandum has been prepared by the Education, Social Justice and Welsh Language 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) Regulations 2022. I am satisfied that the benefits justify the likely costs.

Jeremy Miles MS

Minister for Education and Welsh Language

17 October 2022

PART 1

1. Description

- 1.1 The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) Regulations 2022 (“the 2022 Regulations”) amend the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 (S.I. 2015/484 (W.41)) (“the 2015 Regulations”).
- 1.2 The 2015 Regulations make provision, pursuant to sections 17 and 19 of the Education (Wales) Act 2014 (“the 2014 Act”), for newly qualified teachers (NQTs) to undertake a period of induction.

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

- 2.1 No specific matters identified.

3. Legislative background

- 3.1 The 2022 Regulations are made by the Welsh Ministers under sections 17 and 47(1) of the Education (Wales) Act 2014 which allows the Welsh Ministers to make provision for, and in connection with, the requirement for registered persons to have satisfactorily completed an induction period.
- 3.2 The 2022 Regulations are subject to the negative resolution procedure in accordance with section 47(3) of the Education (Wales) Act 2014.

4. Purpose and intended effect of the legislation

- 4.1 The 2022 Regulations will introduce changes to the induction arrangements for NQTs in Wales which are intended to:
 - address issues highlighted with the existing arrangements within the findings of two independent reviews and in the course of engagement with key stakeholders, including variability of induction arrangements and inconsistency of support for NQTs across Wales, and a lack of flexibility in the arrangements, and
 - align the arrangements with education policy.
- 4.2 The 2022 Regulations will amend the 2015 Regulations to make the following changes to the statutory induction arrangements for NQTs in Wales:
 - i. A NQT will be able to serve induction in a pupil referral unit (PRU).
 - ii. A NQT will be required to satisfactorily complete their induction period within five years of the later of the date of award of their qualified teacher status (QTS) or the date of the 2022 Regulations

coming into force, unless the appropriate body extends this time limit. The appropriate body (AB) must extend this time limit for a NQT in circumstances where the NQT's induction period is extended (by a decision of the AB or the Education Workforce Council (EWC)) and there is insufficient time available for the AB to make a determination upon the completion of that extended induction period by the NQT. The AB can extend the time limit where it is satisfied that there are good reasons for doing so and the NQT consents.

- iii. The AB will have discretion to reduce the length of an NQTs induction period to a minimum of one school term or 110 school sessions where it is satisfied that the NQT has achieved the professional standards which they must meet in order to satisfactorily complete the induction period, and the NQT is in agreement.

4.3 These changes will:

- allow flexibility in relation to the length of the induction period to ensure that the focus is upon professional growth and development in line with the professional standards;
- ensure that the settings in which induction can take place reflect the settings in which the Curriculum for Wales will apply, and allow NQTs who wish to pursue a career in the PRU sector the opportunity to undertake induction there, and
- encourage continuity and currency of professional learning.

4.4 Furthermore, the following non-legislative changes were introduced in September 2022 in order to facilitate consistency of support for NQTs, and to strengthen the integrity and objectivity of the induction process:

- funding is provided for all NQTs to be supported by a mentor until they complete induction;
- professional learning is available for all NQTs (including those undertaking short term supply work), and
- the updated operational guidance issued by the Welsh Government includes revisions to clarify roles and responsibilities within the governance arrangements of the induction process.

5. Consultation

5.1 Regular engagement with stakeholders and workforce unions took place during 2021.

5.2 A formal consultation was held over an eight-week period between 14 February and 8 April 2022.

5.3 The consultation contained 14 questions. A total of 189 responses were received from NQTs, PRUs, induction mentor (IMs), external verifiers (EVs), ABs, education stakeholders, local authorities and education workforce unions. The consultation document and the summary of the responses is available [here](#).

PART 2 – REGULATORY IMPACT ASSESSMENT (RIA)

6. Options

6.1 Three options have been considered:

Option 1: Do nothing. Retain The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 as currently in force.

Option 2: Introduce non-statutory changes via updated induction guidance but leave The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 unaltered.

Option 3: Introduce revised regulations and guidance in addition to non-statutory changes.

Option 1: Do nothing, retain The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 as currently in force and do not revise the guidance

6.2 Two independent reviews and regular engagement with stakeholders and workforce unions have identified key changes that are required to address current issues with the induction arrangements for NQTs in Wales. Changes are also required to align induction arrangements with the roll-out of the Curriculum for Wales.

6.3 The consultation undertaken demonstrated support for the changes proposed. Doing nothing would conflict with the consultation findings.

6.4 Not making the amendments contained in the 2022 Regulations would mean we are not addressing known issues with the current arrangements. We would not be providing NQTs with the best possible start to their career and the Welsh Government commitment to developing a high-quality education profession would not be achieved.

Option 2: Introduce non-statutory changes via updated induction guidance but leave The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 unaltered

6.5 This option would allow limited changes to be made, as follows:

- the provision of funding for the mentor role;
- clarification of roles and responsibilities within the governance arrangements of the induction process, and
- the provision of a national professional learning programme for all NQTs.

6.6 This option would involve less disruption to the sector than the comprehensive change involved in option 3.

- 6.7 The need for effective mentoring for all NQTs was identified as key in the independent reports on induction. The public consultation proposal to fund trained mentors was supported by nearly 80% of respondents. By providing funding we can ensure that mentors have the capacity and professional training to provide high-quality support for all NQTs throughout induction.
- 6.8 However, the substantive changes required to improve the flexibility of induction arrangements, to allow induction to take place in PRUs and to introduce a time-limit for the satisfactory completion of induction could not be made as they require the current legislation to be revised.

Option 3: Introduce revised Regulations and guidance in addition to non-statutory changes

6.9 This option would enable comprehensive changes to be made to the induction arrangements, for which support is evident from the consultation undertaken. These changes would:

- ensure that NQTs are building on their skills and knowledge in a timely manner by introducing a five-year time-limit for the successful completion of an induction period;
- allow induction to take place in PRUs which will deliver the Curriculum for Wales (to applicable learners from September 2022) and provide the professional experiences NQTs require to successfully complete induction;
- strengthen the quality of mentoring and support available for NQTs throughout the induction period;
- allow flexibility in relation to the length of the induction period to ensure that the focus is upon professional growth and development in line with the professional standards, by providing appropriate bodies with discretion to reduce the length of the induction period (from three terms / 380 sessions to a minimum of one term or 110 sessions) where they are satisfied that the NQT has achieved the professional standards, and
- require teachers who have not undertaken induction to do so within a reasonable period of time.

6.10 Introducing these changes would address issues highlighted with the existing induction arrangements (set out in the 2015 Regulations) within the findings of two independent reviews and in the course of engagement with key stakeholders and align the arrangements with education policy.

7. Costs and benefits

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

7.1 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 support provided by 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.

7.2 The total annual funding allocated to EWC for these purposes is approximately £4,000,000 (subject to fluctuations in the annual number of NQTs undertaking induction).

7.3 Approximately 1,000 NQTs undertake induction in a typical year. In addition, there are almost 300 employed teachers who are required to undertake induction, but EWC data indicate that they are not doing so.

7.4 Doing nothing would mean that costs would stay the same.

Option 2: Introduce non-statutory changes via updated induction guidance but leave The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2015 unaltered.

7.5 In addition to the existing allocation of approximately £4,000,000 as outlined in option 1, this option would require additional annual funding of approximately £1,200,000 to cover the cost of funding induction mentors on a non-statutory basis (subject to fluctuations in the annual number of NQTs undertaking induction).

7.6 This additional £1,200,000 is based on allocating £350 per term for an induction mentor to support each NQT and associated costs for the administration of these payments.

7.7 This additional funding would be provided by Welsh Government to EWC to administer on our behalf and will be met from existing budgets within the Education and Welsh Language Main Expenditure Group (MEG).

Option 3: Introduce revised Regulations and guidance in addition to non-statutory changes

7.8 As with option 2, there would be an additional cost of approximately £1,200,000 associated with the non-statutory provision of funding to cover the cost of induction mentors.

7.9 Enabling NQTs to undertake induction in PRUs will not result in increased costs. The number of NQTs in the system on an annual basis would not increase as a result of this change. Therefore, existing funding would be re-distributed to PRUs as required. PRUs are not likely to incur any

additional costs over and above those associated with releasing NQTs from teaching and providing mentor support, which are covered by the induction funding outlined in options 1 and 2.

- 7.10 Introducing a five-year time limit for NQTs to complete their induction period would not result in additional costs. NQTs would be required to complete their induction period of three school terms / 380 sessions within a five-year time limit, and the funding would be provided to support them as outlined in options 1 and 2. The benefit of this regulatory change is to ensure that NQTs are building on their skills and knowledge in a timely manner and demonstrate that they meet the professional standards and can progress to become an effective teacher.
- 7.11 There are opportunities as part of this option to make some savings due to the ability for some NQTs to complete induction in less than three terms or 380 sessions. In such cases the NQT would cease to receive support from an induction mentor once induction was completed. In addition, the funding to release NQTs for an additional 10% of their teaching time would also cease when they successfully complete induction. This would be a reduced cost for the Welsh Government, reducing the funding of £1,200,000 per annum (option 2) required for EWC to administer on our behalf.
- 7.12 For example, currently, a school receives approximately £900 per term via EWC to fund the 10% time that NQTs are released from their teaching timetable. Should an NQT complete their induction in less than three terms, then the funding allocated to the school would be reduced accordingly. Funding for the induction mentor is paid at a rate of £350 per term. Therefore, if an NQT completed induction in less than three terms or 380 sessions the funding for the mentor would be reduced accordingly. The savings per NQT are likely to be minimal, however, and it is anticipated that the majority of NQTs will take around three terms or 380 sessions to demonstrate, via their induction profile, that they meet the professional standards.
- 7.13 There will be minimal administrative cost for the Welsh Government to develop the guidance to support the implementation of the 2022 Regulations.
- 7.14 Funding is already allocated to EWC as outlined in option 1 to administer the induction programme. The cost to the EWC for administering the regulatory changes resulting from this option will be minimal and can be met from current funding.
- 7.15 Overall, the impact on the cost of introducing the proposed changes is likely to be minimal. There would be no additional substantive costs associated with option 3 over and above those associated with option 2. Those costs have already been factored into Welsh Government budgets, and therefore do not create any additional funding pressures.

8. Competition Assessment

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

9. Post implementation review

- 9.1 The impact of the new arrangements will be monitored closely by Welsh Government officials using data from local authority and regional consortia induction leads and EWC.
- 9.2 We will work with induction partners to review progress against policy objectives. The changes will be reviewed in 2025 to establish the actual costs and benefits and whether they are achieving our stated aims.