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STATUTORY INSTRUMENTS

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**2016 No. 1123**

**EDUCATION, ENGLAND**

**The Education (School Teachers' Qualifications and Induction Arrangements and Special Educational Needs Co-ordinators) (Amendment) Regulations 2016**

*Made* - - - - *17th November 2016*  
*Laid before Parliament* *21st November 2016*  
*Coming into force* - - *19th December 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 132(1) and (2), 135A(1) and 145(1) of the Education Act 2002 <sup>M1</sup>, section 317(3B) of the Education Act 1996 <sup>M2</sup> and section 67(3) of the Children and Families Act 2014 <sup>M3</sup>.

**Marginal Citations**

- M1** 2002 c.32; section 135A was inserted by section 9 of the Education Act 2011 (c.21); there are amendments to sections 135A(1) and 145(1) which are not relevant to these Regulations. For the meaning of “prescribed” and “regulations” see section 212(1); there are amendments to section 212(1) which are not relevant to these Regulations.
- M2** 1996 c.56; section 317(3B) was inserted by section 173 of the Education and Inspections Act 2006 (c.40). For the meaning of “prescribed” and “regulations” see section 579(1); there are amendments to section 579(1) which are not relevant to these Regulations.
- M3** 2014 c.6. For the meaning of “prescribed” and “regulations” see section 579(1) of the Education Act 1996 (c.56); there are amendments to section 579(1) which are not relevant to these Regulations. Section 83(7) of the Children and Families Act 2014 provides that the provisions of Part 3 of that Act, which include section 67, are to be read as if they were contained in the Education Act 1996 (c.56) (except so far as they amend other Acts).

**Citation and commencement**

1. These Regulations may be cited as the Education (School Teachers' Qualifications and Induction Arrangements and Special Educational Needs Co-ordinators) (Amendment) Regulations 2016 and come into force on 19th December 2016.

## Amendments to the Education (School Teachers' Qualifications) (England) Regulations 2003

2.—(1) The Education (School Teachers' Qualifications) (England) Regulations 2003 <sup>M4</sup> are amended as follows.

(2) In regulation 3 (Interpretation), after the definition of “the 2003 Specified Work Regulations”, insert—

““The 2015 European Union Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 <sup>M5</sup>.”.

(3) After regulation 9 (Mandatory Qualifications for teachers of pupils who are both hearing and visually impaired), insert—

### “Status of teachers from other European states who are qualified only to teach pupils with special educational needs

9A.—(1) A person described in paragraph 8A of Part 1 of Schedule 2 is a qualified teacher only for the purposes of teaching in a special school <sup>M6</sup> or a specialist unit.

(2) In this regulation, “specialist unit” means an arrangement—

(i) within a school maintained by a local authority which is not a special school; and

(ii) in which children with special educational needs <sup>M7</sup> are taught wholly or mainly within classes designated for such children;”.

(4) In paragraph 8 of Part 1 of Schedule 2 (Qualified Teacher Status Requirements), for “the European Union (Recognition of Professional Qualifications) Regulations 2015” substitute “ the 2015 European Union Regulations ”.

(5) After paragraph 8 of Part 1 of Schedule 2, insert—

“8A.—(1) The person is—

(a) entitled to partial access to the profession of school teacher pursuant to Part 2 and Chapters 1, 2 and 4 of Part 3 of the 2015 European Union Regulations by virtue of Part 1 of those Regulations; and

(b) qualified only to teach pupils with special educational needs in the person's home State;

(2) In this paragraph, “home State” has the meaning given in regulation 2(1) of the 2015 European Union Regulations.”.

### Marginal Citations

**M4** [S.I. 2003/1662](#); the definition of “school” in regulation 3 was amended by [S.I. 2010/1172](#); [Schedule 2, paragraph 8](#) was substituted by [S.I. 2007/2782](#) and amended by [S.I. 2015/2059](#); there are other amendments to [S.I. 2003/1662](#) which are not relevant to these Regulations.

**M5** [S.I. 2015/2059](#); amended by [S.I. 2016/696](#).

**M6** “Special school” is defined in section 337 of the [Education Act 1996 \(c.56\)](#); [section 337](#) was substituted by the [Children and Families Act 2014 \(c.6\)](#), [Schedule 3, Part 1, paragraphs 1 and 36](#). [Section 212\(2\) and \(3\)\(f\) of the Education Act 2002 \(c.32\)](#) provides that sections 119 to 146 of that Act are to be construed as if those provisions were contained in the Education Act 1996.

**M7** “Special educational needs” is defined in section 20 of the [Children and Families Act 2014 \(c.6\)](#); [section 83\(7\)](#) of that Act provides that the provisions of Part 3 of the Act, which include section 20, are to be read as if they were contained in the [Education Act 1996 \(c.56\)](#) (except so far as they amend other Acts).

### **Amendments to the Education (Induction Arrangements for School Teachers) (England) Regulations 2012**

3.—(1) The Education (Induction Arrangements for School Teachers) (England) Regulations 2012<sup>M8</sup> are amended as follows.

(2) In paragraph 10 of Schedule 1 (Cases in which a person may be employed as a qualified teacher in a relevant school without having satisfactorily completed an induction period), after “the European Union (Recognition of Professional Qualifications) Regulations 2015” insert “ including where the person is entitled to partial access to the profession of school teacher by virtue of Part 1 of those Regulations ”.

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**Marginal Citations**

**M8** [S.I. 2012/1115](#); amended by [S.I. 2015/2059](#).

### **Amendments relating to Special Educational Needs Co-ordinators**

4.—(1) In regulation 3 of the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008<sup>M9</sup> (Prescribed qualifications and experience of SENCOs), at the end of sub-paragraph (2)(a) insert “other than by virtue of paragraph 8A of Part 1 of Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003”.

(2) In regulation 49 of the Special Educational Needs and Disability Regulations 2014<sup>M10</sup> (Prescribed qualifications and experience of SENCOs), at the end of sub-paragraph (2)(a) insert “other than by virtue of paragraph 8A of Part 1 of Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003”.

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**Marginal Citations**

**M9** [S.I. 2008/2945](#); there are amendments to regulation 3 which are not relevant to these Regulations.

**M10** [S.I. 2014/1530](#).

Department for Education  
17th November 2016

*Nick Gibb*  
Minister of State

**Changes to legislation:** There are currently no known outstanding effects for the The Education (School Teachers' Qualifications and Induction Arrangements and Special Educational Needs Co-ordinators) (Amendment) Regulations 2016. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument amends the Education (School Teachers' Qualifications) (England) Regulations 2003 (“the 2003 Qualifications Regulations”), the Education (Induction Arrangements for School Teachers) (England) Regulations 2012 (“the 2012 Induction Regulations”), the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 and the Special Educational Needs and Disability Regulations 2014. The main purpose of the instrument is to give effect to the requirement in Council Directive 2005/36/EU (“the 2005 Directive”) as last amended by Directive 2013/55/EU to allow partial access to a professional activity to individuals from the States of the European Economic Area or Switzerland where the conditions for partial access set out in the 2005 Directive are met. The 2005 Directive was implemented by the European Union (Recognition of Professional Qualifications) Regulations 2015 (“the 2015 Regulations”); this instrument gives effect to the requirement to allow partial access to the teaching profession by reference to the relevant provisions in the 2015 Regulations.

The 2003 Qualifications Regulations set out the requirements which must be satisfied in order to be a qualified teacher for the purpose of section 132 of the Education Act 2002. Schedule 2 to those Regulations specifies the various routes to achieve qualified teacher status. Regulation 2 of this instrument amends Schedule 2 to provide that a person who is entitled to partial access to the teaching profession in England by reason of being qualified only to teach pupils with special educational needs in another State of the European Economic Area or Switzerland is a qualified teacher. It also inserts a new regulation 9A, which provides that such a person is a qualified teacher only for the purposes of teaching in a special school or a specialist unit.

The 2012 Induction Regulations provide that, subject to the exceptions set out in Schedule 1, no person may be employed as a qualified teacher in a maintained school or a non-maintained special school unless they have satisfactorily completed an induction period in accordance with those Regulations. Regulation 3 of this instrument amends Schedule 1 of the 2012 Induction Regulations to provide that a person who is entitled to partial access to the teaching profession by reason of being qualified only to teach pupils with special educational needs in another State of the European Economic Area or Switzerland may be employed as a qualified teacher without being required satisfactorily to complete an induction period.

Regulation 4 makes amendments to two sets of regulations which specify qualifications which are required of a Special Educational Needs Co-ordinator. The effect of the amendments is that a person who is a qualified teacher because they are entitled to partial access to the profession may not be a Special Educational Needs Co-ordinator.

An impact assessment has not been produced for this instrument as it has a minimal impact on businesses and civil society organisations. The instrument has a minimal impact on the public sector. An explanatory memorandum and a transposition note are available alongside the instrument on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. Copies have also been placed in the libraries of both Houses of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (School Teachers' Qualifications and Induction Arrangements and Special Educational Needs Co-ordinators) (Amendment) Regulations 2016.