

GUIDANCE TO SCHOOLS ON THE EMPLOYMENT OF OVERSEAS TRAINED TEACHERS (OTTs)

November 2015 – Schools HR Consultancy Team

In response to current recruitment issues we have been asked, through the NAHT, to provide some guidance on the employment of OTTs. A significant amount of this guidance is extracted direct from the government's advice on this topic.

Overseas trained teachers outside the EEA

For the purpose of government regulations, OTTs are defined as people who have qualified as teachers in a country outside of the European Economic Area (EEA) and Switzerland having successfully completed a course of initial teacher training which is recognised by the relevant authorities in their home countries.

The Education (Specified Work) (England) Regulations 2012 (SI 2012/762)

<http://www.legislation.gov.uk/ukxi/2012/762/contents/made> set out the conditions under which overseas-trained teachers are allowed to teach in schools under what is referred to as the 'four year rule'..

The four year rule

The four year rule applies to teachers who qualified in countries outside of the EEA and Switzerland except for teachers who qualified in Australia, Canada, New Zealand and the USA. OTTs are allowed to teach in state maintained schools and non-maintained special schools in England as unqualified teachers for four calendar years. However, they are not permitted to teach in pupil referral units (PRUs) until they have been awarded qualified teacher status (QTS).

The four year period an OTT is allowed to work as an unqualified teacher begins on the first day the individual taught in a state maintained school or a non-maintained special school in England and expires exactly four years later regardless of whether the OTT has taught throughout the four year period.

For example, if a teacher first teaches on 10 September 2006, they are allowed to teach without QTS until 9 September 2010. The expiry date remains 9 September 2010 even if the teacher did not teach for the whole period between 10 September 2006 and 9 September 2010 unless they are eligible for one of the statutory Extensions (which are described below).

Teachers who qualified in countries outside the EEA and Switzerland are still subject to the four year rule even if they do not require Home Office permission to work or remain in the UK. The four year rule will not apply to qualified teachers from Australia, Canada, New Zealand or the USA.

Advice for OTTs

OTTs should be advised on their appointment that there is a legal limit on the length of time they are allowed to teach without QTS. It is strongly recommended that the following action is undertaken by OTTs either before or shortly after arrival in the UK:

- They arrange a check with UK NARIC to establish whether their home qualifications are equivalent to a UK first degree and also to a GCSE grade 'C' in maths and English (and science if the person is a primary teacher). It is important these checks are carried out at an early stage as some teachers may need to top up their qualifications before they can undertake QTS training and extra time is not available for this purpose.
- They arrange to undertake an employment-based training course leading to QTS by contacting the Teaching Agency or telephoning the Teaching Information Line.

The Department has produced a publication, *Overseas-trained teachers - what you need to know* <http://dera.ioe.ac.uk/8122/> It would be helpful if the leaflet is issued to OTTs when they take up post.

The position of OTTs after four years

In order to teach after four years, OTTs must have been awarded QTS. OTTs who have been awarded QTS by the end of their four year period become qualified teachers and are allowed to continue teaching subject to UK Border Agency permission if required under the terms of their UK entry.

It is unlawful for OTTs to continue teaching in state maintained schools and non-maintained special schools in England beyond four years if they have not been awarded QTS unless one of the conditions below is met.

OTTs without QTS may only continue teaching after four years if:

- They have taken statutory maternity, paternity, adoption or parental leave or pregnancy related absences during the four-year period. In such cases, the OTT is eligible for extra time equal to the amount of statutory maternity, parental, adoption or parental leave taken under the Employment Rights Act 1996. For example, if a teacher has taken 34 weeks statutory maternity leave during her four-year period, she is allowed an extra 34 weeks to obtain QTS.
- They are employed as an Instructor who fills a teaching post. The requirement is that an instructor must have skills, qualifications and experience relevant to the teaching post in question.

If there is no resident qualified teacher or instructor and providing the overseas person has scored enough points under the new points based system, a certificate of sponsorship may be issued for an instructor for one year initially. Future applications to extend the certificate of sponsorship will also be subject to the above advertising requirements.

OTTs from Australia, Canada, New Zealand and the USA

From 1 April 2012, teachers who qualified in Australia, Canada, New Zealand and the United States of America (USA) are recognised as qualified teachers and can be awarded Qualified Teacher Status (QTS) in England without being required to undertake any further training or assessment. They will still be required to satisfy any UK Border Agency requirements that may apply to them for the purposes of entering or remaining in the UK to work as a teacher. In order to be awarded recognition as a qualified teacher, they will need to have satisfied both of the following conditions in Australia, Canada, New Zealand or the USA:

(a) they must have successfully completed a course of initial teacher training (ITT) which is recognised by the competent authority in that country; and

(b) successfully completed or satisfied any additional conditions, including any period of professional experience comparable to an induction period, which are required for employment on a permanent basis in government schools (schools wholly or mainly government funded) in Australia, Canada, New Zealand or the USA.

Teachers who are barred or subject to any restrictions on their eligibility to teach in their country of qualification will not be able to be recognised as qualified teachers in England. To be recognised as a fully qualified teacher in England, a teacher must be able to teach as a fully qualified teacher in the country where they were trained.

Teachers who failed an assessment of the QTS standards as part of an ITT programme in England before 1st April 2012 will not be awarded QTS under these arrangements. They will need to undertake another course of ITT and meet all of the standards before they can be considered for QTS. Teachers who previously commenced but did not complete an ITT programme may still be considered for QTS without further training.

Applying for QTS

Teachers must apply to the Teaching Agency for the award of QTS before they can be recognised as qualified teachers. A downloadable application form has to be completed and sent to the Teaching Agency with a letter confirming that the teacher is both qualified and eligible to teach permanently in the country in question. Only letters from the recognised authority will be accepted for this purpose.

The Teaching Agency will verify that the individual is a fully qualified teacher in Australia, Canada, New Zealand and the USA and has not been barred from teaching. Subject to satisfactory completion of these checks, the teacher will be issued with a letter confirming the award of QTS. Details of fully qualified teachers from Australia, Canada, New Zealand and the USA will be held on the Teaching Agency's database of teachers with QTS.

Please use this link to read detailed information about gaining qualified teaching status <https://www.gov.uk/guidance/qualified-teacher-status-qts>

Induction and performance management

Once QTS has been awarded, teachers qualified in Australia, Canada, New Zealand and in USA will not be required to undertake statutory induction. They will be subject to the performance management arrangements in schools in the same way as any other qualified teacher.

The NCTL will decide whether teachers who trained in Northern Ireland, Scotland or the Republic of Ireland need to complete a statutory induction period.