



Teaching
Regulation
Agency

Induction appeals procedure

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Introduction

- 1.1. This document sets out the procedures for induction appeals and is intended for use by teachers, their representatives, employers, appropriate bodies and panel members hearing the appeals.
- 1.2. Since May 1999, every Early Career Teacher (ECT) has been required to complete a statutory induction period if they wish to teach in a maintained school, including a maintained nursery school, or a non-maintained special school in England. Since September 2021, the induction period is 6 school terms or equivalent and is undertaken once Qualified Teacher Status (QTS) has been achieved.
- 1.3. The appropriate body¹ is the body that determines whether an ECT has met the Teachers' Standards. For maintained schools and non-maintained special schools, the Local Authority or a Teaching School Hub performs this function for the area concerned. For independent schools, including free schools and academies, the appropriate body can be the:
 - Local Authority (up until 01/09/2024)
 - Independent Schools Teacher Induction Panel
 - Teaching School Hub
 - National Teacher Accreditation
 - where appropriate, Defence Children Services (Ministry of Defence Schools / Service Children Education)
- 1.4. For the purpose of this document, 'parties' in the induction appeals process refers to the teacher, their representative (if they have one) and the appropriate body.
- 1.5. A document is deemed to have been served or received on the fourth day after it is sent if sent by post, on the second day if sent electronically and on the day of delivery if delivered by hand.
- 1.6. The statutory guidance on completing the induction period is set out in the [Induction for early career teachers \(England\)](#).
- 1.7. If the appropriate body decides that an ECT has failed to complete induction satisfactorily or extends their induction period, the ECT (referred to as 'the teacher' in the remainder of this document) has the right to appeal against this

¹ The Education (Induction Arrangements for School Teachers) (England) Regulations 2012, 2012 No. 1115, Regulation 4

decision. The Teaching Regulation Agency (TRA), acting on behalf of the Secretary of State for Education, is the responsible body for administering such appeals.

- 1.8. The legal requirements for hearing induction appeals and the mandatory timescales for the appeal process are set out in the Education (Induction Arrangements for School Teachers) (England) Regulations 2012. TRA's arrangements, as described in this document, have been drawn up in accordance with these regulations.

Lodging an appeal

Notice of Appeal

- 2.1. Teachers may appeal once they have been formally notified by the appropriate body that they have failed to complete induction satisfactorily or their induction period has been extended. To appeal, the teacher must contact the TRA stating they wish to appeal (this is referred to as ‘the Notice of Appeal’). The email address to send the Notice of Appeal is misconduct.teacher@education.gov.uk.

If you wish to write to the TRA rather than email, the address is:

Teaching Regulation Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

- 2.2. The Notice of Appeal must be received by TRA no later than 20 working days after the teacher received the appropriate body’s decision. This is calculated after adding 2 working days to the date the appropriate body issued the decision, if it was issued via email, or by adding 4 working days to the date the appropriate body issued the decision, if issued by post. A ‘working day’ means any day, including school holidays, other than a Saturday, a Sunday or a bank holiday.
- 2.3. The Notice of Appeal must contain the following information:
- the teacher’s full name and address
 - the name and address of the school at which the teacher was employed at the end of their induction period
 - the name and address of the teacher’s employer, if employed in a teaching capacity, at the date of appeal
 - the name, address and profession of anyone representing the teacher in this matter and whether TRA should send documents concerning the appeal to the representative instead of the teacher
 - whether the teacher requests a hearing by TRA’s Induction Appeal Panel
 - the teacher’s grounds of appeal

(Please note – it is particularly useful if the teacher could include their teacher reference number and date of birth on the Notice of Appeal).

- 2.4. The teacher should send legible copies of the following documentation with their Notice of Appeal:

- the document from the appropriate body notifying the teacher of its decision
 - any document from the appropriate body outlining its reasons for coming to its decision
 - any other piece of evidence which the teacher intends to rely on during their induction appeal; for example, training needs assessments, notes of professional review meetings, lesson observation records, the progress reviews and the assessment report forms completed at the end of each year
- 2.5. The Notice of Appeal must be signed and dated by the teacher for it to be valid. If any of the above information is missing, or if the Notice of Appeal is not signed or dated, TRA will request this before it can accept the appeal.
- 2.6. In order to assist with the processing of an appeal, teachers would ordinarily be expected to provide the following additional information:
- the name of their initial teacher training institution
 - the route to QTS; for example PGCE
 - the phase and subject specialism; for example secondary history
 - the term dates of the induction years
- 2.7. Upon receipt of the Notice of Appeal, TRA will write to the teacher within 3 working days to notify them that their appeal has been received.

Appropriate body's response

- 2.8. When it sends written acknowledgement of the Notice of Appeal to the teacher, TRA will simultaneously write to the appropriate body identified by the teacher, to inform them that an appeal has been lodged.
- 2.9. The appropriate body has 20 working days from the date of service of the notification from TRA to make a written response to the appeal, stating whether it upholds the disputed decision and, if so, answering each point raised by the teacher in the grounds of appeal.
- 2.10. The appropriate body should provide the following information in its response:
- its official name and address
 - whether it upholds the disputed decision
 - the name of the official designated by it to deal with the appeal
 - reasons for its decision
 - whether it requests a hearing by an Induction Appeal Panel
 - the name, address and profession of anyone appointed as its representative and an indication of whether subsequent documentation should be sent to the appointed individual

- 2.11. The appropriate body should provide legible copies of the following documentation with its response:
- any document outlining the reasons for coming to its decision
 - evidence that it intends to rely on during the induction appeal; for example, training needs assessments, timetables, notes of professional reviews, objective-setting and any other meetings with the teacher
- 2.12. TRA will also write to the headteacher of the school where the teacher was employed at the end of their induction period and their current employer, if the teacher is still employed in a teaching capacity, to notify them that the teacher has lodged an appeal.
- 2.13. The appropriate body can state at any time that it does not seek to uphold the disputed decision. In this case, TRA will allow the appeal, update the individual teacher report and will inform the parties within 3 working days of receiving the appropriate body's decision.

Extension of timescales

- 2.14. Where a teacher or appropriate body is unable to submit their Notice of Appeal or response within the required timescale, they may apply to TRA for an extension. TRA may extend the time limit in circumstances where not to do so would result in substantial injustice. The reasons for any delay must be given for a decision to be reached on this matter.
- 2.15. If the appropriate body has not responded in the given timescale, TRA may decide to allow the appeal.

Arrangements for receiving additional documentation and evidence

- 2.16. The parties may submit any additional documentary evidence and written statements to support their cases before the hearing date has been set.
- 2.17. TRA may request additional information if it believes that the appeal could be decided more fairly if this is provided.
- 2.18. TRA will ensure that all relevant information, including written representations and evidence received from the respective parties, is available to the Induction Appeal Panel (the 'Panel') and all parties involved.

Withdrawal of an appeal

- 2.19. The teacher may withdraw their appeal at any point during the process by notifying TRA.

- 2.20. The teacher cannot bring a subsequent appeal in relation to the disputed decision once they have confirmed they wish to withdraw their appeal.
- 2.21. If the teacher has failed to complete their induction period satisfactorily and withdraws their appeal, their name will be added to the list of teachers who have failed to successfully complete their induction period and it will be clear on their individual teacher report. Employers will have password-protected access to the information online and members of the public can apply, in writing, to TRA for access to specific information on the list.
- 2.22. If the induction period has been extended and the teacher withdraws the appeal, the extension given will be clear on their individual teacher report.

Hearing arrangements

Setting the hearing date

- 3.1. Once TRA has received the appropriate body's response, if one or both parties have requested a hearing, it will ask the parties to provide details of their availability for the hearing. If both parties do not request a hearing, an induction appeal meeting will be arranged (see section 6) following the same timescales set out below.
- 3.2. Within 20 working days of the end of the period for the appropriate body's response (subject to 2.13), TRA will set a date, which will be as soon as possible, for the hearing and notify all parties of the date, time and venue.
- 3.3. TRA will provide both parties with information about the hearing procedure, including information about the consequence of not attending and about the right to submit written representations if not attending the hearing.
- 3.4. The date of the hearing will be at least 15 working days after TRA's letter notifying the parties of the hearing date is sent.
- 3.5. Once TRA has fixed a date, it will try not to make any changes, but this may not always be possible. If TRA does have to change the date of the hearing, the new date will not be before the original date. TRA will write to inform the parties of any changes within 3 working days of the alteration being made.

Arrangements for receiving additional documentation and evidence after the hearing date has been set

- 3.6. If either party wishes to provide new evidence after the hearing date has been set, copies of this evidence must be sent to TRA, which will send it to the other party to enable them to respond.
- 3.7. If a party objects to the additional evidence, the Panel will consider and decide whether the evidence can be included during the preliminary stage of the hearing, following the same procedure as set out in paragraph 3.9.
- 3.8. If the evidence is not objected to, it will be forwarded to the Panel in advance of the hearing and a statement will be made at the beginning of the hearing.
- 3.9. If either party wishes to provide new evidence on the day of the hearing, the other party is given an opportunity to consider it and is asked whether they object to its admission. If there is no objection, the Panel will determine whether to admit the evidence. If the other party objects to the evidence, the party submitting it may make representations on why it should be included and the

objecting party may give representations on why it should not be included. The Panel will consider the nature of the additional evidence, the reasons for it being produced late and whether its admission will assist the hearing of the appeal. This could involve an adjournment for reading and consideration by the Panel.

Circulation of hearing papers

- 3.10. TRA will prepare and circulate hearing papers, approximately 2 weeks before the date of the appeal, to the teacher (and representative if appropriate), appropriate body, legal adviser and members of the Panel.

Confidentiality issues

- 3.11. Induction appeals are highly sensitive and TRA will take appropriate precautions in handling documentation and dispatching hearing papers to the parties and participants. Each set of hearing papers is given a numerical code, and a record is kept of the allocation of sets. It is important to ensure that care and attention is taken by everyone to preserve confidentiality and security.

Induction Appeal Panel

- 3.12. Induction appeals are heard by individually convened panels of 3 trained, publicly appointed panel members, one of whom will be appointed as the chair by TRA prior to the hearing.
- 3.13. During the hearing, the chair will have the lead role in ensuring the correct procedure is followed and that the process is as fair and straightforward as possible so that all parties can give their point of view.
- 3.14. No member of the Panel will have considered an appeal by the same teacher before. For example, if a teacher fails the extension period granted by a Panel and subsequently lodges an appeal, no member of the Panel who heard the first appeal will be on the Panel for the second appeal.
- 3.15. Panel members are asked to confirm that they have no conflict of interest which prevents them from considering the case. Where any member of the Panel believes a conflict of interest may arise in connection with the parties, the panel member will make a declaration accordingly and seek advice on whether to excuse themselves from sitting as a panel member in relation to that appeal. This may be where a panel member is related to, or knows, anyone involved with the induction appeal, or believes there may be a conflict of interest of any kind.

Legal adviser

- 3.16. A legal adviser, who is assigned by TRA, will be present throughout the hearing and the discussion of the recommendation. They will provide legal and procedural advice to the panel but will take no part in the recommendation itself.

Rights of attendance and non-attendance by the parties

- 3.17. The parties do not have to attend the hearing if they do not wish to. However, they are strongly encouraged to attend because the Panel will normally wish to receive their testimony and to ask questions if there is anything that is unclear in the documentary evidence.
- 3.18. The parties should be aware that, in normal circumstances, if they decide not to attend, the hearing will proceed in their absence. However, the Panel may determine that it is unable to come to a recommendation on the basis of documentary evidence alone and request the attendance of the parties.
- 3.19. If parties are not attending and are not being represented at the hearing they may make written representations. These should be sent to TRA at least 15 working days before the hearing.

Representation at the hearing

- 3.20. The teacher can send a representative to the hearing, whether or not they themselves attend in person.
- 3.21. The appropriate body should have identified its representative in its response to the Notice of Appeal but may also choose to be represented by an independent solicitor, barrister or other representative.
- 3.22. The teacher and appropriate body will each be responsible for arranging and meeting any costs arising from their representation.
- 3.23. If represented, the teacher and appropriate body must provide the name, occupation and contact details of their representative to TRA at least 10 working days before the hearing.

Hearings

Pre-hearing meeting

- 4.1. The members of the Panel and legal adviser hold a pre-hearing meeting immediately before the hearing commences. The purpose of this meeting is to:
- ensure that all members of the Panel have the hearing papers and are confident that they are able to proceed
 - satisfy themselves that, if the school is in special measures, the processes set out in the guidance and Regulations have been adhered to
 - divide areas of questioning between the panel members

Virtual or in person hearings

- 4.2. TRA will, by default, hold induction appeal hearings virtually using Microsoft Teams. At least 5 working days before the virtual hearing, TRA will send out a Microsoft Teams meeting invitation.
- 4.3. A teacher can request, for any reason, that the induction appeal hearing be held in person. This would be situated in TRA's office in Coventry. The venue has full access for those with disabilities. When hearing papers are dispatched, all parties will receive a map of the venue. If another venue is used, TRA will provide details of the location.
- 4.4. Please note that virtual and in-person hearings will follow the same process.

Duration of the hearing

- 4.5. Induction appeals will normally be held within office hours. Typically, hearings will be scheduled to commence at 9:30am, and the parties should allow up to 2 full days for the proceedings. If the hearing cannot be completed during the time allocated, the hearing will be reconvened under arrangements set out in paragraph 4.25.
- 4.6. There will be a break for lunch; the duration is determined by the chair of the Panel. Parties should seek to make their own lunch arrangements when attending an in-person hearing. The day's hearing will typically finish at 5pm, although hearings can go on until later.

People present at the hearing

- 4.7. The following people will be present at the hearing:

- the 3 members of the Panel
- the Panel's legal adviser
- TRA staff supporting the appeals process

TRA staff in attendance at the hearing will not participate in the discussion of the Panel's recommendation.

4.8. The following people are entitled to be present at the hearing:

- the teacher
- the teacher's representative
- the teacher's witnesses (subject to paragraph 4.18)
- the appropriate body's representatives
- the appropriate body's witnesses (subject to paragraph 4.18)
- any members of the public or press if the hearing is in public (see paragraphs 4.13 to 4.15)

Hearing an induction appeal

4.9. At the start of the hearing, the chair will explain the procedure to everyone present and will introduce the panel members and confirm the identity of the parties, their representatives and any witnesses. The chair will also cover the declaration of interests, whether the hearing should be in public or private and the documentation before the Panel².

4.10. The Panel will usually follow a set format. However, hearings are conducted at the discretion of the Panel and, on occasions, the Panel may wish to depart from the format set out below, where this is appropriate to reach an informed decision on their recommendation.

4.11. Typically, the procedure will run as follows:

- The Panel invites the teacher/representative to provide a brief opening statement, summarising their appeal
- The Panel invites the appropriate body to make a brief opening statement, summarising its response to the appeal. The appropriate body will also be invited to provide contextual information in relation to the school
- Members of the Panel ask any questions that may arise from these opening statements

² Please note that witnesses will only be permitted to observe the hearing at the conclusion of their evidence.

- The Panel invites the teacher to set out their perception of their two-year statutory induction and then to receive questions from the appropriate body and panel members
- If the teacher wishes to introduce witness testimony, then:
 - the witness receives questions from the teacher/representative
 - the witness receives questions from the appropriate body
 - the Panel addresses any questions to the witness
- The Panel invites the appropriate body to set out their perception of year one of induction
- If the appropriate body wishes to introduce witness testimony, then:
 - the witness receives questions from the appropriate body
 - the witness receives questions from the teacher/representative
 - the Panel addresses any questions to the witness
- The Panel invites both parties, beginning with the appropriate body, to make closing statements summarising their case

4.12. At any time, the Panel may adjourn the proceedings and deliberate in private.

Exclusion of the public and press

4.13. The role of TRA is to ensure that proceedings are fair and transparent.

Accordingly, most hearings are open to the public and press. A notice detailing the time, date, venue and parties involved is posted on [GOV.UK](https://www.gov.uk) approximately one week in advance of the hearing. Hearings are held in public, unless the Panel determines that it is fair and reasonable for the hearing, or any part of it, to be held in private. This will be decided at the start of the hearing.

4.14. The Panel may exclude the public and press from a hearing or part of a hearing where either:

- it believes that a public hearing may adversely affect the fairness of the proceedings
- it is necessary to protect children's interests
- either party requests that the hearing (or part thereof) be in private and the Panel is satisfied that this is not contrary to the public interest

4.15. Both parties can request a private hearing, or that parts of the hearing be in private, but must provide reasons for the Panel's consideration specifying why the hearing, or any part of it, should be held in private. This can be done in advance of, or on the day of, the hearing.

Recording the proceedings

4.16. TRA will make an audio recording of the hearing proceedings, using a tape recorder or other audio device.

- 4.17. The use of mobile telephones, pagers or other similar devices is prohibited whilst the hearing is in session. These should not be set to silent since the signal may interfere with the recording.

Witnesses

- 4.18. The parties may call witnesses to support their appeal but must give the names and signed statements of the witnesses they are intending to call to give evidence to TRA at least 15 working days before the hearing.
- 4.19. No witness will be permitted to observe the hearing prior to their evidence being heard. At the conclusion of their evidence, the witness may continue to observe the hearing at the discretion of the Panel.
- 4.20. Witnesses may be recalled at the discretion of the Panel. This may follow a request by one or more of the parties. This could occur if an unforeseen conflict in the evidence arose. If a witness is recalled, the Panel will determine the scope of any further questions, but both parties will have the opportunity to ask further questions on the issues already raised.

Questioning of parties and witnesses

- 4.21. The Panel will ask clear and direct questions, avoiding where possible any form of jargon. If the questions do not seem clear, the parties can ask for an explanation of what is meant before answering. The parties have the opportunity to raise additional points and questions, although the chair can limit their questioning.
- 4.22. It is important that witnesses should be available for full questioning by the Panel and the parties. The chair will aim to ensure that questioning is not confrontational.
- 4.23. As well as receiving questions from the Panel, the parties may also want to ask questions. Both parties may address the Panel on the evidence and generally on the subject matter of the appeal. This may include procedural questions to the Panel and the questioning of each other's witnesses.

Additional documentation and evidence required during the hearing

- 4.24. Very occasionally, the Panel may need more evidence to complete its deliberations. If so, the chair will explain what is required and proceedings will be adjourned. If the parties are able to produce the required evidence on the day of the hearing, then the Panel will reconvene.

- 4.25. If the evidence cannot be produced on the day, arrangements may be made to reconvene the hearing. TRA will dispatch written confirmation to the parties of the new date, time and venue as soon as possible after the date of the adjournment.

Adjournment and resumption of a hearing

- 4.26. Adjournments are within the control of the chair and may occur at any stage of the proceedings. This may be to deliberate in private, take legal or procedural advice, which will subsequently be announced by the chair in public, or to allow comfort breaks.
- 4.27. Where a hearing is adjourned and is unable to resume on the same day, TRA will inform the parties of the new date of the hearing as soon as possible following the adjournment.

Decision

- 5.1. The Panel will consider its recommendation to the Secretary of State in private. It will consider each of the teacher's grounds of appeal in relation to all of the evidence. This includes the documentary evidence submitted by the parties before the hearing, as well as what is said during the hearing. The legal adviser will remain with the panel to provide legal advice as required. A TRA staff member may, if required, offer procedural advice.
- 5.2. The Panel will consider whether it is satisfied that either:
 - the teacher failed to meet the teacher standards
 - there were any issues regarding support for the teacher during induction, and the issues were of sufficient importance so as to have seriously disadvantaged the teacher in meeting the standards
 - whilst there was insufficient evidence that the teacher met the standards, it appears that they would be able to meet them if their induction period were extended
 - there are any other special circumstances that justify the appeal being allowed or the induction period being extended
- 5.3. The recommendation of the Panel will be decided by a vote of the members of the Panel. Any question put to a vote of a panel will be put in the form of a motion. No member of a Panel may abstain from voting. A recommendation cannot be made unless there are 3 panel members involved in the process.
- 5.4. The recommendation of the Panel may be to either:
 - allow the appeal
 - dismiss the appeal
 - extend the teacher's induction period for such duration as it thinks fit, or, where the teacher has appealed against an extension to their induction period, to substitute a different period of extension
- 5.5. Following the Panel's recommendation, the Secretary of State will decide whether to allow the appeal, dismiss or extend the appeal, or substitute a different period of extension to the induction period. This decision will usually be made within one working day of the conclusion of the Panel's deliberations and recommendation.

Announcement of the decision

- 5.6. The chair of the Panel will notify the parties that the Secretary of State's decision will be sent to them in writing and that this will be dispatched within 3 working days of the decision being made.

- 5.7. Written notification of the decision will also be sent to the headteacher of the school where the teacher was employed at the conclusion of the induction period and to the teacher's current employer, if still employed in a teaching capacity.
- 5.8. If TRA is unable to dispatch the decision within this timescale, it will contact all parties to advise when the decision notification will be dispatched.

Teaching Regulation Agency database

- 5.9. Following the hearing, the teacher's individual report and, if necessary, the list of teachers who have failed to successfully complete their induction period held by TRA will be updated to reflect the Secretary of State's decision.

Induction appeal meetings

- 6.1. When neither party has requested a hearing, an induction appeal meeting is arranged.
- 6.2. Once all panel members and the legal adviser are present, the meeting can begin.
- 6.3. The chair will go through the same procedure as the pre-hearing meeting set out in paragraph 4.1.
- 6.4. The Panel must consider whether a hearing is necessary to make a recommendation on the appeal. The legal adviser will advise the Panel on matters to be considered when making a decision on whether a hearing is necessary.
- 6.5. If the Panel decides that a hearing is not necessary, it will begin by taking the teacher's grounds of appeal one at a time and comparing these with the appropriate body's responses. Where possible, the Panel will work through the appeal documentation on a term-by-term basis. The Panel's deliberations should consider any additional material provided by the parties as supplementary evidence.
- 6.6. Once all the grounds of appeal have been discussed, the Panel can highlight and discuss any other issues it feels are relevant to the appeal which can be identified from the hearing papers.
- 6.7. If the Panel is able to reach a recommendation on the appeal, notice of the Secretary of State's decision, including full reasons, will be sent to the parties in accordance with the procedures set out in paragraph 5.6 to 5.8.
- 6.8. If the Panel needs more evidence to complete its deliberations, the meeting will be adjourned and arrangements will be made to reconvene the meeting. TRA will request the evidence and will dispatch written confirmation to the parties of the new date and time of the meeting within 3 working days of the date of adjournment.
- 6.9. If, at any stage, the panel feels that a hearing is necessary, a date will be arranged and both parties will be contacted and asked to:
 - attend the full hearing in person
 - provide the information that the Panel needs to continue with its deliberations should either or both of the parties decline the invitation to attend a hearing

Miscellaneous

Equal opportunities and special needs

- 7.1. In addition to observing equality policies, TRA takes all necessary steps to meet its obligations under the relevant equalities legislation. It aims to be sensitive, respond flexibly and accommodate the requirements of any party with a disability or special need.
- 7.2. If anyone involved in an induction appeal requires a reasonable adjustment, they should contact TRA at the earliest opportunity to explore what can be done to accommodate those needs. An induction loop is available for the assistance of those with a hearing impairment.
- 7.3. This document and other information produced by TRA can be made available in other formats on request.

Expenses

- 7.4. The TRA will, at its discretion, reimburse the reasonable expenses of up to 2 witnesses for each other party.
- 7.5. The [Teacher misconduct hearings: claiming expenses](#) on GOV.UK gives advice on what can be claimed for and how to claim expenses.
- 7.6. Please note – if you are experiencing serious financial hardship you may be able to claim for reasonable [travel costs](#) and some [meals](#) (if attending an in-person hearing or induction appeal).



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