



Department
for Education

Advice on employing overseas-trained teachers

**For overseas teachers, school leaders,
school staff, governing bodies and local
authorities**

April 2013

Summary

About this departmental advice

This is non-statutory departmental advice on employing overseas-trained teachers (OTTs) to teach in state maintained and non-maintained special schools in England. In this guidance, OTTs are 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 and Registration) (England) Regulations 2012 (SI 2012/762) set out the conditions under which overseas-trained teachers are allowed to carry out specified work.

Expiry or review date

This advice will be kept under review and updated as necessary.

Who is this advice for?

This advice is for:

- Local authorities
- School leaders, school staff and governing bodies in all maintained schools and academies
- Teachers who were trained in overseas countries

Key points

- The Education (Specified Work) (England) Regulations 2012 allow teachers trained in a country outside of the UK to teach in state maintained schools and non-maintained special schools in England for up to four years.
- Teachers who qualified in Canada, Australia, New Zealand and the United States of America (USA) may apply for qualified teacher status without further training or assessment in England.
- Teachers from overseas may be subject to UK Border Agency requirements.

OTTs from Australia, Canada, New Zealand and the USA

Since 1 April 2012 qualified teachers from Australia, Canada, New Zealand or the USA can apply to the National College for Teaching and Leadership (previously the Teaching Agency) for qualified teacher status (QTS) without undertaking further training or assessment in England. Further information, including applying for QTS, is on the [Department for Education website](#).

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). An OTT is allowed to work as an unqualified teacher and the four year period 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 2 April 2013, they are allowed to teach without QTS until 1 April 2017. The expiry date remains 1 April 2017 even if the teacher did not teach for the whole period between 2 April 2013 and 1 April 2013 unless they are eligible for one of the statutory extensions detailed 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.

Advice for OTTs

It is essential that schools, local authorities and employment agencies make OTTs aware 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 National College for Teaching and Leadership (previously the Teaching Agency) Teaching Information Line on 0800 3892500.

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. 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 may fill a teaching post if they have skills, qualifications and experience relevant to the teaching post in question.

Instructors

Since 1 September 2012, schools are no longer required to recruit a qualified teacher before appointing an instructor, but an instructor can still only be employed to teach subjects or courses that require special qualifications and/or experience. An OTT's role should not be reclassified to an instructor unless they meet this requirement. Instructors can only be paid on the unqualified teachers' pay scale.

Instructors are unqualified teachers who may teach pupils where specialist qualifications and/or experience are required. There is no generic definition of skills, qualifications and experience, but the appropriate types are decided by individual head-teachers based on the subject they are teaching. Instructors may now be appointed as a first choice and on a permanent basis. Schools decide who is best qualified to teach subjects where specialist knowledge and experience are required.

UK Border Agency requirements for bringing overseas trained teachers to the UK

Advice on the UK Border Agency requirements for bringing non-EEA teachers to the UK is available from the Department for Education website.

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