
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 127

EDUCATION

**The Further Education Teachers' (Eligibility)
Regulations (Northern Ireland) 2007**

Made - - - - 5th March 2007

Coming into force - - 30th April 2007

The Department for Employment and Learning⁽¹⁾, in exercise of the powers conferred on it by Articles 70(1) and (2)⁽²⁾ and 134(1)⁽³⁾ of the Education and Libraries (Northern Ireland) Order 1986⁽⁴⁾ makes the following Regulation:

Citation and commencement

1. These Regulations may be cited as the Further Education Teachers' (Eligibility) Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

Revocations

2. The following regulations are revoked —
- (a) Further Education Teacher's (Eligibility) Regulations (Northern Ireland) 1997⁽⁵⁾;
 - (b) The Further Education Teachers' (Eligibility) (Amendment) Regulations (Northern Ireland) 1998⁽⁶⁾.

Interpretation

3. In these Regulations—
- “governing body” means the governing body of an institution of further education as defined in the Further Education (Northern Ireland) Order 1997⁽⁷⁾

(1) Formerly the Department of Higher and Further Education, Training and Employment; see 2001 c. 15 (N.I.)
(2) Article 70 was substituted by Article 8 of S.I. 1987/167 (N.I. 2) and Article 70(1) was amended by Article 42(2) of S.I. 1993/2810 (N.I. 12) and Article 70(2) was amended by Article 15 of S.I. 2003/417 (N.I. 4)
(3) As amended by Article 50(1) and Part II of Schedule 4 to S.I. 1993/2810 (N.I. 12)
(4) S.I. 1986/594 (N.I. 3)
(5) S.R. 1997 No. 388
(6) S.R. 1998 No. 96
(7) S.I. 1997/1772 (N.I.15)

“medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(8)

“qualified teacher” means a teacher who has qualifications approved by the Department.

Application

4. These Regulations apply to teachers in institutions of further education.

Qualifications

5. Every person employed as a teacher shall have such qualifications as may be approved by the Department.

Health Requirements

6.—(1) A governing body shall not employ a person as a teacher unless it is satisfied that he has the health or physical capacity for employment as a teacher.

(2) For the purposes of this regulation, where it appears to a governing body reasonable to do so —

- (a) in the case of the first appointment as a teacher, it may accept the conclusions of an institution providing courses for the initial or further training of teachers;
- (b) in the case of any appointment to employment as a teacher of a person previously employed in such employment, it may rely on the person’s medical record while in that employment.

(3) A person employed as a teacher shall not continue in that employment if the governing body is satisfied that he does not have the health or physical capacity for such employment.

(4) For the purpose of this regulation, where it appears to a governing body that a person may no longer have the health or physical capacity for employment as a teacher, that governing body—

- (a) may suspend his employment;
- (b) shall afford him an opportunity to submit medical evidence and make representations to it;
- (c) shall consider such evidence and representations, and any other medical evidence available to it, including such evidence which has been provided on the ground that it would not be in the best interests of the person concerned to see it;
- (d) may require him to submit himself for examination by a medical practitioner appointed by it. If, without good cause, he fails to submit himself for such examination or refuses to make available medical evidence or information sought by the medical practitioner, it may reach a conclusion in the matter on such evidence and information available to it, notwithstanding that further medical evidence may be desirable.

(5) At any time before such medical examination referred to in paragraph (4)(d), the governing body, or the person himself, may submit to the medical practitioner appointed under that paragraph a statement containing evidence or other matter relevant to the examination. The examination may be attended by any medical practitioner appointed for the purpose by the person being examined.

(6) Paragraph (4) shall have effect without prejudice to any power of a governing body or principal under the articles of government of an institution of further education to suspend a person’s employment.

Employment of Unqualified Teachers

7.—(1) Subject to paragraph (2), where a governing body is unable to secure the services of a qualified teacher, it may temporarily appoint a person who is not a qualified teacher.

(2) A governing body shall not appoint to employment under paragraph (1) any person whose employment is for the time being—

- (a) suspended by governing body under regulation 6(4); or
- (b) suspended by an employing authority under regulation 7(4) of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997⁽⁹⁾; or
- (c) prohibited or restricted by the Department under regulation 8(1); or
- (d) prohibited or restricted by the Department of Education under regulation 9(1)(a) or (b) of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997.

Prohibition or restriction on a person's employment as a teacher

8.—(1) The Department may prohibit or restrict the employment or further employment of a person as a teacher—

- (a) on medical grounds; or
- (b) on grounds of his misconduct (whether or not evidenced by his conviction of a criminal offence).

(2) The Department may direct a governing body to suspend or terminate a teacher's employment.

(3) The Department shall not exercise its powers under paragraph (2) without first consulting that governing body.

(4) Where the Department is considering exercising its powers under paragraph (1) or (2) it shall—

- (a) afford the teacher concerned an opportunity to make representations to it;
- (b) consider such representations and all other relevant information available to it.

(5) Where the Department has prohibited or restricted a person's employment as a teacher on any grounds under paragraph (1), it may subsequently remove or modify such prohibition or restriction.

Misconduct reports

9. Where a governing body has dismissed a person from employment as a teacher on grounds of his misconduct (whether or not he is convicted of a criminal offence) or would have so dismissed him or considered so dismissing him but for his resignation, that governing body shall provide the Department with such information relating to those grounds as the Department thinks fit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department for Employment and Learning on 5th March 2007



Bernie O'Hare
A senior officer of the
Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Further Education Teachers' (Eligibility) Regulations (Northern Ireland) 1997 and the Further Education Teachers' (Eligibility) (Amendment) Regulations (Northern Ireland) 1998.

Regulation 5 provides for teachers in institutions of further education to have such qualifications as may be approved by the Department for Employment and Learning ("The Department").

Regulation 6 provides that a person shall not be employed or continue to be employed as a teacher where he no longer satisfies the health requirements. A governing body may suspend his employment and the opportunity is given to the teacher to submit medical evidence and to make representations to the governing body.

Regulation 7 provides for a person who is not a qualified teacher to be temporarily employed where a governing body is unable to secure the services of a qualified teacher.

Regulation 8 enables the Department to prohibit or restrict the employment or further employment of a person as a teacher on medical grounds or on grounds of his misconduct. This regulation also enables the Department to direct a governing body to suspend or terminate a teacher's employment. The Department must first consult the governing body and give the teacher concerned an opportunity to make representations to the Department. The Department may remove or modify any such prohibition or restriction.

Regulation 9 requires a governing body to provide the Department with information about any teacher it has dismissed on grounds of misconduct or would have considered so dismissing but for his resignation.

The Regulations make the following principal change—

There are no longer any age requirements for teachers.