
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 388

EDUCATION

**Further Education Teachers' (Eligibility)
Regulations (Northern Ireland) 1997**

Made - - - - *26th August 1997*

Coming into operation *1st October 1997*

The Department of Education, in exercise of the powers conferred on it by Articles 70(1) and (2)(1) and 134(1)(2) of the Education and Libraries (Northern Ireland) Order 1986(3) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Further Education Teachers' (Eligibility) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

Revocations

2. The following Regulations are hereby revoked—
- (a) the Further Education General Regulations (Northern Ireland) 1973(4);
 - (b) the Further Education General Amending Regulations (Northern Ireland) 1974(5).

Interpretation

3. In these Regulations—
- “medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(6);
 - “qualified teacher” means a teacher who has qualifications approved by the Department;
 - “reckonable service” has the same meaning as in the Teachers' Superannuation Regulations (Northern Ireland) 1977(7).

(1) 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)
(2) As amended by Article 50(1) and Part 11 of Schedule 4 to S.I. 1993/2810 (N.I. 12)
(3) S.I. 1986/594 (N.I. 3)
(4) S.R. & O. (N.I.) 1973 No. 429
(5) S.R. 1974 No. 108
(6) 1983 c. 54
(7) S.R. 1977 No. 260; relevant amending Regulations are S.R. 1980 No. 305

Application

4. These Regulations shall 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.

Age requirements

6.—(1) Subject to paragraph (2) a person shall not be employed as a teacher before he attains the age of 20 years or after 31st August next following the date on which he attains the age of 65 years.

(2) A teacher born in the month of August who first entered reckonable service before 1st April 1972 may be employed up to and including the 31st July next following the date on which he attains the age of 65 years.

Health requirements

7.—(1) A board shall not employ a person as a teacher unless it is satisfied as to his health or physical capacity therefor.

(2) For the purpose of this regulation, where it appears to a board 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 upon the person's medical record while in that employment.

(3) A person employed as a teacher shall not continue in that employment if the board is satisfied that he has not the health or physical capacity therefor.

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

- (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 furnished 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 and 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 as is referred to in paragraph (4)(d), the board, 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; and 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

8.—(1) Subject to paragraph (2), where a governing body satisfies the board that it 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 a board under regulation 7(4); or
- (b) prohibited or restricted by the Department under regulation 9(1)(a) or (b).

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

9.—(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 board to suspend or terminate the teacher's employment.

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

(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 medical grounds or on grounds of his misconduct, it may subsequently remove or modify such prohibition or restriction.

Misconduct reports

10. Where a board 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 board shall give to the Department such information relating to those grounds as the Department thinks fit.

Sealed with the Official Seal of the Department of Education on

26th August 1997.

R. S. Davison
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Further Education General Regulations (Northern Ireland) 1973 and the Further Education General Amending Regulations (Northern Ireland) 1974. The Regulations provide for teachers in institutions of further education—

- (a) to have such qualifications as may be approved by the Department of Education (“the Department”) (regulation 5); and
- (b) to satisfy the age requirements (regulation 6) and health requirements (regulation 7).

Regulation 7 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 board may suspend his employment and the opportunity is given to the teacher to submit medical evidence and to make representations to the board.

Regulation 8 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 9 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, and to direct a board to suspend or terminate a teacher’s employment. The Department must first consult the board and give the teacher concerned an opportunity to make representations to the Department. The Department may remove or modify any such prohibition or restriction.

The Regulations also make the following principal changes—

regulation 10 requires a board 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; new teachers are no longer required to serve a probationary period; and the Department may no longer prohibit or restrict a teacher’s employment on educational grounds.