

1982 No. 106

EDUCATION, ENGLAND AND WALES
The Education (Teachers) Regulations 1982

Made - - - - 29th January 1982

Laid before Parliament 12th February 1982

Coming into Operation 8th April 1982

In exercise of the powers conferred by sections 27 and 35(4) of the Education Act 1980(a) and (so far as concerns Regulation 2(1)) in exercise of the powers conferred by section 100 of the Education Act 1944(b) and by section 5(2) of the Local Government Act 1974(c), the Secretary of State for Education and Science hereby makes the following Regulations:—

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Teachers) Regulations 1982 and shall come into operation on 8th April 1982.

Revocations and transitional provisions

2.—(1) The Regulations specified in Parts I and II of Schedule 1 are hereby revoked to the extent there mentioned.

(2) Schedule 2 shall have effect as respects the transitional matters there mentioned.

Schools and further education establishments to which the Regulations apply and interpretation

3.—(1) Except where the context otherwise requires, in these Regulations—

- (a) a reference to a school is a reference to a school maintained by a local education authority or a special school not so maintained;
- (b) a reference to a further education establishment is a reference to such an establishment provided by a local education authority or to one not so provided which is designated by or under Schedule 3;
- (c) a reference to a worker with children or young persons is a reference to a person, other than a teacher, whose work brings him regularly into contact with children or young persons who have not attained the age of 19 years.

(a) 1980 c. 20.
(c) 1974 c. 7.

(b) 1944 c. 31; see S.I. 1964/490.

- (2) Except where the context otherwise requires, in these Regulations—
“Her Majesty’s Inspector” means one of the inspectors appointed under section 77 of the Education Act 1944;
“relevant employment” has the meaning assigned thereto by Regulation 6;
“qualified teacher” has the meaning assigned thereto by Regulation 13 and “unqualified teacher” shall be construed accordingly.

Approvals

4. Except where the context otherwise requires, an approval for the purposes of these Regulations may apply generally (subject to such exceptions, if any, as are specified therein) or only in a particular case.

Cross-references

5. Except where the context otherwise requires, any reference in these Regulations to a Regulation or Schedule is a reference to a Regulation contained therein or to a Schedule thereto, any reference in a Regulation or Schedule to a paragraph is a reference to a paragraph of that Regulation or Schedule and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph thereof.

PART II

PROVISIONS OF GENERAL APPLICATION

Employment to which Part II applies

6. This Part shall apply in relation to the employment of persons—
(a) by a local education authority, as teachers (whether or not at a school or further education establishment) or as workers with children or young persons;
(b) by any other body, as teachers at a school or further education establishment;

and any reference in this Part to relevant employment is a reference to such employment.

Staffing of schools and further education establishments

7.—(1) At any school or further education establishment there shall be employed by the authority or body concerned a staff of teachers suitable and sufficient in numbers for the purpose of securing the provision of education appropriate to the ages, abilities, aptitudes and needs of the pupils thereat having regard, where there are such arrangements, to any arrangements for the utilisation of the services of teachers employed otherwise than at the school or establishment in question or by the authority or body concerned.

- (2) Without prejudice to the generality of paragraph (1)—
(a) the staff of teachers employed at a school shall include a head-teacher;
(b) the staff of teachers employed at a further education establishment shall have qualifications appropriate to the giving of adequate instruction in the subjects in which courses are provided.

(3) The requirement in paragraph (1) is additional to the requirements relating to qualifications for employment at schools contained in Part III of these Regulations.

Health standards—appointments

8.—(1) A person shall not be appointed to relevant employment unless the authority or body concerned are satisfied as to his health and physical capacity therefor.

(2) For the purposes of this Regulation, where it appears to the authority or body concerned reasonable so to do—

- (a) in the case of the first appointment as a teacher of a person in respect of whom the Secretary of State has been satisfied that he has the health and physical capacity for teaching, they may accept the Secretary of State's conclusion in the matter;
- (b) in the case of any appointment to relevant employment of a person previously in such employment, they may rely upon the person's medical record while in that employment.

Health standards—continued employment

9.—(1) A person in relevant employment shall not continue in that employment if the authority or body concerned are satisfied that he has not the health or physical capacity therefor.

(2) For the purposes of this Regulation, where it appears to the authority or body concerned that a person may no longer have the health or physical capacity for his employment—

- (a) they shall afford him an opportunity to submit medical evidence and make representations to them;
- (b) they shall consider such evidence and representations and any other medical evidence available to them, including such evidence which has been furnished in confidence on the ground that it would not be in the best interests of the person concerned to see it;
- (c) they may require him, or at his request shall arrange for him, to submit himself for examination by a duly qualified medical practitioner appointed by them 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, they may reach a conclusion in the matter on such evidence and information as is available to them, notwithstanding that further medical evidence may be desirable.

(3) At any time before such medical examination as is referred to in paragraph (2)(c) the authority or body concerned, or the person himself, may submit to the appointed medical practitioner a statement containing evidence or other matter relevant to the examination; and the examination may be attended by any duly qualified medical practitioner appointed for the purpose by the person being examined.

Barring by the Secretary of State

10.—(1) The powers conferred on the Secretary of State by paragraph (2) shall only be exercisable—

- (a) on medical grounds;
- (b) on grounds of a person's misconduct (whether or not evidenced by his conviction of a criminal offence), or
- (c) in relation only to employment as a teacher, on educational grounds.

(2) On such grounds as aforesaid the Secretary of State may, subject to such qualifications (if any) as he may specify—

(a) in the case of a person in relevant employment, direct the authority or body concerned—

(i) to suspend or terminate his employment, or

(ii) to make his continued employment subject to specified conditions;

(b) in the case of such a person in respect of whom a direction is given under sub-paragraph (a) or of a person not in relevant employment, direct that—

(i) he be not subsequently appointed or employed in relevant employment by any authority or body, or

(ii) he be only subsequently so appointed or employed in relevant employment subject to specified conditions, including conditions relating to the employment in question.

(3) In the case of a person in relevant employment, the Secretary of State shall not exercise his powers under paragraph (2) without first consulting the authority or body concerned.

(4) Where the Secretary of State is considering exercising his powers under paragraph (2) on medical grounds, sub-paragraphs (a), (b) and (c) of paragraph (2) and paragraph (3) of Regulation 9 shall apply for the purposes of this Regulation as if any reference therein to the authority or body concerned were a reference to the Secretary of State.

(5) Where the Secretary of State is considering exercising his powers under paragraph (2) on grounds of a person's misconduct or on educational grounds—

(a) he shall afford the person concerned an opportunity to make representations to him, and

(b) he shall consider such representations and all other relevant information available to him.

(6) A direction given under this Regulation may be withdrawn or varied by a subsequent direction but, subject as aforesaid, an authority or body employing persons in relevant employment shall comply with such a direction prohibiting or restricting a person's employment or further employment.

Misconduct reports

11. Where an authority or body dismiss a person from relevant employment 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, the authority or body shall report the facts of the case to the Secretary of State.

PART III

PROVISIONS APPLYING ONLY TO SCHOOLS

Employment to which Part III applies

12. This Part shall apply in relation to the employment of persons, by a local education authority or any other body, as teachers at schools.

Employment normally restricted to qualified teachers

13.—(1) Save in the cases and circumstances specified in Schedule 4, no person shall be employed as a teacher at a school unless he is qualified therefor as mentioned in Schedule 5; and references in this Part to a qualified or unqualified teacher shall, subject to paragraph (2), be construed accordingly.

(2) Save as aforesaid, no person qualified as mentioned in Schedule 5 by reason only that he possesses a special qualification approved for the purposes of paragraph 2(c) of that Schedule or of either paragraph (2)(b) of Regulation 16 of the Schools Regulations 1959(a) (as from time to time amended) or paragraph (2) of that Regulation (as originally made), shall be qualified for employment—

- (a) at either a primary school or a special school, unless the qualification was acquired before 1st January 1970;
- (b) at a secondary school (not being a special school), unless either the person acquired the qualification before 1st January 1974 or, at the time he was notified as mentioned in paragraph 1 of Schedule 5, it was one recognised by the Secretary of State as a qualification for teachers of a subject for whom there was then a special need.

Probationary service of qualified teachers

14. The provisions of Schedule 6 relating to probation shall have effect in the case of such a qualified teacher as is mentioned in paragraph 2 of that Schedule.

Employment of teachers of deaf pupils

15.—(1) No person shall be employed at a school as the teacher of a class for deaf or partially hearing pupils, otherwise than to give instruction in a craft, trade or domestic subject, unless he possesses—

- (a) the Teacher's Diploma of the British Association of Teachers of the Deaf, or
- (b) the Certificate for Teachers of the Deaf awarded by the University of Manchester, or
- (c) a comparable qualification approved for the purposes hereof by the Secretary of State.

(2) The requirements of this Regulation are additional to those of Regulation 13 but, in relation to employment at a special school, are subject to Regulations 17 and 18 and to paragraphs 1 and 3 of Schedule 4.

Employment at special schools of teachers of blind pupils

16.—(1) No person shall be employed at a special school as a teacher of a class for blind pupils, otherwise than to give instruction in any craft, trade or domestic subject, unless he possesses—

- (a) the School Teachers' Diploma of the Association for the Education and Welfare of the Visually Handicapped, or
- (b) the Diploma in Special Education (Visually Handicapped) awarded by the University of Birmingham, or
- (c) a comparable qualification approved for the purposes hereof by the Secretary of State.

(a) S.I. 1959/364, 1969/1777, 1973/2021.

(2) The requirements of this Regulation are additional to those of Regulation 13 but are subject to Regulations 17 and 18 and paragraphs 1, 2 and 3 of Schedule 4.

Temporary employment at special schools of teachers of blind or deaf pupils

17. A person may be employed at a special school as the teacher of a class for—

- (a) deaf or partially hearing pupils, or
- (b) blind pupils,

notwithstanding that he does not possess such a qualification as is mentioned in sub-paragraph (a), (b) or (c) of Regulation 15(1) or, as the case may be, of Regulation 16(1) if the authority or body by whom he is employed are satisfied that it is his intention to acquire such a qualification so, however, that the aggregate period for which he has been employed, by one or more authorities or bodies, as a teacher of a class of such pupils as are mentioned in sub-paragraph (a) or, as the case may be, sub-paragraph (b) does not exceed three years.

Employment at special schools of teachers of pupils who are both deaf and blind

18. A person may be employed at a special school as the teacher of a class for pupils who are both deaf or partially hearing and also blind if he could be employed as the teacher of the class either—

- (a) under Regulation 15 or 17, were it one for pupils who were only deaf or partially hearing, or
- (b) under Regulation 16 or 17, were it one for pupils who were only blind.

Regulation 2(1)

SCHEDULE 1

REGULATIONS REVOKED

PART I

SCHOOLS REGULATIONS

Regulations revoked	Reference	Extent of revocation
The Schools Regulations 1959	S.I. 1959/364	The whole Regulations so far as unrevoked
The Schools (Amendment) Regulations 1968	S.I. 1968/1281	The whole Regulations except so far as made under section 33 of the Education Act 1944
The Schools (Qualified Teachers) Regulations 1969	S.I. 1969/1777	The whole Regulations except so far as made as aforesaid
The Qualified Teachers and Teachers in Special Schools Regulations 1971	S.I. 1971/342	The whole Regulations except so far as made as aforesaid
The Schools (Qualified Teachers) Regulations 1973	S.I. 1973/2021	The whole Regulations except so far as made as aforesaid
The Schools (Amendment) Regulations 1978	S.I. 1978/1144	The whole Regulations

PART II

FURTHER EDUCATION REGULATIONS

Regulations revoked	Reference	Extent of revocation
The Further Education Regulations 1975	S.I. 1975/1054	Regulations 4(4) and 12 to 17, including Regulations 12 to 16 as applied by Regulation 21

Regulation 2(2)

SCHEDULE 2

TRANSITIONAL PROVISIONS

Construction of Schedule

1.—(1) In this Schedule any reference to the Regulations of 1959 is a reference to the Schools Regulations 1959(a) (as from time to time in force), including those Regulations as applied to teachers at special schools by Regulation 16 of the Handicapped Pupils and Special Schools Regulations 1959(b); and any reference to an approval for the purposes of any provision of the Regulations of 1959 shall be construed as including a reference to an approval which, by virtue of Regulation 21 thereof, had effect as if given under that provision.

(2) In this Schedule any reference to the Regulations of 1975 is a reference to the Further Education Regulations 1975(c); and any reference to a prohibition or restric-

(a) S.I. 1959/364; relevant amending instruments are S.I. 1968/1281, 1969/1717, 1971/342, 1973/2021, 1975/1054.

(b) S.I. 1959/365; relevant amending instruments are S.I. 1968/1281, 1971/342.

(c) S.I. 1975/1054.

tion under any provision of those Regulations shall be construed as including a reference to one which, by virtue of Regulation 4(3) thereof, had effect as if given under that provision.

Barring of teachers etc.

2. Any prohibition or restriction on a person's employment in force immediately before 8th April 1982—

- (a) under paragraph 4 or 6 of Schedule 2 to the Regulations of 1959, or
- (b) under Regulation 14 or 15 of the Regulations of 1975 or under either of those Regulations as extended by Regulation 17 of those Regulations,

shall have effect as if it were contained in a direction under Regulation 10(2) and, accordingly, Regulation 10(6) shall apply in relation thereto.

Approval of qualifications for teaching deaf pupils

3. Any approval given for the purposes of Regulation 20(3) of the Regulations of 1959 of a qualification as one equivalent to a qualification there mentioned, in force immediately before 8th April 1982, shall have effect as if given for the purposes of Regulation 15.

Approval of qualifications for teaching blind pupils

4. Any qualification for teaching blind pupils which, immediately before 8th April 1982, satisfied the requirements of the Secretary of State under Regulation 15(2) of the Handicapped Pupils and Special Schools Regulations 1959(a) shall be treated as if it were approved for the purposes of Regulation 16.

Period of employment of student teachers

5. The approval for the purposes of Regulation 17 of the Regulations of 1959 of a period exceeding two years during which a person may be employed as a student teacher shall have effect as if given for the purposes of paragraph 5(2)(a) of Schedule 4.

Approval of courses for initial training of teachers

6. Any approval given for the purposes of sub-paragraph (a)(i) of Regulation 16(2) of the Regulations of 1959 of a course as one for the initial training of teachers, in force immediately before 8th April 1982, shall have effect as if given for the purposes of paragraph 2(a)(ii) of Schedule 5.

Approval of comparable courses

7. Any approval given for the purposes of sub-paragraph (a)(ii) of the said Regulation 16(2) of a course as one comparable to a course mentioned in sub-paragraph (a)(i) thereof, in force immediately before 8th April 1982, shall have effect as if given for the purposes of paragraph 2(b)(i) of Schedule 5.

Approval of special qualifications

8. Any approval of a special qualification given for the purposes of sub-paragraph (b) of the said Regulation 16(2), in force immediately before 8th April 1982, shall have effect as if given for the purposes of paragraph 2(c)(i) of Schedule 5.

Approval of abnormal probation period

9. Where, in the case of a particular teacher, a probationary period shorter or longer than the normal period had been approved for the purposes of paragraph 2(a) of Schedule 2 to the 1959 Regulations but had not been completed before 8th April 1982 that approval shall have effect as if it was a determination, under paragraph 3(4) or, as the case may be, paragraph 3(5) of Schedule 6, by the authority or persons who on that date are the relevant authority or body in relation to the teacher in question for the purposes of that Schedule.

(a) S.I. 1959/365.

Probation decisions by the Secretary of State

10.—(1) A determination made for the purposes of paragraph 2(c) of Schedule 2 to the 1959 Regulations that a teacher is unsuitable for further employment as a qualified teacher shall have effect as if it were a notice given under paragraph 5(2) of Schedule 6.

(2) An approval given for the purposes of the said paragraph 2(c) of the further employment of a teacher shall have effect as if it were a consent given for the purposes of paragraph 5(2)(b) of Schedule 6 and paragraph 3(1) of that Schedule shall have effect as if the teacher had taken up his appointment at the beginning of that period of further employment.

Regulation 3(1)

SCHEDULE 3

FURTHER EDUCATION ESTABLISHMENTS TO WHICH REGULATIONS APPLY

1.—(1) For the purposes of Regulation 3(1)(b) the further education establishments mentioned in paragraph 2 are hereby designated as ones substantially dependent for their maintenance on assistance from local education authorities or grants under section 100(1)(b) of the Education Act 1944.

(2) For the purposes aforesaid the Secretary of State may hereunder so designate a further education establishment not so mentioned.

2. The establishments referred to in paragraph 1(1) are—

Assisted establishments

Camborne School of Mines, Cornwall;
 Central School of Speech and Drama, London;
 City of London Polytechnic;
 Cordwainers Technical College, London;
 Dartington College of Arts, Devon;
 London School of Nautical Cookery;
 Morley College, London;
 Polytechnic of Central London;
 Polytechnic of North London;
 Polytechnic of the South Bank, London;
 Rose Bruford College of Speech and Drama, Bexley;
 Thames Polytechnic, London.

Grant aided establishments

Bishop Grosseteste College, Lincoln;
 Cambridge Institute;
 Chester College;
 Christ Church College, Canterbury;
 Coleg Harlech, Gwynedd;
 College of Ripon and York St. John, North Yorkshire;
 College of St. Mark and St. John, Plymouth;
 College of St. Paul and St. Mary, Cheltenham;
 College of the Sea, London;
 Co-operative College, Loughborough;
 De La Salle College, Manchester;
 Derby Lonsdale College, Derby;
 Fircroft College, Birmingham;
 Goldsmiths' College, London;
 Harper Adams Agricultural College, Newport, Shropshire;
 Hillcroft College, Surbiton;
 Homerton College, Cambridge;
 King Alfred's College, Winchester;
 La Sainte Union College, Southampton;
 Liverpool Institute of Higher Education;

National Sea Training Trust, London;
 Newman College, Birmingham;
 Northern College, Nr. Barnsley;
 Plater College, Oxford;
 Roehampton Institute of Higher Education;
 Rolls Royce Technical College, Bristol;
 Royal College of Nursing, London;
 Ruskin College, Oxford;
 St. Martin's College, Lancaster;
 St. Mary's College, Newcastle-upon-Tyne;
 St. Mary's College, Twickenham;
 Seale Hayne Agricultural College, Newton Abbot;
 Shuttleworth Agricultural College, Biggleswade;
 Trinity and All Saints College, Leeds;
 Trinity College, Carmarthen, Dyfed;
 Trinity College of Music, London;
 Westhill College, Birmingham;
 West London Institute of Higher Education;
 Westminster College, Oxford;
 West Sussex Institute of Higher Education.

SCHEDULE 4 Regulations 13, 15 and 16

CASES AND CIRCUMSTANCES IN WHICH UNQUALIFIED
 TEACHERS MAY BE EMPLOYED AT SCHOOLS

Teachers with service before 1st April 1945 in maintained schools etc.

1.—(1) This paragraph shall apply in the case of a teacher who, at any time before 1st April 1945, served as a teacher in a school which either—

- (a) was maintained or aided by an authority which was then a local education authority, or
- (b) was in receipt of grant from the Board of Education.

(2) Such a teacher may be employed at any school other than a special school notwithstanding that he is not a qualified teacher:

Provided that, if when he last served before 1st April 1945 he was classified as a supplementary teacher, he shall not be appointed a teacher at a school on or after 8th April 1982 and after a break in service without the approval of Her Majesty's Inspector.

(3) Such a teacher who, immediately before 1st April 1945, was recognised by the Board of Education for the purposes of the Board of Education (Special Services) Regulations 1925(a) may be employed at a special school notwithstanding that he is not a qualified teacher or that (where relevant) the requirements of Regulation 15 or 16 are not satisfied in his case:

Provided that where the recognition extended only to employment in a particular capacity or was otherwise restricted he shall not be employed otherwise than in that capacity or otherwise than in conformity with that restriction so, however, that where he was recognised as a teacher of the blind he may be employed in a school for partially sighted pupils.

Teachers with service before 1st April 1945 in secondary schools for the blind

2.—(1) This paragraph shall apply in the case of a teacher who, at any time before 1st April 1945, served as a teacher in a secondary school for blind pupils, whether or not the school was such as is mentioned in paragraph 1(1).

(2) Such a teacher may be employed at a special school for blind or partially sighted pupils notwithstanding that he is not a qualified teacher or that (where relevant) the requirements of Regulation 16 are not satisfied in his case.

(a) S.R. & O. 1925/835; lapsed by reason of section 121 of the Education Act 1944 (c. 31).

Unqualified teachers with a diploma etc. of the Training Council for Teachers of the Mentally Handicapped and service before 8th April 1982.

- 3.—(1) This paragraph shall apply in the case of an unqualified teacher who—
- (a) would be such a person as is mentioned in paragraph 2(f) of Schedule 5 had he the service mentioned in sub-paragraph (ii) thereof, and
 - (b) at any time before 8th April 1982 served as a teacher in a special school.
- (2) Such a teacher may be employed at any special school notwithstanding that (where relevant) the requirements of Regulation 15 or 16 are not satisfied in his case.

Existing unqualified teachers in nursery classes and at nursery schools

- 4.—(1) This paragraph shall apply in the case of an unqualified teacher who—
- (a) immediately before 8th April 1982 was serving as an assistant teacher at a nursery school or as a teacher of a nursery class, and
 - (b) has completed a course of instruction in the care of young children.
- (2) Such a teacher may continue to be employed as he was employed immediately before 8th April 1982 but shall not be appointed to such employment on or after that date.

Student teachers

- 5.—(1) This paragraph shall apply in the case of an unqualified teacher over the age of 18 years who either—
- (a) having been accepted for admission to a course then approved by the Secretary of State as a course for the initial training of teachers in schools, is awaiting admission to that course, or
 - (b) having been admitted to such a course, has failed satisfactorily to complete it by the date of the end of the period ordinarily required therefor but, during the year next following that date, is continuing the course with a view to so completing it within that year.
- (2) Such a teacher may be employed as a teacher at a school so, however, that—
- (a) the aggregate period for which he has been employed in pursuance of this Regulation or Regulation 17 of the Schools Regulations 1959, by one or more authorities or bodies does not exceed two years or such longer period, if any, as is approved in his case by the Secretary of State, and
 - (b) he is required neither to take responsibility for a class nor to teach a subject which is not also taught by a qualified teacher at the school.

Instructors with special qualifications or experience

- 6.—(1) This paragraph shall apply in the case of an unqualified teacher appointed, or proposed to be appointed, to give instruction in any art or skill or in any subject or group of subjects (including any form of vocational training) the teaching of which requires special qualifications or experience if, at the time of his appointment—
- (a) the authority or body concerned are satisfied as to his qualifications or, as the case may be, experience, and
 - (b) no suitable qualified teacher is available for appointment or to give the instruction.
- (2) Such a teacher may be employed at a school to give such instruction as aforesaid, subject to paragraph (3), for such period as no suitable qualified teacher is available for appointment or to give the instruction.
- (3) In the case of such a teacher appointed before 8th April 1982, paragraph (2) shall have effect as if the words “subject to paragraph (3)” to the end were omitted—
- (a) where his appointment was for a specified period, if and so long as that period has not expired, or
 - (b) where his appointment was for an unspecified period, if it was not otherwise expressed to be temporary only.

SCHEDULE 5

Regulation 13.

QUALIFIED TEACHERS

1.—(1) A person shall be qualified to be employed as a teacher at a school for the purpose of Regulation 13 (subject to paragraph (2) thereof) if either—

- (a) the Secretary of State being satisfied that he is such a person as is mentioned in paragraph 2, on or after 8th April 1982 he has been notified in writing, by or on behalf of the Secretary of State, that he is a qualified teacher, or
- (b) before that date he has been notified in writing, by or on behalf of the Secretary of State, that he is eligible for the status of, or has been accepted as, a qualified teacher.

(2) Where a person is only such a person as is mentioned in paragraph 2 by reason of sub-paragraph (c) thereof, a notification for the purposes of sub-paragraph (1)(a) above shall so state and shall only be given if the Secretary of State is satisfied that, subject to such notification, he will be employed in employment to which Part III of these Regulations applies.

2. In this paragraph the expression “approved” means approved by the Secretary of State for the purposes of the sub-paragraph in which the expression occurs.

The persons referred to in paragraph 1(1)(a) are any of the following persons:—

- (a) a person who has successfully completed a course which—
 - (i) is for the degree of Bachelor of Education, the Certificate in Education, the Post-graduate Certificate in Education or a comparable academic award of, in each case, either a university in the United Kingdom or of the Council for National Academic Awards, and
 - (ii) is approved as a course for the initial training of teachers in schools;
- (b) a person who—
 - (i) has successfully completed a course (whether within or outside the United Kingdom) approved as comparable to a course within sub-paragraph (a), and
 - (ii) unless he so completed the course before 1st September 1984, has attained in mathematics and in English the standard required to attain in the subject in question either a grade C in the examinations for the General Certificate of Education at ordinary level or a grade 1 in the examinations for the Certificate of Secondary Education;
- (c) a person who—
 - (i) possesses a special qualification which is approved, and
 - (ii) unless that qualification was both acquired by him and approved before 1st September 1984, has attained in mathematics and in English the standard referred to in sub-paragraph (b)(ii);
- (d) a person who—
 - (i) before 1st April 1945 either was recognised, or eligible for recognition, by the Board of Education as an uncertificated teacher or was classified as a supplementary teacher, and
 - (ii) has completed 20 years’ service as a teacher;
- (e) a person who—
 - (i) possesses a qualification approved in his case on the recommendation of a local education authority;
 - (ii) unless that qualification was both acquired by him and approved before 1st September 1984, has attained in mathematics and in English the standard referred to in sub-paragraph (b)(ii), and
 - (iii) has at least 10 years’ (or such shorter period as may for special reasons be approved) service as a teacher or of other experience such as, in either case, may be so approved;

- (f) a person who—
- (i) has obtained either the Diploma in the Teaching of Mentally Handicapped Children or the Declaration of Recognition of Experience of the Training Council for Teachers of the Mentally Handicapped or has obtained an equivalent diploma of the said Council in recognition of some other diploma awarded before the establishment of that Council, and
 - (ii) has at least 5 years' satisfactory service as a teacher in a special school since obtaining the Diploma or Declaration of the said Council or since obtaining the diploma awarded before the establishment of that Council.

Regulation 14

SCHEDULE 6

PROBATION OF SCHOOL TEACHERS

1.—(1) In this Schedule—

“old provisions” means the provisions relating to the probation of teachers from time to time in force before 8th April 1982 and contained in the Schools Regulations 1959, the School Grants Regulations 1951(a) or the Primary and Secondary Schools (Grant Conditions) Regulations 1945(b), including those provisions as applied to teachers at special schools by regulations under section 33 of the Education Act 1944;

“probation period” means the period for which a teacher is on probation in pursuance of paragraph 3 or, as the case may be, paragraph 5(3);

“probationary teacher” means a teacher to whom this Part applies in pursuance of paragraph 2;

“relevant authority or body”, in relation to a school and a teacher at a school, means the local education authority by whom the school is maintained or, in the case of a special school not so maintained, the persons by whom teachers at that school are employed.

(2) The provisions of this Schedule shall have effect in the case of a teacher at a school notwithstanding anything in his contract of service and that contract shall have effect subject thereto.

2.—(1) Subject to sub-paragraph (2), this Schedule shall apply in the case of a teacher at a school who has neither—

- (a) been notified in pursuance of paragraph 4(2) that he has satisfactorily completed a probation period, nor
- (b) before 8th April 1982 satisfactorily completed a probationary period of service as a teacher within the meaning of the old provisions, and for the purposes hereof such a period shall be treated as having been satisfactorily completed unless at the end thereof the Secretary of State (or the Minister of Education) determined the teacher to be unsuitable for further employment as a qualified teacher.

(2) If, having regard to the previous experience of a teacher and the particular circumstances of his case, the relevant authority or body determine before he takes up an appointment at a school that he should not be required to serve a probation period then—

- (a) this Schedule shall not apply in his case, and
- (b) the relevant authority or body shall give him, and if he is not to be employed by them the persons by whom he is to be employed, written notice to that effect.

3.—(1) A probationary teacher employed at a school shall be on probation for, subject to sub-paragraphs (3) to (6) and to paragraph 5(3), the period expiring a year

(a) S.I. 1951/1743; the relevant provisions lapsed by reason of paragraph 16(2) of Schedule 8 to the Local Government Act 1958 (c. 55).

(b) S.R. & O. 1945/636; revoked by S.I. 1951/1743.

(or, in the case of a part-time teacher, 2 years) after his taking up his appointment at that school or, where he has been employed at more than one school maintained by the same local education authority and there has been no break between his employments at the several schools, after his taking up his appointment at the first such school.

(2) The duties assigned to a probationary teacher, his supervision and the conditions under which he works shall be such as to facilitate a fair and effective assessment of his conduct and efficiency as a teacher.

(3) In the case of a probationary teacher who is a qualified teacher otherwise than by reason of his having successfully completed a course in the United Kingdom such as is mentioned in paragraph 2(a) or (b) of Schedule 5, sub-paragraph (1) shall have effect as if the period of 2 years (or, in the case of a part-time teacher, 4 years) were substituted for the period there mentioned.

(4) If, having regard to the previous experience of a probationary teacher and the particular circumstances of his case, the relevant authority or body determine that he should be on probation for a specified period shorter than that mentioned in sub-paragraph (1) (as it has effect in his case where sub-paragraph (3) applies), that sub-paragraph shall have effect in his case as if the specified period were substituted for the period there mentioned.

(5) If, having regard to the conduct and efficiency of a probationary teacher, it appears appropriate to the relevant authority or body that he should be on probation for a specified period longer than that mentioned in sub-paragraph (1) (as it has effect in his case where sub-paragraph (3) applies) they may, after affording him an opportunity to make representations in the matter and considering such representations, so determine; and in such case that sub-paragraph shall have effect in his case (so long as he is employed at the school or is employed without a break at schools maintained by the same local education authority) as if the specified period were substituted for the period there mentioned.

(6) Where a probationary teacher employed at a school has been on sick leave or maternity leave in any year for an aggregate period falling in term time which is in excess of 6 weeks, the period mentioned in sub-paragraph (1) (as it has effect in his case where sub-paragraph (3), (4) or (5) applies) shall be extended by that aggregate period.

For the purposes of this sub-paragraph a year means a period of 12 months beginning with the date, or an anniversary of the date, on which the teacher took up his appointment at the school or, where he has been employed as mentioned in sub-paragraph (1) at more than one school maintained by the same local education authority, on which he took up his appointment at the first of those schools.

(7) Where the relevant authority or body have determined as mentioned in sub-paragraph (4) or (5) they shall give the probationary teacher concerned and, if he is not employed by them, the persons by whom he is employed, written notice of their determination.

4.—(1) If it appears to the relevant authority or body, having regard to the conduct and efficiency of a probationary teacher, that the teacher is not fitted for employment as such and is unlikely to become an efficient and satisfactory teacher then they may, after affording him an opportunity to make representations in the matter and considering such representations, at any time during his probation period or within the month next following the expiry of that period, so report to the Secretary of State; and where they decide so to report they shall inform—

- (a) the teacher,
- (b) where he is not employed by them, the persons by whom he is employed, and
- (c) Her Majesty's Inspector,

of their decision.

(2) On a probationary teacher completing his probation period or within the month next following the expiry of that period the relevant authority or body shall unless they make or have made a report to the Secretary of State under sub-paragraph (1), give the

teacher, and if he is not employed by them, the persons by whom he is employed, written notice that he has satisfactorily completed his probation period.

5.—(1) On the Secretary of State receiving such a report as is mentioned in paragraph 4(1) he shall—

- (a) afford the teacher an opportunity to make representations in the matter, and
- (b) make such enquiries, if any, as appear to him appropriate,

and, after considering the report and any matters brought to his attention as a result of any such representations or enquiries, he shall reach a decision on the report.

(2) If the Secretary of State is satisfied that the report is well founded, he shall give written notice to that effect in accordance with sub-paragraph (4) and, where such notice has been given—

- (a) the teacher's services shall be dispensed with as soon as is reasonably practicable so, however, that he shall be entitled to at least a month's notice or a month's salary in lieu thereof and shall be afforded an opportunity to resign with effect from a date not later than that specified by the authority or persons by whom he is employed as the date from which his services are to be dispensed with, and
- (b) he shall not thereafter be employed as a teacher in any school without the consent of the Secretary of State.

(3) If the Secretary of State is not satisfied as aforesaid he shall, by written notice given in accordance with sub-paragraph (4), direct that the teacher continue to be on probation for a further period specified by him in the notice.

(4) A notice under this paragraph shall be given—

- (a) to the teacher concerned;
- (b) to the relevant authority or body, and
- (c) if he is not employed by them, to the persons by whom he is employed.

29th January 1982.

Keith Joseph,
Secretary of State
for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

First, these Regulations revoke the Schools Regulations 1959 (and certain amending Regulations so far as relevant thereto) and the Further Education Regulations 1975 to the extent that they relate to the employment of teachers and certain other staff (both the 1959 and 1975 Regulations were partially revoked by the Education (Schools and Further Education) Regulations 1981 (S.I. 1981/1086)). Secondly, these Regulations make new provision in that regard. So far as they relate to employment at schools, they apply to maintained schools and special schools which are not maintained, so far as they relate to employment at further education establishments, they apply to establishments designated by or under the Regulations as being substantially dependent on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944 and, so far as they relate to employment as a worker with children or young persons, they apply to persons (other than teachers) whose work brings them regularly into contact with children or young persons under the age of 19 years (*Regulation 3(1) and Schedule 1*).

Part II relates to employment (referred to as "relevant employment") by a local education authority as a teacher (whether or not at a school or further education establishment), by such an authority as a worker with children or young persons or by any other body as a teacher at a school or further education establishment (*Regulation 6*). There must be a suitable and sufficient staff of teachers at any school or further education establishment (*Regulation 7*). A person may only be appointed to, or continue in, relevant employment if he has the health and physical capacity therefor (*Regulations 8 and 9*). The Secretary of State may bar a person from relevant employment on medical grounds, on grounds of misconduct or, in the case of a teacher, on educational grounds (*Regulation 10*). Where a person is dismissed from relevant employment on grounds of misconduct the facts must be reported to the Secretary of State (*Regulation 11*).

Part III relates only to employment of persons as teachers at schools (*Regulation 12*). Such employment is normally restricted to qualified teachers (*Regulation 13*) and they have to serve a period on probation (*Regulation 14 and Schedule 6*). Special qualifications are normally required of teachers of classes for deaf or blind pupils (*Regulations 15 to 18*).

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