

STATUTORY INSTRUMENTS

1985 No. 1883

EDUCATION, ENGLAND AND WALES

The Education (Grants for Teacher Training) (No. 2) Regulations
1985

Made - - - - - 3rd December 1985
Laid before Parliament 12th December 1985
Coming into Operation 2nd January 1986

In exercise of the powers conferred on the Secretary of State by sections 3(a) and 4 of the Education Act 1962(a) and of all other powers enabling him in that behalf, the Secretary of State for Education and Science and (in respect of persons ordinarily resident in Wales) (b) the Secretary of State for Wales hereby make the following Regulations:—

PART I

GENERAL

Citation and operation

1. These Regulations may be cited as the Education (Grants for Teacher Training) (No. 2) Regulations 1985 and shall come into operation on 2nd January 1986.

Revocation

2. The Education (Grants for Teacher Training) Regulations 1985(c) are hereby revoked.

Interpretation

3.— (1) In these Regulations—

“further education teacher” means a teacher employed in further education, whether or not on the staff of a particular establishment of further education;

“grant” means a grant in pursuance of these Regulations;

“education authority” means a local education authority;

(a) 1962 c.12; the relevant provisions are set out, as amended, in Schedule 5 to the Education Act 1980 (c.20).

(b) See S.I. 1978/274, Article 2(7).

(c) S.I. 1985/741.

“maintained school” means a school maintained by an education authority (including a special school so maintained);

“normal working day”, in relation to a teacher, means that part of a day on which he would normally work for which he would normally be required to attend his school or establishment of further education or, in the case of a teacher employed otherwise than at a particular school or establishment of further education, to be available to attend a school or such an establishment.

(2) In these Regulations a reference to a Regulation is a reference to a Regulation contained therein and a reference in a Regulation to a paragraph is a reference to a paragraph of that Regulation.

Grants by the Secretary of State

4. The Secretary of State is hereby authorised, subject to and in accordance with these Regulations, to make grants to education authorities in respect of school teachers undergoing further training as such, and further education teachers undergoing training as such, whose remuneration is paid by them.

Teachers in respect of whom grants may be paid

5.— (1) Subject to Regulation 9(2) a grant shall be paid only in respect of a teacher—

- (a) who is currently in such employment as is mentioned in paragraph (2), and
- (b) whose aggregate period of such employment, in the case of a school teacher, is not less than 5 years.

(2) The employment referred to in paragraph (1) is full-time teaching employment in a maintained school (including, in the case of employment by an education authority, such employment otherwise than as a teacher at a particular school) or full-time or part-time employment as a further education teacher, but does not include, in the case of a school teacher, temporary employment, that is to say—

- (a) employment in pursuance of an appointment for a specified period, or
- (b) employment in pursuance of an appointment for an unspecified period which is expressed to be temporary.

PART II

TRAINING—OTHER THAN FOR G.C.S.E.

Application of Regulations 7 and 8

6. Regulations 7 and 8 apply only in relation to teachers undergoing training other than training relating to the General Certificate of Secondary Education.

Training in respect of which grants may be paid—other than for G.C.S.E.

7.— (1) A grant shall be paid under this Part of these Regulations only in

respect of a teacher undergoing training of a kind specified in paragraph (2) or (3) the arrangements for which satisfy the criteria mentioned in paragraph (4).

(2) In the case of a school teacher, the training shall be by way of attendance on a course, the subject matter of which is—

- (i) organisation and management in the context of the responsibilities of head teachers and other senior teachers;
- (ii) the teaching of mathematics;
- (iii) the teaching of science;
- (iv) education as a preparation for vocational training;
- (v) the meeting of special educational needs (within the meaning of the Education Act 1981^(a)) otherwise than in special schools;
- (vi) the teaching of craft, design and technology;
- (vii) teaching and the curriculum in a multi-ethnic society;
- (viii) the teaching of computing and microelectronics and training in the uses of microelectronics across the curriculum; or
- (ix) in the case only of a teacher in employment in Wales, the teaching of the Welsh language or the teaching in that language of other subjects.

(3) In the case of a further education teacher, the training shall be by way of—

- (i) attendance on a course the subject matter of which is education as a preparation for or contribution to vocational training;
- (ii) attendance on a course, or a temporary appointment in a public service or an industrial or commercial undertaking, which in either case provides training to develop competence in the teaching of technical, commercial or professional subjects in the light of recent developments in industry, commerce or the professions; or
- (iii) attendance on a course the subject matter of which is organisation and management in the context of the responsibilities of further education teachers.

(4) The arrangements for the training—

- (a) shall not be designed to extend over a period exceeding 12 months, but
- (b) shall provide for training to be given—
 - (i) in respect of a school teacher, for a period which in the aggregate amounts to not less than 20 days, each of the length of a normal working day, any period of training for less than half the length of a normal working day being disregarded; and
 - (ii) in respect of a further education teacher, for not less than 30 hours.

^(a) 1981 c.60.

PART III

TRAINING IN PREPARATION FOR THE INTRODUCTION OF THE GENERAL
CERTIFICATE OF SECONDARY EDUCATION*Application of Regulations 9 and 10*

8.— (1) Regulations 9 and 10 apply only in relation to teachers attending courses of training in preparation for the introduction of the General Certificate of Secondary Education.

(2) In this Part of these Regulations, a G.C.S.E. Examining Group means one of the five groups of examining boards in England and Wales which have agreed to administer the examination for the General Certificate of Secondary Education.

Training (G.C.S.E.) in respect of which grants may be paid

9.— (1) A grant may be paid in respect of a teacher attending a course of training provided by a G.C.S.E. Examining Group or an education authority in preparation for the introduction of the General Certificate of Secondary Education:

Provided that no grant shall be payable under this Regulation unless—

- (a) the teacher is nominated for such a course by or on behalf of the head teacher of the school or principal of the establishment of further education at which the teacher is employed; and
- (b) the education authority by which the teacher is employed has, as a result of the teacher's attendance at the course, incurred expenditure on the employment or remuneration of another teacher which would not otherwise have been incurred.

(2) Regulation 5(1)(b) shall not apply in the case of a teacher nominated under paragraph (1).

PART IV

AMOUNT OF GRANTS

10.— (1) A grant under Part II or, subject to paragraph (3), Part III of these Regulations in respect of a school teacher shall be of an amount calculated—

- (a) by reference to the aggregate number of normal working days on which he attended (or, but for sickness, would have attended) the course, any period of less than half a day being disregarded, and any period of more than half a day but less than a normal working day being treated as half a day; and
- (b) at a rate for each normal working day which is 90% of the average annual cost of employing a teacher at a maintained school, as estimated by the Secretary of State in accordance with paragraph (2) and Regulation 12, divided by 190, the rate for half a day being calculated pro rata.

(2) In making the estimate required by paragraph (1)(b) the Secretary of State shall take account—

- (a) in the case of a grant in respect of an assistant teacher, of the cost of

employing assistant teachers who have attained the age of 30 but not that of 50 years, or

- (b) in the case of a grant in respect of a head teacher, of the cost of employing head teachers at schools other than special schools which, for the purposes of determining the remuneration of head teachers, are classed as group 9 schools in accordance with the document for the time being in force under the Remuneration of Teachers Act 1965(a),

to the exclusion of the cost of employing other teachers.

(3) Grant shall only be paid under Part III of these Regulations in respect of a maximum of 3 days' attendance in the aggregate on a course by any school teacher.

11.— (1) A grant under Part II or, subject to paragraph (2), Part III of these Regulations in respect of a further education teacher shall be of an amount calculated—

- (a) by reference to the aggregate number of hours within his normal working day for which he attended (or, but for sickness, would have attended) his course or other training and
- (b) at an hourly rate which is 90% of the average annual cost of employing a teacher at an establishment of further education, as estimated by the Secretary of State having regard to the document for the time being in force under the Remuneration of Teachers Act 1965 and the provisions of Regulation 12, divided by 1080.

(2) Grant shall only be paid under Part III of these Regulations in respect of a maximum of 18 hours' attendance in the aggregate on a course by any further education teacher.

PART V

CALCULATION OF COSTS AND PAYMENT OF GRANTS

Cost of employing a teacher

12. For the purposes of Regulations 10 and 11, the cost of employing a teacher shall be taken to be the aggregate of—

- (a) his salary for superannuation purposes,
- (b) the employer's superannuation contributions payable thereon, and
- (c) the secondary Class 1 contributions payable in respect of him under the Social Security Act 1975(b).

Payments of grants

13.— (1) Except as provided in paragraph (4), no payment by way of a grant

(a) 1965 c.3.

(b) 1975 c.14.

shall be made except in respect of a period of four months beginning on 1st January, 1st May or 1st September in any year, and shall be made only when—

- (a) that period has expired, and
- (b) the education authority has, in respect of that period, submitted to the Secretary of State a certificate, authenticated by the officer of the authority responsible for the administration of its financial affairs or his deputy, which conforms with the requirements of Regulation 14.

(2) Subject to paragraph (3), no payment by way of a grant shall be made to an education authority after 31st December in any year until the Secretary of State has received from the auditor appointed by the Audit Commission to audit the accounts of the authority or any auditor qualified for such appointment by virtue of section 13(5) and (6) of the Local Government Finance Act 1981(a) a certificate certifying that in his opinion the particulars stated in the certificates submitted by the authority in respect of the period of twelve months which ended on the previous 31st August were fairly stated and that the grants applied for were properly payable in pursuance of these Regulations or the Education (Grants for Teacher Training) Regulations 1984(b) or the Education (Grants for Teacher Training) Regulations 1985(c) as the case may be.

(3) Paragraph (2) shall not apply in any case where no application has been made by the authority for a grant in respect of the period to which the auditor's certificate would relate.

(4) Where a provisional payment has been made in pursuance of Regulation 10 of the Education (Grants for Teacher Training) Regulations 1984, then without prejudice to the recovery of an overpayment from a subsequent payment (whether or not in respect of the same teacher) any overpayment or underpayment shall be adjusted by payment between the education authority and the Secretary of State.

14. Each certificate submitted by an education authority pursuant to Regulation 13(1) shall, in respect of the period to which it relates—

- (a) specify the aggregate number of teachers in respect of whom a grant is applied for and which of those teachers are head teachers, assistant school teachers or further education teachers;
- (b) certify that each teacher is a teacher in respect of whom a grant may properly be paid to the authority in pursuance of Regulation 4 and Regulation 5 or 9;
- (c) specify the subject matter of the course or training and certify that it falls within Regulation 7(2) or (3) or Regulation 9(1);
- (d) specify, in the case of school teachers, the aggregate number of normal working days on which those teachers attended the course (attendances for less than half a day being disregarded) and, in the case of further education teachers, the aggregate number of hours falling within their normal working day on which those teachers attended the course or training;

(a) 1982 c.32.

(b) S.I. 1984/446.

(c) S.I. 1985/741.

- (e) certify that neither the authority nor any teacher in respect of whom a grant is applied for has received or will receive any grant from the Manpower Services Commission or any government department or other body in respect of attendance of the teacher at the course or training; and
- (f) in the case of a grant for a course in preparation for the introduction of the General Certificate of Secondary Education, certify that the authority has, as a result of releasing any teacher for such a course, incurred expenditure on the employment or remuneration of another teacher which it would not otherwise have incurred.

Keith Joseph,
Secretary of State for Education and Science.

3rd December 1985.

Nicholas Edwards,
Secretary of State for Wales.

3rd December 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Education (Grants for Teacher Training) Regulations 1985 which are revoked (*Regulation 2*). Some of the principal features are described below. They authorise the Secretary of State to pay grants in respect of teachers in maintained schools and further education teachers who undergo training (*Regulation 4*). The training must be of the kinds set out in *Regulation 7* or in *Regulation 9(1)*. The grant is payable to the local education authority responsible for the teachers' remuneration.

The training in respect of which grant may be paid has been extended to include, in the case of school teachers, courses on teaching and the curriculum in a multi-ethnic society and courses on the teaching of computing and microelectronics and training in the uses of microelectronics across the curriculum. In the case of further education teachers, training courses concerned with organisation and management in the context of the responsibilities of further education teachers are now also eligible (*Regulations 7(2) and (3)*).

The minimum duration of eligible courses for further education teachers remains at 30 hours (*Regulation 7(4)*). The maximum length of attendance on eligible courses in preparation for the introduction of the General Certificate of Secondary Education remains 3 days in respect of school teachers and 18 hours in respect of further education teachers (*Regulations 10(3) and 11(2)*).

Grant in respect of half day attendances, formerly payable only for GCSE training courses, is now payable for all courses to which the Regulations apply. The rate of grant for GCSE training courses has been increased from 70% to 90% in respect of both school and further education teachers. Grants for GCSE training courses are now also payable in respect of courses provided by local education authorities (*Regulation 9(1)*).

Local education authorities claiming grant are required to submit certificates to the Secretary of State, the contents of which are specified in *Regulations 13(1) and 14*. In the case of a grant in respect of GCSE training this must certify that the authority has as a result of releasing any teacher incurred expenditure on the employment or remuneration of another teacher which it would not otherwise have incurred (*Regulations 9(1)(b) and 14*). An Auditor's Certificate is required at the end of each year (*Regulation 13*).

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