
STATUTORY INSTRUMENTS

1993 No. 543

The Education (Teachers) Regulations 1993

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Teachers) Regulations 1993 and shall come into force on 1st April 1993.

Revocations and transitional provisions

2.—(1) The Education (Teachers) Regulations 1989(1), the Education (Teachers) (Amendment) (No. 2) Regulations 1989(2), the Education (Teachers) (Amendment) Regulations 1990(3), the Education (Teachers) (Amendment) Regulations 1991(4), the Education (Teachers) (Amendment) (No. 2) Regulations 1991(5), the Education (Teachers) (Amendment) (No. 3) Regulations 1991(6) and the Education (Teachers) (Amendment) Regulations 1992(7) are hereby revoked.

(2) Schedule 1 shall have effect as respects the transitional matters there mentioned.

Schools and institutions to which these 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, a special school not so maintained, or a grant-maintained school;
- (b) a reference to a further education institution is a reference to an institution, not being a school, which provides further education (whether or not it also provides higher education) and either—
 - (i) is maintained by a local education authority; or
 - (ii) is within the further education sector;
- (c) a reference to an institution without qualification is a reference to a further education institution or an institution within the higher education sector;
- (d) 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 persons who have not attained the age of 19 years.

(2) Except where the context otherwise requires, in these Regulations—

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- (1) S.I.1989/1319.
 - (2) S.I. 1989/1541.
 - (3) S.I. 1990/1561.
 - (4) S.I. 1991/1134.
 - (5) S.I. 1991/1840.
 - (6) S.I. 1991/2240.
 - (7) S.I. 1992/1809.

“authorisation” means an authorisation to teach granted to a person by the Secretary of State in accordance with Part III of Schedule 2;

“hearing impaired” means deaf or partially hearing;

“higher education” means education provided by any of the following courses—

- (a) a course for the further training of teachers or youth and community workers;
- (b) a post-graduate course (including a higher degree course);
- (c) a first degree course;
- (d) a course for the Diploma of Higher Education;
- (e) a course for the Higher National Diploma or Higher National Certificate of the Business & Technician Education Council, or the Diploma in Management Studies;
- (f) a course for the Certificate in Education;
- (g) a course in preparation for a professional examination at a standard higher than the standard of examinations at advanced level for the General Certificate of Education or the examination for the National Certificate or the National Diploma of the Business and Technician Education Council;
- (h) a course providing education (whether or not in preparation for an examination) at a standard higher than the standard of courses providing education in preparation for examinations at advanced level for the General Certificate of Education or the examination for the National Certificate or the National Diploma of the Business and Technician Education Council;

“licence” means a licence to teach granted to a person by the Secretary of State in accordance with Part II of Schedule 2;

“licensed teacher” means a person to whom a licence has been granted;

“overseas trained teacher” means a person to whom an authorisation has been granted;

“qualified teacher” has the meaning assigned thereto by regulation 13 and “unqualified teacher” shall be construed accordingly;

“recommending body” means—

- (a) in the case of a special school maintained by a local education authority or a county, controlled, aided or special agreement school which has no delegated budget, the local education authority;
- (b) in the case of such a school which has a delegated budget, the governing body of the school;
- (c) in the case of a grant-maintained school, the governing body of the school; and
- (d) in the case of a special school not maintained by a local education authority, the governing body of the school;

and any reference to a school which has a delegated budget shall be construed in accordance with section 33(6)(b) of the Education Reform Act 1988;

“relevant employment” has the meaning assigned thereto by regulation 7;

“visually impaired” means blind or partially sighted.

(3) In these Regulations—

- (a) any reference to the 1959 Regulations is a reference to the Schools Regulations 1959⁽⁸⁾ (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

⁽⁸⁾ S.I. 1959/364; relevant amending instruments are S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1975/1054.

- 1959(9) ; and any reference to an approval for the purposes of any provision of the 1959 Regulations 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;
- (b) any reference to the 1975 Regulations is a reference to the Further Education Regulations 1975(10) ; and any reference to a prohibition or restriction under any provisions 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;
 - (c) any reference to the 1982 Regulations is a reference to the Education (Teachers) Regulations 1982(11);
 - (d) any reference to the 1989 Regulations is a reference to the Education (Teachers) Regulations 1989(12) .

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, and “approved” in relation to a course means approved by the Secretary of State.

Cross references

5. Except where the context otherwise requires any references in these Regulations to a regulation or Schedule is a reference to a regulation contained herein or to a Schedule hereto, 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 APPLYING TO SCHOOLS AND FURTHER EDUCATION INSTITUTIONS

Staffing of schools and further education institutions

6.—(1) At any school or further education institution there shall be employed 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 or students having regard to any arrangements for the utilisation of the services of teachers employed otherwise than at the school or further education institution in question.

(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 institution 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 IV of these Regulations.

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

(10) S.I. 1975/1054.

(11) S.I. 1982/106, as amended by S.I. 1988/542 and 1989/329.

(12) S.I. 1989/1319, as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1840 and 2240 and 1992/1809.

PART III

PROVISIONS OF GENERAL APPLICATION

Employment to which Part III applies

7. 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 institution) or as workers with children or young persons;
 - (b) by any other body, as teachers at a school or further education institution;
 - (c) by the governing body of a school or further education institution as workers with children or young persons

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

Health standards — appointments

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

- (2) For the purpose of this regulation, where it appears to his employers 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 conclusions 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 his employers are satisfied that he has not the health or physical capacity therefor.

(2) For the purposes of this regulation, where it appears to his employers 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 employers, 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 his employers—
 - (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 to or employed in relevant employment, 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 his employers.

(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) of and paragraph (3) of regulation 9 shall apply for the purposes of this regulation as if any reference therein to the employers 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, the employers of persons in relevant employment shall comply with such a direction prohibiting or restricting a person’s employment or further employment.

Misconduct reports

11. Where a person is dismissed from relevant employment on grounds of his misconduct (whether or not he is convicted of a criminal offence) or his employers would have so dismissed him, or considered so dismissing him, but for his resignation, his employers shall report the facts of the case to the Secretary of State.

PART IV

PROVISIONS APPLYING ONLY TO SCHOOLS

Employment to which Part IV applies

12. This Part shall apply in relation to the employment of persons as teachers at schools, unless they are employed solely in the provision of—

- (a) part-time education to persons over compulsory school age only; or
- (b) full-time education to persons who have attained the age of nineteen years only; or
- (c) both such part-time and such full-time education.

Employment normally restricted to qualified teachers

13. Save in the cases and circumstances specified in Schedule 2, and subject to regulations 14, 15, 16 and 17 no person shall be employed as a teacher at a school unless he is a qualified teacher in accordance with Schedule 3.

Employment of teachers of hearing impaired pupils

14. Subject to regulations 16 and 17, a person shall not be a qualified teacher for the purpose of employment at a school as a teacher of a class of pupils who are hearing impaired (otherwise than to give instruction in a craft, trade or domestic subject), unless in addition to being a qualified teacher in accordance with Schedule 3, he possesses a qualification for the time being approved by the Secretary of State for the purpose of this regulation.

Employment of teachers of visually impaired pupils

15. Subject to regulations 16 and 17, a person shall not be a qualified teacher for the purpose of employment at a school as a teacher of a class of pupils who are visually impaired (otherwise than to give instruction in a craft, trade or domestic subject), unless in addition to being a qualified teacher in accordance with Schedule 3, he possesses a qualification for the time being approved by the Secretary of State for the purpose of this regulation.

Employment of teachers of pupils who are both hearing and visually impaired

16.—(1) Subject to paragraph (2) and regulation 17, a person shall not be a qualified teacher for the purpose of employment at a school as a teacher of a class of pupils who are both hearing impaired and visually impaired (otherwise than to give instruction in a craft, trade or domestic subject) unless, in addition to being a qualified teacher in accordance with Schedule 3, he possesses a qualification for the time being approved by the Secretary of State for the purpose of this regulation.

(2) A person who possesses a qualification approved under regulation 14 or 15 shall be a qualified teacher for the purpose mentioned in paragraph (1) notwithstanding that he does not possess a qualification approved for the purpose of that paragraph where his employers are satisfied that no teacher with such a qualification is available to teach the class in question.

Temporary employment of teachers of the visually impaired or hearing impaired (or both)

17. A person may be employed at a special school as the teacher of a class of pupils who are—
- (a) hearing impaired,
 - (b) visually impaired, or
 - (c) both hearing impaired and visually impaired,

notwithstanding that he is not a qualified teacher in accordance with regulation 14, 15 or 16(1), as the case may be, for the purpose of such employment if his employers are satisfied that it is his intention to acquire a qualification approved by the Secretary of State under regulation 14, 15 or 16(1), as the case may be, provided however that the aggregate period for which he has been employed, in one or more schools, as the teacher of such a class of pupils as are mentioned in sub-paragraph (a), (b) or (c), as the case may be, does not exceed three years.

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