
STATUTORY INSTRUMENTS

1993 No. 543

EDUCATION, ENGLAND AND WALES

The Education (Teachers) Regulations 1993

Made - - - - *8th March 1993*
Laid before Parliament *10th March 1993*
Coming into force - - *1st April 1993*

In exercise of the powers conferred by sections 218(1)(a), (b), (c) and (d), (2), (3), (5) and (6) and 232(5) of the Education Reform Act 1988(1), the Secretary of State for Education hereby makes the following Regulations:

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(2), the Education (Teachers) (Amendment) (No. 2) Regulations 1989(3), the Education (Teachers) (Amendment) Regulations 1990(4), the Education (Teachers) (Amendment) Regulations 1991(5), the Education (Teachers) (Amendment) (No. 2) Regulations 1991(6), the Education (Teachers) (Amendment) (No. 3) Regulations 1991(7) and the Education (Teachers) (Amendment) Regulations 1992(8) are hereby revoked.

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

(1) 1988 c. 40; section 218 has been amended by section 93 and paragraph 49 of Part I of Schedule 8 to the Further and Higher Education Act 1992 c. 13.
(2) S.I. 1989/1319.
(3) S.I. 1989/1541.
(4) S.I. 1990/1561.
(5) S.I. 1991/1134.
(6) S.I. 1991/1840.
(7) S.I. 1991/2240.
(8) S.I. 1992/1809.

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—
- “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⁽⁹⁾ (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⁽¹⁰⁾ ; 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⁽¹¹⁾ ; 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⁽¹²⁾;
- (d) any reference to the 1989 Regulations is a reference to the Education (Teachers) Regulations 1989⁽¹³⁾ .

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.

⁽⁹⁾ S.I. 1959/364; relevant amending instruments are S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1975/1054.

⁽¹⁰⁾ S.I. 1959/365; relevant amending instruments are S.I. 1968/1281 and 1971/342.

⁽¹¹⁾ S.I. 1975/1054.

⁽¹²⁾ S.I. 1982/106, as amended by S.I. 1988/542 and 1989/329.

⁽¹³⁾ S.I. 1989/1319, as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1840 and 2240 and 1992/1809.

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.

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 subparagraph (a), (b) or (c), as the case may be, does not exceed three years.

SCHEDULE 1

Regulation 2(2)

GENERAL TRANSITIONAL PROVISIONS

Barring of teachers

1. Any prohibition or restriction on a person's employment in force immediately before 1st April 1993 which—

- (a) is contained in a direction under regulation 10 of the 1989 Regulations, or
- (b) has effect, by virtue of paragraph 2 of Schedule 1 to those Regulations, as if so contained regulation 10(2) of these Regulations and accordingly regulation 10(6) shall apply in relation thereto.

Existing qualifications for teaching hearing impaired pupils

2. Any person who on 31st March 1993 possessed—

- (i) a qualification approved for the purpose of regulation 15 of the 1989 Regulations, or
- (ii) a qualification mentioned in regulation 15(1) of the 1982 Regulations, or
- (iii) a comparable qualification approved for the purposes of that regulation, or
- (iv) a qualification mentioned in regulation 20(3) of the 1959 Regulations, or
- (v) an equivalent qualification approved for the purposes of that regulation,

shall be treated as possessing a qualification approved for the purpose of regulation 14.

Existing qualifications for teaching visually impaired pupils

3. Any person who on 31st March 1993 possessed—

- (i) a qualification approved for the purpose of regulation 16 of the 1989 Regulations, or
- (ii) a qualification mentioned in regulation 16(1) of the 1982 Regulations, or
- (iii) a qualification approved for the purpose of that regulation as comparable to a qualification so mentioned, or
- (iv) a 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(14),

shall be treated as possessing a qualification approved for the purpose of regulation 15.

Continued employment of existing teachers of pupils who are hearing or visually impaired or both

4.—(1) A person who has satisfied the requirements of regulation 18 of the 1982 Regulations for employment at a special school as the teacher of a class of pupils who were both deaf or partially hearing and blind may, notwithstanding that he is not a qualified teacher for the purpose of regulation 16(1), be employed at a school as a teacher of a class of pupils who are both hearing and visually impaired.

(2) Any person who on 31st March 1993 was employed as the teacher of a class of pupils who are—

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

- (a) hearing impaired;
- (b) visually impaired, or
- (c) both hearing impaired and visually impaired,

may continue to be so employed until 31st August 1994 notwithstanding that he is not a qualified teacher in accordance with regulation 14, 15, 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.

Period of employment of student teachers

5. An approval for the purposes of paragraph 2(2)(a) of Schedule 3 to the 1989 Regulations 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 2(2)(a) of Schedule 2.

Approval of courses for initial training of teachers

6. Any approval of a course as one for the initial training of teachers given for the purposes of—
- (a) paragraph 2(a)(ii) of Schedule 5 to the 1982 Regulations and in force immediately before 1st September 1989; or
 - (b) paragraph 2(2)(a)(iii) of Schedule 5 to the 1989 Regulations and in force immediately before 1st April 1993

shall have effect as if given for the purposes of paragraph 2(1)(c) of Schedule 3.

Probation decisions by the Secretary of State

7.—(1) In the case of a person who, on 1st September 1992, had commenced but not completed a period of probation under regulation 14 of, and Schedule 6 to, the 1989 Regulations, regulation 14 and Schedule 6 shall continue to have effect until all their provisions have been complied with.

(2) A teacher who has been determined to be unsuitable for further employment as a qualified teacher pursuant to paragraph 2(c) of Schedule 2 to the 1959 Regulations or who received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations shall not be employed as a teacher in a school maintained by a local education authority or a grant-maintained school or a special school which is not maintained by a local education authority without the consent of the Secretary of State.

SCHEDULE 2

Regulation 13

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

PART I

GENERAL

Existing unqualified teachers in nursery classes and at nursery schools

1.—(1) This paragraph shall apply to an unqualified teacher whose employment as an assistant teacher at a nursery school or as a teacher of a nursery class was permitted by paragraph 4 of

Schedule 4 to the 1982 Regulations and who was so employed immediately before 1st September 1989.

(2) Such a teacher may continue to be employed as he was employed immediately before 1st September 1989.

Student teachers

2.—(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 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 by virtue of this paragraph or paragraph 2(2) of Schedule 3 to the 1989 Regulations, by one or more authorities or bodies, does not exceed 2 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

3.—(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 local education authority (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 governing body acting with the consent of the local education authority (in the case of such a school which has a delegated budget) or the governing body (in the case of a grant-maintained school or a special school not maintained by a local education authority) are satisfied as to his qualifications or, as the case may be, experience, and
- (b) no suitable qualified teacher, licensed teacher or overseas trained 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, licensed teacher or overseas trained 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.

PART II

LICENSED TEACHERS

4.—(1) This paragraph shall apply to a person who is not a qualified teacher, but who has been granted a licence to teach in accordance with paragraph 5.

(2) Subject to the provisions of this Part of this Schedule, such a person may be employed as a teacher in a school.

5.—(1) On the recommendation of the recommending body, acting, in the case of a school which has a delegated budget, with the consent of the local education authority, the Secretary of State may grant a licence to the person named in that recommendation.

(2) Where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of the case to the Secretary of State.

6. A recommendation for a licence shall contain such particulars as the Secretary of State may determine.

7. Without prejudice to the generality of paragraph 6, a recommendation shall include—

(1) a statement by the recommending body that the person named in the recommendation—

- (a) is in their opinion a suitable person to be a teacher; and
- (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education; and
- (c) has successfully completed—
 - (i) not less than two years' full-time higher education in England or Wales; or
 - (ii) comparable education either full-time or part-time whether in England or Wales or elsewhere; and
- (d)
 - (i) will have attained the age of 24 years by the date on which it is proposed he shall take up employment as a licensed teacher; or
 - (ii) is recognised as a trained teacher by the competent authority in any country outside the United Kingdom;

(2) particulars of the training proposed to be given to the licensed teacher;

(3) (a) a statement either that the recommending body considers that the teacher may be employed in more than one school maintained by the same local education authority without the licence lapsing under paragraph 8(2) or that the recommending body does not so consider; and

- (b) particulars of the post in which the licensed teacher is to be employed or, where he may be employed in more than one school maintained by the same local education authority, particulars of his first post or of the posts between which his time will initially be divided, including—
 - (i) the name of the school or schools at which he is to be employed;
 - (ii) the age range of the pupils he is to teach;
 - (iii) any subjects in which he is to specialise;
 - (iv) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.

8.—(1) Subject to sub-paragraph (2), a licence shall remain in force—

- (a) in the case of a first licence for a full-time post, for two years from the date of its commencement; or
 - (b) in the case of a first licence for a part-time post or a subsequent licence (whether for a full-time or part-time post) for such period as may be specified in the licence.
- (2) A licence shall lapse—
- (a) in the case of a licensed teacher who has successfully completed a course of at least three years' duration of initial training for teachers in schools at an educational establishment outside England and Wales and who has been employed for not less than one year as a teacher in a school, independent school, institution or university or other educational establishment either in England or Wales or elsewhere and who was not dismissed on grounds other than redundancy, if that teacher ceases to be employed by the local education authority which was the recommending body or with whose consent the recommending body acted pursuant to paragraph 5;
 - (b) in any other case, if the licensed teacher ceases to be employed in the post of which particulars are given in the licence.
- (3) For the purpose of this paragraph “date of commencement” means the date specified in the licence as its date of commencement.
- 9.** The recommending body and, in the case of a school which has a delegated budget, the local education authority shall cause the licensed teacher to receive during the period of the licence the training particulars of which were given in pursuance of paragraph 7(2).
- 10.** When the recommending body has submitted a recommendation to the Secretary of State pursuant to paragraph 5(1), the person named in that recommendation may be provisionally employed as a licensed teacher until 14 days after the Secretary of State has notified the recommending body of his decision whether or not to grant the licence.
- 11.** Without prejudice to regulation 11, in any case where a licence lapses by virtue of paragraph 8(2) the recommending body shall report the facts of the case to the Secretary of State unless they have reported the facts of the case to him in pursuance of the duty imposed by regulation 11.

PART III

OVERSEAS TRAINED TEACHERS

- 12.—(1)** This paragraph shall apply to a person who is not a qualified teacher but who has been granted an authorisation to teach in accordance with paragraph 13.
- (2) Subject to the provision of this Part of this Schedule, such a person may be employed as a teacher in a school.
- 13.—(1)** On the recommendation of the recommending body, acting in the case of a school which has a delegated budget, with the consent of the local education authority, the Secretary of State may grant an authorisation to the person named in that recommendation.
- (2) Where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of the case to the Secretary of State.
- 14.** A recommendation for an authorisation shall contain such particulars as the Secretary of State may determine.
- 15.** Without prejudice to the generality of paragraph 14, a recommendation shall include—
- (1) a statement by the recommending body that the person named in the recommendation—

- (a) is in their opinion a suitable person to be a teacher; and
 - (b) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education; and
 - (c) has successfully completed either—
 - (i) a first degree course in education at a university or equivalent educational institution outside England and Wales; or
 - (ii) a first degree course at a university or equivalent educational institution in England or Wales or elsewhere, and a post-graduate course of initial training for teachers in schools at a university or equivalent educational institution outside England and Wales (whether or not the same institution); and
 - (d) has been employed for not less than one year as a teacher or lecturer in a school, independent school, institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy;
- (2) particulars of the training proposed to be given to the overseas trained teacher;
- (3) particulars of the post in which the overseas trained teacher is to be employed or, where the recommending body is a local education authority or is acting with the consent of a local education authority, particulars of his first post or of the posts between which his time will initially be divided, including—
- (a) the name of the school or schools at which he is to be employed;
 - (b) the age range of the pupils he is to teach;
 - (c) any subject in which he is to specialise;
 - (d) a statement as to whether the teacher is to be employed full-time or part-time and in the latter case his normal working hours.

16.—(1) Subject to sub-paragraph (2) an authorisation shall remain in force—

- (a) in the case of a first authorisation for a full-time post, for two years from the date of its commencement;
 - (b) in the case of a first authorisation for a part-time post or a subsequent authorisation (whether for a full-time or part-time post), for such period as may be specified in the authorisation.
- (2) An authorisation shall lapse—
- (a) if the overseas trained teacher ceases to be employed by the local education authority which was the recommending body or with whose consent the recommending body acted pursuant to paragraph 13 or
 - (b) in the case of an overseas trained teacher who was recommended for an authorisation by the governing body or a grant-maintained school or a special school not maintained by a local education authority ceases to be employed in the post of which particulars are given in the authorisation.

(3) For the purpose of this paragraph “date of commencement” means the date specified in the authorisation as its date of commencement.

17. The recommending body and, in the case of a school which has a delegated budget, the local education authority shall cause the overseas trained teacher to receive during the period of the authorisation the training particulars of which were given in pursuance of paragraph 15(2).

18. When the recommending body has submitted a recommendation to the Secretary of State pursuant to paragraph 13(1), the person named in that recommendation may be provisionally

employed as an overseas trained teacher until 14 days after the Secretary of State has notified the recommending body of his decision whether or not to grant the authorisation.

19. Without prejudice to regulation 11, in any case where an authorisation lapses by virtue of paragraph 16(2) the recommending body shall report the facts of the case to the Secretary of State unless they have reported the facts of the case to him in pursuance of the duty imposed by regulation 11.

SCHEDULE 3

Regulations 3(2) and 13

QUALIFIED TEACHERS AND TRANSITIONAL PROVISIONS RELATING TO QUALIFIED TEACHERS

1.—(1) A person shall be a qualified teacher for the purpose of regulation 13 (but subject to regulations 14 to 16)—

- (a) if he was qualified to be employed as a teacher on 31st March 1993 by virtue of Schedule 5 to the 1989 Regulations, or
- (b) if, the Secretary of State being satisfied on or after 1st April 1993 that he is a person mentioned in paragraph 2 and, if he is a person mentioned in paragraph 2(6) or (7), that the statement submitted by the recommending body or the States of Guernsey Education Council (as the case may be) is correct, he has received written notification from the Secretary of State that he is a qualified teacher,

and in the case of a person receiving written notification under (b) the person shall, subject to subparagraphs (2) and (3), be qualified from such date as the Secretary of State may provide in the notification.

(2) The Secretary of State may provide for a person mentioned in paragraph 2 to be a qualified teacher from a date not more than one year prior to the date of notification to the extent that that is appropriate having regard to all the circumstances of the case.

(3) In the case of a person mentioned in paragraph 2(6) or (7), the Secretary of State shall not provide for the person to be a qualified teacher from a date prior to the date on which he completed the period of service as a licensed teacher or overseas trained teacher (as the case may be) specified in the statement of the recommending body or the States of Guernsey Education Council (as the case may be).

(4) Notwithstanding the provisions of paragraphs 8(2) and 16(2) of Schedule 2, where the school or any of the schools in which a licensed teacher or overseas trained teacher has been employed has changed its status to another type of school or institution during the period of the licence or authorisation, then for the purpose of paragraph 2(6)—

- (a) service in the same post or in the employment of the same local education authority shall constitute service as a licensed teacher or overseas trained teacher;
- (b) any successor to the recommending body on whose recommendation the Secretary of State granted the licence or authorisation may act as the recommending body.

2.—(1) The person has successfully completed a course at an institution or university in England or Wales which—

- (a) 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 England or Wales or of the Council for National Academic Awards;

- (b) may only be followed by those who have attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education; and
- (c) was approved at the time when the person completed it as a course for the initial training of teachers in schools.

(2) The person has successfully completed a course of initial training for teachers in schools at an educational institution in Scotland or Northern Ireland.

(3) The person is registered as a teacher of primary or secondary education with the General Teaching Council for Scotland.

(4) The person has been awarded confirmation of recognition as a teacher in schools in Northern Ireland by the Department of Education, Northern Ireland Office, that confirmation not having been subsequently withdrawn.

(5) The person is a national of a member State of the European Economic Community who, as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC⁽¹⁵⁾ on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.

(6) The recommending body, acting in the case of a school which has a delegated budget with the consent of the local education authority, has submitted to the Secretary of State a recommendation that the person should be awarded qualified teacher status (where the local education authority refuses to give its consent it shall notify the recommending body of its reasons in writing and shall report the facts of the case to the Secretary of State) and—

- (a) a statement that he has successfully completed two school years' full-time service or the period of part-time service specified in the licence as a licensed teacher and the training proposed in the recommendation for a licence; or
- (b) a statement that he has successfully completed not less than one school year's service as a licensed teacher and the training proposed in the recommendation for a licence and that before the date of commencement of the licence he had attained the age of 24 years and had been employed for not less than two years as a teacher or lecturer at an independent school or an institution or a university in the United Kingdom or as an Instructor or Education Officer in the Armed Forces of the Crown or as an instructor under paragraph 3 of Schedule 3 to the 1989 Regulations or paragraph 3 of Schedule 2 and was not dismissed on grounds other than redundancy; or
- (c) a statement that he has successfully completed not less than one term's service as a licensed teacher and the training proposed in the recommendation for a licence and that before the date of commencement of the licence he had successfully completed either—
 - (i) a course of at least three years' duration of initial training for teachers in schools at an educational institution outside England and Wales; or
 - (ii) a first degree course and a post-graduate course of initial teacher training for teachers in schools at such an institution (whether or not the same institution); andthat he had been employed for not less than one year as a teacher or lecturer in a school, independent school, institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy; or
- (d) a statement that the person has successfully completed not less than one term's service as an overseas trained teacher and the training proposed in the recommendation for an authorisation.

⁽¹⁵⁾ OJ No. L19, 24.1.89, p.16.

(7) The States of Guernsey Education Council has submitted to the Secretary of State a recommendation that the person should be awarded qualified teacher status and—

- (a) a statement that he has successfully completed two school years' full-time service or the equivalent period of part-time service as a teacher licensed by the States of Guernsey Education Council and the training specified in the licence; or
- (b) a statement that he has successfully completed not less than one year's service as a teacher licensed by the States of Guernsey Education Council and the training specified in the licence and that before the date of commencement of the licence he had attained the age of 24 years and had been employed for not less than two years as a teacher or lecturer at an independent school or an institution or a university in the United Kingdom or as an Instructor or Education Officer in the Armed Forces of the Crown or as an instructor under paragraph 3 of Schedule 3 to the 1989 Regulations or paragraph 3 of Schedule 2 and was not dismissed on grounds other than redundancy; or
- (c) a statement that he has successfully completed not less than one term's service as a licensed teacher and the training proposed in the recommendation for a licence; and that before the date of commencement of the licence he had successfully completed either—
 - (i) a course of at least three years' duration of initial training for teachers in schools at an educational institution outside England and Wales; or
 - (ii) a first degree course and a post-graduate course of initial teacher training for teachers in schools at such an institution (whether or not the same institution); and

that he had been employed for not less than one year as a teacher or lecturer in a school, independent school, institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede the Education (Teachers) Regulations 1989; they come into force on 1st April 1993.

The Regulations reflect the changes made by the Further and Higher Education Act 1992. The provisions in Part IV relating to qualified teacher status only apply to teachers in schools, other than those employed solely in the provision of further education, but the remaining regulations also cover institutions providing further education. All recommendations for licences for licensed teachers and for authorisations for overseas trained teachers must now contain particulars of the post or (where the teacher may be employed in more than one post) the first post or posts in which the teacher is to be employed (paragraphs 7(3) and 15(3) of Schedule 2). A transitional provision has been included to enable licensed and overseas trained teachers to complete their training despite any change in status of the school (or one of the schools) in which they began it (paragraph 1(4) of Schedule 3). Some minor drafting changes have been made, and redundant and obsolete provisions have been omitted.