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;

(a) (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 intitially 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.