

2002 No. 509

EDUCATION, ENGLAND

**The Education (Bursaries for School Teacher Training)
(England) Regulations 2002**

Made - - - - - *6th March 2002*
Laid before Parliament - *7th March 2002*
Coming into force - - *1st April 2002*

In exercise of the powers conferred on the Secretary of State by sections 50 and 63(3) of the Education (No. 2) Act 1986(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Bursaries for School Teacher Training) (England) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations shall apply in relation to England.

General interpretation

2.—(1) In these Regulations—

“approved” means approved by the Secretary of State for the purposes of these Regulations;

“authority” means a local education authority;

“classroom assistant” means a person who is employed in a school to provide support and assistance in the classroom to teachers;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(b) as adjusted by the Protocol signed at Brussels on 17th March 1993(c);

“European Economic Area” means the European Community and subject to the conditions laid down in the EEA Agreement the area comprised by the Republic of Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

(a) 1986 c. 61; section 50 was amended by section 278(6) of, and paragraph 102 of Schedule 19 to, the Education Act 1993 (c. 35) (which continue in force by virtue of paragraph 65 of Schedule 37 to the Education Act 1996 (c. 56)) and section 13 of the Education Act 1994 (c. 30) and section 63(3) was amended by paragraph 107(a) of Schedule 19 to the Education Act 1993. The Secretary of State can exercise the power under section 50 only in relation to England; see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) Cmnd 2073.

(c) Cmnd 2183.

“fast track teacher” has the same meaning as in the School Teachers’ Pay and Conditions Document 2001(a);

“maintained school” means a school maintained by an authority;

“MOD school” has the same meaning as in the School Teachers’ Pay and Conditions Document 2001;

“National Teaching Award” means an award made in recognition of exceptional achievement in the classroom by a teacher or classroom assistant by the Teaching Awards Trust(b);

“non-maintained special school” means a special school not maintained by an authority;

“qualified teacher” has the same meaning given to that expression by section 218(2) of the Education Reform Act 1988(c);

“relevant school” means a maintained school, a non-maintained special school, a city technology college, a city college for the technology of the arts or a city academy;

“supply teacher” means a teacher employed wholly or mainly for the purpose of supervising or teaching pupils whose regular teacher is not available to teach them;

“unattached teacher” means a teacher employed in the provision of primary or secondary education who is not attached to a particular school or who is employed otherwise than in a school; and

“year” means the period from 1st April 2002 to 31st March 2003 or from 1st April 2003 to 31st March 2004.

(2) In these Regulations, a reference to a teacher employed in a school includes a teacher who is engaged to provide his services as a teacher in a school otherwise than under a contract of employment.

Classroom assistants

3. Classroom assistants are hereby prescribed for the purposes of section 50(1)(b) of the Education (No. 2) Act 1986.

Teachers in respect of whom training bursaries and grant are payable

4.—(1) In these Regulations “teacher” means a qualified teacher, other than a head teacher or fast track teacher, who has satisfactorily completed his induction period before the relevant date and who is or, as mentioned in paragraph (2) has been, employed as a teacher in a relevant school or as an unattached teacher by a local education authority.

(2) Paragraph (1) does not apply to a supply teacher or an unattached teacher unless he is or has been employed as a teacher in a relevant school or by an authority for not less than 20 days falling within the year in which he applies for a bursary or grant.

(3) In paragraph (1) the reference to a teacher satisfactorily completing his induction period is to be construed in accordance with the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001(d), and the “relevant date” is 1st April in a year in which he participates, or commits himself to participate, in approved training.

Provision of bursaries and grant

5. The Secretary of State may pay—

(a) a bursary to a teacher or a classroom assistant to facilitate and encourage his training, and

(b) a grant to a person other than an authority to facilitate and encourage the training of a teacher or a classroom assistant,

in accordance with the following provisions of these Regulations.

(a) ISBN 011 2711073; the Document was given effect by S.I. 2001/2962 and the definition of “fast track teacher” was inserted in the Document by S.I. 2001/3435.

(b) Registered charity no. 1074968.

(c) 1988 c. 40.

(d) S.I. 2001/2897; see regulation 16.

Eligibility for bursaries and grant

6.—(1) A qualified teacher is eligible for a bursary and grant in respect of approved training in which he begins to participate or commits himself to participate—

- (a) in any year in which he satisfies the requirement mentioned in paragraph (3); and
- (b) in any year in which he is awarded a National Teaching Award.

(2) A classroom assistant who is employed in a relevant school is eligible for a bursary and grant in respect of approved training in which he participates, or commits himself to participate, in any year in which he is awarded a National Teaching Award.

(3) The requirement mentioned in paragraph (1)(a) is that he has completed not less than three nor more than five years service as a teacher on 1st September immediately preceding a year in which he participates, or commits himself to participate, in approved training.

(4) For the purposes of paragraph (3) a teacher has completed a year of service if on 1st September he has completed periods of employment as a teacher in a school (including an independent school or an MOD school) or by an Education Action Forum, or in the case of a teacher training in another State in the European Economic Area, periods of employment as a teacher within that area, amounting to at least twenty-six weeks in the aggregate within the previous twelve months.

(5) For the purposes of paragraph (4) a period of employment runs from the beginning of the week in which the employment commences to the end of the week in which the employment is terminated, including any holiday periods and any periods of absence from work in consequence of sickness or injury, whether the teacher's service during that period has been full-time or part-time or regular or otherwise.

(6) Where a teacher is absent from work in exercise of her right to maternity leave conferred by section 71 or 73 of the Employment Rights Act 1996(a) or conferred by her contract of employment or because of her pregnancy and has the right to return to work by virtue of the said section 71 or 73 or by virtue of her contract of employment, or where a teacher is absent from work in exercise of the right to parental leave conferred by section 76 of the Employment Rights Act 1996, the period of absence shall count towards the period of service of at least twenty-six weeks referred to in paragraph (4).

Training purposes in respect of which bursaries and grant are payable

7.—(1) A bursary or grant may only be paid in respect of—

- (a) expenditure on approved training for a teacher or classroom assistant;
- (b) a teacher's or a classroom assistant's reasonable travel and subsistence costs associated with his participation in approved training, and the costs of providing for any child of whom he is the parent to be looked after during such training outside his ordinary working hours; and
- (c) the costs incurred by the governing body of a school included in the pilot scheme of employing another teacher or classroom assistant to carry out the teaching duties of a teacher or classroom assistant employed in the school while he is participating in approved training.

(2) A person to whom other public funding is provided for the purpose of meeting of assisting with any expenditure or costs for which a bursary or grant would otherwise be payable under these Regulations may not be paid a bursary or grant in respect of the same expenditure or costs.

Amount of bursaries and grant

8. The total amount of bursaries and grant which may be paid in respect of a teacher or classroom assistant in relation to any year shall not exceed £500 in any year.

(a) 1996 c. 16. A new section 71 was substituted by Part I of Schedule 4 to the Employment Relations Act 1999 (c. 26) with effect from 15th December 1999 in relation to employees whose expected week of childbirth began on or after 30th April 2000. The Regulations in force under section 71 are S.I. 1999/3312.

Payment

9.—(1) A bursary or a grant may be paid in respect of expenditure incurred or to be incurred or commitments entered into during a year in which a teacher is eligible for bursary and grant.

(2) A bursary or a grant may be paid in such manner and at such times as the Secretary of State considers appropriate.

Records, accounts and information

10.—(1) A teacher or classroom assistant to whom a bursary is paid shall keep for a period of 3 years records of the expenditure to which it relates.

(2) A person to whom a grant is paid shall keep for a period of 3 years records and accounts to show the receipt and expenditure of grant.

(3) A teacher, classroom assistant or other person to whom a bursary or grant is paid shall, if so requested by the Secretary of State, furnish him with such further information as may be requested to enable him to verify that any bursary or grant paid has been properly paid under these Regulations.

Repayment

11. Where in the opinion of the Secretary of State any information or assumption on the basis of which a bursary or grant has been paid is incorrect, the teacher, classroom assistant or other person to whom the bursary or grant was paid shall at the request of the Secretary of State repay such sum not exceeding the total bursary or grant as the Secretary of State may request.

6th March 2002

Stephen Timms
Minister of State,
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, authorise the Secretary of State to pay bursaries and grant to facilitate and encourage the training of qualified school teachers (excluding head teachers and fast track teachers) and of classroom assistants. Bursaries and grant are only available in respect of training approved by the Secretary of State (*regulation 2*).

A teacher is eligible for bursaries and grant if he has satisfactorily completed his induction period before the year in which he undertakes or commits himself to undertake approved training (*regulation 4*) and has completed between three and five years service as a teacher on 1st September preceding that year (*regulation 6*). Supply and unattached teachers must have taught for not less than 20 days in the year to be eligible (*regulation 4*). “Year” for this purpose is the period of 12 months beginning on 1st April 2002 or 1st April 2003 (*regulation 2*).

A teacher is also eligible for bursaries and grant, and a classroom assistant is so eligible, in any year in which he is awarded a National Teaching Award (*regulation 6*).

Bursaries and grant are payable up to a total of £500 in any year (*regulation 8*). Teachers, classroom assistants and persons to whom grant is paid are required to keep records of expenditure for 3 years (*regulation 10*) and the Secretary of State may require bursaries or grant to be repaid if she considers that it has been paid on the basis of incorrect information (*regulation 11*).

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