

## SCHEDULE 2

### Pensionable employment

## PART 1

### Employments pensionable without election

1. Teacher employed by—

- (a) a local authority in connection with its education functions,
- (b) a local authority in a school which the authority maintains,
- (c) the governing body of a school maintained by a local authority, or
- (d) an institution providing further or higher education (or both) maintained by a local authority.

2. Teacher employed—

- (a) in an Academy, city technology college or a city college for the technology of the arts by the proprietor of such a school, or
- (b) by the sponsor of a proposed Academy, and in this paragraph “sponsor of a proposed Academy” means any person who approaches the Secretary of State expressing an interest in establishing and maintaining an Academy with a view to creating a charitable company limited by guarantee and which company it is proposed will then enter into an agreement such as is described in section 482 of EA 1996 with the Secretary of State to establish and maintain the Academy.

3. Teacher employed by the proprietor of, or anyone else concerned in the management of, an accepted school (other than a teacher employed at an accepted school which is a member of COBISec and is located in a member State other than the United Kingdom).

4. Teacher employed by a function provider in connection with the performance of a function or service in respect of which the function provider is accepted in accordance with regulation 14 (accepted function providers).

5. Teacher employed by the proprietor of, or anyone else concerned in the management of, a special school that is not maintained by a local authority.

6. Teacher employed by the governing body (as defined in section 90 of the Further and Higher Education Act 1992(1)) of an institution—

- (a) which is within the further or the higher education sector (as defined in section 91 of that Act), and
- (b) to which grants are made by the Secretary of State or the Welsh Ministers, a body to which grants are made by the Secretary of State or the Welsh Ministers,

other than—

- (i) a university or a college of a university,
- (ii) the Royal College of Art, and
- (iii) the establishment which, when teachers were employed there for the purposes of the Ministry of Defence, was known as Welbeck, the Defence Sixth Form College.

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(1) 1992 c.13

7. Teacher employed by a university established on or after 6th May 1992 which, immediately before it became such fell within paragraph 6(a) or (b).

8. Teacher employed by the proprietor of—

- (a) a community home as defined in section 53 of the Children Act 1989<sup>(2)</sup>,
- (b) a voluntary home as defined in section 60<sup>(3)</sup> of that Act, or
- (c) a home provided in pursuance of arrangements under section 82(5) of that Act.

9. Teacher employed by a local authority or by a voluntary organisation in an establishment which provides facilities under arrangements approved under section 66 of the Powers of Criminal Courts (Sentencing) Act 2000<sup>(4)</sup>.

10. Teacher employed by the Secretary of State or the Welsh Ministers in a special hospital provided by the Secretary of State or the Welsh Ministers under section 4 of NHSA 2006 or section 4 of NHSWA 2006.

11. Teacher employed for the purpose of instructing, training or superintending the occupation of persons suffering from mental impairment, severe mental impairment, psychopathic disorder or mental illness—

- (a) by the Secretary of State or the Welsh Ministers in a hospital provided by the Secretary of State or the Welsh Ministers under NHSA 2006 or NHSWA 2006,
- (b) by a voluntary organisation to which financial assistance is given by a local authority or facilities are made available under section 12 of NHSA 2006 or section 10 of NHSWA 2006, or
- (c) by a local authority in the exercise of its functions under paragraph 2 of Schedule 20 to NHSA 2006 or paragraph 2 of Schedule 16 to NHSWA 2006.

12. Teacher employed by the Secretary of State in a European School (that is to say an establishment such as is described in article 2 of the European Communities (European Schools) Order 1972<sup>(5)</sup>).

13. Organiser employed as a youth and community worker by a local authority in the exercise of its functions under sections 15, 507A, 507B<sup>(6)</sup> or 508 of EA 1996.

14. Teacher employed by the Field Studies Council.

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(2) [1989 c.41](#)

(3) Section 60 was amended by the Care Standards Act 2000 ([c.14](#)) Schedule 4 paragraph 14(9).

(4) [2000 c.6](#)

(5) [S.I. 1972/1582](#)

(6) Section 507A and 407B were inserted by section 6(1) of the Education and Inspections Act 2006 ([c.40](#)).