
WELSH STATUTORY INSTRUMENTS

1999 No. 2817 (W.18)

EDUCATION, WALES

The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999

Made - - - - 31st August 1999

Coming into force - - 1st September 1999

In exercise of the powers conferred on the Secretary of State by sections 218(1)(a), (b), (d), (2), (2A), (2B), (3), (5), and 232(5) and (6) of the Education Reform Act 1988(1) and now vested in the National Assembly for Wales(2), the National Assembly for Wales makes the following Regulations:

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

Revocations and transitional provisions

- 2.—(1) Part I of Schedule I shall have effect as respects the revocations there mentioned.
(2) Part II of Schedule 1 shall have effect as respects the transitional matters there mentioned.

Interpretation

- 3.—(1) Except where the context otherwise requires, in these Regulations—

(1) 1988 c. 40; section 218 was amended by paragraph 49 of Schedule 8 and Schedule 9 to the Further and Higher Education Act 1992 (c. 13), section 290 of the Education Act 1993 (c. 35), sections 290 and 291 of the Education Act 1993 (c. 35), section 14 of the Education Act 1994 (c. 30), paragraph 76 of Schedule 37 and Schedule 38 to the Education Act 1996 (c. 56), section 49 of the Education Act 1997 (c. 44), and Schedule 4 to the Teaching and Higher Education Act 1998 (c. 30). Section 218 is prospectively amended by sections 11, 13 and 18 of the Teaching and Higher Education Act 1998, and paragraph 17 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). Section 232(6) was amended by section 14 of the Education Act 1994 and paragraph 6 of Schedule 3 and Schedule 4 to the Teaching and Higher Education Act 1998.

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/1672).

- (a) a reference to a school is a reference to a school maintained by a local education authority or a special school not so maintained;
 - (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; and
 - (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—
- “accredited institution” means an institution accredited by the Higher Education Funding Council for Wales under paragraph 2 of Schedule 3;
- “Assembly” means the National Assembly for Wales⁽³⁾;
- “authorisation” means an authorisation to teach granted to a person by the Assembly in accordance with Part II or III of Schedule 2;
- “BTEC” means the Business and Technology Education Council;
- “city college” means a city technology college or a city college for the technology of the arts;
- “company” has the same meaning as in the Companies Act 1985⁽⁴⁾;
- “graduate teacher” means a person to whom an authorisation has been granted in accordance with Part II 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 BTEC Higher National Diploma or BTEC Higher National Certificate provided by the Edexcel Foundation, or the Diploma in Management Studies;
 - (f) a course for the Certificate in Education;
 - (g) a course in preparation for a National Vocational Qualification at level 4 or 5;
 - (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 BTEC National Certificate or the BTEC National Diploma provided by the Edexcel Foundation;

(3) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant sections of and Schedules to the Education Reform Act 1988 are to be construed as being, or including, a reference to the Assembly see section 43 of the Government of Wales Act 1998.

(4) 1985 c. 6

“qualified teacher” has the meaning given to it by regulation 10 and “unqualified teacher” shall be construed accordingly;

“recommending body” means the body that is the organiser of the training given or to be given to the person named in the recommendation;

“registered teacher” means a person to whom an authorisation has been granted in accordance with Part III of Schedule 2;

“relevant employment” has the meaning given to it by regulation 5; and

“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⁽⁵⁾ (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⁽⁶⁾, 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 1982 Regulations is a reference to the Education (Teachers) Regulations 1982⁽⁷⁾;

(c) any reference to the 1989 Regulations is a reference to the Education (Teachers) Regulations 1989⁽⁸⁾; and

(d) any reference to the 1993 Regulations is a reference to the Education (Teachers) Regulations 1993⁽⁹⁾.

(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 Assembly.

(5) 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

4.—(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)—

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

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

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

(8) S.I. 1989/1319.

(9) S.I. 1993/543.

- (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

5.—(1) Any reference in this Part to relevant employment is subject to paragraph (2), a reference to employment—

- (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; or
- (c) by the governing body of a school or further education institution as workers with children or young persons.

(2) For the purposes of this Part, employment includes the engagement of a person to provide his services as a teacher otherwise than under a contract of employment and references to employment or relevant employment shall be construed accordingly.

Health standards-appointments

6.—(1) Subject to paragraph (4), a person shall not be appointed to relevant employment if, having regard to any duty of the employer under Part II of the Disability Discrimination Act 1995(10), he does not have the health and mental and physical capacity for that employment.

(2) In the case of the first appointment as a teacher of a person in respect of whom the Assembly has been satisfied that he has the health and mental and physical capacity for teaching, his employers may accept the conclusions of the Assembly in the matter where it appears to them reasonable to do so.

(3) In the case of any appointment to relevant employment of a person previously in such employment, his employers may where it appears to them reasonable to do so rely upon the person's medical record while in that employment for the purpose of determining that the person has the health and mental and physical capacity for such employment.

(4) A person who is in receipt of a retirement pension by virtue of regulation E4(4) of the Teachers' Pensions Regulations 1997(11) (ill health retirement) shall not be regarded as having the health and mental and physical capacity to be appointed to relevant employment or to be engaged to provide his services as a teacher at a school or further education institution otherwise than under a contract of employment, save that a person whose entitlement to such pension took effect before 1st April 1997 may be so appointed or engaged to serve part-time.

(5) Nothing in paragraph (4) prevents the appointment or engagement of a person who has ceased to be incapacitated and whose retirement pension has for that reason ceased to be payable.

(10) 1995 c. 50.

(11) S.I. 1997/3001 to which there are amendments not relevant to these Regulations.

Health standards-continued employment

7.—(1) A person in relevant employment shall not continue in that employment if, having regard to any duty of the employer under Part II of the Disability Discrimination Act 1995, he does not have the health and mental and physical capacity for that employment.

(2) For the purposes of this regulation, where it appears to his employers that a person may no longer have the health or mental 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, including a conclusion that he no longer has the health or mental or physical capacity for his employment, 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.

PART IV

PROVISIONS APPLYING ONLY TO SCHOOLS

Employment to which Part IV applies

8. Subject to regulation 9 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 19 years only; or
- (c) both such part-time and such full-time education.

9. For the purposes of this Part, employment includes the engagement of a person to provide his services as a teacher otherwise than under a contract of employment and references to employment or being employed shall be construed accordingly.

Employment normally restricted to qualified teachers

10. Save in the cases and circumstances specified in Schedule 2, and subject to regulations 11, 12, 13 and 14 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

11. Subject to regulations 13 and 14, 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 Assembly for the purpose of this regulation.

Employment of teachers of visually impaired pupils

12. Subject to regulations 13 and 14, 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 Assembly for the purpose of this regulation.

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

13.—(1) Subject to paragraph (2) and regulation 14, 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 Assembly for the purpose of this regulation.

(2) A person who possesses a qualification approved under regulation 11 or 12 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)

- 14.** 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 11, 12 or 13(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 Assembly under regulation 11, 12 or 13(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.

31st August 1999

Dafydd Elis Thomas
Presiding Officer, National Assembly for Wales

SCHEDULE 1

Regulation 2

**PART I:
REVOCATIONS**

The Education (Teachers) Regulations 1993 (S.I.1993/543)

The following provisions are revoked:

Regulation 2(1); regulation 2(2) in so far as it relates to paragraphs 2 to 7 of Schedule 1; regulation 3(3)(a) to (c); regulation 4; regulation 6; regulation 8; regulation 9; regulations 12 to 17; Paragraphs 2 to 7 of Schedule 1; Schedule 2; Schedule 3; in each case as regards Wales.

The Education (Teachers)(Amendment) Regulations 1997 (S.I.1997/368)

The whole Regulations are revoked as regards Wales.

The Education (Teachers) (Amendment) (No 2) Regulations 1997 (S.I. 1997/2679)

The following provisions are revoked:

In regulation 2 the substituted regulation 3(1)(c) and the substituted regulation 3(2), other than the definition of “relevant employment”; regulations 3 to 7; in each case as regards Wales.

The Education (Teachers) (Amendment) Regulations (S.I. 1998/1584)

Regulation 4 is revoked as regards Wales.

**PART II
GENERAL TRANSITIONAL
PROVISIONS**

Existing qualifications for teaching hearing impaired pupils

1. Any person who immediately before 1st September 1999 possessed—
 - (a) a qualification approved for the purpose of regulation 14 of the 1993 Regulations; or
 - (b) a qualification approved for the purpose of regulation 15 of the 1989 Regulations; or
 - (c) a qualification mentioned in regulation 15(1) of the 1982 Regulations; or
 - (d) a comparable qualification approved for the purposes of that regulation; or
 - (e) a qualification mentioned in regulation 20(3) of the 1959 Regulations; or
 - (f) an equivalent qualification approved for the purposes of that regulation,shall be treated as possessing a qualification approved for the purpose of regulation 11.

Existing qualifications for teaching visually impaired pupils

2. Any person who immediately before 1st September 1999 possessed—
 - (a) a qualification approved for the purpose of regulation 15 of the 1993 Regulations; or

- (b) a qualification approved for the purpose of regulation 16 of the 1989 Regulations; or
- (c) a qualification mentioned in regulation 16(1) of the 1982 Regulations; or
- (d) a qualification approved for the purpose of that regulation as comparable to a qualification so mentioned; or
- (e) 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(12),

shall be treated as possessing a qualification approved for the purpose of regulation 12.

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

3. 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 13(1), be employed at a school as a teacher of a class of pupils who are both hearing and visually impaired.

Period of employment of student teachers

4. 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.

Accreditation of institutions providing initial teacher training

5. Any accreditation for the purposes of paragraph 3 of Schedule 3 to the 1993 Regulations in force immediately before 1st September 1999 shall have effect as if given for the purposes of paragraph 2 of Schedule 3.

Probation decisions by the Assembly

6.—(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—

- (a) 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
- (b) 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 without the consent of the Assembly.

Licensed, overseas trained and registered teachers

7. The 1993 Regulations shall continue to apply as if the Education (Teachers) (Amendment) (No. 2) Regulations 1997(13) and these Regulations had not been made for the purposes of—

- (a) permitting the employment as a teacher at a school of an unqualified teacher who was a licensed teacher or an overseas trained teacher as therein defined on 30th November 1997, and duties imposed on persons in connection therewith shall continue to apply; and

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

(13) S.I. 1997/2679.

- (b) determining whether a person, who on or at any time before 30th November 1997 was a licensed teacher, overseas trained teacher or registered teacher as therein defined, is a qualified teacher.

8. Where a function conferred by these Regulations on the Assembly was, before 1st July 1999, carried out by the Secretary of State pursuant to the 1982 Regulations, the 1989 Regulations or the 1993 Regulations, any reference in these Regulations to the performance of that function by the Assembly shall, in relation to any time before 1st July 1999, include a reference to its performance by the Secretary of State.

SCHEDULE 2

Regulation 10

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

PART 1

GENERAL

Existing unqualified teachers in nursery classes and at nursery schools

1.—(1) This paragraph shall apply in the case of 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 of initial training for teachers in schools at an accredited institution in England or Wales, 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 (other than a pupil referral unit) so, however, that—

- (a) the aggregate period for which he has been employed by virtue of this paragraph, paragraph 2(2) of Schedule 2 to the 1993 Regulations 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 Assembly; 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 school which has no delegated budget or a pupil referral unit), the governing body acting with the consent of the local education authority (in the case of a school maintained by a local education authority which has a delegated budget) or the governing body (in the case of 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, graduate teacher or registered 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, graduate teacher or registered 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.

Temporary teachers

4.—(1) Subject to sub-paragraph (2) below, an unqualified teacher may be employed at a school (other than a pupil referral unit) if—

- (a) he has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such a programme of training by the competent authority in that country; and
- (b) he is employed in any one post at a school (whether by reason of the absence of the holder of that post or otherwise) for periods which do not exceed four months in total.

(2) This paragraph shall not apply in the case of an unqualified teacher after the expiry of a period of two years commencing with the day on which he is first employed as a teacher at a school.

PART II

GRADUATE TEACHERS

5.—(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 this Part of this Schedule.

(2) Subject to the provisions of this Part of this Schedule, such a person may be employed as a teacher at a school, except a pupil referral unit.

6.—(1) On the recommendation of the recommending body, the Assembly may grant an authorisation to teach to the person named in that recommendation.

(2) A recommendation for an authorisation shall contain such particulars as the Assembly may determine and shall also contain the particulars set out in sub-paragraphs (3) to (6).

(3) It shall contain a statement by the recommending body that the person named in the recommendation—

- (a) is in its opinion a suitable person to be a teacher at a school;
- (b) holds a first degree or equivalent qualification granted by an educational institution in England or Wales, or a qualification of an equivalent standard thereto granted by an educational institution elsewhere;
- (c) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
- (d) where the person was born on or after 1st December 1979 and during his period of authorisation it is intended that he will teach pupils aged below 11 years, has attained in a single science subject or in a combined science subject the standard required to obtain Grade C in the General Certificate of Secondary Education; and
- (e)
 - (i) will have attained the age of 24 years by the date on which it is proposed he shall take up employment as a graduate teacher, or
 - (ii) has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such a programme of training by the competent authority in that country.

(4) It shall contain particulars of the training that is proposed to be given to the person named in the recommendation and of the length of the proposed period of training.

(5) It shall contain particulars of the school or schools at which the person named in the application is to be or may be employed (which may not, in accordance with paragraph 5(2), include a pupil referral unit).

(6) It shall contain the name of the institution or body who will be the person's employer.

7. The length of the proposed period of training shall be appropriate to the person's need for practical teaching experience and training and, in the case of a first recommendation where the person will be employed full-time, it shall be not less than three months and not more than one year.

8. Where the recommending body have submitted a recommendation to the Assembly, the person named in that recommendation may be provisionally employed as a graduate teacher at the school or schools specified in the recommendation until 14 days after the Assembly have notified the recommending body of their decision whether or not to grant the authorisation.

9.—(1) Subject to sub-paragraph (2), an authorisation shall remain in force for the period of training proposed in the recommendation.

(2) An authorisation shall lapse in any of the following circumstances—

- (a) if the graduate teacher ceases to be employed at the school specified in the recommendation for an authorisation or, where the recommendation specified more than one school, if he ceases to be employed at any of the schools so specified unless the occurrence of either event is because of a change of status of the school or schools (as the case may be) to another type of school or schools;
- (b) if the graduate teacher ceases to be employed by the institution or body named in the recommendation except—
 - (i) where that arises because of the change of status of a school at which he is employed to another type of school, or
 - (ii) where the employer named in the recommendation was a local education authority and immediately on ceasing to be employed by that authority he is employed by another local education authority.

10. The recommending body shall cause the graduate teacher to receive during the period of the authorisation the training, particulars of which were given in pursuance of paragraph 6(4).

11. Where an authorisation lapses by virtue of paragraph 9(2) the recommending body shall report the facts of the case to the Assembly.

PART III

REGISTERED 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 this Part of this Schedule.

(2) Subject to the provisions of this Part of this Schedule, such a person may be employed as a teacher at a school, except a pupil referral unit.

13.—(1) On the recommendation of the recommending body the Assembly may grant an authorisation to teach to the person named in that recommendation.

(2) A recommendation for an authorisation shall contain such particulars as the Assembly may determine and shall also contain the particulars set out in sub-paragraphs (3) to (6).

(3) It shall contain a statement by the recommending body that the person named in the recommendation—

- (a) is in its opinion a suitable person to be a teacher at a school;
- (b) (i) has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such a programme of training by the competent authority in that country, or
 - (ii) will have attained the age of 24 years by the date on which it is proposed he shall take up employment as a registered teacher and has successfully completed—
 - (aa) not less than two years' full-time higher education in England or Wales, or
 - (bb) comparable education either full-time or part-time whether in England or Wales or elsewhere;
- (c) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
- (d) where the person was born on or after 1st December 1979 and during his period of authorisation it is intended that he will teach pupils aged below 11 years, has attained in a single science subject or in a combined science subject the standard required to obtain Grade C in the General Certificate of Secondary Education; and
- (e) has been accepted onto a programme of study leading to the award of a first degree or equivalent qualification.

(4) It shall contain particulars of the training that is proposed to be given to the person named in the recommendation and the length of the proposed period of training.

(5) It shall contain particulars of the school or schools at which the person named in the application is to be or may be employed (which may not, in accordance with paragraph 12(2), include a pupil referral unit).

(6) It shall contain the name of the institution or body who will be the person's employer.

14. The length of the proposed period of training shall be appropriate to the person's need for practical teaching experience and training and, in the case of a first recommendation where the person will be employed full-time, it shall be not less than one year and not more than two years.

15. Where the recommending body have submitted a recommendation to the Assembly, the person named in that recommendation may be provisionally employed as a registered teacher at the school or schools specified in the recommendation until 14 days after the Assembly have notified the recommending body of their decision whether or not to grant the authorisation.

16.—(1) Subject to sub-paragraph (2), an authorisation shall remain in force for the period of training proposed in the recommendation.

(2) An authorisation shall lapse in any of the following circumstances—

- (a) if the registered teacher ceases to be employed at the school specified in the recommendation for an authorisation or, where the recommendation specified more than one school, if he ceases to be employed at any of the schools so specified unless the occurrence of either event is because of a change of status of the school or schools (as the case may be) to another type of school or schools; or
- (b) if the registered teacher ceases to be employed by the institution or body named in the recommendation except—
 - (i) where that arises because of the change of status of a school at which he is employed to another type of school, or
 - (ii) where the employer named in the recommendation was a local education authority and immediately on ceasing to be employed by that authority he is employed by another local education authority.

17. The recommending body shall cause the registered teacher to receive during the period of the authorisation the training, particulars of which were given in pursuance of paragraph 13(4).

18. Where an authorisation lapses by virtue of paragraph 16(2) the recommending body shall report the facts of the case to the Assembly.

SCHEDULE 3

Regulations 3(2) and 10

QUALIFIED TEACHERS AND TRANSITIONAL PROVISIONS RELATING TO QUALIFIED TEACHERS

1.—(1) A person shall be a qualified teacher for the purpose of regulation 10 (but subject to regulations 11 to 13)—

- (a) if he was qualified to be employed as a teacher immediately before 1st September 1999 by virtue of Schedule 3 to the 1993 Regulations⁽¹⁴⁾; or
- (b) if, the Assembly being satisfied on or after 1st September 1999 that he is a person mentioned in paragraphs 2 to 9 and, if he is a person mentioned in paragraph 7 or 8, 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 Assembly that he is a qualified teacher; or
- (c) if he is a qualified teacher under regulations from time to time in force under section 218(2) of the Education Reform Act 1998 in relation to England,

and in the case of a person receiving written notification under paragraph (b) the person shall, subject to sub-paragraphs (2) to (4), be qualified from such date as the Assembly may provide in the notification.

⁽¹⁴⁾ S.I. 1993/543; a new Schedule 3 was substituted by S.I. 1997/2679.

(2) Subject to sub-paragraphs (3) and (4), the Assembly may provide for a person mentioned in paragraphs 2 to 9 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 7 or 9, the Assembly shall not provide for the person to be a qualified teacher from a date prior to the date on which the assessment referred to in paragraph 7 or 9 (as the case may be) is completed.

(4) In the case of a person mentioned in paragraph 8, the Assembly 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 teacher licensed by the States of Guernsey Education Council as specified in the statement of the States of Guernsey Education Council.

2.—(1) The person—

- (a) holds a degree or equivalent qualification granted by a United Kingdom institution or an equivalent degree or other qualification granted by a foreign institution; and
- (b) has successfully completed a course of initial training for teachers in schools at an accredited institution in Wales.

(2) For the purposes of this paragraph—

- (a) a “United Kingdom institution” means an institution established in the United Kingdom, other than one which is, or is affiliated to or forms part of, an institution whose principal establishment is outside the United Kingdom, and includes the Council for National Academic Awards;
- (b) a “foreign” institution means any institution other than a United Kingdom institution; and
- (c) an “accredited institution” means an institution accredited by the Higher Education Funding Council for Wales, as a provider of courses satisfying such provisions as to curricula and other criteria as may from time to time be specified by the Assembly.

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

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

5. 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.

6. The person is a person 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, as extended by the Agreement of the European Economic Area signed at Oporto on 2nd May 1992⁽¹⁶⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽¹⁷⁾.

7.—(1) Where the person has been granted an authorisation, the recommending body has submitted to the Assembly—

- (a) a recommendation that the person should be awarded qualified teacher status; and
- (b) the statement described in sub-paragraph (2).

(2) The statement is a statement that the person—

⁽¹⁵⁾ OJ No L19, 24.1.89, p16.

⁽¹⁶⁾ Cm 2073.

⁽¹⁷⁾ Cm 2183.

- (a) has either—
 - (i) successfully completed service as a graduate teacher or a registered teacher (as the case may be) for the period of the authorisation and has successfully completed the training proposed in the recommendation for an authorisation, or
 - (ii) completed not less than three months' service as a graduate teacher or not less than one year's service as a registered teacher (as the case may be) and has made such progress during his period of service as a graduate teacher or a registered teacher (as the case may be) that in the view of the recommending body he did not need, in the light of that progress, to complete that service for the period of the authorisation before being assessed as referred to in paragraph (b);
 - (b) has been assessed by a competent person as meeting the specified standards; and
 - (c) holds a first degree or equivalent qualification granted by a United Kingdom institution, or a qualification of an equivalent standard thereto granted by an educational institution elsewhere.
- (3) In this paragraph—
- (a) a “competent person” means, in a case where the recommending body is an accredited institution, that institution, and in any other case means the person approved by the Assembly for the purpose of carrying out the assessment referred to in sub-paragraph (2) (b);
 - (b) the “specified standards” means the standards, applying as at the time of assessment, specified by the Assembly as the standards required of a person who seeks to become a qualified teacher;
 - (c) “United Kingdom institution” has the same meaning as in paragraph 2(2)(a).
8. The States of Guernsey Education Council has submitted to the Assembly 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;
 - (b) a statement that—
 - (i) he has successfully completed not less than one school year's service as a teacher licensed by the States of Guernsey Education Council and the training specified in the licence, and
 - (ii) before the date of commencement of the licence he had attained the age of 24 years, and
 - (iii) before the date of commencement of the licence he had been employed for not less than two years as a teacher or a lecturer at an independent school (including a city college), 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 2 to the 1993 Regulations or paragraph 3 of Schedule 2 and was not dismissed on grounds other than redundancy; or
 - (c) a statement that—
 - (i) he has successfully completed not less than one school term's service as a licensed teacher and the training proposed in the recommendation for a licence, and
 - (ii) before the date of commencement of the licence he had successfully completed either—
 - (aa) a course of at least three years' duration of initial training for teachers in schools at an educational institution outside England and Wales, or

- (bb) a first degree course and a post-graduate course of initial training for teachers in schools at such an institution (whether or not the same institution), and
- (iii) he had been employed for not less than one year as a teacher or lecturer in a school, independent school (including a city college), institution or university or other educational establishment either in England or Wales or elsewhere and was not dismissed on grounds other than redundancy.

9.—(1) The person—

- (a) is in the opinion of the Assembly a suitable person to be a teacher at a school;
- (b) has satisfactorily completed a training programme;
- (c) has been assessed by a competent person as meeting the specified standards;
- (d) holds a first degree or equivalent qualification granted by a United Kingdom institution, or a qualification of an equivalent standard thereto granted by an educational institution elsewhere;
- (e) has attained in English and mathematics the standard required to obtain Grade C in the General Certificate of Secondary Education;
- (f) where the person was born on or after 1st December 1979 and during his period of training taught pupils aged below 11 years, he has attained in a single science subject or in a combined science subject the standard required to obtain Grade C in the General Certificate of Secondary Education; and
- (g) has attained the age of 24 years.

(2) In this paragraph—

- (a) a “competent person” means, in a case where the organiser of the training programme is an accredited institution, that institution, and in any other case means the person approved by the Assembly for the purpose of carrying out the assessment as referred to in subparagraph (1)(c);
- (b) the “specified standards” means the standards, applying as at the time of assessment, specified by the Assembly as the standards required of a person who seeks to become a qualified teacher;
- (c) a “training programme” means a programme of training of not less than three months in a school, other than a pupil referral unit, or in an independent school following an application made by the body that is the organiser of the training to the Assembly which shall include such particulars as the Assembly may determine, and provided the Assembly has approved the programme as a programme leading to qualified teacher status prior to the person’s commencement on it;
- (d) “United Kingdom institution” has the same meaning as in paragraph 2(2)(a).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations largely re-enact existing provisions in the Education (Teachers) Regulations 1993. They also introduce new provisions which tighten checks relating to the employment and qualifications of teachers.

The Regulations contain a variety of measures relating to the employment and qualifications of teachers in schools as well as changes resulting from the new school framework set out in the School Standards and Framework Act 1998. They will:

- make provision for the staffing of maintained schools and certain further education institutions;
- require employers of teachers and certain other staff at maintained schools and further education institutions to be satisfied as to the health and physical and mental capacities of such staff;
- reflect the provisions of the Disability Discrimination Act 1995;
- provide for teachers employed in maintained schools to be qualified teachers, subject to some exception, and make special provision for teachers of hearing impaired, visually impaired and hearing and visually impaired pupils;
- provide that a person who is a qualified teacher for the purposes of Regulations concerning teachers' qualification to be made in relation to England is to be treated equally as a qualified teacher in Wales.

The Regulations do not supersede the provisions in relation to barring contained in the 1993 Education (Teachers) Regulations 1993.