

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.