

EDUCATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 8 – Teachers

School Teachers' qualifications

Sections 132 to 135

Section 132: Qualified teacher status

273. This section and section 133 re-enact and amend section 218 (1)(a) and (2) of the Education Reform Act 1988 (ERA) by defining the term 'qualified teacher'. It provides that the Secretary of State continues to have the power to determine who is a qualified teacher.

Section 133: Requirement to be qualified

274. This is a new regulatory power. Under the provisions of this section, the Secretary of State may set out the specified work which only qualified teachers may carry out in schools. In addition, certain other persons may carry out this work in schools if they satisfy specified requirements. The unqualified teachers who are permitted to be employed in schools under the current secondary legislation will continue to do so and they will be able to carry out the specified work in the same circumstances as previously. The section will also provide for teaching assistants and teaching support staff to carry out the specified work in schools if they are appropriately supervised.

Section 134: Requirement to be registered

275. Under this section, the Secretary of State, or the NAW, may by regulations provide that a specified activity may be carried out in a school maintained by an LEA or a non-maintained special school by a qualified teacher only where that teacher is registered with full registration with the General Teaching Council (GTC) for England or for Wales. It also provides that a trainee teacher may undertake a specified course of training leading to qualified teacher status only where that teacher is registered with provisional registration with the GTC for England or for Wales. In addition provisional registration may be required of unqualified teachers undertaking specified work in schools.

Section 135: Head teachers

276. This section provides that the Secretary of State and the NAW may by regulations make it compulsory for persons serving as head teachers to be qualified teachers. Also the Secretary of State and the NAW may by regulations make it compulsory for first-time head teachers to hold a specified qualification if they are appointed on or after the date when the regulations come into force. Subsection (5) makes clear that the Regulations will apply to LEA-maintained schools and non-maintained special schools.