

2009 No. 1538

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Designated Teacher (Looked After Pupils etc)(England)
Regulations 2009**

<i>Made</i>	- - - -	<i>19th June 2009</i>
<i>Laid before Parliament</i>		<i>26th June 2009</i>
<i>Coming into force</i>	- -	<i>1st September 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 20(3) of the Children and Young Persons Act 2008(a):

Citation and commencement

1. These Regulations may be cited as The Designated Teacher (Looked After Pupils etc)(England) Regulations 2009 and come into force on 1st September 2009.

Interpretation

2. In these Regulations, “designated teacher” means the member of staff at a maintained school(b) who has been designated by the governing body for the purposes of section 20(1) of the Children and Young Persons Act 2008 (“the 2008 Act”).

Prescribed qualifications and experience of designated person

3.—(1) The governing body must ensure that the designated teacher meets each of the requirements in one of paragraphs (2), (3) or (4).

(2) The requirements in this paragraph are that the designated teacher—

- (a) is a qualified teacher within the meaning of section 132 of the Education Act 2002(c) (“the 2002 Act”);
- (b) if required to complete an induction period under regulations made under section 19 of the Teaching and Higher Education Act 1998(d), has satisfactorily completed such an induction period; and
- (c) is working as a teacher at the school.

(3) The requirements in this paragraph are that the designated teacher—

- (a) is the head teacher or acting head teacher of the school; and

(a) 2008 c.23 (“the 2008 Act”). Section 20(3) confers the power to make regulations on the appropriate national authority and section 20(7)(a) of the 2008 Act provides that the “appropriate national authority” in relation to a governing body of a maintained school in England is the Secretary of State.

(b) “maintained school” has the same meaning as in Chapter 1 of Part 3 of the Education Act 2002 c.32 (see section 20(7) of the Act).

(c) 2002 c.32.

(d) 1998 c.30. See the Education (Induction Arrangements for School Teachers)(England) Regulations SI 2008/657.

(b) meets the requirements of regulations made under section 135 of the 2002 Act^(a), if required to do so.

(4) The requirements in this paragraph are that—

(a) the designated teacher is working at the school;

(b) the designated teacher has had responsibility for promoting the educational achievement of looked after pupils for a period of at least six months ending on 1st September 2009; and

(c) the governing body is satisfied that the designated teacher is —

(i) taking steps to meet the requirements in paragraph (2)(a) and, if applicable, the requirements in paragraph (2)(b); and

(ii) is likely to meet those requirements by 1st September 2012.

(5) In paragraph (4), “looked after pupils” means children who are registered pupils^(b) at the school and who are looked after by a local authority within the meaning of section 20(5), or who fall within section 20(6), of the 2008 Act.

19th June 2009

Delyth Morgan
Parliamentary Under Secretary of State
Department for Children, Schools and Families

(a) Regulations made under this section are the Education (Head Teachers’ Qualifications) (England) Regulations SI 2003/3111 as amended by SI 2005/875 and SI 2005/3322.

(b) “registered pupil” has the same meaning as in the Education Act 1996 (c.56) (see section 20(7) of the 2008 Act).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first to be made under section 20(3) of the Children and Young Persons Act 2008 (“the 2008 Act”) and apply in relation to maintained schools in England.

Under section 20 of the 2008 Act, governing bodies of maintained schools must designate a member of the staff at the school as having responsibility for promoting the educational achievement of registered pupils at the school who are being looked after by a local authority; or who are care leavers (that is, relevant children or former relevant children within the meaning of sections 23A or 23C of the Children Act 1989); and those who have equivalent status under the law of Scotland or Northern Ireland (“looked after pupils”).

The Regulations provide that governing bodies must ensure that person (referred to as “the designated teacher”) has the prescribed qualifications and/or experience.

The designated teacher must be—

- (i) a qualified teacher who has completed the appropriate induction period (if required) and is working as a teacher at the school (regulation 3(2));
- (ii) the head teacher or the acting head teacher of the school (regulation 3(3)); or
- (iii) a person who has been doing the job of the designated teacher for six months immediately before the regulations came into force and who is training to be a teacher and likely to qualify before 1st September 2012.

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