

SCHEDULE 2

Regulation 5

THE REQUIREMENTS TO BE SATISFIED BY PERSONS WHO ARE NOT QUALIFIED TEACHERS IN ORDER TO CARRY OUT THE WORK SPECIFIED IN REGULATION 7

Interpretation

1. In this Schedule—

“accredited institution” (“*sefydliad achrededig*”) means an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the 2004 Regulations or by the Training and Development Agency for Schools under regulation 11 of the Education (School Teachers' Qualifications) (England) Regulations 2003(1) and

“employment-based teacher training scheme” (“*cynllun hyfforddi athrawon ar sail cyflogaeth*”) means a scheme established by the Welsh Ministers under regulation 8 of the 2004 Regulations.

Existing teachers of nursery classes and at nursery schools who are not qualified teachers

2.—(1) This paragraph applies in the case of—

- (a) assistant teachers at a nursery school; or
- (b) teachers of a nursery class,

who were permitted to be employed as teachers by paragraph 4 of Schedule 4 of the 1982 Regulations and who were so employed immediately before 1 September 1989.

(2) Such persons may carry out work specified in regulation 7 in a school in the same capacity as they were employed before 1 September 1989.

Persons with special qualifications or special experience

3.—(1) This paragraph applies in the case of persons who are not qualified teachers appointed, or proposed to be appointed, to carry out work specified in regulation 7 in respect of any art or skill or in any subject or group of subjects, where special qualifications or special experience or both are required in order to do so.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school if at the time of their appointment—

- (a) the local authority (in the case of a school which has no delegated budget or in the case of a pupil referral unit), the governing body acting with the consent of the local authority (in the case of a school which has a delegated budget), or the governing body (in the case of a special school not maintained by a local authority), as the case may be, is satisfied as to their qualifications or experience or both; and
- (b) no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for such appointment; or
- (c) in respect of work described in paragraph 6(2) of this Schedule, no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(3) Persons appointed with special qualifications or experience described in sub-paragraph (1) carrying out work specified in regulation 7 as permitted by sub-paragraph (2) may do so, subject to sub-paragraph (4), only for such period of time as no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for appointment or, in respect of work

(1) S.I. 2003/1662 as amended by the Education Act 2005 (c. 18) and by S.I. 2007/2782 and S.I. 2009/3156.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

described in paragraph 6(2) of this Schedule, only for such periods of time as no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(4) Sub-paragraph (3) does not apply in the case of such persons appointed before 8 April 1982 where—

- (a) the appointment was for a specified period, if and so long as that period has not expired; or
- (b) the appointment was for an unspecified period, if it was not otherwise expressed to be temporary only.

Overseas Trained Teachers

4.—(1) This paragraph applies in the case of persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom, which programme is recognised as such by the competent authority in that country.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school (other than a pupil referral unit) for a period of up to two years commencing on the day on which they first carry out work specified in regulation 7 in a school.

Trainees on initial teacher training courses

5.—(1) This paragraph applies in the case of persons who are undertaking a course of initial training for teachers in schools at an accredited institution in Wales or England.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school (other than a pupil referral unit) under the supervision of a qualified teacher during any period in which they are undertaking practical teaching experience for the purposes of that course.

Qualified further education teachers teaching vocational courses within the local curriculum

6.—(1) This paragraph applies in the case of persons who hold qualifications required under regulation 3 of the 2002 Regulations.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 7 in a school to the extent that the work comprises the delivery of vocational courses of study forming a part or the whole of a local curriculum that has been formed by a local authority pursuant to section 116A of the Education Act 2002(2) or by the Welsh Ministers pursuant to section 33A of the Learning and Skills Act 2000(3).

Employment-based teacher training scheme

7.—(1) This paragraph applies in the case of persons who are undertaking training for the purposes of an employment-based teacher training scheme.

(2) Such persons may carry out work specified in regulation 7 in a school until they successfully complete or cease to undertake that training.

(2) As inserted by section 4 of the [Learning and Skills \(Wales\) Measure 2009 \(2009 nawm No 1\)](#) and commenced on 7 December 2009 (S.I. 2009/3174, art 2(1)(b)) for certain purposes and on 1 January 2010 (S.I. 2009/3174, art 2(2)(c)) for the remaining purposes.

(3) As inserted by section 22 of the [Learning and Skills \(Wales\) Measure 2009](#) but which as at the date of these Regulations has not been commenced.

Other persons who may carry out specified work

8.—(1) This paragraph applies in the case of persons who are not qualified teachers and who are not mentioned in paragraphs 2 to 7 of this Schedule.

(2) Such persons may carry out work specified in regulation 7 in a school only if the following conditions are satisfied—

- (a) they carry out work specified in regulation 7 in order to assist or support the work of qualified teachers or nominated teachers in the school;
- (b) they are subject to the direction and supervision of such qualified teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and
- (c) the head teacher is satisfied that they have the skills, expertise and experience required to carry out work specified in regulation 7.

(3) Head teachers may, if they consider the nomination appropriate in the circumstances, nominate persons who are mentioned in paragraphs 3, 4, 5, 6 or 7 of this Schedule as nominated teachers for the purpose of sub-paragraph (2).

(4) In determining whether the persons mentioned in sub-paragraph (1) have the skills, expertise and experience required to carry out work specified in regulation 7 in a school, head teachers may have regard to—

- (a) such standards for higher-level teaching assistants, or guidance concerning school support staff, as may be published from time to time by the Welsh Ministers; and
- (b) such guidance as to contractual matters relating to school support staff as may be published from time to time by any local authority or other employer.