

## SCHEDULE 2

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

#### **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 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.