
STATUTORY INSTRUMENTS

2012 No. 762

The Education (Specified Work) (England) Regulations 2012

Citation, and commencement and application

1.—(1) These Regulations may be cited as the Education (Specified Work) (England) Regulations 2012 and come into force on 1st April 2012.

(2) These Regulations apply in relation to England.

Interpretation

2. In these Regulations—

“the ERA 1996” means the Employment Rights Act 1996(1);

“the 1982 Regulations” means the Education (Teachers) Regulations 1982(2);

“the 2003 Qualifications Regulations” means the Education (School Teachers’ Qualifications) (England) Regulations 2003(3);

“employment-based teacher training scheme” means a scheme established by the Secretary of State under paragraph 19 of Schedule 2 to the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999(4) or paragraph 10 of Schedule 2 to the 2003 Qualifications Regulations.

Requirement to be qualified

3.—(1) Subject to regulation 4, a person may not carry out specified work in a school unless that person—

(a) is a qualified teacher(5); or

(b) satisfies at least one of the requirements or conditions specified in the Schedule.

(2) Where a provision in the Schedule allows a person to carry out specified work for a specified period, that period shall be extended to take account of any period when the person is absent from work—

(a) in exercise of—

(i) her right to maternity leave conferred by section 71 or 73 of the ERA 1996(6) or her contract of employment and has the right to return to work by virtue of either of those sections or her contract of employment;

(ii) the right to parental leave conferred by section 76 of the ERA 1996;

(1) 1996 c. 18.

(2) S.I. 1982/106, amended by S.I. 1988/542 and 1989/329.

(3) S.I. 2003/1662; there are amending Regulations but none is relevant.

(4) S.I. 1999/2166, amended by S.I. 2000/2704, 2001/1391, 2001/2896, 2001/3737, 2002/1434 and 2003/107.

(5) As to status as a qualified teacher see section 132 of the Education Act 2002 and the Regulations made under that section (S.I. 2003/1662).

(6) Section 71 was amended by paragraph 31, and section 73 by paragraph 32, of Schedule 1 to the Work and Families Act 2006 (c. 18) and both sections were amended by section 17 of the Employment Act 2002 (c. 22). The application of section 71 to a school governing body with a delegated budget was modified by article 3 of, and the Schedule to, S.I. 2003/1964.

- (iii) the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996(7); or
- (iv) the right to adoption leave conferred by section 75A or 75B of the ERA 1996(8); or
- (b) because of her pregnancy.

Qualified teachers: further provision

- 4.—(1) This paragraph applies in the case of a teacher who—
- (a) has been determined to be unsuited for further employment as a qualified teacher pursuant to paragraph 2(c) of Schedule 2 to the Schools Regulations 1959(9), or
 - (b) has received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations.

(2) On and after 1st September 2012 a teacher mentioned in sub-paragraph (1) may only carry out specified work in a school if the teacher has, before that date, obtained the consent of the Secretary of State.

Specified work

- 5.—(1) Each of the following activities is specified work for the purposes of these Regulations—
- (a) planning and preparing lessons and courses for pupils;
 - (b) delivering lessons to pupils;
 - (c) assessing the development, progress and attainment of pupils; and
 - (d) reporting on the development, progress and attainment of pupils.

(2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.

Revocations and saving

- 6.—(1) The following instruments are revoked—
- (a) the Education (Specified Work and Registration) (England) Regulations 2003(10) (“the 2003 Regulations”);
 - (b) the Education (Specified Work and Registration) (England) (Amendment) Regulations 2007(11); and
 - (c) the Education (Specified Work and Registration) (England) (Amendment) Regulations 2008(12).

(2) Despite the revocation of the 2003 Regulations, paragraph 1(1) of Part 2 to those Regulations continues to have effect.

(7) Sections 80A and 80B were inserted by section 1 of the Employment Act 2002, and sections 80AA and 80BB were inserted by sections 3 and 4 respectively of the Work and Families Act 2006 (c. 18).

(8) Sections 75A and 75B were inserted by section 3 of the Education Act 2002 and section 75A amended by paragraph 33, and section 75B amended by paragraph 34, of Schedule 1 to the Work and Families Act 2006.

(9) S.I. 1959/364, amended by S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1978/1144.

(10) S.I. 2003/1663.

(11) S.I. 2007/2117.

(12) S.I. 2008/1883.

8th March 2012

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