

SCHEDULE

Regulation 3

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

Existing unqualified teachers in nursery classes and at nursery schools

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

- (a) an assistant teacher at a nursery school, or
- (b) a teacher of a nursery class,

who was permitted to be employed as a teacher by paragraph 4 of Schedule 4 to the 1982 Regulations and who was so employed immediately before 1st September 1989.

(2) A person mentioned in sub-paragraph (1) may continue to carry out specified work in a school in that same capacity.

Instructors with special qualifications or experience

2.—(1) This paragraph applies in the case of a person appointed, or proposed to be appointed, to give instruction in any art or skill or in any subject or group of subjects (including any form of vocational training), where special qualifications or experience or both are required in order to carry out the specified work.

(2) A person mentioned in sub-paragraph (1) may carry out specified work in a school if—

- (a) at the time of appointment—
 - (i) the local authority, in the case of a school which has no delegated budget or a pupil referral unit;
 - (ii) the governing body acting with the consent of the local authority, in the case of a school which has a delegated budget; or
 - (iii) the governing body in the case of a special school not maintained by a local authority, is satisfied as to that person's qualifications or experience or both; and
- (b) no suitable qualified teacher or teacher on the employment based training scheme is available for such appointment or to give such instruction.

(3) A person appointed pursuant to sub-paragraph (1) and (2) may carry out specified work in a school, subject to sub-paragraph (4), only for such period of time as no suitable qualified teacher or teacher on the employment-based teacher training scheme is available for appointment or to give instruction.

(4) Sub-paragraph (3) does not apply in the case of a person mentioned in that sub-paragraph appointed before 8th April 1982 where—

- (a) that person's appointment was for a specified period, for 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

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

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(2) A person mentioned in sub-paragraph (1) may carry out specified work in a school (other than a pupil referral unit) for a period of up to four years commencing on the day on which that person first carries out specified work in a school.

Teacher trainees who have yet to pass the skills test

4.—(1) This paragraph applies in the case of a person who—

- (a) is required to pass the teacher trainee skills tests in order to satisfy the specified standards;
- (b) is mentioned in paragraph 9 or 10 of Schedule 2 to the 2003 Qualifications Regulations; and
- (c) would have qualified teacher status but for the fact that the person has not passed the teacher trainee skills tests.

(2) A person mentioned in sub-paragraph (1) may carry out specified work in a school (other than a pupil referral unit) until 1st April 2013.

(3) In this paragraph—

- (a) the “specified standards” means the standards set out in “Teachers’ Standards” published by the Secretary of State in July 2011⁽¹⁾;
- (b) the “teacher trainee skills tests” means the literacy and numeracy teacher trainee skills tests administered by the Secretary of State.

Employment-based teacher training schemes

5.—(1) This paragraph applies to a person who is undertaking training for the purposes of a employment-based teacher training scheme.

(2) A person mentioned in sub-paragraph (1) may carry out specified work in a school until such time as —

- (a) that person successfully completes the scheme;
- (b) that person ceases to undertake the scheme; or
- (c) where the person is also a person mentioned in paragraph 3(1), the period specified in paragraph 3(2) expires, if that occurs first.

Persons who may carry out specified work under supervision

6.—(1) This paragraph applies to a person who carries out specified work in a school where—

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

(2) In this paragraph a “nominated teacher” means a person who is mentioned in paragraphs 2, 3 or 4 of this Schedule and who is nominated by the head teacher where the head teacher considers that appropriate in the circumstances.

(3) In determining whether the person mentioned in sub-paragraph (1) has the skills, expertise and experience required to carry out specified work in a school, the head teacher may have regard to—

(1) The Teachers’ Standards can be found at <http://www.education.gov.uk/>.

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- (a) such standards for higher-level teaching assistants, or guidance concerning school support staff as may be published from time to time by the Secretary of State; 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.