

REGULATIONS DATED 1ST AUGUST, 1957, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1956.

1957. No. 153

[C]

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 18, 29, 30 and 104 of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations:—

*Citation and commencement*

1.—(1) These Regulations may be cited as the Handicapped Pupils and Special Schools Regulations (Northern Ireland), 1957, and shall come into operation on the date hereof.

(2) In these Regulations unless the context otherwise requires—

"approved" means approved by the Ministry;

"authority" means local education authority;

"handicapped pupils" means pupils falling within one or more of the categories of pupils defined by Regulation 3 as requiring special educational treatment;

"inspector" means any person employed by the Ministry for the purpose of inspection;

"ordinary school" means a grant-aided school which is not a special school;

"recognised" means recognised by the Ministry for the purpose of the payment of grants under Section 104 of the Act;

"school authorities" means the local education authority in the case of a special school managed by a local education authority, and the manager or body of managers in the case of any other recognised special school;

"substantive appointment" means an appointment in respect of which an agreement must be executed in accordance with Section 84 of the Act;

"the Act" means the Education Act (Northern Ireland), 1947.

2.—(1) These Regulations:—

(a) in so far as they are made under Section 29(1) of the Act define the several categories of pupils requiring special educational treatment and are made after consultation with the Ministry of Health and Local Government;

(b) in so far as they are made under Section 104 of the Act, specify the requirements to be complied with by any school as a condition of the recognition of the

school for the purposes of the payment of grants under the Section and are made with the approval of the Ministry of Finance.

(2) As from the date of operation of these Regulations the following Regulations (hereinafter referred to as "the superseded Regulations") shall cease to have effect: the Handicapped Pupils and Special Schools Regulations (Northern Ireland), 1948(a), as amended by the Handicapped Pupils and Special Schools (Amendment) Regulations (Northern Ireland), 1951(b); No. 2, 1951(c); 1952 (d); 1953(e); 1954(f) and 1957(g).

### *Categories of Handicapped Pupils*

3. The several categories of pupils requiring special educational treatment are hereby defined as follows:—

- (a) Blind Pupils, that is to say, pupils who have no sight or whose sight is or is likely to become so defective that they require education by methods not involving the use of sight.
- (b) Partially-sighted Pupils, that is to say, pupils who by reason of defective vision cannot follow the normal regime of ordinary schools without detriment to their sight or to their educational development but can be educated by special methods involving the use of sight.
- (c) Deaf Pupils, that is to say, pupils who have no hearing or whose hearing is so defective that they require education by methods used for deaf pupils without naturally acquired speech or language.
- (d) Partially-deaf Pupils, that is to say, pupils who have some naturally acquired speech and language but whose hearing is so defective that they require for their education special arrangements or facilities though not necessarily all the educational methods used for deaf pupils.
- (e) Educationally sub-normal Pupils, that is to say, pupils who, by reason of limited ability or other conditions resulting in educational retardation, require some specialised form of education wholly or partly in substitution for the education normally given in ordinary schools.
- (f) Epileptic Pupils, that is to say, pupils who by reason of epilepsy cannot be educated under the normal regime of ordinary schools without detriment to themselves or other pupils.
- (g) Maladjusted Pupils, that is to say, pupils who show evidence of emotional instability or psychological disturbance and require special educational treatment in order to effect their personal, social or educational readjustment.
- (h) Physically Handicapped Pupils, that is to say, pupils not suffering solely from a defect of sight or hearing who by reason of disease or crippling defect cannot, without

(a) S.R. & O. 1948 No. 68.  
 (b) S.R. & O. 1951 No. 82.  
 (c) S.R. & O. 1951 No. 90.  
 (d) S.R. & O. 1952 No. 144.

(e) S.R. & O. 1953 No. 13.  
 (f) S.R. & O. 1954 No. 56.  
 (g) S.R. & O. 1957 No. 126.

detriment to their health or educational development, be satisfactorily educated under the normal regime of ordinary schools.

- (i) Pupils suffering from Speech Defect, that is to say, pupils who on account of defect or lack of speech not due to deafness require special educational treatment.
- (j) Delicate Pupils, that is to say, pupils not falling under any other category in this Regulation who by reason of impaired physical condition need a change of environment or cannot, without risk to their health or educational development, be educated under the normal regime of ordinary schools.

#### *Arrangements for Special Educational Treatment*

4. Unless the Ministry otherwise approves or determines in the case of any particular handicapped pupil, every pupil who is blind or deaf, whether or not he falls within some other category of handicapped pupils, shall be educated in a special school.

5. An authority may, with the approval of the Ministry, arrange for the special educational treatment of a handicapped pupil at a special school other than a recognised school, provided that the school is approved by the Ministry for the purposes of Section 29(2) of the Act.

6. An authority may arrange for the special educational treatment at an ordinary school of a handicapped pupil of a category other than those specified in Regulation 4 provided that the special educational treatment afforded by such school is appropriate to his disability and the pupil's presence in the school is not detrimental to the other pupils.

7. Any arrangements made by an authority for boarding and lodging a handicapped pupil otherwise than at a boarding school shall be subject to the approval of the Ministry.

#### *Recognised Schools*

##### RECOGNITION

8.—(1) In order to be recognised a school shall comply with the requirements imposed on it by or under the Act and if it does not so comply recognition may be withdrawn.

(2) The continued recognition of a school shall be dependent upon the maintenance of a satisfactory level of efficiency and of such average enrolment of pupils as the Ministry may determine.

(3) A school which satisfies the conditions for recognition shall be approved for the purposes of Section 29(2) of the Act.

9. The accounts of a school shall be kept and audited in accordance with approved arrangements.

10. A copy of the approved scheme of management of a school shall be deposited with the Ministry and no variation or departure from the provisions of the scheme shall be made without the approval of the Ministry.

## PREMISES, ORGANISATION, STAFFING, ETC.

11. A school shall be organised for the purposes of providing special educational treatment suitable for handicapped pupils of such number, category, age and sex as the Ministry may approve.

12. The premises of a school shall be kept in a proper state of repair, cleanliness and hygiene and shall not be altered without the prior approval of the Ministry; adequate arrangements shall be made for the safety of the pupils and staff in case of fire.

13. The teaching and other staff of a school shall be such as the Ministry considers to be sufficient and suitable.

14. The education provided by the school shall be suited to the ages, abilities and aptitudes of the pupils in attendance thereat and shall have regard to their particular handicaps. The school shall be conducted in accordance with an approved timetable and suitable arrangements shall be made by the school authorities for the continuance of school work during the absence of any teacher.

15.—(1) No pupil shall be admitted to a school or retained in it unless it is suitable having regard to the pupil's age and sex and the nature of the handicap. In case of doubt as to the suitability of the school a pupil may be admitted for a trial period.

(2) The number of pupils on the register of a school shall not, without the approval of the Ministry, exceed the number for which the school is approved.

## SIZE OF CLASSES

16. The number of pupils enrolled in any class shall not exceed the maximum herein prescribed for that class, that is to say—

- (a) for a class of deaf or partially deaf pupils or of pupils suffering from speech defect, ten pupils;
- (b) for a class of blind, partially-sighted or maladjusted pupils, fifteen pupils;
- (c) for a class of educationally sub-normal, epileptic or physically handicapped pupils, twenty pupils; and
- (d) for a class of delicate pupils, thirty pupils:

Provided that a class may exceed the prescribed maximum if the Ministry is satisfied that—

- (i) every effort is being made to comply with the requirement as to the prescribed maximum and that failure to do so is due to causes beyond the control of the school authorities; or
- (ii) compliance with the requirement as to the prescribed maximum would interfere unduly with the efficient conduct of the school, and the average number of pupils enrolled in all the classes of the school does not exceed that maximum.

## ADMISSION, SCHOOL YEAR AND ATTENDANCES

17. A pupil shall not be refused admission to, or excluded from, a school on other than reasonable grounds.

18. The school year shall be the year commencing 1st August and terminating on 31st July following.

19. A school shall be in operation during the school year for at least 187 days (exclusive of Sundays) of which not more than five days may be counted in any one calendar week from Sunday to Saturday inclusive:

Provided that, in exceptional circumstances, the Ministry may sanction a reduction in the number of days of operation upon application made by the school authorities.

20.—(1) On each day on which a school is in operation in accordance with the requirements of Regulation 19 the school day shall, unless the Ministry otherwise approves, comprise:—

- (a) at least three hours of secular instruction in the case of a pupil enrolled in a class composed mainly of pupils who, at the commencement of the school year, had not attained the age of eight years;
- (b) at least four hours of secular instruction in the case of a pupil enrolled in any other class:

Provided that if the school authorities are duly advised by a qualified medical practitioner that it would be detrimental to a pupil to remain under instruction for three or four hours, as the case may be, they may reduce the period of attendance for such pupil.

(2) In the case of a pupil to whom the provisions of subparagraph (b) of paragraph (1) of this Regulation applies, the school day shall consist of two sessions separated by a period of not less than half-an-hour.

(3) Attendance of a pupil under instruction as aforesaid may include in addition to any time occupied by a pupil in accordance with arrangements set out in the approved time-table of the school

- (a) any time occupied by visits paid during school hours under approved arrangements to places of educational value or interest;
- (b) any time occupied by a pupil in undergoing medical or other appropriate treatment or examination;
- (c) any time occupied by a pupil in attending an examination; and
- (d) any time occupied by a pupil in any other approved manner.

21. The time-table arrangements of a school shall be such—

- (1) that, so far as is practicable, the school day shall commence with collective worship;

- (2) that there shall be set apart for the purpose of religious instruction a period of at least one half-hour each school day or its equivalent within each week;
- (3) that alternative instruction shall be available for any pupil who, in accordance with the wishes of his parent, is withdrawn from attendance at such worship or instruction.

### *Teachers in Recognised Schools*

#### QUALIFICATIONS OF TEACHERS

22. A full-time teacher is:—
- (a) a principal; or
  - (b) a teacher who is employed in a full-time capacity and who is engaged in school duties for at least 25 hours per week of which not less than 20 hours are devoted to instruction in subjects of the approved time-table: Provided that, with the Ministry's approval, the requirement of 20 hours instruction may be waived in the case of a teacher who is required to give instruction to handicapped pupils otherwise than at school or in exceptional circumstances.
- 23.—(1) In order to be eligible for a substantive appointment a teacher must be qualified.
- (2) Temporary and part-time teachers shall possess such qualifications as the Ministry may approve.
- 24.—(1) Qualified teachers are persons who hold qualifications which would entitle them to recognition as qualified teachers in primary or secondary schools and, in the case of teachers of blind or deaf pupils, the following additional qualifications, or qualifications which, in the opinion of the Ministry, may be regarded as equivalent thereto:—
- Blind pupils: The School Teacher's Diploma of the College of Teachers of the Blind.
- Deaf pupils: The Teacher's Diploma of the National College of Teachers of the Deaf; or  
The Final Examination (Certificate) of the One-Year Course of Training for Teachers of the Deaf conducted by the Department of Education of the Deaf at Manchester University.
- (2) Notwithstanding the foregoing provisions of this Regulation
- (a) any teacher in a special school whose recognition was confirmed for the purposes of the superseded Regulations shall be recognised as a qualified teacher for the purposes of these Regulations;
  - (b) in exceptional circumstances, a teacher who does not possess the additional qualifications specified in paragraph (1) of this Regulation may, subject to such conditions as the Ministry may determine, be recognised as a qualified teacher.

25. Every full-time teacher (including a substitute teacher) shall satisfy the Ministry of his health and physical capacity for teaching.

#### PROBATION AND RECOGNITION OF TEACHERS

26.—(1) The initial period of service of a qualified teacher shall be a probationary period during which he will be required to satisfy the Ministry of his practical proficiency as a teacher.

(2) The probationary period shall be two years: provided that:—

(a) if a teacher has already given approved service in a school other than a recognised special school, the Ministry may approve a probationary period of less than two years or may waive the requirement of a probationary period;

(b) the probationary period may be extended if, in the opinion of the Ministry, an extension is desirable.

(3) During the probationary period the teacher's recognition will be provisional.

27. After consideration of reports furnished by the Ministry's inspectors during the probationary period, or extended probationary period as the case may be, the Ministry shall decide whether to confirm the teacher's recognition or to refuse further recognition.

28. The Ministry may, before confirming recognition, or at any time as a condition of continued recognition, require a teacher to attend further courses of study or to comply with such other conditions as it may determine.

29. The Ministry may refuse, or withdraw, the recognition of a teacher on the grounds of misconduct or inefficiency.

#### LEAVE OF ABSENCE OF TEACHERS

30.—(1) A teacher shall, subject to these Regulations, be entitled while absent owing to illness to receive full salary for a period not exceeding six months and thereafter half salary for a further period not exceeding six months in any period of four years' service. For the purposes of this paragraph six months shall be taken as 183 days.

(2) A teacher who has been absent owing to illness for an aggregate of twelve months in any period of four years service shall not, within such period, be entitled to salary for any further period of absence from duty.

For the purposes of this Regulation a period of school vacation shall be reckoned as absence owing to illness unless the teacher has resumed teaching duties for not less than 10 successive working days either preceding or succeeding, or preceding and succeeding, the period of vacation.

31.—(1) Subject to the provisions of paragraph (6), a teacher who is a married woman shall be required to be absent from her school duties for a period to be determined by the school

authorities of not less than 18 weeks and not more than 26 weeks continuously during the period preceding and succeeding childbirth of which not less than 11 weeks should precede the week in which the birth takes place.

(2) In respect of the period of absence prescribed in paragraph (1) the teacher shall be entitled to incremental credit as if it were teaching service.

(3) In exceptional circumstances the period of absence may, at the teacher's request and subject to the approval of the Ministry, be extended by the school authorities and in respect of such extension a teacher shall not be entitled to incremental credit.

(4) A teacher shall not be entitled to salary in respect of any period of absence under the provisions of this Regulation and the aforesaid period shall not be deemed to be absence owing to illness.

(5) On the expiry of the period of absence under the provisions of this Regulation the appointment of the teacher shall be automatically terminated unless she resumes teaching duties or produces satisfactory medical evidence that she is unable to resume duty owing to illness and that her absence is not due to childbirth.

(6) This Regulation shall apply to absences which commence after 31st March, 1958: provided that in respect of any absence which commences on or before that date the provisions of Regulation 43 of the superseded Regulations shall apply, as if this Regulation had not been made.

32. Where the absence of a teacher owing to illness exceeds either three successive working days or an aggregate of ten working days in any period of twelve months ending 31st December, the teacher shall not be entitled to salary for such period of absence unless a medical certificate, specifying the nature of the illness and certifying the incapacity of the teacher for the performance of duty, is furnished through the school authorities to the Ministry.

33. Salary may be paid in full to a teacher:—

- (a) for a brief period of necessary absence due to infectious disease in his home or to the serious illness or death of a near relative;
- (b) for a period of absence not exceeding three working days due to special circumstances;
- (c) for a period of absence exceeding three working days due to special circumstances, provided that the prior approval of the Ministry is obtained.

34. Periods of absence for which a teacher is entitled to full salary or half salary shall be regarded as teaching service for the purpose of these Regulations.

35. Regulations 30 to 34 shall have reference, and shall be applicable only, to a teacher holding a substantive appointment in the school in which he is employed.



*Expenditure of Local Education Authorities and Grants to Recognised Schools*

36.—(1) The approved expenditure of a local education authority which is incurred under these Regulations shall, except where otherwise provided, be included in the expenditure in respect of which grants are payable by the Ministry to the authority under the Parliamentary Grants (Local Education Authorities) Regulations, 1948.

(2) The Ministry may pay grants under these Regulations, in respect of a school not managed by a local education authority equal to the salaries and allowances payable by the school authorities to the teachers who are appointed in accordance with these Regulations.

(3) If the school authorities so desire, the salaries of the teachers shall be paid by the Ministry directly to the teachers.

*Miscellaneous*

37.—(1) The boarding fee to be charged by the school authorities of a recognised school shall be subject to the approval of the Ministry.

(2) An authority shall pay to school authorities the approved boarding fee in respect of pupils for whose special educational treatment at the school as boarding pupils the authority has accepted responsibility.

38. A medical officer whose duties include the examination of pupils for the purpose of advising the authority whether they require special educational treatment shall possess such special qualifications or experience as the Ministry, with the concurrence of the Ministry of Health and Local Government, may approve.

39. The medical certificate required to be issued by a medical officer under the terms of sub-section (5) of Section 30 of the Act shall be in the Form M.1 in the Schedule to these Regulations.

40. In the event of the discontinuance of a recognised school the Ministry shall have power to withhold payment of any grants due in respect of the said school under this or any other Regulations of the Ministry, or of any portion of such grants, except of such amount as may be necessary to aid the school in discharging just and lawful debts incurred by way of approved educational expenditure before its discontinuance as aforesaid.

41. If any school authorities fail to satisfy the requirements of these or any other Regulations of the Ministry, the Ministry may either withdraw recognition from the school after such notice, if any, as the Ministry may determine, or withhold or make deduction from the grant payable under these or any other Regulations of the Ministry.

Sealed with the Official Seal of the Ministry of Education  
for Northern Ireland this 1st day of August, 1957,  
in the presence of

(L.S.)

J. M. Benn,  
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Regulations in witness whereof the Seal of the Ministry has been fixed thereto this 1st day of August, 1957, in the presence of

(L.S.)

C. J. Bateman,  
Assistant Secretary.

SCHEDULE

FORM M.1.

Medical Certificate

Child's Name in Full: .....  
 Date of Birth: .....  
 Religious Denomination: .....  
 Name and Address of \*Parent: .....

I, \_\_\_\_\_ being a duly and suitably qualified Medical Practitioner, hereby certify that I have examined the above-named child, and that in my opinion \_\_\_\_\_ comes within the category of—

..... in accordance with the definition contained in the "Handicapped Pupils and Special Schools Regulations (Northern Ireland), 1957", the nature and extent of.....disability being:

Nature of disability: .....  
 Extent of disability: .....

This certificate is furnished in conformity with the requirements of Section 30(5) of the Education Act (Northern Ireland), 1947 as modified by the Education (Amendment) Act (Northern Ireland), 1956.

Signature and statement of }  
 Medical qualifications }

Address:—

Date:—

EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport).*

These Regulations define the several categories of pupils requiring special educational treatment and specify the conditions for the recognition of special schools and the grants payable to the managers. They also deal generally with the arrangements to be made in the provision of special educational treatment for handicapped pupils.

\* In this certificate, the expression "parent" in relation to a child includes a guardian and every person who has actual custody of the child.