

1973. No. 402

[C]

EDUCATION

Primary Schools: General

REGULATIONS, DATED 26TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in pursuance of the powers vested in it by Articles 16, 56, 57, 58 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Introductory

1.—(1) These Regulations may be cited as the Primary Schools (General) Regulations (Northern Ireland) 1973.

(2) These Regulations shall have effect from 1st October 1973.

2. The Regulations named in the Schedule are hereby revoked.

3.—(1) These Regulations shall not apply to a primary school which is managed and conducted as a nursery school.

(2) These Regulations shall apply to nursery classes in primary schools, subject to the modifications set out in the Nursery Classes in Primary Schools Regulations (Northern Ireland) 1973(b).

4. In these Regulations—

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"controlled school" means a grant-aided school under the management of a board;

"infants' school" means a school at which education is provided mainly for children who have not reached the age of eight years;

"maintained school" means a voluntary school for which a committee has been appointed under Part I of Schedule 5 to the Order;

"maintained school committee" means a committee appointed by a board under Part I of Schedule 5 to the Order;

"mixed school" means a school for boys and girls;

"nursery class" means a class approved for the purpose of providing education mainly for children who have attained the age of 3 years but have not attained the age of 5 years;

"recognised" means recognised by the Ministry;

"Salaries Regulations" means the Regulations in force relating to the salaries of teachers in primary schools;

(a) S.I. 1972, No. 1263 (N.I. 12).

(b) S.R. & O. (N.I.) 1973, No. 401.

“salary” includes any allowances payable under the Salaries Regulations and any compensation allowance payable under the Regulations in force relating to the payment of compensation allowances to teachers in primary schools;

“school” means a recognised primary school other than a primary school which is managed and conducted as a nursery school;

“school authorities” means, in the case of a controlled school, the board and, in the case of a voluntary school, the manager of the school or the maintained school committee;

“school year” means a year beginning on 1st August and ending on 31st July;

“temporary teacher” means any teacher employed on a full-time basis in respect of whose employment an agreement is not required under Article 58 of the Order;

“voluntary school” means a grant-aided school other than a controlled school.

5. These Regulations prescribe the conditions which shall be satisfied by a school in order that grant may be payable in respect thereof under the Order and by a teacher in order that he may be recognised by the Ministry.

General conditions

6. A school shall not be used for political meetings, the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary, Northern Ireland Assembly or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

7. The school buildings and the school grounds shall be kept in a satisfactory condition for the purpose of providing education for the pupils and the school buildings shall be adequately heated and lighted.

Management and recognition of schools

8. The Ministry shall approve a suitable person or body of persons as manager of each voluntary school other than a maintained school.

9. As a condition for his approval by the Ministry a manager of a voluntary school, other than a maintained school, shall give an undertaking, in the approved form, to comply with the appropriate Regulations of the Ministry, and in the event of his failure to observe such undertaking the Ministry may withdraw such approval.

10. A new manager of a school shall enter into agreement with each teacher on the existing staff of the school (other than any temporary teacher) and he shall not dispense with the services of any teacher on the existing staff except under the terms of such agreement.

11. Recognition of a school shall be dependent upon the maintenance of an average daily enrolment of at least 20 pupils:

Provided that, in exceptional circumstances, the Ministry may recognise a school in which an average daily enrolment of 20 pupils is not maintained.

12.—(1) Where it considers that the amalgamation of two or more schools would result in the more efficient instruction of the pupils, the Ministry may require that the schools be amalgamated or may require that any appointment to the staff of any of the schools shall be made only as a temporary appointment.

(2) Where a school for boys and a school for girls are conducted in the same neighbourhood and the Ministry considers that such schools could be conducted more efficiently or more economically as one school, it may require that they be amalgamated.

(3) Where at either of such schools as are referred to in paragraph (2) the average daily enrolment for the preceding calendar year has been less than 50, the schools shall be amalgamated on the occurrence of a vacancy in either of the schools unless for special reasons the Ministry otherwise directs.

Curriculum, time-table, registration and attendance of pupils

13.—(1) The instruction to be given in a school shall be determined by the school authorities with due regard to the ages, abilities and aptitudes of the pupils, and the curriculum, syllabus and time-table shall be subject to the approval of the Ministry.

(2) The Ministry may prohibit the use in a school of any book of which it does not approve.

14.—(1) A school shall be in operation for three terms in any school year; the first term shall end in December; the second in March or April and the third in June or July.

(2) Subject to the provisions of paragraphs (4) and (5) a school shall be in operation during the school year for at least 200 days (exclusive of Sundays) of which not more than 5 days may be counted in any one week from Sunday to Saturday inclusive.

(3) Subject to the provisions of Regulation 15 the dates of school holidays shall be determined by the school authorities.

(4) A school may at the discretion of the school authorities be closed for a number of optional holidays, not exceeding ten days in any school year, and such optional holidays may be counted as days when the school is in operation for the purposes of paragraph (2).

(5) In exceptional circumstances the Ministry may sanction a reduction in the number of days prescribed in paragraph (2).

15.—(1) The dates of school holidays, other than optional holidays, shall in the case of voluntary schools be subject to the approval of the board for the area in which the school is situated.

(2) Not later than 31st March in any year the principal of each voluntary school shall furnish to the board, in such form as the board may prescribe, a statement of the dates on which it is proposed that the school will be closed in the ensuing school year including (so far as is known at that time) the dates of optional holidays.

(3)(a) The board's approval to proposals for school holidays as submitted in accordance with paragraph (2) shall not be unreasonably withheld and the board shall take into account any representations made by or on behalf of the school authorities.

(b) In the event of the board being unwilling to approve the proposals for holidays submitted in accordance with paragraph (2) (or any amended proposals submitted after consultation between the board and the school authorities) the board shall determine the dates of such holidays and shall notify the school authorities of its decision.

(c) If the school authorities are unwilling to accept the decision of the board about the dates of holidays they may, within fourteen days of receipt of the notification referred to in the preceding sub-paragraph, refer the matter to the Ministry for final determination.

16.—(1) The Ministry may require that such of the Regulations relating to the registration and attendance of pupils as it may from time to time direct shall be complied with in the case of pupils who are under compulsory school age.

(2) The school authorities shall keep and preserve such records and furnish such returns as the Ministry may consider necessary.

17.—(1) A child under three years of age shall not be registered as a pupil at a school.

(2) A child who has reached the age of three years but has not reached the age of four years shall not be so registered unless he is enrolled in a nursery class or in an approved unit for partially-hearing or other category of handicapped children.

(3) Where the Ministry considers that restriction of registration of pupils is necessary at any school it may direct that such registration at such school shall be restricted to certain numbers or to children who have reached the lower limit of compulsory school age or may apply such other restriction as it thinks fit.

18. A child who is not a registered pupil at a school shall not be permitted to be in attendance at the school.

19. Unless the Ministry otherwise approves—

(a) a boy who is under the age of seven years shall not be registered at a school in which the teaching staff does not include at least one woman teacher;

(b) a boy who is registered as a pupil at a girls' school shall cease to be so registered before the 1st August next following the date on which he reaches the age of eight years;

(c) a child shall not be registered as a pupil at an infants' school on or after the 1st August next following the date on which he reaches the age of eight years;

(d) a child shall be transferred on 1st August to a suitable secondary school if he has attained the age of eleven years by the preceding 1st July.

20.—(1) Subject to the following provisions of this Regulation an attendance shall mean an attendance on any day under instruction, other than in religious education, for a period of not less than—

(a) three hours in the case of a pupil enrolled in a class composed mainly of pupils who, at the beginning of the school year, had not attained the age of 8 years;

(b) 4½ hours in the case of any other pupil.

(2) In the case of a pupil to whom the provisions of sub-paragraph (b) of paragraph (1) apply, an attendance shall be made in two sessions separated by a period of not less than half an hour.

(3) The provisions of this Regulation shall not apply if the Ministry so approves in the case of pupils for whom instruction of a special nature is being provided or when there are special circumstances connected with the organisation of the school.

21.—(1) Subject to the provisions of the Order and of these Regulations, the arrangements for collective worship and religious instruction in a school shall be under the control of the school authorities.

(2) The time at which collective worship is held, and the time or times during which religious instruction is given, in a school shall be clearly shown on the time-table of the school.

(3) The time or times during which religious instruction is given or collective worship is held in a school shall be so arranged as to cause as little inconvenience as possible to any pupils attending the school who, in pursuance of paragraph (5) of Article 16 of the Order, have been excused from attendance at such religious instruction or collective worship.

(4) In all schools 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.

(5) A board shall, if so requested by the minister in charge of any church or other place of worship in the vicinity of any school under the control of the board, communicate to him the names of any pupils attending the school who are, or are stated to be, of the same religious denomination as that minister.

22. The minimum time specified in paragraph (1) of Regulation 20 may include any time occupied by a pupil:—

- (a) in undergoing inspection or treatment under arrangements for medical and dental inspection, etc. of school children and young persons; or
- (b) in attending an examination; or
- (c) in taking part in organised games on not more than one day in any week in accordance with an approved time-table; or
- (d) in any other manner approved by the Ministry.

Staffing of schools

23.—(1) Subject to the provisions of paragraphs (3) and (4) the number of full-time teachers, including the Principal, who may be appointed to a school shall be determined for each school year in accordance with the following scale:—

<i>Average daily enrolment of pupils for preceding year ended 31st December</i>	<i>Number of full-time teachers (including the Principal)</i>
Below 25 pupils	1
At least 25 but not exceeding 59 pupils	2
Exceeding 59 but not exceeding 94 pupils	3

and so on, one teacher being added for each additional 35 pupils.

(2) Where the average daily enrolment exceeded 234 the number of full-time teachers determined in accordance with paragraph (1) shall be increased by one.

(3) The Ministry may refuse to approve the appointment of the number of full-time teachers determined in accordance with paragraphs (1) and (2) if it is not satisfied that the accommodation in the school is adequate and suitable for the provision of reasonable teaching facilities having regard to the number of pupils enrolled and the organisation of the school.

(4) The Ministry may decide, in such circumstances as appear to it so to require that the number of full-time teachers determined in accordance with paragraphs (1) and (2) shall be increased or reduced in any particular school.

(5) In a new school, a school which has been formed by the amalgamation of two or more schools, or a school which has been affected by a re-arrangement of the educational facilities in the district which it serves the number of teachers shall be determined by the Ministry.

24.—(1) The Ministry may approve the appointment of one or more part-time teachers instead of a full-time teacher in any case where it considers it expedient to do so.

(2) The Ministry may approve the appointment of one or more part-time teachers in a school in addition to the full-time teaching staff who may be appointed under the provisions of Regulation 23 where it is satisfied that they are required for the needs of the school.

25. Where the number of full-time teachers determined for any school year in accordance with Regulation 23 would entail the termination by the previous 31st July of the services of a teacher other than a temporary teacher or a part-time teacher the Ministry may increase that number for the whole or part of the month of August to enable the school authorities to retain a teacher on the staff of the school for the period concerned.

26. A teacher employed in a school who, in accordance with approved arrangements, also gives instruction in some other grant-aided primary, secondary or special school or institution of further education may with the approval of the Ministry be treated as a full-time teacher in the first-mentioned school, provided that in the opinion of the Ministry the aggregate number of hours of duty performed by the teacher in the first-mentioned school and the other school or institution of further education is sufficient to justify the teacher's being so treated.

27.—(1) In a school in which only one teacher is employed the teacher shall be a woman unless the Ministry approves otherwise.

(2) On the occurrence of a vacancy in the post of principal in a mixed school with an average daily enrolment of fewer than 35 pupils for the year ended 31st December preceding the occurrence of the vacancy, the post shall be filled by a woman except where the Ministry approves otherwise.

28.—(1) A full-time teacher shall be required to be in attendance in the school in which he is engaged in teaching for at least twenty-five hours in each week in which the school is open, of which not less than twenty hours shall be devoted to class teaching in subjects of the approved time-table:

Provided that—

(a) in a school in which the approved time-table provides for less than twenty hours of class instruction per week, the condition requiring a teacher to devote at least twenty hours per week to class teaching shall not apply; and

- (b) the Ministry may relax the aforementioned condition regarding class teaching in the case of a principal, or of any teacher who is performing the duties of a principal during the principal's absence, if the Ministry is satisfied that such relaxation is desirable having regard to the duties other than teaching duties which the principal, or the teacher as the case may be, is expected to perform.

(2) A part-time teacher is a teacher who is not a full-time teacher.

Appointment and recognition of teachers

29.—(1) Every advertisement issued pursuant to paragraphs 3 and 6 of Schedule 10 to the Order shall state—

- (a) the nature of the appointment, the salary scale, whether a principal or assistant, and, if necessary, whether a man or woman is required;
- (b) the name, location and average daily enrolment of the school;
- (c) that forms of application and particulars of the position may be obtained on application to the board;
- (d) the latest date for receiving completed application forms;
- (e) such special conditions and other relevant particulars as the board may consider should be stated.

(2) Every such advertisement shall be published in such newspapers or educational journals and with such frequency as the Ministry, after consultation with the board, may direct.

(3) The board shall, after the latest date appointed as aforesaid for receiving such applications, proceed as may be appropriate in the manner prescribed in Part I or Part II of Schedule 10 to the Order having regard to the nature of the appointment.

30. To be eligible for recognition by the Ministry as a qualified teacher a person must—

- (a) have completed successfully a full-time course of training approved by the Ministry; or
- (b) have been recognised by the Ministry as a trained teacher in a school prior to 16th June 1949; or
- (c) have been admitted by the Ministry to the scale of salaries for qualified teachers by virtue of having completed twenty years' service as an unqualified teacher; or
- (d) hold such other qualifications as the Ministry may approve.

31.—(1) Subject to the provisions of Regulation 32, the Ministry may sanction the employment, as an unqualified teacher, of a person who does not fulfil the conditions for recognition as a qualified teacher, if he has reached a standard of education satisfactory to the Ministry and is otherwise suitable.

(2) A person who, before 16th June 1949, was recognised as an untrained teacher shall, if he is not entitled to recognition as a qualified teacher, be recognised as an unqualified teacher and any conditions applicable to his employment as a teacher before 16th June 1949 shall continue to have effect.

32.—(1) Where there is a vacancy in the teaching staff of a school and the school authorities can secure the services of either—

- (a) a qualified teacher; or

(b) an unqualified teacher who, before 1st August 1945, was recognised as an untrained teacher;

the Ministry shall not, save in exceptional circumstances, approve the appointment of a person who is not in either of these classes.

(2) The employment of a person who is not in one of the classes mentioned in paragraph (1) shall be temporary and shall be subject to such other conditions as the Ministry may impose.

33. A qualified teacher shall not be eligible for appointment to the posts of Principal, Vice-Principal, Second Master or Mistress, Senior Teacher or to a post attracting a salary under any of the Scales 2, 3, 4 or 5 specified in the Salaries Regulations unless he has successfully completed his period of probation.

34. A teacher shall not be employed before he attains the age of 20 years or after 31st July next following the date on which he attains the age of 65 years, except for limited periods in cases where there are special circumstances and the Ministry so approves.

35.—(1) Every full-time teacher will be required to satisfy the Ministry of his health and physical capacity for teaching.

(2) The Ministry may refuse recognition to or withdraw recognition from a teacher on the grounds of inefficiency or misconduct.

36. A teacher shall not engage in any activities which, in the opinion of the school authorities or of the Ministry, would interfere with the proper discharge of his duties as a teacher.

37.—(1) If a teacher has been dismissed from his employment on grounds of misconduct, no salary shall be paid to him in respect of any period of suspension which preceded his dismissal.

(2) If a teacher has been suspended pending consideration of an allegation of misconduct and if he is not subsequently dismissed, the period of suspension shall be treated as a period of absence to which paragraph (b) or paragraph (c) of Regulation 31 of the Teachers' Salaries Regulations 1973(c) applies.

38. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct or conviction of a criminal offence the school authorities shall report the facts to the Ministry.

39. The Ministry may, as a condition of recognition, or continued recognition, require a teacher to attend such further courses of study or to comply with such other conditions as it may determine.

Probation of teachers

40. If a teacher's recognition is withdrawn the Ministry may in special circumstances provisionally restore his recognition for such period and subject to such conditions as it may determine. During such period the teacher shall be on probation and at the end of such period the Ministry shall either confirm the teacher's recognition or withdraw it.

41.—(1)(a) Subject to the provisions of paragraph (2) a teacher who is recognised as a qualified teacher shall be on probation for an initial period of three terms or six terms, or such period or periods as the Ministry considers equivalent to three terms or six terms respectively. While a teacher is on probation his recognition shall be provisional.

(b) The initial probation period of three terms referred to in sub-paragraph (a) shall apply to teachers who have successfully completed an approved course of training and the period of six terms shall apply to teachers who have not completed such a course.

(2) If a teacher has previous teaching experience or in special circumstances the Ministry may waive probation in whole or in part.

(3) Unless the Ministry in special circumstances considers that it is necessary to defer a decision, it shall at the end of the period or periods of probation referred to in paragraph (1) and of any period by which such period or periods are extended under the provisions of this paragraph confirm the teacher's recognition or extend his probation for a further period, or withdraw his recognition.

(4) If a decision is deferred under paragraph (3) but at the end of the period of deferment the Ministry confirms the teacher's recognition, the Ministry shall determine from what date recognition would have been confirmed if the decision had not been deferred, and the teacher's recognition shall be deemed to have been confirmed from that date.

Salaries of teachers

42. The rates of salaries for teachers employed in schools shall be those prescribed from time to time by the Ministry.

Absences of teachers

43.—(1) Provided that they notify the Ministry forthwith school authorities may arrange that teaching duties in a school from which a teacher is absent shall be carried out for a limited period by a teacher seconded from another school with the consent of the school authorities concerned.

(2) Service given by a teacher under an arrangement made under paragraph (1) shall count for all purposes (including salary) as service in the school in which he is normally employed.

(3) The Ministry may for the period of a teacher's secondment sanction such appointments and the payment of such allowances as it considers necessary.

44.—(1) The Ministry may approve the secondment of a teacher for service elsewhere than in a primary school provided that he obtains beforehand the consent of the school authorities and of the Ministry.

(2) During a period of secondment a teacher shall not be entitled to receive salary as a teacher of the school from which he is seconded, but the period of secondment may be reckoned for increment as if he had continued to serve in the school from which he was seconded.

(3) The Ministry may, for the period of a teacher's secondment, sanction such appointments and pay such allowances as it considers necessary for the proper continuance of the educational facilities which the school normally provides.

45. The Ministry may approve the appointment by the school authorities of a substitute for a teacher and may pay the substitute's salary, provided that—

- (a) the absence of the teacher is due to a cause which the Ministry considers reasonable in the circumstances; and
- (b) the Ministry is satisfied that, having regard to the estimated duration of the teacher's absence and the educational needs of the school, the appointment of a substitute is desirable.

46.—(1) To enable teachers to widen their experience, the Ministry may, on the recommendation of the school authorities, approve the interchange of teachers between two primary schools or between a primary school and a secondary school for periods not exceeding one term in duration.

(2) During the period of such interchange the service of a teacher shall count as service in the primary school in which he is normally employed.

Grants

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

Maintenance of certain rights and privileges

48. Any personal right or privilege granted before 16th June 1949 under Regulations made before that date and maintained by Regulation 73(2)(b) of the Primary Schools (General) Regulations (Northern Ireland) 1949(d) is hereby maintained.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 26th day of September 1973, in the presence of

(L.S.)

T. R. Meharg,
Assistant Secretary.

SCHEDULE

Regulation 2

Statutory Rules and Orders revoked

<i>Year</i>	<i>Number</i>	<i>Title</i>
1961	104	Primary Schools (General) Regulations (Northern Ireland) 1961
1962	12	Primary Schools (General) Amending Regulations (Northern Ireland) 1962
1962	230	Primary Schools (General) Amending Regulations (Northern Ireland) No. 2, 1962
1963	48	Primary Schools (General) Amending Regulations (Northern Ireland) 1963
1964	123	Primary Schools (General) Amending Regulations (Northern Ireland) 1964
1965	39	Primary Schools (General) Amending Regulations (Northern Ireland) 1965
1965	65	Primary Schools (General) Amending Regulations (Northern Ireland) No. 2, 1965
1966	120	Primary Schools (General) Amending Regulations (Northern Ireland) 1966
1966	157	Primary Schools (General) Amending Regulations (Northern Ireland) No. 2, 1966
1967	192	Primary Schools (General) Amending Regulations (Northern Ireland) 1967
1968	185	Primary Schools (General) Amending Regulations (Northern Ireland) 1968
1969	179	Primary Schools (General) Amending Regulations (Northern Ireland) 1969
1972	32	Primary Schools (General) Amending Regulations (Northern Ireland) 1972

EXPLANATORY NOTE

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

These Regulations consolidate and amend the General Regulations relating to primary schools. They prescribe the conditions which must be fulfilled by primary schools in order that they may be eligible for grants and by teachers in primary schools in order that they may be recognised by the Ministry.