
Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) Regulations 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

1998 No. 417

The Education (Special Educational Needs) (Approval of Independent Schools) (Amendment) Regulations 1998

PROSPECTIVE

Amendments to Schedule 1 to the principal Regulations

4. For paragraph 2, there shall be substituted the following paragraph—

“Teaching staff

2.—(1) The proprietor shall ensure that the school has a staff of teachers suitable and sufficient in number for the purpose of securing the provision of education appropriate to the ages, abilities, aptitudes and special educational needs of the children in the school; and the staff shall include a head teacher.

(2) Subject to sub-paragraph (7), no teacher (other than a teacher of a class of sensory impaired children) shall be regarded as suitable for the purposes of sub-paragraph (1) unless—

- (a) he falls within paragraph 1(1)(a) of Schedule 3 to the 1993 Teachers Regulations⁽¹⁾, or
- (b) he has received notification under paragraph 1(1)(b) of that Schedule that he is a qualified teacher.

(3) A teacher of a class of sensory impaired children shall not be regarded as suitable for the purposes of sub-paragraph (1) (irrespective of whether or not he satisfies one of the requirements mentioned in sub-paragraph (2)) unless, subject to sub-paragraphs (4) to (7), he possesses a qualification for the time being approved for the purposes of—

- (a) regulation 14 of the 1993 Teachers Regulations, where he is a teacher of a class of hearing impaired children;
- (b) regulation 15 of the 1993 Teachers Regulations, where he is a teacher of a class of visually impaired children; or
- (c) regulation 16(1) of the 1993 Teachers Regulations, where he is a teacher of a class of children who are both hearing and visually impaired.

(4) Where—

- (a) a vacancy exists for a person to be employed at a school as a teacher of a class of children who are both visually and hearing impaired, and

⁽¹⁾ The Education (Teachers) Regulations 1993, S.I. 1993/543; as amended by S.I. 1994/222, 1995/602, 1995/2594, 1996/1603, 1997/368 and 1997/2679. The Education (Teachers) (Amendment) (No. 2) Regulations 1997 (S.I. 1997/2679) substituted a new Schedule 3 to S.I. 1993/543 with effect from 1st December 1997.

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(b) the proprietor is satisfied that there is no person available to be employed to fill that vacancy who possesses a qualification approved under regulation 16(1) of the 1993 Teachers Regulations,

the proprietor may, notwithstanding sub-paragraph (3), treat a person as suitable for the purposes of sub-paragraph (1) to be so employed if he possesses a qualification approved under either regulation 14 or regulation 15 of those Regulations.

(5) Subject to sub-paragraph (6), a person may be employed as a teacher of a class of sensory impaired children even though, at the time of his appointment in that capacity, he does not possess the qualification mentioned in sub-paragraph (3) which would apply in his case, provided that the proprietor is satisfied that it is that person's intention to acquire the said qualification.

(6) Sub-paragraph (5) does not apply in the case of a person who, prior to the date on which he would take up the appointment, has been employed in one or more schools as a teacher of a class of sensory impaired children for a period or for periods which, in aggregate, exceed three years.

(7) Sub-paragraphs (2) and (3) do not apply in the case of a person whose employment as a teacher at the school is solely for the purpose of giving instruction in a craft, trade or domestic subject.”.

Commencement Information

II Reg. 4 in force at 1.4.1998, see [reg. 1\(1\)](#)

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2021/933 reg. 7\(c\)](#)
- reg. 4 coming into force by [S.I. 1998/417 reg. 1\(1\)](#)