

2007 No. 2117

EDUCATION, ENGLAND

**The Education (Specified Work and Registration) (England)
(Amendment) Regulations 2007**

<i>Made</i>	- - - -	<i>19th July 2007</i>
<i>Laid before Parliament</i>		<i>30th July 2007</i>
<i>Coming into force</i>		
<i>All provisions except regulation 6(8)</i>		<i>1st September 2007</i>
<i>Regulation 6(8)</i>		<i>1st September 2008</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 133, 134, 145 and 210 of the Education Act 2002(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Specified Work and Registration) (England) (Amendment) Regulations 2007.

(2) These Regulations, except regulation 6(8), come into force on 1st September 2007.

(3) Regulation 6(8) comes into force on 1st September 2008.

(4) These Regulations apply in relation to England.

Amendments to the Education (Specified Work and Registration) (England) Regulations 2003

2. The Education (Specified Work and Registration) (England) Regulations 2003(b) are amended in accordance with the following regulations.

3. In regulation 3—

(a) after the definition of “the 1998 Act” insert—

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

(b) at the end of the definition of “the 1999 Regulations” omit “and”;

(c) at the end of the definition of “the 2003 Qualifications Regulations” substitute a semi-colon for the full-stop, insert “and” and after that definition insert—

““specified work” means any of the activities mentioned in regulation 6.”.

4. For regulation 5 substitute—

(a) 2002 c. 32; section 145 was amended by paragraph 24 of Schedule 14 to the Education Act 2005 (c. 18).

(b) S.I. 2003/1663.

(c) 1996 c. 18; Part VIII was substituted by Part I of Schedule 4 to the Employment Relations Act 1999 (c. 26).

“Requirement to be qualified

5.—(1) No person may carry out specified work in a school unless he—

- (a) is a qualified teacher; or
- (b) satisfies the conditions and requirements specified in at least one of the paragraphs in Schedule 2.

(2) Where any paragraph in Schedule 2 allows a person to carry out specified work for a specified period of time, 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(a) 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;
 - (iii) the right to paternity leave conferred by section 80A, 80AA, 80B or 80BB of the ERA 1996(b); or
 - (iv) the right to adoption leave conferred by section 75A or 75B of the ERA 1996(c); or
- (b) because of her pregnancy.”.

5. In Schedules 1 and 2, for the words “work specified in regulation 6”, wherever they occur, substitute “specified work”.

6.—(1) Schedule 2 is further amended in accordance with the following paragraphs.

(2) In paragraphs 2(2), 3(2) and 10(2), for the words “Such a person” substitute “A person mentioned in sub-paragraph (1)”.

(3) In paragraphs 4(1) and 10(1), omit the words “who is not a qualified teacher and”.

(4) In paragraph 4(2)(b) and (3), omit the words “, graduate teacher, registered teacher”.

(5) In paragraph 4(4), for the words “such a person” substitute “a person mentioned in sub-paragraph (3)”.

(6) For paragraph 5 substitute—

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

(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 he first carries out specified work in a school.”.

(7) For paragraph 6(1) and (2) substitute—

“(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

(a) 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.

(b) Sections 80A and 80B were inserted by section 1 of 2002 c. 22, and sections 80AA and 80BB (which have not, at the time of making these Regulations, been commenced) were inserted by sections 3 and 4 respectively of 2006 c. 18.

(c) Sections 75A and 75B were inserted by section 3 of 2002 c. 22 and section 75A amended by paragraph 33, and section 75B amended by paragraph 34, of Schedule 1 to 2006 c. 18.

- (c) would have been awarded qualified teacher status in accordance with regulation 10 of the 2003 Qualifications Regulations but for the fact that he 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 31st August 2008 or such longer period if any as may be approved in his case by the Secretary of State.”

(8) For paragraph 9(2) substitute—

“(2) A person mentioned in sub-paragraph (1) may carry out specified work in a school until he successfully completes or ceases to undertake the training referred to in that paragraph or, in the case where the person is also a person mentioned in paragraph 5(1), the period specified in paragraph 5(2) expires, if that occurs first.”

7. The following provisions are omitted—

- (a) paragraphs 2, 3 and 4 of Part 2 of Schedule 1;
- (b) the definitions for “graduate teacher” and “registered teacher” in paragraph 1 of Schedule 2; and
- (c) paragraphs 7 and 8 of Schedule 2.

19 July 2007

Jim Knight
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Specified Work and Registration) (England) Regulations 2003 with effect from 1st September 2007, except for regulation 6(8), which comes into force on 1st September 2008.

The principal amendments—

- (a) make provision for any deadline imposed in Schedule 2 to be extended to take account of any period where the teacher has been absent from work in exercise of a statutory right to take leave or because of pregnancy (*regulation 4*);
- (b) replace the five year grace period for teacher trainees who have not passed the skills tests with a deadline of 31st August 2008, beyond which they will not be allowed to carry out specified work without approval in a particular case by the Secretary of State (*regulation 6(7)*);
- (c) with effect from 1st September 2008, remove the provision which previously allowed overseas trained teachers to carry out specified work beyond the four year period specified in paragraph 5 of Schedule 2 by joining an employment-based teacher training scheme (*regulation 6(8)*); and
- (d) delete a number of provisions which are now redundant (*regulation 7*).

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