

1959 No. 365

EDUCATION, ENGLAND AND WALES

The Handicapped Pupils and Special Schools Regulations, 1959

<i>Made - - - - -</i>	<i>5th March, 1959</i>
<i>Laid before Parliament</i>	<i>12th March, 1959</i>
<i>Coming into Operation</i>	<i>1st April, 1959</i>

The Minister of Education, in exercise of the powers conferred upon him by section 33 of the Education Act, 1944(a), hereby makes the following regulations:—

PART I

INTRODUCTORY

1. These regulations may be cited as the Handicapped Pupils and Special Schools Regulations, 1959, and shall come into operation on the first day of April, 1959.

2.—(1) Part II of these regulations defines the several categories of pupils requiring special educational treatment, and Parts III, IV and V make provision as to the requirements to be complied with as a condition of approval of a school by the Minister of Education as a special school.

(2) If any requirement applicable to a special school under these regulations, or under any provision of the Education Acts, 1944 to 1953, is not complied with, the Minister may withdraw his approval of the school as a special school.

3. The Interpretation Act, 1889(b), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

CATEGORIES OF HANDICAPPED PUPILS

4. The categories of pupils, called handicapped pupils, requiring special educational treatment, are 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 ;

(a) 7 & 8 Geo. 6. c. 31.

(b) 52 & 53 Vict. c. 63.

- (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 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 ; and
- (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.

PART III SPECIAL SCHOOLS

Premises

5.—(1) The premises of a special school shall be kept in a proper state of repair, cleanliness and hygiene, and adequate arrangements shall be made for the safety of the pupils and staff in case of fire.

(2) Before new premises are provided for a school, or alterations made to existing premises, the approval of the Minister shall be obtained, which approval may be given either generally, or in a particular case.

Organisation

6. A school shall be organised for the purpose of providing special educational treatment suitable for handicapped pupils of such number, category, age and sex as the Minister shall approve.

7. The special educational treatment given in a school shall be efficient and suited to the age, ability and aptitude of the pupils, with particular regard to their disability of mind or body.

8. Provision shall be made for every pupil, so far as practicable, to attend religious worship and receive religious instruction in accordance with the wishes of his parent, and no pupil shall be required to attend religious worship or receive religious instruction contrary to the wishes of his parent.

9. The number of pupils on the register of a class shall not exceed—
- (a) ten for a class of deaf or partially deaf pupils or of pupils suffering from speech defect ;
 - (b) fifteen for a class of blind, partially sighted or maladjusted pupils ;
 - (c) twenty for a class of educationally sub-normal, epileptic or physically handicapped pupils ;
 - (d) thirty for a class of delicate pupils :

Provided that—

- (a) the number prescribed for any class may be exceeded if this is desirable in the interests of the efficiency of the school as a whole, and the average number for all the classes in the school does not exceed the number prescribed ; and
- (b) if, owing to the shortage of teachers or other unavoidable circumstances, it is not possible to comply with this regulation, the number of pupils on the register of any class shall be such as is reasonable in all the circumstances.

10. Whenever a pupil ceases to attend any school and becomes a pupil at any other school or place of education or training, such educational information concerning him as is reasonable shall be supplied to the person conducting the other school or place, if so requested by that person.

Admission and Sessions

11.—(1) The number of pupils on the register of a school shall not exceed the number approved by the Minister for that school.

(2) No pupil shall be admitted to a school or retained in it unless it is suitable for him, having regard to his age and sex and to the nature of his handicap, but in case of doubt whether a school is suitable for a pupil he may be admitted for a period of trial.

(3) If a pupil can properly be given a place in a school in accordance with this regulation, he shall not be refused admission to or excluded from it, except on reasonable grounds.

12.—(1) The school year shall begin on 1st August or on such later day in August as the local education authority, or, in the case of a school not maintained by such an authority, the managers of the school, shall appoint.

(2) It shall be divided into three or four terms, as the authority or the managers, as the case may be, shall determine, during which the school shall, except for some unavoidable cause, meet on at least two hundred days:

Provided that—

- (a) the Minister may in exceptional circumstances approve a greater number of terms ; and
- (b) mid-term, or other occasional school holidays during term, may be granted, not exceeding in the aggregate ten days in each school year.

13.—(1) On every day on which a school meets there shall be at least three hours of secular instruction for a school or class for pupils mainly under the age of eight, and at least four hours of such instruction for a school or class for pupils mainly over that age, divided into morning and afternoon sessions, unless exceptional circumstances make two sessions undesirable:

Provided that in a school which meets on six days in the week there may be on two of those days one session only of half the appropriate period of time prescribed by this paragraph.

(2) In reckoning any period for the purposes of this regulation the necessary time for recreation, and any time occupied by the medical examination, inspection and treatment and dental treatment of pupils, may be included.

14. Leave shall not be given to a pupil to take a period of holiday during term, except a period not exceeding two weeks in any calendar year, to enable him to accompany his parent on the annual holiday of the latter.

Teachers

15.—(1) There shall be in every school a head teacher, who shall take part in the teaching, and a staff of assistant teachers able to provide full-time education suitable to the ages, abilities and aptitudes of the pupils.

(2) Subject to the provisions of this and the next following regulation, such teachers shall be qualified teachers within the meaning of regulation 16 (2) of the Schools Regulations, 1959(a), and if they are teaching blind, deaf, or partially deaf children, they shall have such further qualifications as the Minister may require.

(3) Notwithstanding the foregoing provisions of this regulation—

(a) a teacher who was recognised by the Board of Education before the 1st April, 1945, may continue to be employed in the capacity and in the type of special school in which he was so recognised, and if he was recognised as a teacher of the blind he may also be employed in any school for partially sighted pupils ; and

(b) any person who taught in a secondary school for blind pupils before the said date may be employed in any school for blind pupils.

16. The provisions of regulations 17 and 18 of the Schools Regulations, 1959, regarding the employment of temporary and occasional teachers, and the provisions of the Second Schedule to those regulations, regarding the terms of employment of teachers, shall apply in relation to teachers in special schools.

17.—(1) No woman shall be disqualified for employment as a teacher in a special school, or be dismissed from such employment, by reason only of marriage.

(2) No person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a special school, or from being otherwise employed for the purposes of such a school ; and no teacher in any such school shall be required to give religious instruction or receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship:

Provided that, save in so far as they require that a teacher shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious instruction or by reason of his religious opinions or his attending religious worship, the provisions of this paragraph shall not apply with respect to a teacher in a special school not maintained by a local education authority.

(3) A teacher shall not be dismissed without an opportunity of appearing in person before the body of managers, or, if there is no such body, the local education authority, accompanied, if he so desires, by a friend.

(a) S.I. 1959/364.

PART IV

FURTHER REQUIREMENTS RELATING TO NON-MAINTAINED SPECIAL SCHOOLS

18. The requirements of this Part of these regulations shall apply only to special schools not maintained by a local education authority.

19.—(1) A school shall be under the direction of a body of managers composed of a sufficient number of suitably qualified persons, and no member of the staff shall be a manager.

(2) The school shall not be conducted for profit, and no member of the staff may have any financial interest in it.

20. The premises shall conform as closely as is practicable with the regulations made from time to time by the Minister under section 10 of the Education Act, 1944.

21. Any fees charged to a local education authority for pupils sent by it to the school shall be such as may be approved by the Minister.

22.—(1) Provision shall be made for the periodical medical (including dental) inspection and adequate medical and dental care of the pupils, including provision for their examination and treatment by a medical practitioner possessing special experience of the disability from which they suffer.

(2) Medical and dental records in a form approved by the Minister shall be kept for every pupil attending the school.

23.—(1) Milk to drink shall be provided for day pupils free of charge.

(2) Mid-day meals shall be provided for day pupils at such charge as the Minister shall approve, but the charge shall be remitted or reduced if a parent is unable to pay it without financial hardship.

24.—(1) A teacher shall not be employed after he attains the age of 65 years except with the Minister's approval.

(2) Teachers shall be paid adequate remuneration.

25.—(1) The managers shall furnish the Minister with such information and returns relating to a school, and keep such registers and records, as he shall require.

(2) The accounts of the school shall be kept in a form approved by the Minister, and shall be duly audited.

(3) Copies of the accounts shall be sent to the Minister annually; and copies shall be sent to any local education authority or other body sending pupils to the school on request by such authority or body, and on payment of a reasonable charge for copying.

PART V

SUPPLEMENTAL

26. If a special school is in a hospital the requirements contained in Parts III and IV of these regulations shall apply to it with such modifications as are required to meet the conditions obtaining in the hospital.

27. These regulations shall have effect in the Isles of Scilly with such modifications as are required to meet the special circumstances there obtaining.

28. Parts III, V and VI, of the School Health Service and Handicapped Pupils Regulations, 1953(a), and the Schedules to those Regulations, are hereby revoked:

Provided that any approval or determination given, or requirement imposed, by the Minister under any regulation hereby revoked shall have effect as if given, or imposed, under the corresponding provision of these regulations.

Given under the Official Seal of the Minister of Education this 5th day of March, 1959.

(L.S.)

Geoffrey Lloyd,
Minister of Education.

EXPLANATORY NOTE

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

These regulations replace the existing regulations, contained in Parts III, V and VI of the School Health Service and Handicapped Pupils Regulations, 1953, which define the categories of pupils requiring special educational treatment, and prescribe the requirements to be observed in respect of special schools. No alteration of any substance has been made in the regulations.

(a) S.I. 1953/1156 (1953 I, p. 613).

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