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 STATUTORY INSTRUMENTS
 

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1968 No. 1281

## EDUCATION, ENGLAND AND WALES

## LOCAL GOVERNMENT, ENGLAND AND WALES

## The Schools (Amendment) Regulations 1968

<i>Made</i>	- - -	<i>7th August 1968</i>
<i>Laid before Parliament</i>		<i>19th August 1968</i>
<i>Coming into Operation</i>		<i>1st September 1968</i>

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 33 of the Education Act 1944(a), as amended by the Secretary of State for Education and Science Order 1964(b), and by section 3(4) of the Local Government Act 1958(c), hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Schools (Amendment) Regulations 1968 and shall come into operation on 1st September 1968.

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

*Employment of unqualified persons*

2. Subject to regulation 3, the provisions of the Schools Regulations 1959(e) as amended (f) (in these regulations called “the principal regulations”) relating to the employment of persons who are not qualified teachers shall have effect subject to the following amendments:—

(a) in regulation 17(1) for the expression “temporary assistant teacher” there shall be substituted the expression “student teacher” and for the reference to Part I of the schedule to the Training of Teachers (Local Education Authorities) Regulations 1959(g) there shall be substituted a reference to paragraph 3 of schedule 2 to the Training of Teachers Regulations 1967(h);

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(a) 1944 c. 31.

(b) S.I. 1964/490 (1964 I, p. 800).

(c) 1958 c. 55.

(d) 1889 c. 63.

(e) S.I. 1959/364 (1959 I, p. 1584).

(f) The relevant amending instrument is S.I. 1964/1311 (1964 II, p. 2984).

(g) S.I. 1959/395 (1959 I, p. 1590).

(h) S.I. 1967/792 (1967 II, p. 2319).

(b) for regulation 18 there shall be substituted—

“ 18. A person who is not a qualified teacher may be employed to give instruction in any art or skill or in any subject or group of subjects (including any form of vocational training) the teaching of which requires special qualifications or experience if, in the case of each such appointment,—

(a) he satisfies the authority as to his qualifications or, as the case may be, experience and as to his health and physical capacity for teaching; and

(b) no qualified teacher is available to give the instruction.”;

(c) in paragraph 1 of schedule II, for the expression “ temporary assistant teacher ” there shall be substituted the expression “ student teacher ”; and

(d) in paragraph 3(a) of that schedule, for the expression “ an occasional teacher ” there shall be substituted the words “ a person employed by virtue of regulation 18 ”.

#### *Transitory provisions*

3. Nothing in paragraph (a) or (b) of regulation 2 shall prevent the employment during the two years ending on 31st August 1970—

(a) as a temporary assistant teacher in accordance with regulation 17 of the principal regulations, of a person who was so employed at any time before 1st September 1968;

(b) as an occasional teacher in accordance with regulation 18 of the principal regulations, of a person who was so employed at any time before 1st September 1968;

and accordingly paragraphs (c) and (d) of regulation 2 shall not apply in the case of any such person.

#### *Probationary service*

4.—(1) In respect of any teacher first employed after 31st August 1968 paragraph 2(a) of schedule II to the principal regulations shall have effect subject to—

(a) the substitution for the words “ of one year ” of the words “ which in the case of a full-time teacher who has satisfactorily completed a course of training specified in schedule I shall be one year and in the case of any other teacher shall be two years ”; and

(b) the insertion after the words “ more than one year ” of the words “ or as the case may be two years ”.

(2) In paragraph 2(c) of the schedule after the word “ not ” there shall be inserted the words “ without the approval of the Secretary of State ” and at the end there shall be added “ and in the case of any teacher whose further employment is approved by the Secretary of State under this subparagraph the preceding provisions of this paragraph shall apply to the initial period of such further employment as if it were the initial period of his service as a qualified teacher.”

#### *Dismissal and exclusion of teachers*

5. For paragraphs 4 and 5 of schedule II to the principal regulations there shall be substituted—

##### *“Restriction on employment of teachers*

4. A person who is on grounds of misconduct or conviction of a criminal offence determined by the Secretary of State to be unsuitable for employ-

ment as a teacher or suitable for employment as such only to a limited extent, shall not be employed as a teacher or, as the case may be, shall be employed as such only to the extent determined by the Secretary of State.

*Reporting of termination of employment of teachers*

5. If the engagement of a teacher is terminated whether by dismissal or resignation on account of misconduct or conviction of a criminal offence, the facts shall be reported to the Secretary of State."

*Application to special schools*

6. The references to the provisions of regulations 17 and 18 of, and of the Second Schedule to, the principal regulations which are contained in regulation 16 of the Handicapped Pupils and Special Schools Regulations 1959(a) as amended (b) shall be construed as references to those provisions as amended by these regulations.

Given under the Official Seal of the Secretary of State for Education and Science on 7th August 1968.

*Edward Short,*

(L.S.)

Secretary of State for Education and Science.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These provisions amend the regulations relating to the employment as teachers in county and voluntary schools and special schools of persons who are not qualified teachers. They permit the employment of certain student teachers and specialists and, subject to transitory provisions, bring to an end the provisions for the employment of temporary assistant teachers and occasional teachers. They also extend the period of probationary service for certain teachers and make drafting amendments to the provisions relating to the dismissal and exclusion of teachers.

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(a) S.I. 1959/365 (1959 I, p. 1024).

(b) The amending Regulations are not relevant to the subject matter of these Regulations.