

1989 No. 329

EDUCATION, ENGLAND AND WALES

The Education (Teachers) (Amendment) Regulations  
1989

<i>Made</i> - - - -	<i>6th March 1989</i>
<i>Laid before Parliament</i>	<i>9th March 1989</i>
<i>Coming into force</i>	<i>1st April 1989</i>

In exercise of the powers conferred on the Secretary of State by sections 218(1), (5) and (6) and 232(5) of the Education Reform Act 1988(a), the Secretary of State for Education and Science hereby makes the following Regulations:

1. These Regulations may be cited as the Education (Teachers) (Amendment) Regulations 1989 and shall come into force on 1st April 1989.

2. In the Education (Teachers) Regulations 1982(b) ("the principal Regulations"), for regulations 3 to 7 and for the headings thereto there shall be substituted the following regulations and headings—

**"Schools and institutions to which these Regulations apply and interpretation**

3.—(1) Except where the context otherwise requires, in these Regulations—

- (a) a reference to a school is a reference to a school maintained by a local education authority, a special school not so maintained, or a grant-maintained school,
- (b) a reference to a further or higher education institution is a reference to an institution providing further education or higher education (or both) which is either maintained by a local education authority or is designated by or under Schedule 3 as an institution substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the Education Act 1944(c);
- (c) a reference to a PCFC institution is a reference to an institution treated as within the PCFC funding sector by virtue of section 132(6) of the Education Reform Act 1988;
- (d) a reference to an institution, without qualification, is a reference to a further or higher education institution or a PCFC institution;
- (e) a reference to a worker with children or young persons is a reference to a person, other than a teacher, whose work brings him regularly into contact with persons who have not attained the age of 19 years.

(2) Except where the context otherwise requires, in these Regulations—

"Her Majesty's Inspector" means one of the inspectors appointed under section 77 of the Education Act 1944;

---

(a) 1988 c.40.

(b) S.I. 1982/106, amended by S.I. 1988/542.

(c) 1944 c.31, amended by section 213(3) of the Education Reform Act 1988.

“relevant employment” has the meaning assigned thereto by regulation 7;  
“qualified teacher” has the meaning assigned thereto by regulation 13 and  
“unqualified teacher” shall be construed accordingly.

#### **Approvals**

4. Except where the context otherwise requires, an approval for the purposes of these Regulations may apply generally (subject to such exceptions, if any, as are specified therein) or only in a particular case.

#### **Cross references**

5. Except where the context otherwise requires, any reference in these Regulations to a regulation or Schedule is a reference to a regulation contained therein or to a Schedule thereto, any reference in a regulation or Schedule to a paragraph is a reference to a paragraph of that regulation or Schedule and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph thereof.

## **PART II**

### **PROVISIONS APPLYING TO SCHOOLS AND FURTHER OR HIGHER EDUCATION INSTITUTIONS**

#### **Staffing of schools and further or higher education institutions**

6.—(1) At any school or further or higher education institution there shall be employed by the authority or body concerned a staff of teachers suitable and sufficient in numbers for the purpose of securing the provision of education appropriate to the ages, abilities, aptitudes and needs of the pupils thereat having regard, where there are such arrangements, to any arrangements for the utilisation of the services of teachers employed otherwise than at the school or institution in question or by the authority or body concerned.

(2) Without prejudice to the generality of paragraph (1)—

(a) the staff of teachers employed at a school shall include a head teacher;

(b) the staff of teachers employed at a further or higher education institution shall have qualifications appropriate to the giving of adequate instruction in the subjects in which courses are provided.

(3) The requirement in paragraph (1) is additional to the requirements relating to qualifications for employment at schools contained in Part III of these Regulations.

## **PART IIA**

### **PROVISIONS OF GENERAL APPLICATION**

#### **Employment to which Part IIA applies**

7. This Part shall apply in relation to the employment of persons—

(a) by a local education authority, as teachers (whether or not at a school or institution) or as workers with children or young persons;

(b) by any other body, as teachers at a school or institution;

and any reference in this Part to relevant employment is a reference to such employment.”.

3.—(1) In paragraph 1 of Schedule 3 to the principal Regulations there shall be substituted for the words “further education establishment” and “further education

establishments” in each place where they appear the words “further or higher education institution” or “further or higher education institutions” respectively.

(2) For paragraph 2 of Schedule 3 to the principal Regulations there shall be substituted the following paragraph—

“2. The institutions referred to in paragraph 1(1) are—

**Institutions assisted by a local education authority**

Cordwainers Technical College, London

Morley College

**Institutions receiving grants under Section 100(1)(b) of the Education Act 1944.**

Cambridge Institute of Education

Coleg Harlech, Gwynedd

College of the Sea, London

Co-operative College, Loughborough

Fircroft College, Birmingham

Hillcroft College, Surbiton

National Sea Training Trust, London

Northern College, Oxford

Plater College, Oxford

Ruskin College, Oxford

Trinity College, Carmarthen”

4. In paragraph 1 of Schedule 6 to the principal Regulations—

(a) for the word “Part” in the definition of “probationary teacher” there shall be substituted the word “Schedule”;

(b) there shall be added after the definition of “relevant authority or body” the following—

““school” excludes a grant-maintained school.”.

6th March 1989

*Kenneth Baker*  
Secretary of State for Education and Science

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Education (Teachers) Regulations 1982. They are made under section 218 of the Education Reform Act 1988 ("the 1988 Act") which supersedes section 27 of the Education Act 1980 (1980 c.20). They reflect the new distinction between further and higher education resulting from the amendments to section 41 of the Education Act 1944 (1944 c.31) made by the 1988 Act (regulations 3, 6 and 7 of the principal Regulations). They also apply the provisions of the principal Regulations (except those relating to the probation of schools teachers) to grant-maintained schools. Further, they extend the meaning of "relevant employment" to cover employment as a teacher or as a worker with persons under the age of 19 at institutions within the Polytechnic and Colleges Funding Council funding sector. "Relevant employment" is relevant for the purposes of health standards for appointment and continued employment and for the purposes of the Secretary of State's powers to bar persons from relevant employment on medical, misconduct, and, in the case of teachers, educational grounds. The lists of institutions designated as assisted or grant-aided in Schedule 3 to the principal Regulations have been revised (regulation 3) and finally a small correction is made to the definition of "probationary teacher" in paragraph 1 of Schedule 6 (regulation 4).

85p net

ISBN 0 11 096329 6

Printed in the United Kingdom for Her Majesty's Stationery Office

860/WO 0417 C27 3/89 452/1 9385/5782/5010 46341