

2003 No. 1663

EDUCATION, ENGLAND

**The Education (Specified Work and Registration) (England)
Regulations 2003**

<i>Made</i> - - - -	<i>2nd July 2003</i>
<i>Laid before Parliament</i>	<i>8th July 2003</i>
<i>Coming into force</i> - -	<i>1st August 2003</i>

In exercise of the powers conferred on the Secretary of State by sections 133, 134, 145 and 210 of the Education Act 2002(a) the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Education (Specified Work and Registration) (England) Regulations 2003 and shall come into force on 1st August 2003.
2. These Regulations apply in relation to England.

Interpretation

3. In these Regulations—

- “the 1998 Act” means the Teaching and Higher Education Act 1998(b);
- “the 1959 Regulations” means the Schools Regulations 1959(c);
- “the 1982 Regulations” means the Education (Teachers) Regulations 1982(d);
- “the 1989 Regulations” means the Education (Teachers) Regulations 1989(e);
- “the 1993 Regulations” means the Education (Teachers) Regulations 1993(f);
- “the 1999 Regulations” means the Education (Teachers’ Qualifications and Health Standards) (England) Regulations 1999(g); and
- “the 2003 Qualifications Regulations” means the Education (School Teachers’ Qualifications) (England) Regulations 2003(h).

(a) 2002 c.32.

(b) 1998 c.30. The Teaching and Higher Education Act 1998 is amended by the Education Act 2002 (c.32) and the Learning and Skills Act 2000 (c.21). The Secretary of State can exercise the powers under Part 1 of the 1998 Act only in relation to England: see article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) S.I. 1959/364 as amended by S.I. 1968/1281, 1969/1777, 1971/342, 1973/2021 and 1978/1144.

(d) S.I. 1982/106 as amended by S.I. 1988/542 and 1989/329.

(e) S.I. 1989/1319 as amended by S.I. 1989/1541, 1990/1561, 1991/1134, 1991/1840, 1991/2240 and 1992/1809.

(f) S.I. 1993/543 as amended by S.I. 1997/368, 1997/2679 and 1998/1584.

(g) S.I. 1999/2166 as amended by S.I. 2000/2704, 2001/1391, 2001/2896, 2001/3737, 2002/1434 and 2003/107.

(h) S.I. 2003/1662.

Revocations, savings and transitional provisions

4.—(1) Subject to paragraph (2) the Regulations mentioned in Part I of Schedule 1 are revoked to the extent specified in that Schedule.

(2) The savings and transitional provisions mentioned in Part 2 of Schedule 1 have effect.

Requirement to be qualified

5. No person may carry out work specified in regulation 6 in a school unless he—

- (a) is a qualified teacher, or
- (b) satisfies the requirements specified in Schedule 2.

Specified work

6.—(1) Each of the following activities is specified work for the purposes of these Regulations—

- (a) planning and preparing lessons and courses for pupils;
- (b) delivering lessons to pupils;
- (c) assessing the development, progress and attainment of pupils; and
- (d) reporting on the development, progress and attainment of pupils.

(2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.

Requirement to be registered

7. Subject to the exceptions mentioned in Schedule 3, a qualified teacher may carry out work specified in regulation 6 in a school only if he is registered with full registration under section 3 of the 1998 Act (register maintained by the General Teaching Council)(a).

2nd July 2003

David Miliband
Minister of State
Department for Education and Skills

(a) The Regulations currently in force under this provision are the General Teaching Council for England (Registration of Teachers) Regulations 2000 (S.I. 2000/2176) as amended by S.I. 2001/23 and 2001/1267.

SCHEDULE 1

Regulation 4

PART 1 REVOCATIONS

<i>Regulations Revoked</i>	<i>Reference</i>	<i>Extent of Revocation</i>
The Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999	S.I. 1999/2166	Paragraphs 6 and 7 of Schedule 1; Schedule 2
The Teachers (Compulsory Registration) (England) Regulations 2001	S.I. 2001/1266	The whole Regulations
The Education (Teachers' Qualifications and Health Standards) (England) (Amendment) Regulations 2001	S.I. 2001/1391	The whole Regulations
The Education (Teachers' Qualifications and Health Standards) (England) (Amendment No.2) Regulations 2001	S.I. 2001/2896	The whole Regulations

PART 2

SAVINGS AND GENERAL TRANSITIONAL PROVISIONS

Probation decisions by the Secretary of State

1.—(1) In the case of a person who on 1st September 1992 had commenced but not completed a period of probation under regulation 14 of, and Schedule 6 to, the 1989 Regulations, regulation 14 and Schedule 6 shall continue to have effect until all their provisions have been complied with.

(2) A teacher who—

(a) has been determined to be unsuitable for further employment as a qualified teacher pursuant to paragraph 2(c) of Schedule 2 to the 1959 Regulations, or

(b) received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations, shall not carry out work specified in regulation 6 in a school without the consent of the Secretary of State.

Licensed, overseas trained and registered teachers

2.—(1) The 1993 Regulations shall continue to apply as if the Education (Teachers) (Amendment) (No. 2) Regulations 1997(a), the 1999 Regulations, the 2003 Qualifications Regulations and these Regulations had not been made, for the purposes of —

- (a) permitting the employment as a teacher at a school of an unqualified teacher who was a licensed teacher or an overseas trained teacher as therein defined on 30th November 1997, and duties imposed on persons in connection therewith shall continue to apply; and
- (b) determining whether a person, who on or at any time before 30th November 1997 was a licensed teacher, overseas trained teacher or registered teacher as therein defined, is a qualified teacher.

(2) A person who is employed at a school by virtue of sub-paragraph (1)(a) may carry out work specified in regulation 6 in a school until he ceases to be so employed.

Graduate Teachers

3. In the case of a person who before 1st September 2002 was granted an authorisation to teach under paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations, those paragraphs shall continue to have effect as if these Regulations had not been made, until that person successfully completes or ceases to undertake the training proposed by virtue of those paragraphs.

Registered Teachers

4. In the case of a person who before 1st September 2002 was granted an authorisation to teach under paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations, those paragraphs shall continue to have effect as if these Regulations had not been made, until that person successfully completes or ceases to undertake the training proposed by virtue of those paragraphs.

SCHEDULE 2

Regulation 5

THE REQUIREMENTS TO BE SATISFIED BY PERSONS WHO ARE NOT QUALIFIED TEACHERS IN ORDER TO CARRY OUT WORK SPECIFIED IN REGULATION 6

Interpretation

1. In this Schedule—

“accredited institution” means an institution accredited by the Teacher Training Agency under regulation 11 of the 2003 Qualifications Regulations or an institution accredited by virtue of Regulations made in relation to Wales under section 132 of the Education Act 2002 or, until such Regulations come into force, an institution accredited by the Higher Education Funding Council for Wales under paragraph 2 of Schedule 3 to the Education (Teachers’ Qualifications and Health Standards) (Wales) Regulations 1999(b);

“employment-based teacher training scheme” means the scheme established by the Secretary of State under either paragraph 19 of Schedule 2 to the 1999 Regulations or paragraph 10 of Schedule 2 to the 2003 Qualifications Regulations;

“graduate teacher” means a person who has been granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations before 1st September 2002; and

(a) S.I. 1997/2679.

(b) S.I. 1999/2817 as amended by S.I. 2002/1663, 2002/2938 and 2003/140.

“registered teacher” means a person who has been granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations before 1st September 2002.

Existing unqualified teachers in nursery classes and at nursery schools

2.—(1) This paragraph applies in the case of—

- (a) an assistant teacher at a nursery school, or
- (b) a teacher of a nursery class,

who was permitted to be employed as a teacher by paragraph 4 of Schedule 4 to the 1982 Regulations and who was so employed immediately before 1st September 1989.

(2) Such a person may carry out work specified in regulation 6 in a school, in the same capacity as he was employed before 1st September 1989.

Student Teachers

3.—(1) This paragraph applies to a person aged over 18 years who either—

- (a) has been accepted for admission to a course of initial training for teachers in schools at an accredited institution in England or Wales, and is awaiting admission to that course; or
- (b) has been admitted to such a course but has failed satisfactorily to complete it by the date at the end of the period ordinarily required therefor, but during the next year following that date is continuing the course with a view to so completing it within that year.

(2) Such a person may carry out work specified in regulation 6 in a school (other than a pupil referral unit) only if—

- (a) the aggregate period for which he has been—
 - (i) carrying out the work specified in regulation 6 by virtue of this paragraph, and
 - (ii) employed by virtue of paragraph 2(2) of Schedule 2 to the 1999 Regulations or paragraph 2(2) of Schedule 2 to the 1993 Regulations or paragraph 2(2) of Schedule 3 to the 1989 Regulations by one or more than one authority or body,does not exceed 2 years or such longer period, if any, as is approved in his case by the Secretary of State; and
- (b) the following conditions are satisfied—
 - (i) he carries out work specified in regulation 6 in order to assist or support the work of a qualified teacher or a nominated teacher in the school;
 - (ii) he is subject to the direction and supervision of such a qualified teacher or nominated teacher in accordance with arrangements made by the head teacher of the school; and
 - (iii) the head teacher is satisfied that he has the skills, expertise and experience required to carry out work specified in regulation 6.

(3) In this paragraph “nominated teacher” has the same meaning as in paragraph 10.

Instructors with special qualifications or experience

4.—(1) This paragraph applies in the case of a person who is not a qualified teacher and who is appointed, or proposed to be appointed, to give instruction in any art or skill or in any subject or group of subjects (including any form of vocational training), where special qualifications or experience or both are required in order to carry out the work specified in regulation 6.

(2) A person mentioned in sub-paragraph (1) may carry out work specified in regulation 6 in a school if at the time of his appointment—

- (a) the local education authority (in the case of a school which has no delegated budget or a pupil referral unit), the governing body acting with the consent of the local education authority (in the case of a school which has a delegated budget), or the governing body

(in the case of a special school not maintained by a local education authority) are satisfied as to his qualifications or experience or both; and

- (b) no suitable qualified teacher, graduate teacher, registered teacher or teacher on the employment-based teacher training scheme is available for such appointment or to give such instruction.

(3) A person appointed pursuant to sub-paragraphs (1) and (2) may carry out work specified in regulation 6 in a school, subject to sub-paragraph (4), only for such period of time as no suitable qualified teacher, graduate teacher, registered teacher or teacher on the employment-based teacher training scheme is available for appointment or to give instruction.

(4) But sub-paragraph (3) does not apply in the case of such a person appointed before 8th April 1982 where—

- (a) his appointment was for a specified period, if and so long as that period has not expired; or
- (b) his appointment was for an unspecified period, if it was not otherwise expressed to be temporary only.

Overseas Trained Teachers

5.—(1) Subject to sub-paragraph (2), a person who is not a qualified teacher may carry out work specified in regulation 6 in a school (other than a pupil referral unit) if he has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such a programme of training by the competent authority in that country.

(2) In the case of a person mentioned in sub-paragraph (1), this paragraph shall not apply after the expiry of a period of four years commencing on either—

- (a) the day on which he first carries out work specified in regulation 6 in a school by virtue of this paragraph, or
- (b) the day on which he was first employed as a teacher in a school by virtue of paragraph 4 of Schedule 2 to the 1999 Regulations.

Teacher trainees who have yet to pass the skills tests

6.—(1) This paragraph shall apply in the case of a person over the age of 18 years, who is not a qualified teacher, and who—

- (a) is required to pass the teacher trainee skills tests in order to satisfy the specified standards; and
- (b) is a person who –
 - (i) would have been notified by the Secretary of State in accordance with paragraph 1(1)(b) of Schedule 3 to the 1999 Regulations, as being a person mentioned in paragraph 2, 7, 7A or 9 of Schedule 3 to those Regulations, or
 - (ii) is mentioned in paragraph 7, 9, or 10 of Schedule 2 to the 2003 Qualifications Regulations and would have been awarded qualified teacher status by the General Teaching Council for England in accordance with regulation 10 of those Regulations,

but for the fact that he has not passed all the teacher trainee skills tests.

(2) Such a person may carry out work specified in regulation 6 in a school (other than a pupil referral unit) provided that the aggregate of—

- (a) the period for which he carries out such work by virtue of this paragraph, for one or more than one authority or body, and
- (b) the period for which he has been employed by virtue of paragraph 4A of Schedule 2 to the 1999 Regulations by one or more than one authority or body,

does not exceed 5 years, or such longer period if any as may be approved in his case by the Secretary of State.

(3) In this paragraph—

- (a) the “specified standards” means such standards as may be specified from time to time by the Secretary of State as the standards required of a person who seeks to become a qualified teacher.
- (b) the “teacher trainee skills tests” means the literacy, numeracy and information and communications technology teacher trainee skills tests administered by or on behalf of the Teacher Training Agency.

Graduate teachers

7.—(1) This paragraph applies in the case of a person who has been granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations before 1st September 2002.

(2) Such a person may carry out work specified in regulation 6 in a school until that person successfully completes or ceases to undertake the training proposed by virtue of those paragraphs.

Registered teachers

8.—(1) This paragraph applies in the case of a person who has been granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations before 1st September 2002.

(2) Such a person may carry out work specified in regulation 6 in a school until that person successfully completes or ceases to undertake the training proposed by virtue of those paragraphs.

Employment-based teacher training scheme

9.—(1) This paragraph applies in the case of a person who is undertaking training for the purposes of the employment-based teacher training scheme.

(2) Such a person may carry out work specified in regulation 6 in a school until he successfully completes or ceases to undertake that training.

Other persons who may carry out specified work

10.—(1) This paragraph applies in the case of a person who is not a qualified teacher and who is not mentioned in paragraphs 2 to 9 of this Schedule.

(2) Such a person may carry out work specified in regulation 6 in a school only if the following conditions are satisfied –

- (a) he carries out work specified in regulation 6 in order to assist or support the work of a qualified teacher or a nominated teacher in the school;
- (b) he is subject to the direction and supervision of such a qualified teacher or nominated teacher in accordance with arrangements made by the head teacher of the school; and
- (c) the head teacher is satisfied that he has the skills, expertise and experience required to carry out work specified in regulation 6.

(3) In this paragraph a “nominated teacher” means a person who is mentioned in paragraph 4, 5, 6, 7, 8 or 9 of this Schedule and who is nominated by the head teacher where he considers that appropriate in the circumstances.

(4) In determining whether the person mentioned in sub-paragraph (1) has the skills, expertise and experience required to carry out work specified in regulation 6 in a school, the head teacher may have regard to—

- (a) such standards for higher-level teaching assistants, or guidance concerning school support staff as may be published from time to time by the Secretary of State; and

- (b) such guidance as to contractual matters relating to school support staff as may be published from time to time by any local education authority or other employer.

SCHEDULE 3

Regulation 7

EXCEPTIONS TO THE REQUIREMENT TO BE REGISTERED

1. A qualified teacher who has failed satisfactorily to complete an induction period in accordance with –

- (a) the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001(a) whose employment is subject to restriction under regulation 18(5) of those Regulations pending the outcome of an appeal; or
- (b) the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003(b) whose employment is subject to restriction under regulation 16(5) of those Regulations pending the outcome of an appeal,

is excepted from the requirement to register under regulation 7.

2. A qualified teacher who—

- (a) is eligible under the 1998 Act for registration;
- (b) on or after 1st June 2001 takes up—
 - (i) his first ever post as a qualified teacher at a school, or
 - (ii) his second or subsequent post as a qualified teacher at a school following a break in service of one school term or more as a qualified teacher at a school; and
- (c) before he took up that post made an application for registration which complied with the requirements for making such an application then in force under section 4(2)(a) and (b) of the 1998 Act,

is excepted from the requirement to register under regulation 7 for a period of four weeks starting on the date on which he takes up that post.

(a) S.I. 2001/2897 as amended by S.I. 2001/3938.
(b) S.I. 2003/543.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify work that may be carried out in schools by qualified teachers and persons who satisfy specified requirements. The requirements to be satisfied are specified in Schedule 2.

Schedule 2 to these Regulations provides for those persons who were formerly mentioned in Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999 (SI 1999/2166) to carry out specified work in schools. Paragraph 10 of Schedule 2 to these Regulations also provides for prescribed persons who are not qualified teachers to carry out specified work in schools if the conditions mentioned in that paragraph are satisfied.

Subject to the exceptions mentioned in Schedule 3, these Regulations also require qualified teachers carrying out work specified in regulation 6 in schools to be fully registered with the General Teaching Council for England.

STATUTORY INSTRUMENTS

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