1987 No. 266

EDUCATION

Teachers' (Eligibility) Regulations (Northern Ireland) 1987

Made	*25th June 1987*
Coming into operation . .	*1st August 1987*

The Department of Education, in exercise of the powers conferred on it by Articles 69(1) and (4), 70(1) and (2) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Teachers' (Eligibility) Regulations (Northern Ireland) 1987 and shall come into operation on 1st August 1987.

Revocation

2. The regulations specified in the Schedule are hereby revoked to the extent mentioned therein.

Interpretation

3. In these regulations—

"a full-time teacher" means a principal or a teacher appointed in a full-time capacity;

"managers" shall include in relation to a peripatetic teacher or a supply teacher the board which employs such a teacher;

"medical practitioner" has the same meaning as in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"recognised" means recognised by the Department;

"scale 1" means scale 1 as set out in Part I (*a*) and (*b*) of Schedule 1 to the Teachers' Salaries Regulations (Northern Ireland) 1984(**c**).

Application

4. These regulations shall apply to teachers in grant-aided schools and to peripatetic teachers and supply teachers.

Qualifications

5. Every person appointed as a teacher shall have such qualifications as may be approved by the Department.

(a) S.I. 1986/594 (N.I. 3): Article 70 was substituted by Article 8 of S.I. 1987/167 (N.I. 2)
(b) S.I. 1972/1265 (N.I. 14) as amended by 1983 c. 54 s. 56(1) and Schedule 5
(c) S.R. 1984 No. 350: relevant amending regulations are S.R. 1987 No. 252

Employment of teachers

6.—(1) Subject to paragraph (2) only recognised teachers shall be employed as teachers in a grant-aided school or as peripatetic teachers or supply teachers.

(2) Where managers satisfy the Department that they are unable to secure the services of a recognised teacher, they may temporarily employ a teacher who is not recognised.

Age requirements

7.—(1) Subject to paragraph (2) a person shall not be employed as a teacher before he attains the age of 20 years or after 31st August next following the date on which he attains the age of 65 years.

(2) A teacher born in the month of August who first entered reckonable service before 1st April 1972 may be employed up to and including the 31st July next following the date on which he attains the age of 65 years.

(3) In this regulation ''reckonable service'' has the same meaning as in the Teachers' Superannuation Regulations (Northern Ireland) 1977(**a**).

Health requirements

8.—(1) A person appointed as a teacher shall have the health and physical capacity for teaching.

(2) Subject to paragraph (3) the continued employment of a teacher shall be prohibited if the Department is satisfied that he has not the health or physical capacity for teaching.

(3) Where it appears to the Department that a teacher may no longer have the health or physical capacity for teaching—

(*a*) it may direct the managers to suspend his employment;

(*b*) it shall afford him an opportunity to submit medical evidence and make representations to it;

(*c*) it shall consider such evidence and representations and any other medical evidence available to it, including such evidence which has been furnished in confidence on the ground that it would be in the best interests of the person concerned not to see it;

(*d*) it may require him to submit himself for examination by a medical practitioner appointed by it and if without good cause he fails to submit himself for such examination or refuses to make available medical evidence or information sought by the medical practitioner, it may reach a decision in the matter on such evidence as is available to it.

Probation and recognition

9.—(1) A person recognised as a qualified teacher shall be required to serve a probationary period of three terms or six terms or such period as is equivalent to three terms or six terms.

(**a**) S.R. 1977 No. 260: relevant amending regulations are S.R. 1980 No. 305

(2) The probationary period of three terms referred to in paragraph (1) shall apply to a teacher who has successfully completed an approved course for the initial training of teachers and the probationary period of six terms shall apply to a teacher who has not successfully completed such a course.

(3) While a teacher is on probation his recognition shall be provisional.

(4) Unless the Department considers that it is necessary to defer a decision, it shall at the end of the period of probation referred to in paragraph (1) and of any period by which such period is extended under this paragraph confirm the teacher's recognition or extend his probation for a further period, or withdraw his recognition.

(5) If at the end of the period of deferment referred to in paragraph (4) the Department confirms the teacher's recognition, the date of confirmation of recognition shall be the date on which recognition would have been confirmed if the deferment had not taken place.

Eligibility for certain appointments

10.—(1) Subject to paragraph (2) a teacher shall not be eligible for appointment as a principal, vice-principal, second master, second mistress or senior teacher or to a post with a salary scale above scale 1 until he has satisfactorily completed a period of probation.

(2) The requirement in paragraph (1) shall not apply to the appointment of a principal to a nursery school or to the appointment of a teacher to a post in a secondary school.

Withdrawal of recognition

11.—(1) The Department may withdraw recognition from a teacher—

(*a*) on grounds of a person's misconduct (whether or not evidenced by his conviction of a criminal offence), or

(*b*) on educational grounds.

(2) On such grounds as are mentioned in paragraph (1) the Department may direct the managers who employ a teacher to suspend or terminate his employment.

(3) The Department shall not exercise its powers under paragraph (2) without first consulting the managers.

(4) Where the Department is considering exercising its powers under paragraph (1), or is considering exercising its powers under paragraph (2) to direct the managers who employ a teacher to terminate his employment—

(*a*) it shall afford the teacher concerned an opportunity to make representations to it, and

(*b*) it shall consider such representations and all other relevant information available to it.

(5) If a teacher's recognition is withdrawn the Department may provisionally restore recognition for a period of three terms or six terms or such period as is equivalent to three terms or six terms and during such period the teacher shall be on probation and at the end of such period the Department shall either confirm the teacher's recognition or withdraw it.