

1973. No. 403

[C]

EDUCATION

Secondary Schools (Grant Conditions)

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in pursuance of the powers vested in it by Articles 16, 56, 57, 58, 105 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations:—

Introductory

1.—(1) These Regulations may be cited as the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973.

(2) These Regulations shall have effect from 1st October 1973.

2. The Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1965(b) are hereby revoked.

3. In these Regulations—

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"controlled school" means a grant-aided school under the management of a board;

"Group A voluntary school" means a grammar school which before 18th January 1951 elected to be classified as a Group A voluntary school or which has been subsequently so classified by the Ministry;

"Group B voluntary school" means a grammar school which before 18th January 1951 elected to be classified as a Group B voluntary school and has not been subsequently reclassified;

"maintained school committee" means a committee appointed by a board under Part I of Schedule 5 to the Order;

"preparatory department" means the part of a grammar school in which primary education is provided;

"qualified pupil" has the meaning assigned to it in the Grammar Schools (Admissions and Scholarships) Regulations (Northern Ireland) 1973(c);

"recognised" means recognised by the Ministry;

"Salaries Regulations" means the Regulations in force relating to the salaries of teachers in secondary schools;

(a) S.I. 1972, No. 1263 (N.I. 12).

(b) S.R. & O. (N.I.) 1965, No. 64; 1966, Nos. 49, 121 and 156; 1967, Nos. 191 and 316; 1968, Nos. 149 and 178; 1969, No. 178; 1970, No. 149; 1972, No. 164; 1973, No. 290.

(c) S.R. & O. (N.I.) 1973, No. 427.

“salary” includes any allowances payable under the Salaries Regulations and any compensation allowance payable under the Regulations in force relating to the payment of compensation allowances to teachers in Secondary Schools;

“school” means any recognised secondary school including (except where otherwise stated) a technical intermediate school;

“school authorities” means, in the case of a controlled school, the board and, in the case of a voluntary school, the Governing Body of the school or the maintained school committee;

“school year” means the year beginning on 1st August and ending on 31st July;

“secondary department” means the part of a grammar school in which secondary education is provided;

“voluntary school” means a grant-aided school other than a controlled school.

4. These Regulations prescribe the conditions which shall be satisfied by a school in order that grant may be payable in respect thereof under the Order and by a teacher in order that he may be recognised by the Ministry.

General conditions

5.—(1) In order to be recognised a school shall comply with the requirements imposed on it by or under the Order.

(2) Recognition of a new school, or the continued recognition of an existing school, shall depend upon the maintenance of such average enrolment of pupils as the Ministry may determine.

6. A school shall be kept on a satisfactory level of efficiency.

7. A school shall not be used for political meetings, the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary, Northern Ireland Assembly or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

Management

8. A copy of the approved scheme of management shall be deposited with the Ministry and no variation of or departure from the provisions of the scheme shall be made without the approval of the Ministry.

Curriculum, time-table, attendance of pupils and size of classes

9.—(1) The instruction to be given in a school shall be determined by the school authorities with due regard to the ages, abilities and aptitudes of the pupils, and the curriculum, syllabus and time-table shall be subject to the approval of the Ministry.

(2) The Ministry may prohibit the use in a school of any book of which it does not approve.

10.—(1) Subject to the provisions of the Order and of these Regulations, the arrangements for collective worship and religious instruction in a school shall be under the control of the school authorities.

(2)(a) The time at which collective worship is held, and the time or times during which religious instruction is given, in a school, shall be clearly shown on the time-table of the school.

(b) The time or times during which religious instruction is given or collective worship is held in a school shall be so arranged as to cause as little inconvenience as possible to any pupils attending the school who, in pursuance of paragraph (5) of Article 16 of the Order, have been excused from attendance at such religious instruction or collective worship.

(3) In all schools there shall be set apart for the purpose of religious instruction at least three periods within each week:

Provided that in the case of a class composed wholly or mainly of pupils following a course leading to an examination for the General Certificate of Education the number of periods within each week may be reduced to two.

(4) A board shall, if so requested by the minister in charge of any church or other place of worship in the vicinity of any school under the control of the board, communicate to him the names of any pupils attending the school who are, or are stated to be, of the same religious denomination as that minister.

11.—(1) A school shall be in operation for three terms in any school year; the first term shall end in December, the second in March or April and the third in June or July.

(2) Subject to the provisions of paragraphs (4) and (5) a school shall be in operation during the school year for at least 200 days (exclusive of Sundays) of which not more than five days may be counted in any one week from Sunday to Saturday inclusive.

(3) Subject to the provisions of Regulation 12 the dates of school holidays shall be determined by the school authorities.

(4) A school may at the discretion of the school authorities be closed for a number of optional holidays, not exceeding ten days in any school year, and such optional holidays may be counted as days when the school is in operation for the purposes of paragraph (2).

(5) In exceptional circumstances the Ministry may sanction a reduction in the number of days prescribed in paragraph (2).

12.—(1) In this Regulation "school" does not include a grammar school.

(2) The dates of school holidays, other than optional holidays, shall in the case of voluntary schools be subject to the approval of the board for the area in which the school is situated.

(3) Not later than 31st March in any year the principal of every voluntary school shall furnish to the board, in such form as the board may prescribe, a statement of the dates on which it is proposed that the school will be closed in the ensuing school year, including (so far as is known at that time) the dates of optional holidays.

(4)(a) The board's approval to proposals for school holidays, as submitted in accordance with paragraph (3), shall not be unreasonably withheld and the board shall take into account any representations made by or on behalf of the school authorities.

(b) In the event of the board being unwilling to approve the proposals for holidays submitted in accordance with paragraph (3) (or any amended proposals submitted after consultation between the board and the school authorities) the board shall determine the dates of such holidays and shall notify the school authorities of its decision.

(c) If the school authorities are unwilling to accept the decision of the board about the dates of holidays they may, within fourteen days of receipt of the notification referred to in the preceding sub-paragraph, refer the matter to the Ministry for final determination.

13. The Ministry may require that such of the Regulations relating to the registration and attendance of pupils as it may from time to time direct shall be complied with in the case of pupils who are over compulsory school age and in respect of all pupils (including pupils of compulsory school age) the school authorities shall keep such records and furnish such returns as the Ministry may deem necessary.

14.—(1) Subject to the following provisions of this Regulation an attendance shall mean an attendance on any day under instruction, other than in religious education, for a period of not less than—

(a) 3 hours in the case of a pupil enrolled in a class composed wholly or mainly of pupils who, at the commencement of the school year, had not attained the age of 8 years;

(b) 4½ hours in the case of any other pupil:

Provided that—

(i) on a day on which arrangements are in the time-table for a half holiday the attendance of any pupil under instruction, other than in religious education, for not less than two hours may be reckoned as an attendance;

(ii) the provisions of this Regulation shall not apply if the Ministry so approves in the case of pupils for whom educational instruction of a special nature is being provided.

(2) The minimum time constituting an attendance may include any time occupied by a pupil—

(a) in undergoing inspection or treatment under arrangements for medical and dental inspection, etc., of school children and young persons;

(b) in attending an examination;

(c) in any other manner approved by the Ministry.

(3) In the case of a pupil to whom the provisions of sub-paragraph (b) of paragraph (1) apply an attendance shall be made in two sessions separated by a period of not less than half an hour.

15. The number of pupils under instruction together by one teacher shall not, without the approval of the Ministry, exceed—

(a) 20 for a class in a practical subject;

(b) 35 for a class in any other subject.

Appointment and recognition of teachers

16.—(1) Subject to the provisions of Regulation 33(1) a full-time teacher is—

- (a) a principal; or
- (b) a teacher appointed in a full-time capacity and engaged for at least 25 hours per week in school duties of which not less than 20 hours are devoted to class instruction in subjects of the approved time-table:

Provided that the requirement as to the number of hours of class instruction may be modified to such extent and in such circumstances as may be approved by the Ministry.

- (2) A part-time teacher is a teacher who is not a full-time teacher.

17. Every full-time teacher will be required to satisfy the Ministry of his health and physical capacity for teaching.

18. As a condition of recognition as a qualified teacher the following qualifications or others adjudged by the Ministry to be equivalent are required:—

- (a) an approved university degree; or
- (b) completion of an approved course of training; or
- (c) an approved diploma or certificate:

Provided that—

- (i) any teacher granted recognition under the Further Education (Grant Conditions) Regulations who is declared redundant by a board because of reorganisation of the institution of further education (including a technical intermediate school) in which he is employed may, at the discretion of the Ministry, be granted recognition; and
- (ii) in the case of qualifications obtained after 31st December 1973, which do not contain an element of professional training acceptable to the Ministry, completion of an approved course of training shall also be required.

19. Where the Ministry is satisfied that school authorities are unable to secure the services of a teacher who possesses the qualifications required for recognition as a qualified teacher it may, under approved arrangements, sanction the temporary employment of a person who does not possess the required qualifications.

20. A teacher shall not engage in any activities which in the opinion of the school authorities or of the Ministry would interfere with the proper discharge of his duties as a teacher.

21. A full-time teacher shall not be employed before he attains the age of 20 years or after the 31st July next following the date on which he attains the age of 65 years, except for limited periods in cases where there are special circumstances and the Ministry so approves.

22.—(1)(a) Subject to the provisions of paragraph (2) a teacher who is recognised as a qualified teacher shall be on probation for an initial period of three terms or six terms or such period or periods as the Ministry considers equivalent to three terms or six terms respectively. While a teacher is on probation his recognition shall be provisional.