EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

Under this Order subsidies to local authorities, the Northern Ireland Housing Trust and housing associations are revised (upwards) in respect of houses for which tenders are submitted to the Ministry for approval, or accepted by the Trust or housing associations, after 31st March, 1965.

1965. No. 64 **[C]**

EDUCATION

Secondary Schools (Grant Conditions)

REGULATIONS, DATED 6TH APRIL, 1965, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1963, WITH THE APPROVAL OF THE MINISTRY OF FINANCE.

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by Sections 84, 104 and 112 of the Education Act (Northern Ireland) 1947(a) (hereinafter referred to as "the Act") 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) 1965, and shall come into operation on 1st August, 1965.

(2) In these Regulations—

"approved" means approved by the Ministry for the purposes to which the context relates;

"recognised" means recognised by the Ministry;

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

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

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

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

"school authorities" means the local education authority in the case of a county school and the managers in the case of a voluntary school;

"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;

(a) 1947. c. 3.

"qualified pupil" has the meaning assigned to it in the Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations (Northern Ireland) 1953(a).

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

General Conditions

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

(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.

4. A school shall be kept on a satisfactory level of efficiency and shall be open to inspection by officers of the Ministry.

Management

5. 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

6.—(1) The instruction to be given in a school shall be determined 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.

7.—(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 paragraph (4) and paragraph (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 8 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).

8.—(1) In this Regulation the expression "school" does not include a grammar school.

(a) S.R. & O. (N.I.) 1953, No. 70; S.R. & O. (N.I.) 1959, No. 112; S.R. & O. (N.I.) 1960, No. 52; S.R. & O. (N.I.) 1963, No. 143.

(2) The dates of school holidays, other than optional holidays, shall in the case of voluntary schools be subject to the approval of the local education authority 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 local education authority, in such form as the authority 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 local education authority's approval to proposals for holiday closings, as submitted in accordance with paragraph (3), shall not be unreasonably withheld and the authority shall take into account any representations made by or on behalf of the managers of a voluntary school.

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

(*c*) If the managers of a voluntary school are unwilling to accept the decision of the local education authority about the dates of closing 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.

9.—(1) The Ministry may require that such of the Regulations made under section 75 of the Act 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.

(2) 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 Ministry may approve the modification of this Regulation in the case of a pupil for whom educational instruction of a special nature is being provided.

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

(*a*) in undergoing inspection or treatment under a scheme of school medical service;

(*b*) in attending an examination;

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

(4) In the case of a pupil to whom the provisions of sub-paragraph (*b*) of paragraph (2) applies an attendance shall be made in two sessions separated by a period of not less than half an hour.

10. The number of pupils under instruction together by one teacher shall not, without sanction 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

11.—(1) Subject to the provisions of Regulation 28(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—

(i) if a teacher is employed in class instruction for at least 10 hours per week and also performs approved duties of a secretarial or administrative character in connexion with the school, half the time spent by him weekly in such secretarial or administrative duties may be reckoned as time spent in class instruction for the purposes of this Regulation;

(ii) the Ministry may relax sub-paragraph (*b*) in the case of a teacher who is performing the duties of a principal during the principal's absence, or in other special circumstances, if it is satisfied that such relaxation is desirable having regard to the duties which the teacher is expected to perform.

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

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

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

(i) an approved university degree; or

(ii) completion of an approved course of training; or

(iii) an approved diploma or certificate:

Provided that any teacher granted recognition under the Further Education (Grant Conditions) Regulations who is declared redundant by a local education authority 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.

14. A recognised teacher shall be entitled to teach such subject or subjects as the Ministry may from time to time determine in each case.

15. Where school authorities desire that a recognised teacher shall give instruction in a subject or subjects which he is not entitled to teach under Regulation 14, the Ministry may sanction such an arrangement, subject to any conditions which it may consider necessary.

16. Where the Ministry is satisfied that school authorities are unable to secure the services of a teacher who is eligible for recognition the appointment of a person who is not so eligible may be sanctioned and such person may be permitted to teach for a limited period as an unqualified teacher such subjects as the Ministry may determine.

17. 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.

18. 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.

19.—(1) 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 six terms or such period or periods as the Ministry considers equivalent to six terms. While a teacher is on probation his recognition shall be provisional.

(2) If a teacher has previous teaching experience, or in special circumstances, the Ministry may waive probation in whole or in part.

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

(4) If a decision is deferred under paragraph (3) but at the end of the period of deferment the Ministry confirms the teacher's recognition, the Ministry shall determine from what date recognition would have been confirmed if the decision had not been deferred, and the teacher's recognition shall be deemed to have been confirmed from that date.

20. If a teacher's recognition is withdrawn the Ministry may in special circumstances provisionally restore his recognition for such period and subject to such conditions as it may determine. During such period the teacher shall be on probation and at the end of such period the Ministry shall either confirm the teacher's recognition, or withdraw it.

21. The Ministry may, before confirming recognition, or at any time as a condition of continued recognition, require a teacher to attend further courses of study or to comply with such other conditions as it may determine.

22. The Ministry may refuse or withdraw the recognition of a teacher on the grounds of misconduct or inefficiency.

Salaries of teachers

23. The scales of salaries and allowances for teachers and the conditions for admission to such scales of salaries and for the granting of such allowances shall be those prescribed from time to time by the Ministry and teachers shall be remunerated at rates not lower than the appropriate rates determined in accordance therewith.