

Subject:**EMPLOYMENT OF TEACHERS****Circular Number:**

1997/14

Date of Issue:

27 August 1997

Audience:

- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Boards of Governors and Principals of grant-aided schools;
- Colleges of Education; and
- University Education Departments.

Summary of Contents:

This Circular announces changes from 1 September 1997 to the law regulating the eligibility of persons to be employed as teachers.

It does not constitute an authoritative legal interpretation of the Teachers (Eligibility) Regulations (NI) 1997.

Enquiries:

Any enquiries about the contents of this Circular should be addressed to the relevant employing authority.

Status of Contents:

Action by Boards of Governors and
Employing Authorities.

Information for Principals, Vice-
principals and Teachers.

Related Documents:

Not Applicable

Expiry Date:

Not applicable

DENI Website:

<http://www.deni.gov.uk>

EMPLOYMENT OF TEACHERS

1. This circular announces changes from 1 September 1997 to the law regulating the eligibility of persons to be employed as teachers which:

- end the requirement for new teachers to successfully serve a probationary period before being fully recognised by the Department as eligible to teach;
- limit the period of appointment of a person who is not eligible to teach;
- require an employing authority to provide the Department with information about any teacher it has dismissed on the grounds of misconduct or would have considered dismissing but for the person's resignation; and
- relinquish the Department's use of its sanction to withdraw a teacher's eligibility to teach on educational grounds.

2. This circular does not constitute an authoritative legal interpretation of the provisions of the Teachers' (Eligibility) Regulations (Northern Ireland) 1997; that is exclusively a matter for the Courts. Copies of the Regulations may be obtained from the Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD price £1.75.

Ending of Probation

3. New competence- based courses of initial teacher training were introduced from September 1996 which place a renewed emphasis on practical preparation, including a higher proportion of school-based experience, whilst retaining the same academic rigour. The courses are based on a profile of specific professional competence's which ensure greater clarity in what is expected of each student at each stage of training and greater consistency within and across courses. The progressive acquisition of competence's is monitored and recorded by means of formative and career entry profiling.

4. Accordingly, a student is judged to have demonstrated the necessary competence's to begin teaching when awarded a BEd or PCCE by a training institution. Subsequently, the newly qualified teacher receives a period of induction and support through the Education and Library Boards' co-ordinated induction programme. In addition, the Northern Ireland Teacher Education Committee has work in hand to develop a more comprehensive programme of early professional development, incorporating the induction year and the two subsequent years, so that new teachers can further develop their professional competence.

5. In all of these circumstances, the requirement to serve a probationary period before a new teacher is fully recognised by the Department as eligible to teach is no longer necessary. For transitional purposes, those teachers who are due to finish probation before 1 September 1997 will complete the process.

Arrangements for Confirming Eligibility to Teach

6. Past practice has been to issue a teacher reference number when a newly qualified teacher is first appointed to a school. From now on, each newly qualified teacher applies to the Department's Teachers' Administration and Salaries Branch, Waterside House, 75 Duke Street, Londonderry, BT47 1FP, using the form available from their teacher training institution, as soon as they have been awarded an approved teaching qualification (see DENI Circular 1997/11). The Department will then issue teacher reference numbers and send a letter, in the period between graduation and the start of the new school year to those who satisfy the age and health requirements, confirming that they are eligible to teach.

7. Persons who obtain their teaching qualifications outside Northern Ireland should write to the Department's Teachers' Administration and Salaries Branch giving details of their qualifications.

Health Requirements

8. In confirming eligibility to teach, the Department will continue to accept the initial teacher training institutions' formal statements that their newly qualified students satisfy the health requirements.

9. Where it appears reasonable to an employing authority (the relevant Education and Library Board, the Council for Catholic Maintained Schools or the Board of Governors in the case of grant-maintained and voluntary schools) to do so on a teacher's first appointment, it too may accept the formal statement. However, as an employing authority cannot employ a person as a teacher unless it is satisfied that the health requirements are met, it can decide what is reasonable evidence and choose to obtain a separate health declaration, for example, where the time between qualifying and taking up teaching is longer than usual.

10. The Department has provided employing authorities with notes of guidance on the health requirements that can be used by their medical advisers.

11. Where an employing authority considers that a teacher may no longer meet the health and physical capacity requirements, it may require him or her to attend a medical examination. It must, however, give the teacher an opportunity to submit medical evidence and to make representations to it. If, without good cause, the teacher fails to attend, or refuses to make available medical evidence or information sought by the medical practitioner, the employing authority may reach a conclusion in the matter. It may also suspend the teacher's employment. Paragraph 15 explains the position where the health requirements are not met.

The Appointment of Persons who are Not Eligible to Teach

12. As occasions arise when it is not possible for a school to get a substitute teacher at short notice, this is the one exception to the regulation that only persons eligible to teach shall be employed as teachers in grant-aided schools or as peripatetic teachers.

13. In such circumstances, the law now requires a Board of Governors to satisfy its employing authority within three days of appointing a person who is not eligible to teach, that it is unable to appoint an eligible teacher. Each employing authority will notify its schools of the person to contact. In the case of grant - maintained and voluntary schools, the Board of Governors is the employing authority.

14. In all cases the appointment is normally limited to a period of four weeks.

Prohibition or Restriction of Employment as a Teacher

15. A teacher must continue to meet the health and physical capacity requirements as well as maintaining professional standards of work and conduct. Where a person no longer has the health or physical capacity to teach, the Department may prohibit or restrict their employment or further employment as a teacher and direct an employing authority to suspend or terminate a teacher's employment. The Department must first consult the employing authority and give the teacher an opportunity to make representations.

16. The same provisions apply to cases of serious misconduct, whether or not evidenced by conviction of a criminal offence. There is also a new provision requiring an employing authority to inform the Department about any teacher it has dismissed on grounds of misconduct or would have considered so doing but for the teacher's resignation.

17. Several years ago, the Department ceased to use its legal power to prohibit or restrict a teacher's employment on educational grounds where the teacher's work was unsatisfactory. Such cases are now dealt with by each employing authority under employment law, where dismissal is warranted following a programme of support and training.

Cancellation of Circulars

18. The following DENI Circulars are cancelled:

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| 1987/37 | Eligibility for Employment as a Teacher. |
| 1988/33 | Teachers' (Eligibility) (Amendment) Regulations (Northern Ireland) 1988 |
| 1988/39 | Probationer Teachers in Primary Schools. |
| 1990/35 | Paragraph 4c - Employment and Remuneration of Part-Time Teachers in Grant-Aided Schools. |
| 1992/33 | Probationer Teachers (in so far as it refers to teachers in grant-aided schools). |

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