1953 No. 1156

The School Health Service and Handicapped Pupils Regulations, 1953

Made - - - -	*27th July*, 1953
Laid before Parliament	*28th July*, 1953
Coming into Operation	*4th August*, 1953

The Minister of Education in exercise of the powers conferred upon her by Sections 33, 69 and 100 of the Education Act, 1944(a), hereby makes the following Regulations:—

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PART I.—INTRODUCTORY

1.—(1) These Regulations may be cited as the School Health Service and Handicapped Pupils Regulations, 1953, and shall come into operation on the 4th day of August, 1953.

(2) In these Regulations unless the context otherwise requires—

(*a*) "the Act" means the Education Act, 1944, as amended by any later enactment;

"the Minister" means the Minister of Education;

"Inspector" means one of Her Majesty's Inspectors or any other person employed by the Minister for the purpose of inspection;

(a) 7 & 8 Geo. 6. c. 31.

" Authority " means Local Education Authority ;

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

" recognised " means recognised by the Minister for the purposes of payment of grant ;

" educational year " means the period of twelve months beginning with 1st August in any year ;

" handicapped pupils " means pupils falling within one or more of the categories of pupils defined by Regulation 14 as requiring special educational treatment ;

" disabled persons " means persons who suffer from any disability of mind or body and who by reason of such disability require training in preparation for employment ;

" establishment " means an establishment for the further education and training of disabled persons ;

" maintained boarding home " and " maintained special school " mean respectively a boarding home or special school maintained by an Authority ; and " non-maintained boarding home " and " non-maintained special school " mean respectively a boarding home or special school not so maintained ;

" ordinary school " means a school which is not a special school ; and

(*b*) other expressions which have meanings assigned to them by the Act shall have the same respective meanings for the purposes of these Regulations.

(3) The Interpretation Act, 1889(a), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(4) The Minister shall determine any question as to whether any condition imposed by these Regulations for the approval of a special school or for payment of grant is fulfilled or as to the amount of any grant payable.

2.—(1) These Regulations:—

(*a*) in so far as they are made under Section 33 of the Act—

(i) define the several categories of pupils requiring special educational treatment for their Primary and Secondary education and provide as to the special methods appropriate for the education of pupils of each category ; and

(ii) provide as to the requirements to be complied with by any school as a condition of approval of the school as a Special School and as to the withdrawal of approval from any school which fails to comply with the provisions so prescribed ;

(*b*) in so far as they are made under Section 69 of the Act, provide as to the conduct of medical examinations and medical inspections for the purposes of the Act ; and

(*c*) in so far as they are made under Section 100 of the Act, determine the conditions which shall be fulfilled in order that grant may be payable in respect of—

(i) a Special School ;

(a) 52 & 53 Vict. c. 63.

(ii) the provision of special educational treatment for handicapped pupils otherwise than in Special Schools ;

(iii) an Establishment ; and

(iv) expenditure incurred by Authorities in exercise of their functions relating to the medical inspecton and medical and dental treatment of pupils.

(2) The Regulations which have hitherto provided for the matters aforesaid are hereby revoked, that is to say the Handicapped Pupils and School Health Service Regulations, 1945(a), the Handicapped Pupils and School Health Service Amending Regulations No. 1, 1946(b), and the Handicapped Pupils and School Health Service Amending Regulations No. 2, 1949(c), but such revocation shall not affect the operation of those Regulations in relation to any period before the date on which these Regulations come into operation.

PART II.—SCHOOL HEALTH SERVICE: CONDUCT OF MEDICAL EXAMINATIONS AND INSPECTIONS ; CONDITIONS FOR RECOGNITION OF EXPENDITURE ON MEDICAL INSPECTION AND MEDICAL AND DENTAL TREATMENT

3. The provisions of this Part of these Regulations—

(*a*) in so far as they are made under Section 69 of the Act, prescribe the conduct of medical examinations and medical inspections for the purposes of the Act ; and

(*b*) in so far as they are made under Section 100 of the Act, prescribe the conditions to be fulfilled and the requirements to be complied with in order that expenditure incurred by Authorities in the exercise of their functions relating to the medical inspection and medical and dental treatment of pupils may be recognised.

4. With a view to the performance of their functions with respect to the medical examination, medical inspection, and medical and dental treatment of pupils, every Authority shall establish for their area a service, hereinafter called " the School Health Service ".

5. The Authority shall appoint an officer to be called " the Principal School Medical Officer " who shall be responsible to the Authority for the efficient discharge of their functions in relation to the health and well-being of the pupils who are within the scope of the School Health Service.

6. The Authority shall appoint an officer to be called " the Principal School Dental Officer " who shall be responsible to the Principal School Medical Officer for the efficient conduct of such of the work of the School Health Service as relates to the dental inspection and dental treatment of pupils, and the work for which the Principal School Dental Officer is responsible is hereinafter called " the School Dental Service ".

7. The Authority shall also appoint to the staff of the School Health Service such other medical and dental officers, nurses, and other persons as may be necessary for the efficient conduct of that Service.

8.—(1) The Authority's arrangements for their School Health Service and the premises used for that Service shall be open to inspection by any person appointed for that purpose by the Minister.

(a) S.R. & O. 1945/1076; Rev. VI, p. 350; 1945 I, p. 316.
(b) S.R. & O. 1946/1290; Rev. VI, p. 366; 1946 I, p. 428.
(c) S.I. 1949/1933; 1949 I, p. 1514.

(2) When making their arrangements aforesaid, the Authority shall have regard to other services in their area relating to health and education and shall secure that their School Health Service is in harmony with such other services.

9. Premises used for the School Health Service shall be kept in a proper state of repair, cleanliness and hygiene.

10.—(1) The arrangements made by the Authority for the medical (including dental) inspection of pupils attending schools maintained by the Authority shall ensure—

(*a*) a general medical inspection of every pupil on not less than three occasions at appropriate intervals during the period of his compulsory school age and other medical inspections of any pupil on such occasions as may be necessary or desirable:

Provided that there may be fewer than three general medical inspections for any pupil who attends schools maintained by the Authority for less than the period of his compulsory school age or, if the Minister approves, for all pupils ;

(*b*) a dental inspection of every pupil who is admitted for the first time to a maintained school as soon as possible after admission and on such later occasions as may be practicable and necessary ; and

(*c*) that the attention paid to the general health and welfare of any pupil who is suffering from a disability of mind or body shall include particular attention to his disability.

(2) So far as practicable, the parent of every day pupil shall be given the opportunity of being present at any general medical inspection and first dental inspection of his child.

(3) Medical and dental records in approved form shall be kept for every pupil attending a maintained school.

11. Every Medical Officer employed by an Authority to enable them to ascertain which children shall be sent to special schools for educationally sub-normal children shall have been approved for the purpose of such employment, and every Medical Officer who has been so approved may be employed for that purpose by any Authority while he continues to be so approved.

12. Every nurse employed by the Authority for the purposes of the School Health Service shall possess the qualifications prescribed for a Health Visitor by the National Health Service (Qualifications of Health Visitors and Tuberculosis Visitors) Regulations, 1948(**a**), or by any Regulations amending those Regulations:

Provided that the requirements aforesaid may be dispensed with—

(*a*) in the case of any nurse employed by a former Authority before the 1st April, 1945 ;

(*b*) in the case of any nurse employed solely in a school clinic, or on duties of a specialist character ;

(*c*) if failure to comply therewith is due to unavoidable lack of qualified nurses ; or

(*d*) in any other case if the Minister thinks fit, in which case the Minister may impose such other conditions as she thinks suitable.

(**a**) S.I. 1948/1415; Rev. XV, p. 767; 1948 I, p. 2170.

13. As soon as possible after the end of each calendar year the Authority shall submit to the Minister in respect of that year a report by their Principal School Medical Officer on the health and well-being of pupils in his care and of the work of himself and his staff in relation thereto, including a report on the School Dental Service by the Principal School Dental Officer.

PART III.—CATEGORIES OF HANDICAPPED PUPILS AND SPECIAL EDUCATIONAL TREATMENT

14. The several categories of pupils requiring special educational treatment are hereby defined as follows:—

(*a*) Blind Pupils, that is to say, pupils who have no sight or whose sight is or is likely to become so defective that they require education by methods not involving the use of sight.

(*b*) Partially Sighted Pupils, that is to say, pupils who by reason of defective vision cannot follow the normal regime of ordinary schools without detriment to their sight or to their educational development, but can be educated by special methods involving the use of sight.

(*c*) Deaf Pupils, that is to say, pupils who have no hearing or whose hearing is so defective that they require education by methods used for deaf pupils without naturally acquired speech or language.

(*d*) Partially Deaf Pupils, that is to say, pupils who have some naturally acquired speech and language but whose hearing is so defective that they require for their education special arrangements or facilities though not necessarily all the educational methods used for deaf pupils.

(*e*) Educationally Sub-Normal Pupils, that is to say, pupils who, by reason of limited ability or other conditions resulting in educational retardation, require some specialised form of education wholly or partly in substitution for the education normally given in ordinary schools.

(*f*) Epileptic Pupils, that is to say, pupils who by reason of epilepsy cannot be educated under the normal regime of ordinary schools without detriment to themselves or other pupils.

(*g*) Maladjusted Pupils, that is to say, pupils who show evidence of emotional instability or psychological disturbance and require special educational treatment in order to effect their personal, social or educational readjustment.

(*h*) Physically Handicapped Pupils, that is to say, pupils not suffering solely from a defect of sight or hearing who by reason of disease or crippling defect cannot, without detriment to their health or educational development, be satisfactorily educated under the normal regime of ordinary schools.

(*i*) Pupils suffering from Speech Defect, that is to say, pupils who on account of defect or lack of speech not due to deafness require special educational treatment.

(*j*) Delicate Pupils, that is to say, pupils not falling under any other category in this Regulation, who by reason of impaired physical condition need a change of environment or cannot, without risk to their health or educational development, be educated under the normal regime of ordinary schools.

15. A handicapped pupil for whose education at school arrangements are made by the Authority shall be educated:—

(*a*) if he is blind or deaf, whether or not he also falls within some other category of handicapped pupils, in a special school unless the Minister otherwise approves;

(*b*) if he is not blind or deaf, in a special school or an ordinary school as may be appropriate in his case.

16. The special educational treatment to be provided for every handicapped pupil attending an ordinary school under arrangements made by the Authority shall be appropriate to his disability.

PART IV.—BOARDING ARRANGEMENTS FOR HANDICAPPED PUPILS OTHERWISE THAN IN BOARDING SCHOOLS

17. An Authority shall not, without the approval of the Minister, establish any maintained boarding home for handicapped pupils or discontinue the maintenance of such a home.

18. The Minister may approve for the accommodation of handicapped pupils any non-maintained boarding home conducted by persons other than an Authority and any fees to be charged to Authorities in respect of handicapped pupils sent by them to the boarding home.

19. The Minister, when approving any maintained or non-maintained boarding home, may impose conditions as to the number, age-range, sex or category of handicapped pupils to be boarded therein, or otherwise.

20. Every approved maintained or non-maintained boarding home shall be open to inspection by an Inspector and its premises shall conform as closely as the Minister thinks practicable with the Regulations made from time to time by the Minister under Section 10 of the Act.

21. Proposals to provide new premises for an approved maintained or non-maintained boarding home, or to alter, add to, or enlarge the existing premises of such a home shall require the approval of the Minister unless the Minister otherwise directs.

22. An Authority who are responsible for boarding a handicapped pupil in a non-maintained boarding home which has not been approved or in the residence of a foster parent shall satisfy themselves that the home or residence is suitable for the child and make satisfactory arrangements for visits to be made to the home or residence before the admission of the child and regularly thereafter.

23. The Authority shall ensure that adequate arrangements are made for the medical and dental care of any handicapped pupil boarded by them in a maintained or non-maintained boarding home or in the residence of a foster parent.

24.—(1) Provision shall be made for every pupil, for whom boarding arrangements are made under this Part of these Regulations, so far as practicable, to attend religious worship and receive religious instruction in accordance with the wishes of his parent.

(2) No such pupil shall be required to attend such worship or receive such instruction contrary to the wishes of his parent.

PART V.—CONDITIONS AS TO APPROVAL AND RECOGNITION TO BE FULFILLED BY MAINTAINED SPECIAL SCHOOLS

25. The provisions of this Part of these Regulations prescribe the conditions to be fulfilled by any maintained special school (in this Part called " the school ") in order that it may be approved for the purposes of Section 33 of the Act and recognised for the purposes of payment of grant under Section 100 of the Act.

26. The school shall comply with the requirements imposed on it by or under the Act and if it does not so comply approval or recognition may be withdrawn.

27. An Authority shall not, without the approval of the Minister, establish a school or discontinue the maintenance of a school.

28. The school shall be kept on a satisfactory level of efficiency.

Premises and Organisation

29. Proposals to provide new premises for the school or to alter its existing premises and the plans and estimates of the cost thereof shall require the approval of the Minister before work is begun unless the Minister otherwise directs.

30. Without prejudice to the general requirement of Regulation 26, the premises of the school shall be kept in a proper state of repair, cleanliness and hygiene, and adequate arrangements shall be made for the safety of the pupils and staff in case of fire.

31. The school shall be organised for the purpose of providing special educational treatment suitable for handicapped pupils of such number, category, age and sex as the Minister may approve, and for the purpose of such approval the Minister will consider whether the number of pupils will ensure economical and effective organisation and whether the school shall provide for one or more categories of pupils, for the whole or part of their school life, and for either sex or both sexes.

32. The curriculum of the school shall be suited to the age, ability and aptitude of the pupils in attendance thereat, with particular regard to their disability of mind or body.

33.—(1) No pupil shall be admitted to the school or retained in it unless it is suitable for him having regard to his age and sex and to the nature of his handicap, except that, in case of doubt whether a school is suitable for him, a pupil may be admitted for a period of trial.

(2) The number of pupils on the register of the school shall not exceed the number for which the school is approved.

Size of Classes

34. The number of pupils on the register of any class shall not exceed the maximum herein prescribed for that class, that is to say—

(*a*) for a class of deaf or partially deaf pupils or of pupils suffering from speech defect, ten pupils ;

(*b*) for a class of blind, partially sighted or maladjusted pupils, fifteen pupils ;

(*c*) for a class of educationally sub-normal, epileptic or physically handicapped pupils, twenty pupils ; and

(*d*) for a class of delicate pupils, thirty pupils :

Provided that a class may exceed the prescribed maximum if—

(i) the Minister is satisfied that every effort is being made to comply with the requirement as to the prescribed maximum and that failure to do so is due to causes beyond the control of the Authority ; or

(ii) compliance with the requirement as to the prescribed maximum would interfere unduly with the efficient conduct of the school and the average number for all the classes of the school would not exceed that maximum.

Admission, sessions and attendances

35. A pupil shall not be refused admission to or excluded from the school on other than reasonable grounds.

36.—(1) The educational year shall be divided into terms being not more than three in number in the case of a boarding school and not more than four in number in the case of a day school, and amounting in the aggregate, except for some unavoidable cause, to a period of not less than 200 days:

Provided that the Minister may in exceptional circumstances approve more than three terms or four terms as the case may be in the educational year.

(2) On any day as aforesaid there shall be not less than three hours of secular instruction for a school or class for pupils mainly under the age of eight or not less than four hours of such instruction for a school or class for pupils mainly over that age, and such instruction shall be distributed between two sessions:

Provided that:—

(i) for a school which meets on six days in the week, one such day need include only one session comprising half the period of secular instruction prescribed as aforesaid ; and

(ii) in the case of any school which would otherwise be required to meet for two sessions on any day, the full period of secular instruction prescribed as aforesaid may be given in one session if there are exceptional circumstances which justify that course.

(3) In addition to the normal holiday periods of a school, mid-term or other occasional holidays during term time may be granted to such an extent as shall not be inconsistent with the requirements of paragraph (1) of this Regulation:

Provided that holidays so granted, to the extent of not more than ten days in the educational year, may be counted as days on which the school meets.

(4) In calculating any period for the purposes of paragraph (2) of this Regulation, the necessary time for recreation and any part of the school hours occupied by the medical examination, medical inspection and medical and dental treatment of pupils may be included.

37. Leave of absence shall not be granted to enable a pupil to take holidays during term time:

Provided that, if a parent of a pupil desires the pupil to accompany him on his annual holiday, leave of absence for not more than two weeks in any educational year may be granted for that purpose.

Teachers

38. Teachers in the school shall be employed in accordance with the provisions of Schedule I to these Regulations.

39.—(1) The teaching staff of every school shall comprise—

(*a*) a qualified head who shall take an appropriate part in the teaching of the school ; and

(*b*) qualified assistants suitable and sufficient in number for providing full-time education suitable to the ages, abilities and aptitudes of the pupils.

(2) In order to be qualified a teacher shall have completed to the satisfaction of the Minister an approved course of training or possess such special qualifications as the Minister may approve.

(3) Notwithstanding the foregoing provisions of this Regulation:—

(*a*) teachers of such categories of handicapped pupils as the Minister may think fit shall possess or obtain within an approved period such additional qualifications as the Minister may approve ;

(*b*) any teacher in any type of special school who was recognised before the 1st April, 1945, may continue to be employed in the capacity and in the type of special school in which he was so recognised, and if he was recognised as a teacher of the blind he may also be employed in any school for partially sighted pupils ;

(*c*) any person who taught in a secondary school for blind pupils before the said date may be employed in any school for blind pupils ; and

(*d*) persons may be employed as temporary teachers or occasional teachers in accordance with the provisions of Schedule II to these Regulations.

Other conditions

40.—(1) Provision shall be made for every pupil, so far as practicable, to attend religious worship and receive religious instruction in accordance with the wishes of his parent.

(2) No pupil shall be required to attend such worship or receive such instruction contrary to the wishes of his parent.

41. Whenever a pupil ceases to attend the school and becomes a pupil of some other school or place of education or training, adequate medical and educational information concerning him shall be supplied promptly to that other school or place.

42. Adequate provision shall be made for the medical and dental care of boarders.

43. In the case of a school which is conducted in a hospital, the Minister may approve such modifications in the requirements of these Regulations as she thinks suitable in the circumstances of the school.

PART VI.—CONDITIONS AS TO APPROVAL AND RECOGNITION TO BE FULFILLED BY NON-MAINTAINED SPECIAL SCHOOLS

44. The provisions of Part V of these Regulations except Regulation 27 and Regulation 42 shall apply to any non-maintained school; and accordingly—

(*a*) for the reference to any maintained special school in Regulation 25 there shall be substituted a reference to any non-maintained special school ; and

(*b*) for the reference to the Authority in the proviso to Regulation 34 there shall be substituted a reference to the managers of the school.

45.—(1) The school shall be under the direction of a suitably constituted body of managers.

(2) No member of the staff may be a manager or have any financial interest in the school.

(3) The school shall not be conducted for profit.

46.—(1) Adequate arrangements shall be made under Section 78 (2) of the Act or otherwise for the medical and dental care of pupils, and for their periodical medical and dental inspection, and such arrangements shall include provision for their examination and treatment by a medical practitioner possessing special experience of the particular disability from which the pupils suffer.

(2) Medical and dental records in approved form shall be kept for every pupil attending the school.

47.—(1) The accounts of the school shall be kept and audited in accordance with approved arrangements.

(2) Copies of the accounts shall be sent to the Minister and, on request and subject to any requirements of the said arrangements as to a reasonable copying charge, to all Authorities and other bodies by whom pupils are sent to the school.

48. The school premises shall conform as closely as the Minister thinks practicable with the Regulations made from time to time by the Minister under Section 10 of the Act.

49. Any fees charged to Authorities in respect of pupils sent by them to the school shall be such as may be approved for the school from time to time.

50. A teacher shall not be employed after he attains the age of 65 years unless such employment is approved, and approval will only be given for a limited time and in cases where there are special circumstances.

51. The scales of remuneration for teachers in the school shall be adequate and reasonable.

52. Arrangements for day pupils shall include a satisfactory service for the supply of milk to drink and mid-day meals. The charge for mid-day meals for day pupils shall be approved and shall be remitted or reduced in case of need. Milk for drinking shall be supplied free of charge.

53. The managers shall furnish to the Minister such information and returns as may be required by her, and if in addition to the register required under Section 80 of the Act the Minister directs that any other registers or records shall be kept the managers shall comply with the direction.

PART VII.—CONDITIONS AS TO APPROVAL AND RECOGNITION TO BE FULFILLED BY ESTABLISHMENTS FOR FURTHER EDUCATION AND TRAINING OF DISABLED PERSONS

54. The provisions of Regulations 26, 28 to 30, 32, 33 (2), 35, 38 together with Schedule I except paragraph (2), 41 and 46 shall apply to any establishment, and the provisions of Regulations 45, and 47 to 51 shall apply to any establishment not maintained by an Authority, and any reference to the school or to the pupils of the school in those Regulations and that Schedule shall be deemed to refer to the establishment or to the students of the establishment.

55.—(1) The establishment shall provide approved courses of vocational training appropriate to the disability of the students, and such courses shall include provision for continuing the general education of the students and for their appropriate physical training and recreation.

(2) Admission to the courses of training shall normally be limited to students over the age of sixteen years and the duration of each course shall be approved.

56. The staff for teaching and instructing in an establishment shall be suitable and sufficient.

57. Such registers and records shall be kept and such information and returns shall be furnished from time to time as the Minister may require.

58. The establishment shall be open to inspection by an Inspector.

PART VIII.—SUPPLEMENTARY

59. In this Part of these Regulations the expression—

"responsible body" means the managers or other persons responsible for a non-maintained special school or establishment or proposed school or establishment;

"accommodation grant" means grant to a responsible body for a purpose within the scope of paragraphs (*a*), (*b*), (*c*) and (*d*) of Regulation 63; and

"maintenance grant" means grant to a responsible body for the maintenance of a non-maintained special school or establishment.

Payments of Grants

60.—(1) Grant payable in respect of expenditure by an Authority for a purpose within the scope of these Regulations will be payable under the Regulations made by the Minister under Section 100 of the Act, providing for the payment of grant to Authorities, and not directly under these Regulations.

(2) Grant payable to a responsible body will be paid directly to that body under these Regulations.

(3) The Minister may withhold or make a deduction from any grant if the requirements of these Regulations are not fulfilled.

Grants to Responsible Bodies

61.—(1) The Minister may at her discretion—

(*a*) recognise the responsible body of a school or proposed school for accommodation grant, or for maintenance grant, or for both such grants;

(*b*) recognise the responsible body of an establishment for maintenance grant; or

(*c*) withdraw recognition of a responsible body at any time.

(2) To be considered for recognition a responsible body must satisfy the Minister that they are fit to receive grant and, in the case of accommodation grant, that they have a suitable constitution and adequate financial standing.

62.—(1) The amount of the grants to be paid to the responsible body of a school or an establishment will be determined by the Minister after consideration of the financial position of the responsible body, of the character and net cost of the services afforded by the school or establishment and of the aggregate sums available to her for grants for the purposes aforesaid.

(2) Net cost shall be ascertained by excluding from the total cost any expenditure which the Minister thinks proper to exclude.

Further Conditions for Accommodation Grant

63. Subject as in these Regulations provided, the Minister may pay to a responsible body accommodation grant in respect of—

(*a*) the improvement, extension or replacement of the accommodation of a school ;

(*b*) the acquisition of any interest in premises of a school ;

(*c*) the provision of accommodation for a proposed school ; and

(*d*) the provision of furniture or equipment so far as as it may be necessitated by the improvement, extension, replacement or provision of accommodation as aforesaid.

64. Where it is proposed that accommodation grant shall be paid plans shall be submitted to the Minister and her approval obtained thereto, provided that no such approval shall be given after the 31st March, 1955.

65. The Minister may, in addition to any other requirements of these Regulations, attach such conditions to the payment of accommodation grant as appear to her to be required in the circumstances of each case and in particular may:—

(*a*) require that schools may be combined for the more efficient provision of facilities for the education of handicapped pupils ;

(*b*) in determining the amount of any grant in cases of proposals which involve the setting free of accommodation previously occupied for the purposes of a school, take into account any sums which may accrue to the responsible body of the school in respect of the disposal of that redundant accommodation ;

(*c*) attach conditions for securing the continuity of the school ; and

(*d*) require the responsible body of any school in respect of which accommodation grant is paid to undertake in writing to repay such portion of the grant as the Minister may approve in the event of the school being discontinued or ceasing to be recognised.

66. Any accommodation grant may be paid in one sum or by instalments on such date or dates as may be determined by the Minister.

Further Conditions for Maintenance Grant

67. For the purpose of calculating any maintenance grant the Minister will deduct from the net cost as ascertained in accordance with Regulation 62 any sums received by way of contributions from any Authority or local authority or fees from pupils or from other Government Departments.

68.—(1) Maintenance grant shall, subject as in these Regulations provided, be payable for each financial year, and instalments of grant may be paid during such year without prejudice to subsequent adjustments.

(2) If a school or an establishment is recognised for maintenance grant for part only of a year grants will be reduced as the Minister thinks proper having regard to the length of the period.

(3) If a school or an establishment ceases to be recognised the grant shall not exceed the net outstanding liabilities at the date from which recognition ceases.

69. Whether or not a school or an establishment is recognised in respect of other items of maintenance, it shall be recognised for a grant equal to half the amount of the contributions required to be paid by the employer in

respect of the employment of teachers in contributory service as calculated for the purposes of Section 9 (1) (*b*) of the Teachers (Superannuation) Act, 1925(a).

General

70. If the Minister thinks that in the case of the Isles of Scilly full compliance with the requirements of these Regulations is not practicable, she may approve such modifications in those requirements as will render them suitable for that area.

SCHEDULES

SCHEDULE I

(Regulation 38)

Employment of Teachers

1. Subject to the provisions of the Disabled Persons (Employment) Act, 1944(b), a teacher, not being a teacher to whom Regulation 39 (3) (*d*) applies, shall satisfy the Minister of his health and physical capacity for teaching unless he has so satisfied the Minister for the purposes of the Teachers (Superannuation) Acts, 1918 to 1946.

2.—(1) The initial period of service of a teacher as a qualified teacher shall be a probationary period during which he may be required to satisfy the Minister of his practical proficiency as a teacher, and such period shall be—

(*a*) two years for any qualified teacher whose approved course of training was a one-year course of Emergency Training; and

(*b*) one year for any other qualified teacher:

Provided that in exceptional cases the Minister may approve a probationary period which is less or more than two years or one year, as the case may be, or waive the requirement of a probationary period.

(2) During his probationary period a teacher shall be employed in such school and under such supervision and conditions of work as shall be suitable to a teacher on probation.

(3) If at the end of the probationary period the Minister declares the teacher to be unsuitable for further employment as a qualified teacher he shall not be so employed.

3.—(1) A teacher, other than an occasional teacher, shall be employed under a written agreement, or, in the case of a teacher appointed by an Authority, either under a written agreement or under a minute of the Authority.

(2) The agreement or minute shall, either expressly or by reference to specified regulations or minutes, define the conditions of service and indicate whether the teacher is employed in full-time service exclusively in the capacity of a teacher, or in part-time service in the capacity of a teacher, or partly in the capacity of a teacher and partly in another capacity.

(3) The agreement or minute, unless it relates to employment partly in the capacity of a teacher and partly in another capacity or in a school in which pupils are boarded, shall provide that the teacher shall not be required to perform any duties except such as are connected with the work of a school or to abstain outside the school hours from any occupations which do not interfere with the due performance of his duties.

(4) A teacher shall be furnished with a copy of the agreement or minute under which he is employed. He shall also be furnished with a copy of any specified regulations or minutes referred to in the agreement or minute under which he is employed unless facilities are otherwise afforded to him for acquainting himself with their contents.

(a) 15 & 16 Geo. 5. c. 59. (b) 7 & 8 Geo. 6. c. 10.

4. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct, grave professional default or conviction of a criminal offence, the facts shall be reported to the Minister.

5.—(1) If and so far as the Minister declares a teacher to be unsuitable for employment on grounds of misconduct or grave professional default, the teacher shall not be employed. Before taking action the Minister will use every available means of informing the teacher of the charges against him and of giving him an opportunity for explanation.

(2) The aforesaid prohibition shall also apply in the case of any person as to whom a like declaration has been made before 1st April, 1945, by the Minister or the Board of Education.

6. The Minister may, after consultation with the Authority or the managers as the case may be, at any time on educational or medical grounds require that the employment of a teacher be suspended or terminated or made subject to such conditions or qualifications as the Minister may determine. Before taking action the Minister will use every available means of informing the teacher of the grounds of the proposed action and of giving the teacher an opportunity of making representations on the subject.

7. A teacher shall not be dismissed without an opportunity of appearing in person before the body of Managers, or, if there is no such body, the persons responsible for the maintenance of the school, accompanied, if he so desires, by a friend.

8. No woman shall be disqualified for employment as a teacher in any special school, or be dismissed from such employment, by reason only of marriage.

9. Subject as hereinafter provided, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher in a special school, or from being otherwise employed for the purposes of such a school; and no teacher in any such school shall be required to give religious instruction or receive any less emolument or be deprived of, or disqualified for any promotion or other advantage by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship:

Provided that, save in so far as they require that a teacher shall not receive any less emolument or be deprived of, or disqualified for, any promotion or other advantage by reason of the fact that he gives religious instruction or by reason of his religious opinions or his attending religious worship, the provisions of this paragraph shall not apply with respect to a teacher in a non-maintained special school.

SCHEDULE II

(Regulation 39 (3) (*d*))

Temporary Teachers and Occasional Teachers

Temporary Teachers

1. The Minister may approve the employment as a temporary teacher of a person over the age of eighteen years, subject to the following conditions:—

(*a*) The period of such approval shall not exceed three years unless the Minister, having regard to the available supply of teachers and candidates, thinks fit to extend the period from year to year.

(*b*) The teacher shall in every case satisfy the Minister of his health and physical capacity for teaching.

(*c*) The teacher, in the case of a school or class other than a Nursery School or Nursery Class, shall have passed one of the examinations specified in

Schedule II to the Training of Teachers Grant Regulations, 1950(a), which prescribes the examination qualifications for candidates seeking admission to Training Colleges, or shall possess other approved qualifications.

(*d*) The teacher, in the case of a Nursery School or Nursery Class, shall have completed to the satisfaction of the Minister a course of instruction of Senior and Supplementary Child Care Reserve type, or shall possess other approved qualifications:

Provided that such teachers are employed only in classes in which the majority of pupils are under seven years of age.

Occasional Teachers

2. In an emergency or on a special occasion a person who is not qualified for employment as a regular assistant teacher may be employed as an occasional teacher in substitution for a regular assistant teacher, subject to the Authority or managers being satisfied as to his physical capacity.

3. In special circumstances a person who is not qualified for employment as a regular assistant teacher but is otherwise suitable may be employed for part-time instruction in approved subjects.

Given under the Official Seal of the Minister of Education this 27th day of July, 1953.

(L.S.) *Florence Horsbrugh,*
Minister of Education.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations replace and amend the existing Handicapped Pupils and School Health Service Regulations, 1945, as amended. The principal changes are concerned with the requirements respecting medical and dental inspection, with the definition of categories of handicapped pupils and with the arrangements in regard to handicapped pupils boarded otherwise than at schools.

1953 No. 685

The State Scholarships Amending Regulations No. 2, 1953

Made - - - -	21*st April*, 1953
Laid before Parliament	22*nd April*, 1953
Coming into Operation	1*st May*, 1953

The Minister of Education in exercise of the powers conferred upon her by Section 100 (1) (*c*) of the Education Act, 1944(b), hereby makes the following Regulations:—

1. These Regulations may be cited as the State Scholarships Amending Regulations No. 2, 1953, and shall come into operation on the 1st day of May, 1953.

(a) S.I. 1950/1203; 1950 I, p. 566. (b) 7 & 8 Geo. 6. c. 31.