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.

(*b*) The initial probation period of three terms referred to in sub-paragraph (*a*) shall apply to teachers who have successfully completed an approved course of training and the period of six terms shall apply to teachers who have not completed such a course.

(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.

23. 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.

24. 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.

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

26. If a teacher's engagement is terminated whether by dismissal or resignation, on account of misconduct or conviction of a criminal offence, the school authorities shall report the facts to the Ministry.

Salaries of teachers

27. The rates of salaries for teachers employed in schools 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.

28. The contributions payable by a teacher under the provisions of the Superannuation (Northern Ireland) Order 1972(**d**) shall be deducted from his salary and—

(*a*) in the case of a teacher paid by the Ministry shall be retained by the Ministry;

(*b*) in the case of a teacher employed in a voluntary grammar school shall be recoverable by the Ministry from grants payable by the Ministry to the school authorities.

(d) S.I. 1972, No. 1073 (N.I. 10).

Staffing

29.—(1) The number of full-time teachers who may be appointed to a school other than a technical intermediate school or a voluntary grammar school and the number of full-time teachers who may be appointed to the authorised staff of a voluntary grammar school for the purposes of paragraph 1 of the Schedule, shall be determined for each school year by the staffing score of the school in accordance with the following scale:—

Staffing score	*Number of teachers*
Less than 151 points	5
151 but less than 181 points	6

and so on, one teacher being added for each additional 30 points.

(2) The staffing score shall be determined by the number of pupils on the roll of the school, excluding the preparatory department, if any, for the preceding school year, and shall be calculated as follows:—

For each pupil under 16 years of age	1½ points
For each pupil of 16 years of age and over	2½ points

provided that each ascertained handicapped pupil, regardless of his age, shall count for 2 points.

(3) For the purposes of the preceding paragraph—

(*a*) the pupils on the roll shall be taken to be those pupils whose names are on the roll of the school on the second Friday following its opening for the second term in the school year; and

(*b*) pupils shall be classified according to their ages at 31st December in the school year.

(4) In the case of a grammar school with a preparatory department there shall be added to the number of teachers determined under paragraph (1) a number of teachers determined in accordance with the following scale:—

Average daily enrolment for the preceding year ended 31st December of pupils in the preparatory department of not less than 4 years of age	*Number of teachers*
Below 25 pupils	1
At least 25 but not exceeding 59 pupils	2
Exceeding 59 but not exceeding 94 pupils	3

and so on, one teacher being added for each additional 35 pupils, and an extra teacher where the average daily enrolment exceeded 234 pupils.

(5) The Ministry may decide, in such circumstances as appear to it so to require, that the number of teachers determined in accordance with the foregoing provisions of this Regulation shall be increased or diminished in any particular school.

(6) In the case of a school not recognised in the preceding school year the number of teachers who may be appointed shall be determined by the Ministry.

(7) The Ministry shall not merely on account of a diminution in the number of pupils require the removal from the authorised staff of a voluntary grammar school of any member of that staff until all the circumstances shall have been fully considered and due notice given by the Ministry to the school authorities.

30. Where the number of full-time teachers determined for any school year in accordance with Regulation 29 would entail the termination by the previous 31st July of the services of a teacher other than a temporary teacher or a part-time teacher the Ministry may increase that number for the whole or part of the month of August to enable the school authorities to retain a teacher on the staff of the school for the period concerned.

31. The Ministry may, under approved arrangements, sanction the appointment to a school of one or more part-time teachers where it is satisfied that they are required for the needs of the school.

32. School authorities shall, by the appointment of a substitute teacher or otherwise, make provision for the continuance of school work during the absence of a teacher.

Employment of a teacher in more than one school

33.—(1) A teacher employed in a school who in accordance with approved arrangements also gives instruction in some other grant-aided primary, secondary or special school or institution of further education may, with the approval of the Ministry, be treated as a full-time teacher in the first-mentioned school provided that in the opinion of the Ministry the aggregate number of hours of duty performed by the teacher in the first-mentioned school and the other school or institution of further education is sufficient to justify the teacher's being so treated.

(2) The Ministry shall determine whether a teacher employed in one or more voluntary grammar schools under arrangements made in accordance with paragraph (1) should be placed on the authorised staff of such school or schools and if the teacher is so placed he shall, to the extent that he is so employed in each such school, be regarded as additional to the number of authorised teachers to which the school is entitled in accordance with the provisions of Regulation 29.

Appointment of teachers to certain controlled schools

34.—(1) Every advertisement issued pursuant to paragraphs 3 and 6 of Schedule 10 to the Order shall state—

(*a*) the nature of the appointment, the salary scale, whether a principal or assistant, and, if necessary, whether a man or woman is required;

(*b*) the name, location and average daily enrolment of the school;

(*c*) that forms of application and particulars of the position may be obtained on application to the board;

(*d*) the latest date for receiving completed application forms;

(*e*) such special conditions and other relevant particulars as the board may consider should be stated.

(2) Every such advertisement shall be published in such newspapers or educational journals, and with such frequency, as the Ministry, after consultation with the board may direct.

(3) The board shall, after the latest date appointed as aforesaid for receiving such applications, proceed as may be appropriate in the manner prescribed in Part I or Part II of Schedule 10 to the Order having regard to the nature of the appointment.

Regulations applicable only to grammar schools

35.—(1) A school shall not be conducted for private profit or farmed out to the principal or other person.

(2) The income of a school from all sources must be devoted solely to approved educational purposes.

(3) A statement of the accounts of a voluntary grammar school for each school year shall be furnished to the Ministry. This statement shall be certified by a qualified accountant and shall be supported by such vouchers and other evidence as the Ministry may require.

36.—(1) If the managers of a grammar school which has been classified as a Group B voluntary school subsequently request the Ministry to reclassify the school as a Group A voluntary school, and the Ministry is satisfied that having regard to the existing school provision in the area it is expedient that the school should be so reclassified, the Ministry may from such date as it may determine reclassify such school as a Group A voluntary school.

(2) The income in respect of any period after the thirty-first day of July 1951, of a Group A voluntary school produced by the tuition fees charged in respect of pupils in the secondary department shall not, without the consent of the Ministry, be devoted to expenditure which in the opinion of the Ministry is capital expenditure or to any purpose not related to the tuition of pupils in that department.

37.—(1) The scale of fees charged by the school authorities of a grammar school shall be subject to the approval of the Ministry.

(2) There shall be charged in respect of a pupil in the secondary department of a grammar school who is not a qualified pupil fees of an amount not less than the fees charged in respect of a qualified pupil undergoing a corresponding course in that department.

38.—(1) This Regulation shall apply to a Group A voluntary school.

(2) The tuition fee charged in respect of pupils in the secondary department of the school—

(*a*) shall be based upon the annual income and expenditure in connection with the tuition of pupils of that department;

(*b*) shall not be subject to the approval of the board; and

(*c*) may be reviewed on the initiative either of the Ministry or of the school authorities, and on any such review regard shall be had to the fee charged during the three school years immediately preceding the review, to the policy, curriculum and traditions of the school and to any special circumstances or considerations that may be relevant.

(3) The expenditure in connection with the tuition of pupils in the secondary department of the school may include such salaries, and such payments in respect of additional staff, as the school authorities may, subject to the approval of the Ministry, consider desirable having regard to the policy, curriculum and traditions of the school and to any other special circumstances or considerations that may be relevant.

(4) Where the school authorities incur or intend to incur capital expenditure, they may, for the purpose of meeting such expenditure, include in the scale of fees a fee of such amount not exceeding £15 as may be approved by the Ministry.

Grants

39. Subject to the provisions of these Regulations and to any deductions in respect of contributions payable under the Superannuation (Northern Ireland) Order 1972, the Ministry may pay to school authorities grants in respect of voluntary schools in accordance with the provisions of the Schedule.

40. In the event of the discontinuance of a school as a school conducted subject to these Regulations the Ministry may withhold payment of any grants due in respect of the school under these or any other Regulations of the Ministry or of any portion of such grants except of such amount as may be necessary to aid the school in discharging just and lawful debts incurred by way of approved educational expenditure before such discontinuance.

41. If school authorities fail to satisfy the requirements of these or of any other Regulations of the Ministry, the Ministry may either withdraw recognition from the school after such notice, if any, as it may determine or withhold or make deduction from grants payable under these or any other Regulations of the Ministry.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 28th day of September 1973, in the presence of

(L.S.) *T. R. Meharg,*
Assistant Secretary.

The Ministry of Finance for Northern Ireland on behalf of the Secretary of State hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of September 1973, in the presence of

(L.S.) *W. Ivan Woods,*
Deputy Secretary.

SCHEDULE Regulation 39

Salary grant

1. Salary grant shall be payable in respect of each recognised teacher appointed to the authorised staff of a voluntary grammar school by the school authorities with the approval of the Ministry and shall be an annual rate equal to two-thirds of the amount by which the annual rate of salary and allowances payable to the teacher under the Regulations exceeds the rate of £800 per annum:

Provided that in respect of any period of absence, owing to illness, in respect of which a teacher is paid half salary, the salary grant payable in respect of him for the period shall be half the salary grant that would normally be payable.

Capitation grant

2. Capitation grant shall be payable for a school year in respect of each pupil of a voluntary grammar school who was at least 4 years of age at the beginning of the school year and was under 19 years of age for at least six calendar months during the school year and was following an approved course.

3. Subject to the adjustment specified in paragraph 5, capitation grant shall be payable in respect of the school year at the following rates:—

(*a*) £12 in respect of each pupil in a preparatory department who was less than 12 years of age on 1st July of the school year.

(*b*) £16.80 in respect of each pupil in a secondary department who was less than 15 years of age on 1st July of the school year.

(*c*) £21.50 in respect of each pupil in a secondary department who was not less than 15 years of age on 1st July of the school year.

4. For the purposes of paragraphs 2 and 3 the pupils shall be those on the rolls of the school on the second Friday following its opening for the second term in the school year.

5. Where the amount of capitation grant payable to a school recognised by the Ministry on 31st July 1958 in respect of the pupils in the secondary department does not exceed £3,000 there shall be added thereto either the sum of £120 or such sum as will increase the amount of grant in respect of these pupils to £3,000 whichever is the less.

Grant in respect of Modern Language Assistants

6. Grant shall be payable not exceeding one-half the approved maintenance allowance paid by the school authorities of a voluntary school, not being a maintained school, to a person, other than a teacher, who is engaged, in accordance with arrangements approved by the Ministry, for the purposes of giving assistance in the teaching of modern languages.

EXPLANATORY NOTE

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

These Regulations consolidate and amend the Grant Conditions Regulations for secondary schools. They prescribe the conditions which must be fulfilled by schools in order that they may be eligible for grants and by teachers in order that they may be recognised by the Ministry.