

Types of unqualified teachers

The rules vary according to the type of unqualified teacher. See below guidance on the different types of unqualified teacher and the circumstances in which they can be employed.

Unqualified teachers are subject to the Appraisal Regulations in the same way as qualified teachers. Teachers on the employment-based teacher training scheme may be paid either as qualified or unqualified teachers. The governing body should specify which when adopting its pay policy. The authority would normally recommend paying them on the pay range for unqualified teachers.

An unqualified teacher has to be classified as one of three types of unqualified teacher as specified in statutory regulations, namely the Education (School Teachers' Prescribed Qualifications, etc.) Order 2003, and the Education (Specified Work) (England) Regulations 2012.

There are three main types of unqualified teacher

- Instructors
- People on the employment-based teacher training scheme (including the former Graduate Teacher Programme)
- Overseas-trained teachers

Specified work

Each of the following activities is defined in the regulations as specified work for the purposes of employing unqualified teachers:

- Planning and preparing lessons and courses for pupils;
 - Delivering lessons to pupils;
 - Assessing the development, progress and attainment of pupils;
 - Reporting on the development, progress and attainment of pupils
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'Delivering' includes "delivery via distance learning or computer aided techniques".

Instructors

The Education (Specified Work) (England) Regulations 2012 permits, in the specified circumstances only, the appointment of a person who is not a qualified teacher to give instruction in any art or skill or in any subject or group of subjects (including any form of vocational training) where special qualifications or experience or both are required in order to carry out specified work.

The specified circumstances are that the governing body acts with the consent of the local authority, which must be satisfied with the proposed instructor's qualifications or experience or both (as the case may be).

In September 2012, the Government removed the requirement that an instructor could only be employed for as long as no suitably qualified teacher or teacher on the employment-based teacher training scheme was available for appointment or to give the instruction. Since September 2012, therefore, instructors can be appointed on open-ended (permanent) contracts, unless there are other valid reasons for a fixed-term contract, such as covering for maternity leave.

Now that further education teachers with Qualified Teacher Learning and Skills status (QTLS), and who are members of the Institute for Learning are recognised as **qualified teachers in schools**), it is expected that the use of instructors in schools will decrease.

Instructors in maintained schools must be paid on the unqualified teachers' pay range in the **School Teachers' Pay and Conditions Document** and in accordance with the rules in that Document. Starting salary should be assessed in accordance with the schools pay policy.

The Pay and Conditions Document permits the payment of "such additional allowance" as the governing body considers "appropriate" either because the instructor has taken on a sustained additional responsibility which is focussed on teaching and learning and

requires the exercise of a teacher's professional skills and judgement or qualifications or experience which bring added value to the role of that particular instructor.

Employment-based teacher training scheme

The employment-based teacher training scheme was introduced by the Government in 2002. The scheme is intended to enable suitably qualified, mature candidates to work as teachers in schools while following an individual training programme designed to lead to qualified teacher status and to give schools money for this programme.

For further guidance on the available routes into teaching please refer to www.gov.uk.

The School Teachers' Pay and Conditions Document gives governing bodies the responsibility for deciding whether a teacher on the employment-based teacher training scheme shall be paid as a qualified or unqualified teacher. If paid as an unqualified teacher the same arrangements should apply as for instructors.

Overseas trained teacher

This term has had different definitions over the years, both in Government regulations and in a general, non-statutory sense. As far as the employment of unqualified teachers is concerned, the precise statutory definition applies.

Further information regarding overseas trained teachers is available from the DfE website.

Teachers who qualified overseas can use the Department for Education's (DfE's) Professional Recognition Service [Apply for qualified teacher status \(QTS\) in England](#) to check whether their qualifications and experience makes them eligible for QTS in England. If a teacher's qualifications and experience are not recognised for QTS, the teacher will need to undertake training or assessment in order to gain QTS. Further

information about routes into teaching can be found on the www.gov.uk website: [Train to teach in England as a non-UK citizen | Get Into Teaching GOV.UK](#)

For all other overseas trained teachers the following rules apply and further information is available from the [Department for Education - GOV.UK](#)

Overseas trained teachers may seek qualification through the employment-based teacher training scheme, but must complete that training before the end of the maximum four years of employment in this country.

The letter of appointment and statement of particulars issued to an overseas trained teacher must include the statutory limit of four years in this country and the reason for the temporary duration of the contract.

Schools using teachers from private agencies should check that the agency is complying with this statutory limit.

There is no discretion in the School Teachers' Pay and Conditions Document to pay overseas trained teachers as qualified teachers, so they must be paid as unqualified teachers.

As with all appointments, schools must also satisfy themselves that overseas-trained teachers are legally permitted to work in the United Kingdom as teachers. Please check the latest advice on the www.gov.uk website.

A former overseas trained teacher who becomes qualified may still have only temporary residence or restrictions on the type of work he or she can undertake, so the teacher's circumstances must be checked before a contract of employment as a qualified teacher is offered.

Specified work undertaken by support staff

The Specified Work Regulations permit the employment of other persons to undertake specified work, but they are not defined as unqualified teachers and are subject to special conditions. For information on support staff undertaking specified work see Higher Level Teaching Assistant Document.

New appointments

Starting salaries should be determined in accordance with the school's pay policy. Birmingham's model pay policy continues to recognise the former six point scale for unqualified teachers and recommends recognizing previous teaching experience or other directly relevant experience and other experience which the governing body considers of value to the performance of the unqualified teacher's duties when determining a starting salary in the same way as it would for a qualified teacher.

Discretionary allowances for unqualified teachers

Where a governing body considers it appropriate, pay an additional allowance to an unqualified teacher where it considers, in the context of its staffing structure and pay policy, that the teacher has:

- Taken on a sustained additional responsibility which is focussed on teaching and learning and requires the exercise of a teacher's professional skills and judgment; or
 - Qualifications or experience which bring added value to the role being undertaken
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The governing body has discretion to determine the amount of any such allowance. It should include criteria for determining the amount in its pay policy, to ensure fair and consistent treatment, and delegate the decision to its pay committee.

Annual determination of salaries

The school must give written notification to the unqualified teacher as required by the School Teachers' Pay and Conditions Document. Paragraph 3 of the School Teachers' Pay and Conditions Document specifies the information to be given to teachers in writing.