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October 2003

Dear Colleague

**RE-ENACTMENT OF THE HEALTH STANDARDS PROVISIONS OF THE EDUCATION  
(TEACHERS' QUALIFICATIONS AND HEALTH STANDARDS) (ENGLAND)  
REGULATIONS 1999**

The Education (Health Standards) (England) Regulations 2003 ("the new Regulations") stem from the Education Act 2002, and re-enact the health standards provisions of the Education (Teachers' Qualifications and Health Standards) (England) Regulations 1999.

The new Regulations are aimed at protecting the health and welfare of pupils, teachers, and other staff in schools and certain further education establishments. They, therefore, maintain the requirement on employers of teachers and certain other staff at maintained schools and certain further education establishments to satisfy themselves as to the health and physical and mental capacities of such staff.

The only material change involved, relates to the relaxation of the restriction on individuals who have retired from the Teachers' Pension Scheme. The regulations will allow those who have retired from teaching on health grounds to undertake certain activities in a limited capacity. People who are in receipt of an ill-health pension will not be able to carry out 'teaching activities', (save for those who retired before 1 April 1997, who can return to teach on a limited part-time basis) as is currently the case. They will, however, be able to work, for example, as a teaching assistant so long as they undertake the non-teaching activities only.

This follows consultation with stakeholders, as part of the Department's wider consultation on ill-health retirement, which showed widespread agreement over the current arrangements being too restrictive, and support for moves to allow for ill-health retirees to return in non-teaching capacities.

It is intended that these regulations will come into force on 1 January 2004. A draft set of regulations is attached, and if you wish to make any comments, please put them in writing to me at the following address:

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Please note that your response may be made public unless you indicate otherwise. The deadline for comments is Friday 21 November 2003.

Yours faithfully

Lisa Binks  
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