



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER V

#### STAFFING AND CONDUCT OF SCHOOLS

#### *Staffing of schools*

**<sup>F1</sup>54 Staffing of community, voluntary controlled and community special schools.**

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**Textual Amendments**

**F1** Ss. 54-57 repealed (1.10.2002 for E. for repeal of s. 57, 1.9.2003 for E for repeal of ss. 54-56, 1.4.2006 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2003/1667, [art. 4](#); S.I. 2006/879, [art. 4](#), [Sch.](#)

**<sup>F1</sup>55 Staffing of foundation, voluntary aided and foundation special schools.**

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**Textual Amendments**

**F1** Ss. 54-57 repealed (1.10.2002 for E. for repeal of s. 57, 1.9.2003 for E for repeal of ss. 54-56, 1.4.2006 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2003/1667, [art. 4](#); S.I. 2006/879, [art. 4](#), [Sch.](#)

**<sup>F1</sup>56 Staffing for non-school activities.**

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**Textual Amendments**

**F1** Ss. 54-57 repealed (1.10.2002 for E. for repeal of s. 57, 1.9.2003 for E for repeal of ss. 54-56, 1.4.2006 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2003/1667, [art. 4](#); S.I. 2006/879, [art. 4](#), [Sch.](#)

**<sup>F1</sup>57 Payments in respect of dismissal, etc.**

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**Textual Amendments**

**F1** Ss. 54-57 repealed (1.10.2002 for E. for repeal of s. 57, 1.9.2003 for E for repeal of ss. 54-56, 1.4.2006 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2003/1667, [art. 4](#); S.I. 2006/879, [art. 4](#), [Sch.](#)

*Appointment and dismissal of teachers of religious education*

**58 Appointment and dismissal of certain teachers at schools with a religious character.**

- (1) In this section—
  - (a) subsections (2) to (6) apply to a foundation or voluntary controlled school which has a religious character; and
  - (b) subsection (7) applies (subject to subsection (8)) to a voluntary aided school which has a religious character;

and references in this Chapter to a school which has (or does not have) a religious character shall be construed in accordance with [<sup>F2</sup>section 68A and] section 69(3).

- (2) Where the number of [<sup>F3</sup>teachers at] a school to which this subsection applies is more than two, [<sup>F4</sup>the teachers shall] include persons who—
  - (a) are selected for their fitness and competence to give such religious education as is required in accordance with arrangements under paragraph 3(3) of Schedule 19 (arrangements for religious education in accordance with the school’s trust deed or with the tenets of the school’s specified religion or religious denomination), and
  - (b) are specifically appointed to do so.



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- F8** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F9** Words in s. 58(9) inserted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 6(6)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.

**Modifications etc. (not altering text)**

- C1** S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, **reg. 49(3)**.  
 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, **reg. 50(3)**.  
 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, **reg. 51(3)**.  
 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, **reg. 52(3)**.  
 S. 58(2)-(6)(9) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 49(3)**.  
 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(3)**.  
 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 51(3)**.  
 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(3)**.
- C2** S. 58(7) applied (1.9.1999) by S.I. 1999/2243, **reg. 52(4)**.  
 S. 58(7) applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(4)**.

*Religious opinions etc. of staff*

**59 Staff at community, secular foundation or voluntary, or special school.**

- (1) This section applies to—
- (a) a community school or a community or foundation special school, or
  - (b) a foundation or voluntary school which does not have a religious character.
- (2) No person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship—
- (a) from being a teacher at the school, or
  - (b) from being employed [<sup>F10</sup>or engaged] for the purposes of the school otherwise than as a teacher.
- (3) No teacher at the school shall be required to give religious education.
- (4) No teacher at the school shall receive any less remuneration or be deprived of, or disqualified for, any promotion or other advantage—
- (a) by reason of the fact that he does or does not give religious education, or
  - (b) by reason of his religious opinions or of his attending or omitting to attend religious worship.

**Textual Amendments**

- F10** Words in s. 59(2)(b) inserted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 7** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.

**Modifications etc. (not altering text)**

- C3** S. 59 applied (1.9.1999) by S.I. 1999/2243, **reg. 49(2)**.  
 S. 59 applied (1.9.1999) by S.I. 1999/2243, **reg. 50(4)**.  
 S. 59 applied (1.9.1999) by S.I. 1999/2243, **reg. 51(2)**.  
 S. 59 applied with modifications (1.9.1999) by S.I. 1999/2243, **reg. 52(5)**.  
 S. 59 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 49(2)**.

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- S. 59 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(4)**.  
S. 59 applied with modifications (1.9.1999) by S.I. 1999/2262, **regs. 48, 51(2)**.  
S. 59 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(4)**.  
**C4** S. 59(2)-(4) modified (1.9.1999) by S.I. 1999/2243, **reg. 50(5)**.  
S. 59(2)-(4) applied (with modifications) by S.I. 1999/2243, **reg. 52(6)**.  
S. 59(2)-(4) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(5)**.  
S. 59(2)-(4) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(6)**.  
**C5** S. 59(2)-(4) continued (28.7.2010) by The Academies Act 2010 (Commencement and Transitional Provisions) Order 2010 (S.I. 2010/1937), **art. 5**

## **60 Staff at foundation or voluntary school with religious character.**

- (1) This section applies to a foundation or voluntary school which has a religious character.
- (2) If the school is a foundation or voluntary controlled school, then (subject to subsections (3) and (4) below) section 59(2) to (4) shall apply to the school as they apply to a foundation or voluntary controlled school which does not have a religious character.
- (3) Section 59(2) to (4) shall not so apply in relation to a reserved teacher at the school; and instead subsection (5) below shall apply in relation to such a teacher as it applies in relation to a teacher at a voluntary aided school.
- (4) In connection with the appointment of a person to be head teacher of the school (whether foundation or voluntary controlled) [<sup>F11</sup>in a case where the head teacher is not to be a reserved teacher] regard may be had to that person's ability and fitness to preserve and develop the religious character of the school.
- (5) If the school is a voluntary aided school—
  - (a) preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons—
    - (i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under [<sup>F12</sup>section 68A or] section 69(4), or
    - (ii) who attend religious worship in accordance with those tenets, or
    - (iii) who give, or are willing to give, religious education at the school in accordance with those tenets; and
  - (b) regard may be had, in connection with the termination of the employment [<sup>F13</sup>or engagement] of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified.
- (6) If the school is a voluntary aided school [<sup>F14</sup>in Wales], no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being employed [<sup>F15</sup>or engaged] for the purposes of the school otherwise than as a teacher.
- (7) Where immediately before the appointed day a teacher at a school which on that day becomes a school to which this section applies enjoyed, by virtue of section 304 or 305 of the <sup>M1</sup>Education Act 1996 (religious opinions of staff etc.), any rights not conferred on him by this section as a teacher at a school to which it applies, he shall continue

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to enjoy those rights (in addition to those conferred by this section) until he ceases to be employed as a teacher at the school.

- (8) In this section “reserved teacher”, in relation to a foundation or voluntary controlled school, means a person employed at the school in pursuance of section 58(2).

#### Textual Amendments

- F11** Words in s. 60(4) inserted (30.6.2008 for W., 1.9.2008 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 37(2)(a)**, 188(3); S.I. 2008/1429, art. 3(1), Sch. Pt. 1; S.I. 2008/1971, art. 2(a) (with art. 3)
- F12** Words in s. 60(5)(a)(i) inserted (30.4.2021) by Curriculum and Assessment (Wales) Act 2021 (asc 4), ss. 73, 84(1), **Sch. 2 para. 31**
- F13** Words in s. 60(5)(b) inserted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 8(2)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.
- F14** Words in s. 60(6) inserted (1.9.2008 for E.) by Education and Inspections Act 2006 (c. 40), **ss. 37(2)(b)**, 188(3); S.I. 2008/1971, art. 2(a) (with art. 3)
- F15** Words in s. 60(6) inserted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 8(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.

#### Modifications etc. (not altering text)

- C6** S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 49(3)**.  
 S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 50(5)**.  
 S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 51(3)**.  
 S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 52(6)**.  
 S. 60 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 49(3)**.  
 S. 60 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(5)**.  
 S. 60 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 51(3)**.  
 S. 60 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(6)**.
- C7** S. 60(7) continued (28.7.2010) by The Academies Act 2010 (Commencement and Transitional Provisions) Order 2010 (S.I. 2010/1937), **art. 6**

#### Marginal Citations

- M1** 1996 c. 56.

*Discipline: general*

### <sup>F16</sup>**61 Responsibility of governing body and head teacher for discipline.**

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#### Textual Amendments

- F16** S. 61 repealed (1.4.2007 for E., 1.1.2009 for W. for specified purposes, 31.10.2010 for W. in so far as not already in force) by Education and Inspections Act 2006 (c. 40), ss. 96(b), 188(3), **Sch. 18 Sch. 6**; S.I. 2007/935, art. 4(a)(d); S.I. 2009/2545, art. 3(2)(b)(d); S.I. 2010/2543, art. 2(f)(m)

### **62** [<sup>F8</sup>Local authority]’s reserve power to prevent a breakdown of discipline.

- (1) The [<sup>F8</sup>local authority][<sup>F17</sup>in England] may, in the circumstances mentioned in subsection (2) or where [<sup>F18</sup>subsection (2A) <sup>F19</sup>...] applies, take such steps in relation



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to a maintained school as they consider are required to prevent the breakdown, or continuing breakdown, of discipline at the school.

- (2) The circumstances are that—
- (a) in the opinion of the authority—
    - (i) the behaviour of registered pupils at the school, or
    - (ii) any action taken by such pupils or their parents,is such that the education of any registered pupils at the school is (or is likely in the immediate future to become) severely prejudiced; and
  - (b) the governing body have been informed in writing of the authority’s opinion.

[<sup>F20</sup>(2A) This subsection applies where, in the case of a school in England—

- (a) a warning notice has been given in accordance with section 60(2) of the Education and Inspections Act 2006 (“the 2006 Act”) referring to the safety of pupils or staff at the school being threatened by a breakdown of discipline at the school,
- (b) the governing body have failed to comply, or secure compliance, with the notice to the authority's satisfaction within the compliance period, and
- (c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under subsection (1) of this section (whether or not in conjunction with exercising their powers under any one or more of sections 63 to 66 of the 2006 Act);

and a notice under paragraph (c) of this subsection may be combined with a notice under section 60(2) of the 2006 Act.]

<sup>F21</sup>(3) .....

- (4) Steps taken by a [<sup>F8</sup>local authority] under subsection (1) may include the giving of any direction to the governing body or head teacher.

[<sup>F22</sup>(5) In this section “maintained school” includes a maintained nursery school.]

#### Textual Amendments

- F8** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F17** Words in s. 62(1) inserted (W.) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 4(4)(a)(i)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F18** Words in s. 62(1) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 14(2)**; S.I. 2007/935, art. 5(cc)
- F19** Words in s. 62(1) omitted (W.) (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 4(4)(a)(ii)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F20** S. 62(2A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 14(3)**; S.I. 2007/935, art. 5(cc)
- F21** S. 62(3) omitted (W.) (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 4(4)(b)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F22** S. 62(5) inserted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 103** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

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**Modifications etc. (not altering text)**

- C8** S. 62 modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(d)**
- C9** S. 62 modified (W.) (1.9.2013) by [The Operation of the Local Curriculum \(Wales\) Regulations 2013 \(S.I. 2013/1793\)](#), regs. 1(1), **6(1)(c)**
- C10** S. 62(1)(2) applied (with modifications) (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), reg. 1(1), **Sch. 1 para. 6**
- C11** S. 62(1)(2) applied (with modifications) (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 6**
- C12** S. 62(1)(2) applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 9**
- C13** S. 62(4) applied (with modifications) (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), reg. 1(1), **Sch. 1 para. 6**
- C14** S. 62(4) applied (with modifications) (W.) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. 1(1), **Sch. 1 para. 6**
- C15** S. 62(4) applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 9**

*School attendance targets*

**63 School attendance targets.**

- (1) Regulations may make provision for and in connection with—
  - (a) requiring, or
  - (b) enabling the Secretary of State to require,
 governing bodies of maintained schools to secure that annual targets are set for reducing the level of <sup>F23</sup>... absences on the part of relevant day pupils at their schools.
- (2) Regulations under this section may, in particular, make provision—
  - (a) for the Secretary of State to impose such a requirement on the governing body of a maintained school where—
    - (i) the specified condition is for the time being satisfied in relation to the school, and
    - (ii) he considers it appropriate to impose the requirement;
  - (b) for such a requirement to be imposed by the Secretary of State in such manner, and for such period, as may be specified in or determined in accordance with the regulations;
  - (c) for the Secretary of State, where he considers it appropriate to do so, to exempt the governing body of a maintained school, in relation to any school year, from a requirement imposed by virtue of subsection (1)(a) or (b).
- (3) For the purposes of subsection (2)(a)(i) the specified condition is for the time being satisfied in relation to a maintained school if in the previous school year the level of <sup>F24</sup>... absences on the part of relevant day pupils at the school (as determined in accordance with the regulations) exceeded such level as may for that year be specified in or determined in accordance with the regulations.

<sup>F25</sup>(3A) Provision made by regulations under this section may relate to—

- (a) absences which are authorised pursuant to regulations under section 434 of the Education Act 1996, or



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- (b) absences which are not so authorised, or
- (c) both.]

(4) In this section—

“relevant day pupil” means a pupil registered at a maintained school who is of compulsory school age and is not a boarder;

F26  
...

#### Textual Amendments

- F23** Word in s. 63(1) repealed (1.6.2004 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 53(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2004/1318, art. 2; S.I. 2005/2910, art. 4, Sch.
- F24** Word in s. 63(3) repealed (1.6.2004 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 53(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2004/1318, art. 2; S.I. 2005/2910, art. 4, Sch.
- F25** S. 63(3A) inserted (1.6.2004 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 53(3), 216(4) (with ss. 210(8), 214(4)); S.I. 2004/1318, art. 2; S.I. 2005/2910, art. 4, Sch.
- F26** Words in s. 63(4) repealed (1.6.2004 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), ss. 53(4), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2004/1318, art. 2; S.I. 2005/2910, art. 4, Sch.

#### Modifications etc. (not altering text)

- C16** S. 63 extended (*temp.*) (16.2.1999) by S.I. 1999/129, **reg.2**.

### *Exclusion of pupils*

#### <sup>F27</sup>**64 Power of head teacher to exclude pupils.**

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#### Textual Amendments

- F27** Ss. 64-68 repealed (20.1.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 4); S.I. 2003/2961, art. 7, Sch. Pt. IV

#### <sup>F27</sup>**65 Exclusion of pupils: duty to inform parents, etc.**

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#### Textual Amendments

- F27** Ss. 64-68 repealed (20.1.2003 for E., 9.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 4); S.I. 2003/2961, art. 7, Sch. Pt. IV

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**F27/66 Functions of governing body in relation to excluded pupils.**

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**Textual Amendments**

**F27** Ss. 64-68 repealed (20.1.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 4); S.I. 2003/2961, art. 7, Sch. Pt. IV

**F27/67 Appeals against exclusion of pupils.**

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**Textual Amendments**

**F27** Ss. 64-68 repealed (20.1.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 4); S.I. 2003/2961, art. 7, Sch. Pt. IV

**F27/68 Exclusion of pupils: guidance.**

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**Textual Amendments**

**F27** Ss. 64-68 repealed (20.1.2003 for E., 9.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2 (with art. 3, Sch. para. 4); S.I. 2003/2961, art. 7, Sch. Pt. IV

**Status:**

Point in time view as at 30/04/2021.

**Changes to legislation:**

School Standards and Framework Act 1998, Chapter V is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.