

*Status: Point in time view as at 02/01/2008.*

*Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 5 is up to date with all changes known to be in force on or before 02 July 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. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 25.

#### ADJUDICATORS

##### *Interpretation*

- 1 In this Schedule “adjudicator” means a person appointed under section 25.

##### *Tenure of office*

- 2 (1) Subject to sub-paragraphs (2) and (3), an adjudicator shall hold and vacate office in accordance with the terms of his appointment.
- (2) An adjudicator—
- (a) may at any time resign his office by notice in writing to the Secretary of State; and
  - (b) is eligible for re-appointment if he ceases to hold office.
- (3) An adjudicator may be removed from office by the Secretary of State on the ground of incapacity or misbehaviour.

##### *Remuneration and pensions*

- 3 (1) The Secretary of State may pay to an adjudicator such remuneration and allowances as the Secretary of State may determine.
- (2) If the Secretary of State so determines in the case of any adjudicator, the Secretary of State may pay or make provision for the payment of such sums by way of pension, allowances and gratuities to or in respect of him as the Secretary of State may determine.

##### *Staff and accommodation etc.*

- 4 The Secretary of State may—
- (a) provide an adjudicator with such administrative staff as the adjudicator may require; and
  - (b) provide, or defray the expenses of providing, an adjudicator with such accommodation and other facilities as the adjudicator may require.

##### *Procedure*

- 5 (1) Regulations may make provision as to the procedure to be followed in connection with the reference, under this Part or Part III of this Act [<sup>F1</sup>or under Part 2 of the Education and Inspections Act 2006], of matters to adjudicators and their determination of matters so referred.

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- (2) The regulations may, in particular, make provision—
- (a) as to the manner in which matters may be referred to adjudicators;
  - (b) for determining the adjudicators to which individual referrals are to be made;
  - (c) authorising adjudicators to hold local inquiries;
  - (d) as to the procedure to be followed where local inquiries are held by adjudicators (whether by virtue of paragraph (c) or otherwise);
  - (e) authorising adjudicators to appoint assessors to sit with them at such inquiries to advise them on matters arising;
  - (f) requiring anything falling to be done under the regulations to be done within such period as may be specified in or determined in accordance with the regulations.
- (3) Subject to any provision made by the regulations, an adjudicator may regulate his own procedure.
- (4) The Secretary of State may make orders—
- (a) as to the costs of the parties at any local inquiry held by an adjudicator (whether by virtue of sub-paragraph (2)(c) or otherwise), and
  - (b) as to the parties by whom the costs are to be paid;
- and any costs payable under any such order shall be subject to taxation in such manner as the Secretary of State may direct.

#### Textual Amendments

- F1** Words in Sch. 5 para. 5(1) substituted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 32; S.I. 2007/935, art. 7(o)

- 6 When taking any decision an adjudicator shall have regard (so far as relevant) to the obligations which, by virtue of—
- (a) Part III of the <sup>M1</sup>Sex Discrimination Act 1975, <sup>F2</sup>. . .
  - (b) Part III [<sup>F3</sup>or section 71]of the <sup>M2</sup>Race Relations Act 1976, [<sup>F4</sup>or
  - (c) Chapter 1 of Part 4 of the Disability Discrimination Act 1995,]
- are owed by any local education authority or governing body which will be affected by the decision.

#### Textual Amendments

- F2** Word in Sch. 5 para. 6(a) repealed (1.9.2002) by 2001 c. 10, ss. 42(1)(6), 43(3), Sch. 8 Pt. 2 para. 23(3)(a), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1
- F3** Words in Sch. 5 para. 6(b) inserted (2.4.2001) by 2000 c. 34, s. 9(1), Sch. 2 para. 31 (with s. 10(5)); S.I. 2001/566, art. 2(1)
- F4** Sch. 5 para. 6(c) and the preceding word "or" inserted (1.9.2002) by 2001 c. 10, ss. 42(1)(6), 43(3), Sch. 8 Pt. 2 para. 23(3)(b), Sch. 9 (with s. 43(13)); S.I. 2002/2217, art. 3, Sch. 1 Pt. 1

#### Marginal Citations

- M1** 1975 c. 65.  
**M2** 1976 c. 74.

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### *Indemnity*

- 7 The Secretary of State shall indemnify an adjudicator against any reasonable legal costs and expenses reasonably incurred by him in connection with any decision or action taken by him in good faith in pursuance of his functions as an adjudicator.

### *Parliamentary disqualification*

- 8 In Part III of Schedule 1 to the <sup>M3</sup>House of Commons Disqualification Act 1975 (disqualifying offices), at the appropriate place there shall be inserted—  
“Adjudicator appointed under section 25 of the School Standards and Framework Act 1998.”

#### **Marginal Citations**

**M3** 1975 c. 24.

### *Parliamentary Commissioner*

- 9 For the purposes of section 5 of the <sup>M4</sup>Parliamentary Commissioner Act 1967 (matters subject to investigation) administrative functions exercisable by any person provided by the Secretary of State under paragraph 4 above shall be taken to be administrative functions of [<sup>F5</sup>the Department for Children, Schools and Families].

#### **Textual Amendments**

**F5** Words in Sch. 5 para. 9 substituted (12.12.2007) by [The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007 \(S.I. 2007/3224\)](#), art. 1(2), [Sch. para. 7](#)

#### **Marginal Citations**

**M4** 1967 c. 13.

### *Supervision of Council on Tribunals*

- 10 (1) In section 7 of the <sup>M5</sup>Tribunals and Inquiries Act 1992 (which restricts Ministers’ powers to remove members of tribunals listed in Schedule 1 to that Act) in subsection (2) (tribunals to which that section does not apply) after “14,” there shall be inserted “ 15(f), ”.
- (2) In Schedule 1 to that Act (tribunals under the supervision of the Council on Tribunals) at the end of paragraph 15 (tribunals concerned with education) there shall be inserted—

“(f) an adjudicator appointed under section 25 of the School Standards and Framework Act 1998.”

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**Marginal Citations**

**M5** 1992 c. 53.

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