



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER V

STAFFING AND CONDUCT OF SCHOOLS

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 [^{F1}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 [^{F2}(in the case of a school in England) or to provide teaching and learning in Religion, Values and Ethics (in the case of a school in Wales)].
- (4) No teacher at the school shall receive any less remuneration or be deprived of, or disqualified for, any promotion or other advantage—

Status: Point in time view as at 01/09/2022.

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- (a) by reason of the fact that he does or does not give religious education [^{F3}or (as the case may be) provide teaching and learning in Religion, Values and Ethics], or
- (b) by reason of his religious opinions or of his attending or omitting to attend religious worship.

Textual Amendments

- F1** 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.
- F2** Words in s. 59(3) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(5)(a)**
- F3** Words in s. 59(4)(a) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(5)(b)**

Modifications etc. (not altering text)

- C1** 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)**.
 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)**.
- C2** 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)**.
- C3** 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) [^{F4}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—

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- (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 ^{F5}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 ^{F6}(in the case of a school in England) or to provide teaching and learning in Religion, Values and Ethics in accordance with those tenets (in the case of a school in Wales)]; and
- (b) regard may be had, in connection with the termination of the employment ^{F7}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 ^{F8}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 ^{F9}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 ^{M1}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 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

- F4** 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)
- F5** 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**
- F6** Words in s. 60(5)(a)(iii) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 4(6)**
- F7** 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.
- F8** 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)
- F9** 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)

- C4** 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)**.

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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)**.

C5 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.

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