



# 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*

- 54 Staffing of community, voluntary controlled and community special schools.**
- (1) Schedule 16 has effect in relation to the staffing of community, voluntary controlled and community special schools.
  - (2) If at any time a community, voluntary controlled or community special school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15—
    - (a) Schedule 16 shall not apply; and
    - (b) subsections (3) to (5) below shall apply instead.
  - (3) The number of teachers and non-teaching staff to be employed at the school shall be determined by the local education authority.
  - (4) The authority may appoint, suspend and dismiss teachers and other staff at the school as the authority think fit.
  - (5) The authority shall, in connection with the exercise of their functions under subsection (4), consult the governing body to such extent as the authority think fit.

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Staffing of schools is up to date with all changes known to be in force on or before 02 August 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)*

- (6) In relation to reserved teachers at a voluntary controlled school, Schedule 16 or (as the case may be) subsection (4) above has effect subject to section 58.

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

- C1** S. 54(3)-(5) applied (1.9.1999) by [S.I. 1999/2243](#), **reg. 51(2)**.  
 S. 54(3)-(5) applied (1.9.1999) by [S.I. 1999/2262](#), **regs. 48, 51(2)**.  
**C2** S. 54(4) modified (1.9.1999) by [S.I. 1999/2243](#), **reg. 51(4)**.  
 S. 54(4) applied (with modifications) (1.9.1999) by [S.I. 1999/2262](#), **regs. 48, 51(4)**.  
**C3** S. 54(4)(5) modified (1.9.1999) by [S.I. 1999/2243](#), **reg. 52(3)**

**Commencement Information**

- II** S. 54 wholly in force at 1.9.1999; s. 54 not in force at Royal Assent see s. 145(3); s. 54 in force for certain purposes at 1.2.1999 by [S.I. 1999/120](#), **art. 2(1)**, **Sch. 1**; s. 54 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), **art. 2(1)**, **Sch. 1** (with **arts. 3-5**, **Schs. 5-7**).

**55 Staffing of foundation, voluntary aided and foundation special schools.**

- (1) Schedule 17 has effect in relation to the staffing of foundation, voluntary aided and foundation special schools.
- (2) If at any time a foundation, voluntary aided or foundation special school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15, Schedule 17 shall apply to the school subject to subsections (3) to (7) below.
- (3) The number of teachers and non-teaching staff to be employed at the school shall be determined by the local education authority.
- (4) Except with the consent of the authority, the governing body shall not—
- (a) appoint any teacher to be employed at the school or engage, or make arrangements for the engagement of, any person to provide his services as a teacher at the school, or
  - (b) dismiss any teacher at the school.
- (5) The authority may give the governing body directions—
- (a) as to the educational qualifications of the teachers to be employed for giving secular education; or
  - (b) requiring them to dismiss any teacher at the school;
- but the authority shall not give any directions under paragraph (a) except after consulting the governing body.
- (6) The authority may give directions to the governing body as to the number and conditions of service of persons employed at the school for the purposes of the care and maintenance of the school premises.
- (7) Where the trust deed relating to the school provides for a person other than the governing body to be entitled to control the occupation and use of the school premises to any extent, then, if and to the extent that (disregarding any transfer of control agreement under Schedule 13) the use of those premises is or would be under the control of any such person, the reference in subsection (6) to the governing body shall be read as a reference to that person.

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- (8) Schedule 17 or (as the case may be) subsections (4) and (5) above have effect subject to section 58.

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

- C4** S. 55(3)-(7) applied (1.9.1999) by [S.I. 1999/2243](#), [reg. 52\(2\)](#).  
S. 55(3)-(7) applied (1.9.1999) by [S.I. 1999/2262](#), [regs. 48, 52\(2\)](#).
- C5** S. 55(4)(5) modified (1.9.1999) by [S.I. 1999/2243](#), [reg. 52\(3\)](#).  
S. 55(4)(5) modified (1.9.1999) by [S.I. 1999/2243](#), [reg. 52\(4\)](#).  
S. 55(4)(5) applied (with modifications) (1.9.1999) by [S.I. 1999/2262](#), [regs. 48, 52\(3\)](#).  
S. 55(4)(5) applied (with modifications) (1.9.1999) by [S.I. 1999/2262](#), [regs. 48, 52\(4\)](#).

**Commencement Information**

- I2** S. 55 wholly in force at 1.9.1999; s. 55 not in force at Royal Assent see s. 145(3); s. 55 in force for certain purposes at 1.2.1999 by [S.I. 1999/120](#), [art. 2\(1\)](#), [Sch. 1](#); s. 55 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

**56 Staffing for non-school activities.**

- (1) This section applies to a maintained school if—
- activities other than school activities (“non-school activities”) are carried on on the school premises, and
  - all non-school activities which are so carried on are carried on under the management or control of the school’s governing body.
- (2) The relevant staffing provisions shall, to such extent as the local education authority may determine, apply in relation to persons employed to work—
- partly for the purposes of school activities and partly for the purposes of non-school activities carried on on the school premises, or
  - solely for the purposes of non-school activities so carried on, as if all activities so carried on were school activities.
- (3) The local education authority shall give the governing body notice in writing of any determination by the authority under subsection (2).
- (4) In subsection (2) “the relevant staffing provisions” means—
- in relation to a community, voluntary controlled or community special school, the provisions of Schedule 16 and section 57; and
  - in relation to a foundation, voluntary aided or foundation special school, the provisions of Schedule 17 and section 57.
- (5) Nothing in this section applies to a school within subsection (1) at any time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15.

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

- C6** S. 56 applied (1.9.1999) by [S.I. 1999/2243](#), [reg. 49\(2\)](#).  
S. 56 applied (1.9.1999) by [S.I. 1999/2243](#), [reg. 50\(2\)](#).  
S. 56 applied (with modifications) (1.9.1999) by [S.I. 1999/2262](#), [regs. 48, 49\(2\)](#).

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S. 56 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(2)**.

## 57 **Payments in respect of dismissal, etc.**

- (1) It shall be for the governing body of a maintained school to determine—
  - (a) whether any payment should be made by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of the school, and
  - (b) the amount of any such payment.
- (2) Subsection (1) does not, however, apply in relation to a payment which the local education authority are required to make—
  - (a) by virtue of any contract other than one made in contemplation of the impending dismissal or resignation of the member of staff concerned, or
  - (b) under any statutory provision.
- (3) The local education authority—
  - (a) shall take such steps as may be required for giving effect to any determination of the governing body under subsection (1), and
  - (b) shall not make, or agree to make, a payment in relation to which that subsection applies except in accordance with such a determination.
- (4) Costs incurred by the local education authority in respect of any premature retirement of a member of the staff of a maintained school shall be met from the school's budget share for one or more financial years except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met.
- (5) Costs incurred by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.
- (6) The fact that the authority have a policy precluding dismissal of their employees by reason of redundancy is not to be regarded as a good reason for the purposes of subsection (5); and in this subsection the reference to dismissal by reason of redundancy shall be read in accordance with section 139 of the <sup>M1</sup>Employment Rights Act 1996.
- (7) Nothing in this section applies to a maintained school at any time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15.

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

- C7** S. 57 modified (temp.) (1.4.1999) by S.I. 1999/638, **reg.6**.  
**C8** S. 57(3)(4)(5) excluded (1.4.1999) by S.I. 1999/638, **reg.7**.  
**C9** S. 57(3) excluded (1.4.1999) by S.I. 1999/638, **reg.8**.

### **Marginal Citations**

- M1** 1996 c. 18.

**Status:**

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**Changes to legislation:**

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