
STATUTORY INSTRUMENTS

2009 No. 2680

The School Staffing (England) Regulations 2009

PART 1

General

Interpretation

3.—(1) In these Regulations—

“PA 1997” means the Police Act 1997(1);

“EA 2002” means the [Education Act 2002](#);

“authority” means the local education authority by which a maintained school is, or a proposed school is to be, maintained;

“dismissal” is to be interpreted in accordance with sections 95 and 136 of the Employment Rights Act 1996(2);

“employment business” has the meaning given by section 13(3) of the Employment Agencies Act 1973(3);

“enhanced criminal record certificate” means an enhanced criminal record certificate within the meaning of section 113B of PA 1997 which includes suitability information relating to children within the meaning of section 113BA(2) of that Act;

“safer recruitment training” means training provided by a person approved by the Secretary of State for the purpose of ensuring that those who undertake it know how to take proper account of the need to safeguard children when recruiting staff;

“support staff” means any member of a school’s staff other than a teacher;

“teacher” means—

- (a) a person who is a school teacher for the purposes of section 122 of EA 2002 Act; and
- (b) a person who would fall within paragraph (a) but for the fact that the other party to the contract is not an authority or a governing body of a school falling within Part 3 of these Regulations.

(2) References to a vacancy in any post include a prospective vacancy in the post.

(3) A person is to be treated as meeting any staff qualification requirements if the person—

- (a) fulfils any requirements with respect to qualifications or registration which apply to the person as a result of regulations made under sections 132 to 135 of EA 2002(4) and regulations made under section 19 of the Teaching and Higher Education Act 1998(5);

(1) [1997 c.50](#).

(2) [1996 c.18](#).

(3) [1973 c.35](#).

(4) The Education (School Teachers’ Qualifications) (England) Regulations 2003 ([S.I. 2003/1662](#)), The Education (Recognition of School Teachers’ Professional Qualifications) (Consequential Provisions) (England) Regulations 2007 ([S.I. 2007/2782](#)), The Education (Specified Work and Registration) (England) Regulations 2003 ([S.I. 2003/1663](#)), as amended by [S.I.2007/2117](#),

- (b) meets any conditions with respect to health and physical capacity which apply to the person as a result of regulations made under section 141 of the 2002 Act⁽⁶⁾; and
 - (c) is not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006⁽⁷⁾ or subject to any direction made under section 142 of EA 2002 or any prohibition, restriction or order having effect as such a direction.
- (4) References to support staff include support staff employed, or engaged otherwise than under a contract of employment, to provide community facilities and services under section 27 of EA 2002.
- (5) For the purposes of these Regulations a person applies for an enhanced criminal record certificate if—
- (a) the person countersigns an application for the certificate as a registered person, within the meaning of section 120 of PA 1997, or an application is countersigned on the person's behalf; and
 - (b) the application is submitted to the Secretary of State in accordance with Part 5 of that Act.

and the Education (Head Teachers' Qualifications) (England) Regulations 2003 (S.I. 2003/3111), as amended by S.I. 2005/875 and S.I. 2005/3322.

(5) 1998 c.30. The Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2008 (S.I. 2008/ 657).

(6) The Education (Health Standards) (England) Regulations 2003 (S.I. 2003/3139).

(7) 2006 c.47.