
STATUTORY INSTRUMENTS

2012 No. 1740

EDUCATION, ENGLAND

The School Staffing (England) (Amendment) Regulations 2012

Made - - - - *3rd July 2012*
Laid before Parliament *10th July 2012*
Coming into force - - *1st September 2012*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 35(4) and (5)(a), (b) and (d) and 36(4) and (5)(a), (b) and (e) of the Education Act 2002⁽¹⁾:

Citation and commencement

1. These Regulations may be cited as the School Staffing (England) (Amendment) Regulations 2012 and come into force on 1st September 2012.

Amendment of the School Staffing (England) Regulations 2009

2.—(1) The School Staffing (England) Regulations 2009⁽²⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 4(1)(a), for “regulations 5 to 9” substitute, “regulations 5 to 8 and 9”.

(3) After regulation 8, insert—

“Provision of information about staff capability

8A.—(1) This regulation applies where a member of the teaching staff at a school (School A) applies for a teaching post at another school (School B), where School B is a maintained school or an Academy school⁽³⁾.

(2) The governing body of School A must, at the request of the governing body or proprietor (as the case may be) of School B—

(a) advise in writing whether or not that member of staff has, in the preceding two years, been the subject of the procedures established by the governing body in accordance with regulation 8 and, if so,

(1) 2002 c. 32. Sections 35(5) and 36(5) were amended by [S.I. 2010/1158](#). For the meaning of “regulations”, see section 212(1).
(2) [S.I. 2009/2680](#) amended by [S.I. 2010/1172](#).
(3) For the meaning of “Academy school” see section 1A of the Academies Act 2010 (c. 32).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) provide written details of the concerns which gave rise to this, the duration of the proceedings and their outcome.”.

3rd July 2012

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Staffing (England) Regulations 2009 (“the 2009 Regulations”). They insert a new regulation which requires the governing body of a maintained school to confirm whether or not a member of the teaching staff at that school has, within the last two years, been the subject of capability procedures (that is to say, procedures established in accordance with regulation 8 of the 2009 Regulations for dealing with lack of capability on the part of staff at the school), and, if so, provide details, if asked to do so by the governing body of a maintained school, or the proprietor of an Academy School, to which that person has applied for a teaching post. These Regulations also amend regulation 4 of the 2009 Regulations to allow a governing body, in accordance with that regulation, to delegate the performance of the function conferred on it by new regulation 8A.

An impact assessment has not been prepared for these Regulations because no impact on the private or voluntary sector is foreseen.