



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART I

#### SCHOOLS

#### CHAPTER IV

##### GRANT-MAINTAINED SCHOOLS

##### *Transfer of property and staff, etc.*

### **78 Effect of pending procedure for acquisition of grant-maintained status on appointment, etc., of staff**

- (1) During any period when section 76 of this Act applies to a school, the local education authority shall not take any action to which this section applies without the consent of the governing body of the school.
- (2) This section applies to the following actions—
  - (a) the appointment of any person to fill a vacancy in a post which is part of the complement of the school or to work solely at the school in any other post;
  - (b) the dismissal (otherwise than under section 27(5) or 28(4) of the 1944 Act, which allow foundation governors, within the meaning of that Act, to dismiss a reserved teacher) of any person to whom subsection (3) below applies; and
  - (c) the withdrawal of any such person from work at the school (otherwise than by dismissing him).
- (3) This subsection applies to any person who is employed—
  - (a) in a post which is part of the complement of the school; or
  - (b) to work solely at the school in any other post.

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**Status:** *This is the original version (as it was originally enacted).*

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- (4) The reference in subsection (2)(a) above to the complement of the school is a reference to the complement of teaching and non-teaching posts determined by the local education authority for the school under section 34 of the 1986 Act.