



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART I

#### MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

### CHAPTER I

#### LIMIT ON INFANT CLASS SIZES

#### **1 Duty to set limit on infant class sizes**

- (1) The Secretary of State shall by regulations—
  - (a) impose a limit on class sizes for infant classes at maintained schools; and
  - (b) specify the school years in relation to which any such limit is to have effect.
- (2) Any limit imposed under this section shall specify the maximum number of pupils that a class to which the limit applies may contain while an ordinary teaching session is conducted by a single qualified teacher.
- (3) Subject to subsections (4) and (5), regulations under this section shall be so framed that—
  - (a) the maximum number specified in pursuance of subsection (2) is 30, and
  - (b) that limit has effect in relation to the 2001-02 school year and any subsequent year.
- (4) Regulations under this section may—
  - (a) provide for any limit imposed under this section to take effect—
    - (i) at the same time in the case of each of the age groups into which the pupils in infant classes fall, or

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- (ii) at different times (which may be earlier than the beginning of the school year mentioned in subsection (3)) in the case of different such age groups;
  - (b) provide that, in any circumstances specified in the regulations, any such limit either is not to apply or is to operate in such manner as is so specified.
- (5) The Secretary of State may by order amend subsection (3)—
- (a) by substituting for “30” such other number as is specified in the order; or
  - (b) by substituting for the reference to the 2001-02 school year a reference to such other school year as is so specified.
- (6) Where any limit imposed under this section applies to an infant class at a maintained school, the local education authority and the governing body shall exercise their functions with a view to securing that that limit is complied with in relation to that class.

## **2 Plans by LEAs for reducing infant class sizes**

- (1) Every local education authority shall prepare a statement setting out the arrangements which the authority propose to make for the purpose of securing that any limit imposed under section 1 is complied with in relation to infant classes at schools maintained by the authority.
- (2) The statement shall—
- (a) contain such information as to the proposed arrangements, and
  - (b) take such form,
- as may be prescribed; and in preparing the statement the authority shall have regard to any guidance given from time to time by the Secretary of State.
- (3) In the course of preparing the statement the authority shall carry out such consultation as may be prescribed.
- (4) A prescribed body or person, or a body or person falling within any prescribed category, shall provide the authority—
- (a) with such documents or information, or
  - (b) with such other assistance,
- as the authority may reasonably request from that body or person for the purpose of enabling them to prepare the statement.
- (5) The authority shall submit the statement to the Secretary of State for his approval—
- (a) by such date as may be prescribed, or
  - (b) by such later date as he may allow, where he is satisfied that it is reasonable to do so in view of any particular circumstances relating to the authority;
- and different dates may be prescribed for different authorities.
- (6) If the Secretary of State decides not to approve the authority’s proposed arrangements—
- (a) he shall notify the authority of his decision and of his reasons for it; and
  - (b) the authority shall prepare a revised statement under this section in respect of their proposed arrangements.

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- (7) Where the authority are required by subsection (6) to prepare a revised statement, the preceding provisions of this section shall apply to it as they applied to the original statement, except that—
- (a) in preparing the revised statement the authority shall have regard to the Secretary of State’s reasons for not approving their original proposals; and
  - (b) the revised statement shall be submitted to the Secretary of State by such date as he may determine.
- (8) In subsection (4) “document” includes information recorded otherwise than in legible form, and the reference to the provision of a document is, in the case of information so recorded, a reference to the provision of a copy of that information in legible form.

### **3 Payment of grant in connection with reductions in infant class sizes**

- (1) Regulations shall make provision for the payment by the Secretary of State of grants to local education authorities in respect of expenditure incurred or to be incurred by them for the purpose of securing that any limit imposed under section 1 is complied with in relation to infant classes at schools maintained by them.
- (2) Regulations under this section shall provide for the Secretary of State—
- (a) to withhold grants under the regulations from a local education authority where no proposed arrangements by that authority have been approved by him under section 2; and
  - (b) when determining whether any grant (and, if so, what amount) should be paid by him under the regulations to a local education authority, to have regard to their proposed arrangements as so approved.
- (3) Regulations under this section may provide—
- (a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
  - (b) for requiring local education authorities to whom payments have been made under the regulations to comply with such requirements as may be so determined.

### **4 Interpretation of Chapter I**

In this Chapter—

“class” means a group in which pupils are taught in an ordinary teaching session;

“infant class” means a class containing pupils the majority of whom will attain the age of five, six or seven during the course of the school year;

“ordinary teaching session” does not include a school assembly or other school activity usually conducted with large groups of pupils;

“qualified teacher”, in relation to an infant class, means—

- (a) a person who is a qualified teacher in relation to that class for the purposes of section 218(1)(a) of the Education Reform Act 1988 (regulations relating to teachers' qualifications, etc.), or
- (b) any other person who in accordance with regulations under that provision may be employed as a teacher of that class.