

School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER V

STAFFING AND CONDUCT OF SCHOOLS

Appointment and dismissal of teachers of religious education [F1 etc]

Appointment and dismissal of certain teachers at schools with a religious character [F1: England].

- (1) In this section—
 - (a) subsections (2) to (6) apply to a foundation or voluntary controlled school [F2 in England] which has a religious character; and
 - (b) subsection (7) applies (subject to subsection (8)) to a voluntary aided school [F3 in England] which has a religious character;

and references in this Chapter to a school which has (or does not have) a religious character shall be construed [F4 in relation to a school in England,] in accordance with [F5 section 68A and] section 69(3).

- (2) Where the number of [^{F6}teachers at] a school to which this subsection applies is more than two, [^{F7}the teachers shall] include persons who—
 - (a) are selected for their fitness and competence to give such religious education as is required in accordance with arrangements under paragraph 3(3) of Schedule 19 (arrangements for religious education in accordance with the school's trust deed or with the tenets of the school's specified religion or religious denomination), and

Changes to legislation: School Standards and Framework Act 1998, Section 58 is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes

- (b) are specifically appointed to do so.
- (3) The number of reserved teachers in such a school shall not exceed one-fifth of [F8 the total number of teachers], including the head teacher (and for this purpose, where [F8 the total number of teachers] is not a multiple of five, it shall be treated as if it were the next higher multiple of five).

^{F9} (4)																															
٠,	,	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

- (5) Where the appropriate body propose to appoint a person to be a reserved teacher in such a school, that body—
 - (a) shall consult the foundation governors, and
 - (b) shall not so appoint that person unless the foundation governors are satisfied as to his fitness and competence to give such religious education as is mentioned in subsection (2)(a).
- (6) If the foundation governors of such a school consider that a reserved teacher has failed to give such religious education efficiently and suitably, they [F10 may—
 - (a) in the case of a teacher who is an employee, require the appropriate body to dismiss him from employment as a reserved teacher at the school, and
 - (b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate his engagement.]
- (7) If a teacher appointed to give religious education in a school to which this subsection applies fails to give such education efficiently and suitably, he may be dismissed on that ground by the governing body without the consent of the [F11] local authority].
- (8) Subsection (7) does not apply—
 - (a) where the school has a delegated budget, or
 - (b) to religious education in accordance with an agreed syllabus.
- (9) In this section—

"the appropriate body" means—

- (a) in relation to a foundation school, the governing body, and
- (b) in relation to a voluntary controlled school, the [F11]local authority];

"reserved teacher", in relation to a foundation or voluntary controlled school, means a person employed [F12 or engaged] at the school in pursuance of subsection (2).

Textual Amendments

- F1 Word in s. 58 heading inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 4(3)(a)
- F2 Words in s. 58(1)(a) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 4(3)(b)(i)
- Words in s. 58(1)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 4(3)(b)(ii)
- F4 Words in s. 58(1) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 4(3)(b)(iii)(aa)

Chapter V – Staffing and conduct of schools Document Generated: 2024-06-22

Changes to legislation: School Standards and Framework Act 1998, Section 58 is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes

- F5 Words in s. 58(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), Sch. 2 para. 4(3)(b)(iii)(bb)
- **F6** Words in s. 58(2) substituted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para.** 6(2)(a) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.
- F7 Words in s. 58(2) substituted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 3 para. 6(2)(b) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.
- F8 Words in s. 58(3) substituted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), Sch. 3 para. 6(3) (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.
- F9 S. 58(4) repealed (30.6.2008 for W., 1.9.2008 for E.) by Education and Inspections Act 2006 (c. 40), ss. 37(1), 188(3), Sch. 18 Pt. 6; S.I. 2008/1429, art. 3(1), Sch. Pt. 1; S.I. 2008/1971, art. 2(a)
- **F10** Words in s. 58(6) substituted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 6(5)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.
- F11 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 10(2) (with Sch. 2 para. 10(4))
- **F12** Words in s. 58(9) inserted (1.9.2003 for E., 1.4.2006 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 6(6)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2006/879, art. 4, Sch.

Modifications etc. (not altering text)

- C1 S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, reg. 49(3).
 - S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, reg. 50(3).
 - S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, reg. 51(3).
 - S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2243, reg. 52(3).
 - S. 58(2)-(6)(9) applied (with modifications) (1.9.1999) by S.I. 1999/2262, regs. 48, 49(3).
 - S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2262, regs. 48, 50(3).
 - S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2262, **regs. 48**, 51(3).
 - S. 58(2)-(6)(9) applied (1.9.1999) by S.I. 1999/2262, regs. 48, 52(3).
- C2 S. 58(7) applied (1.9.1999) by S.I. 1999/2243, reg. 52(4).
 - S. 58(7) applied (1.9.1999) by S.I. 1999/2262, regs. 48, 52(4).

Changes to legislation:

School Standards and Framework Act 1998, Section 58 is up to date with all changes known to be in force on or before 22 June 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.

View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by 2011 nawm 7 s. 16(2) (Amendment not applied to legislation.gov.uk s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by 2011 nawm 7 s. 16(3) (Amendment not applied to legislation.gov.uk s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by 2023 c. 55 s. 235(4)