

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 16: Schools: reduction of burdens

Staffing matters

792. Sections 35 and 36 of the Education Act 2002 form part of the law of England and Wales and make provision about staffing in maintained schools in England and Wales. *Paragraphs 4 and 5* remove the duty in sections 35(8) and 36(8) of the Education Act 2002 that requires the governing bodies and head teachers of maintained schools in England (community, voluntary controlled and community special schools, maintained nursery schools and foundation, voluntary aided and foundation special schools) and local authorities in England to have regard to guidance issued by the Secretary of State relating to the appointment, discipline, suspension and dismissal of school staff (teachers and other school employees). The position is preserved for governing bodies and local authorities in Wales who will continue to be required to have regard to guidance issued by the National Assembly for Wales. Consequently the current statutory guidance, which supplements the provisions and duties set out in the [School Staffing \(England\) Regulations 2009 \(S.I. 2009/2680\)](#) and describes in detail the processes and procedures that must be followed, will be removed. This provision comes into force on a day to be appointed by the Secretary of State in a commencement order.