

2004 No. 2325

EDUCATION, ENGLAND

**The Education (Modification of Enactments Relating to
Employment) (England) (Amendment) Order 2004**

<i>Made</i> - - - -	<i>8th September 2004</i>
<i>Laid before Parliament</i>	<i>10th September 2004</i>
<i>Coming into force</i> - -	<i>1st October 2004</i>

In exercise of the powers conferred upon the Secretary of State by section 81 of the School Standards and Framework Act 1998(a) and after consulting—

- (a) such associations of local authorities,
- (b) such bodies representing the interests of governors of foundation or voluntary schools, and
- (c) such organisations representing staff in maintained schools,

as appeared to him to be concerned, the Secretary of State for Education and Skills hereby makes the following Order:

Citation, commencement and application

- 1.—(1) This Order may be cited as the Education (Modification of Enactments Relating to Employment) (England) (Amendment) Order 2004 and comes into force on 1st October 2004.
- (2) This Order applies only in relation to England.

Amendment of the Education (Modification of Enactments Relating to Employment) (England) Order 2003

- 2.—(1) The Education (Modification of Enactments Relating to Employment) (England) Order 2003(b) is amended as follows.
- (2) The following is added at the end of the Schedule—
“Employment Act 2002(c)
sections 29-32 and Schedules 2-4”.

8th September 2004

David Miliband
Minister of State
Department for Education and Skills

(a) 1998 c. 31, amended by paragraph 107 of Schedule 21 to the Education Act 2002 c.32.
(b) S.I. 2003/1964.
(c) 2002 c. 22.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education (Modification of Enactments Relating to Employment) (England) Order 2003. The Order modifies various provisions relating to employment to take account of the requirement contained in the School Standards and Framework Act 1998 for local education authorities to delegate financial management of schools to their governing bodies. While a school has a delegated budget, the governing body has powers as to the appointment, suspension, conduct and discipline, capability and dismissal of staff at the school, although the authority remains the employer of staff at community, voluntary controlled, community special schools and maintained nursery schools. The authority may also be the employer of certain support staff at foundation, voluntary aided and foundation special schools.

Article 2 amends the Schedule to the 2003 Order to add the provisions of the Employment Act 2002 that relate to statutory dispute resolution procedures for staff dismissal, discipline and grievance.

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