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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1 April 2006 those provisions of the Education Act 2002 specified in the Schedule to this Order.

References below to sections and Schedules (without more) are references to sections of and Schedules to the Education Act 2002.

In the case of provisions brought into force by this Order which amend existing legislation, references to the Secretary of State in those provisions are to be read, in relation to Wales, as references to the National Assembly for Wales— see section 211.

The effect of the provisions specified in of the Schedule to this Order is as follows—

Section 35 makes provision in relation to the staffing of community, voluntary controlled, community special and maintained nursery schools. It replaces the arrangements set out in section 54 of, and Schedule 16 to, the School Standards and Framework Act 1998 (“the 1998 Act”). It provides that the LEA is the employer of staff at such schools and requires such staff to include a head teacher. It enables the National Assembly to make regulations on the appointment, discipline, suspension and dismissal of staff at such schools.

Section 36 makes provision in relation to the staffing of foundation, voluntary aided and foundation special schools, replacing the arrangements set out in section 55 of, and Schedule 17 to, the 1998 Act. It provides that, unless regulations state otherwise, the governing body is the employer of staff at such schools. The staff must include a head teacher. The National Assembly is given the power to make regulations on the appointment, discipline, suspension and dismissal of staff at such schools.

Schedule 2 provides for the staffing arrangements which are to apply instead of regulations under section 34 or 35 if a school’s delegated budget is suspended.

Section 37 re-enacts section 57 of the 1998 Act and makes provision in connection with payments in respect of dismissal of staff from maintained schools.

Section 40 and Schedule 3 make amendments to the 1998 Act consequential on the new staffing provisions.