



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER V

##### STAFFING AND CONDUCT OF SCHOOLS

##### *Staffing of schools*

- 54 Staffing of community, voluntary controlled and community special schools.**
- (1) Schedule 16 has effect in relation to the staffing of community, voluntary controlled and community special schools.
  - (2) If at any time a community, voluntary controlled or community special school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15—
    - (a) Schedule 16 shall not apply; and
    - (b) subsections (3) to (5) below shall apply instead.
  - (3) The number of teachers and non-teaching staff to be employed at the school shall be determined by the local education authority.
  - (4) The authority may appoint, suspend and dismiss teachers and other staff at the school as the authority think fit.
  - (5) The authority shall, in connection with the exercise of their functions under subsection (4), consult the governing body to such extent as the authority think fit.

*Status: Point in time view as at 01/09/1999.*

*Changes to legislation: School Standards and Framework Act 1998, Chapter V is up to date with all changes known to be in force on or before 23 May 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)*

- (6) In relation to reserved teachers at a voluntary controlled school, Schedule 16 or (as the case may be) subsection (4) above has effect subject to section 58.

**Modifications etc. (not altering text)**

- C1** S. 54(3)-(5) applied (1.9.1999) by [S.I. 1999/2243](#), **reg. 51(2)**.  
 S. 54(3)-(5) applied (1.9.1999) by [S.I. 1999/2262](#), **regs. 48, 51(2)**.  
**C2** S. 54(4) modified (1.9.1999) by [S.I. 1999/2243](#), **reg. 51(4)**.  
 S. 54(4) applied (with modifications) (1.9.1999) by [S.I. 1999/2262](#), **regs. 48, 51(4)**.  
**C3** S. 54(4)(5) modified (1.9.1999) by [S.I. 1999/2243](#), **reg. 52(3)**

**Commencement Information**

- II** S. 54 wholly in force at 1.9.1999; s. 54 not in force at Royal Assent see s. 145(3); s. 54 in force for certain purposes at 1.2.1999 by [S.I. 1999/120](#), **art. 2(1)**, **Sch. 1**; s. 54 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), **art. 2(1)**, **Sch. 1** (with **arts. 3-5**, **Schs. 5-7**).

**55 Staffing of foundation, voluntary aided and foundation special schools.**

- (1) Schedule 17 has effect in relation to the staffing of foundation, voluntary aided and foundation special schools.
- (2) If at any time a foundation, voluntary aided or foundation special school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15, Schedule 17 shall apply to the school subject to subsections (3) to (7) below.
- (3) The number of teachers and non-teaching staff to be employed at the school shall be determined by the local education authority.
- (4) Except with the consent of the authority, the governing body shall not—
- (a) appoint any teacher to be employed at the school or engage, or make arrangements for the engagement of, any person to provide his services as a teacher at the school, or
  - (b) dismiss any teacher at the school.
- (5) The authority may give the governing body directions—
- (a) as to the educational qualifications of the teachers to be employed for giving secular education; or
  - (b) requiring them to dismiss any teacher at the school;
- but the authority shall not give any directions under paragraph (a) except after consulting the governing body.
- (6) The authority may give directions to the governing body as to the number and conditions of service of persons employed at the school for the purposes of the care and maintenance of the school premises.
- (7) Where the trust deed relating to the school provides for a person other than the governing body to be entitled to control the occupation and use of the school premises to any extent, then, if and to the extent that (disregarding any transfer of control agreement under Schedule 13) the use of those premises is or would be under the control of any such person, the reference in subsection (6) to the governing body shall be read as a reference to that person.

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- (8) Schedule 17 or (as the case may be) subsections (4) and (5) above have effect subject to section 58.

**Modifications etc. (not altering text)**

- C4** S. 55(3)-(7) applied (1.9.1999) by S.I. 1999/2243, **reg. 52(2)**.  
S. 55(3)-(7) applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(2)**.
- C5** S. 55(4)(5) modified (1.9.1999) by S.I. 1999/2243, **reg. 52(3)**.  
S. 55(4)(5) modified (1.9.1999) by S.I. 1999/2243, **reg. 52(4)**.  
S. 55(4)(5) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(3)**.  
S. 55(4)(5) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(4)**.

**Commencement Information**

- I2** S. 55 wholly in force at 1.9.1999; s. 55 not in force at Royal Assent see s. 145(3); s. 55 in force for certain purposes at 1.2.1999 by S.I. 1999/120, **art. 2(1), Sch. 1**; s. 55 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, **art. 2(1), Sch. 1** (with **arts. 3-5, Schs. 5-7**).

**56 Staffing for non-school activities.**

- (1) This section applies to a maintained school if—
- (a) activities other than school activities (“non-school activities”) are carried on on the school premises, and
  - (b) all non-school activities which are so carried on are carried on under the management or control of the school’s governing body.
- (2) The relevant staffing provisions shall, to such extent as the local education authority may determine, apply in relation to persons employed to work—
- (a) partly for the purposes of school activities and partly for the purposes of non-school activities carried on on the school premises, or
  - (b) solely for the purposes of non-school activities so carried on, as if all activities so carried on were school activities.
- (3) The local education authority shall give the governing body notice in writing of any determination by the authority under subsection (2).
- (4) In subsection (2) “the relevant staffing provisions” means—
- (a) in relation to a community, voluntary controlled or community special school, the provisions of Schedule 16 and section 57; and
  - (b) in relation to a foundation, voluntary aided or foundation special school, the provisions of Schedule 17 and section 57.
- (5) Nothing in this section applies to a school within subsection (1) at any time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15.

**Modifications etc. (not altering text)**

- C6** S. 56 applied (1.9.1999) by S.I. 1999/2243, **reg. 49(2)**.  
S. 56 applied (1.9.1999) by S.I. 1999/2243, **reg. 50(2)**.  
S. 56 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 49(2)**.

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S. 56 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(2)**.

## 57 **Payments in respect of dismissal, etc.**

- (1) It shall be for the governing body of a maintained school to determine—
  - (a) whether any payment should be made by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of the school, and
  - (b) the amount of any such payment.
- (2) Subsection (1) does not, however, apply in relation to a payment which the local education authority are required to make—
  - (a) by virtue of any contract other than one made in contemplation of the impending dismissal or resignation of the member of staff concerned, or
  - (b) under any statutory provision.
- (3) The local education authority—
  - (a) shall take such steps as may be required for giving effect to any determination of the governing body under subsection (1), and
  - (b) shall not make, or agree to make, a payment in relation to which that subsection applies except in accordance with such a determination.
- (4) Costs incurred by the local education authority in respect of any premature retirement of a member of the staff of a maintained school shall be met from the school's budget share for one or more financial years except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met.
- (5) Costs incurred by the local education authority in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school shall not be met from the school's budget share for any financial year except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that share.
- (6) The fact that the authority have a policy precluding dismissal of their employees by reason of redundancy is not to be regarded as a good reason for the purposes of subsection (5); and in this subsection the reference to dismissal by reason of redundancy shall be read in accordance with section 139 of the <sup>M1</sup>Employment Rights Act 1996.
- (7) Nothing in this section applies to a maintained school at any time when the school does not have a delegated budget by virtue of any suspension under section 17 or Schedule 15.

### **Modifications etc. (not altering text)**

- C7** S. 57 modified (temp.) (1.4.1999) by S.I. 1999/638, **reg.6**.  
**C8** S. 57(3)(4)(5) excluded (1.4.1999) by S.I. 1999/638, **reg.7**.  
**C9** S. 57(3) excluded (1.4.1999) by S.I. 1999/638, **reg.8**.

### **Marginal Citations**

- M1** 1996 c. 18.

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### *Appointment and dismissal of teachers of religious education*

## **58 Appointment and dismissal of certain teachers at schools with a religious character.**

- (1) In this section—
  - (a) subsections (2) to (6) apply to a foundation or voluntary controlled school which has a religious character; and
  - (b) subsection (7) applies (subject to subsection (8)) to a voluntary aided school 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 in accordance with section 69(3).
- (2) Where the number of the teaching staff of a school to which this subsection applies is more than two, the teaching staff 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
  - (b) are specifically appointed to do so.
- (3) The number of reserved teachers in such a school shall not exceed one-fifth of the number of the teaching staff, including the head teacher (and for this purpose, where the number of the teaching staff is not a multiple of five, it shall be treated as if it were the next higher multiple of five).
- (4) The head teacher of such a school shall not, while holding the post of head teacher of the school, be a reserved teacher.
- (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 may require the appropriate body to dismiss him from employment as a reserved teacher in the school.
- (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 local education 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 local education authority;

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“reserved teacher”, in relation to a foundation or voluntary controlled school, means a person employed at the school in pursuance of subsection (2).

**Modifications etc. (not altering text)**

- C10** 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)**.
- C11** 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)**.

*Religious opinions etc. of staff*

**59 Staff at community, secular foundation or voluntary, or special school.**

- (1) This section applies to—
- (a) a community school or a community or foundation special school, or
  - (b) a foundation or voluntary school which does not have a religious character.
- (2) No person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship—
- (a) from being a teacher at the school, or
  - (b) from being employed for the purposes of the school otherwise than as a teacher.
- (3) No teacher at the school shall be required to give religious education.
- (4) No teacher at the school shall receive any less remuneration or be deprived of, or disqualified for, any promotion or other advantage—
- (a) by reason of the fact that he does or does not give religious education, or
  - (b) by reason of his religious opinions or of his attending or omitting to attend religious worship.

**Modifications etc. (not altering text)**

- C12** S. 59 applied (1.9.1999) by S.I. 1999/2243, **reg. 49(2)**.  
 S. 59 applied (1.9.1999) by S.I. 1999/2243, **reg. 50(4)**.  
 S. 59 applied (1.9.1999) by S.I. 1999/2243, **reg. 51(2)**.  
 S. 59 applied with modifications (1.9.1999) by S.I. 1999/2243, **reg. 52(5)**.  
 S. 59 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 49(2)**.  
 S. 59 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(4)**.  
 S. 59 applied with modifications (1.9.1999) by S.I. 1999/2262, **regs. 48, 51(2)**.  
 S. 59 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(4)**.
- C13** S. 59(2)-(4) modified (1.9.1999) by S.I. 1999/2243, **reg. 50(5)**.  
 S. 59(2)-(4) applied (with modifications) by S.I. 1999/2243, **reg. 52(6)**.  
 S. 59(2)-(4) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(5)**.

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S. 59(2)-(4) applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(6)**.

## **60 Staff at foundation or voluntary school with religious character.**

- (1) This section applies to a foundation or voluntary school which has a religious character.
- (2) If the school is a foundation or voluntary controlled school, then (subject to subsections (3) and (4) below) section 59(2) to (4) shall apply to the school as they apply to a foundation or voluntary controlled school which does not have a religious character.
- (3) Section 59(2) to (4) shall not so apply in relation to a reserved teacher at the school; and instead subsection (5) below shall apply in relation to such a teacher as it applies in relation to a teacher at a voluntary aided school.
- (4) In connection with the appointment of a person to be head teacher of the school (whether foundation or voluntary controlled) regard may be had to that person's ability and fitness to preserve and develop the religious character of the school.
- (5) If the school is a voluntary aided school—
  - (a) preference may be given, in connection with the appointment, remuneration or promotion of teachers at the school, to persons—
    - (i) whose religious opinions are in accordance with the tenets of the religion or religious denomination specified in relation to the school under section 69(4), or
    - (ii) who attend religious worship in accordance with those tenets, or
    - (iii) who give, or are willing to give, religious education at the school in accordance with those tenets; and
  - (b) regard may be had, in connection with the termination of the employment of any teacher at the school, to any conduct on his part which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified.
- (6) If the school is a voluntary aided school, no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being employed for the purposes of the school otherwise than as a teacher.
- (7) Where immediately before the appointed day a teacher at a school which on that day becomes a school to which this section applies enjoyed, by virtue of section 304 or 305 of the <sup>M2</sup>Education Act 1996 (religious opinions of staff etc.), any rights not conferred on him by this section as a teacher at a school to which it applies, he shall continue to enjoy those rights (in addition to those conferred by this section) until he ceases to be employed as a teacher at the school.
- (8) In this section “reserved teacher”, in relation to a foundation or voluntary controlled school, means a person employed at the school in pursuance of section 58(2).

### **Modifications etc. (not altering text)**

- C14** S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 49(3)**.  
S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 50(5)**.  
S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 51(3)**.

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- S. 60 applied (1.9.1999) by S.I. 1999/2243, **reg. 52(6)**.
- S. 60 applied (with modifications) (1.9.1999) by S.I. 1999/2262, **regs. 48, 49(3)**.
- S. 60 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 50(5)**.
- S. 60 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 51(3)**.
- S. 60 applied (1.9.1999) by S.I. 1999/2262, **regs. 48, 52(6)**.

#### **Marginal Citations**

**M2** 1996 c. 56.

### *Discipline: general*

#### **61 Responsibility of governing body and head teacher for discipline.**

- (1) The governing body of a maintained school shall ensure that policies designed to promote good behaviour and discipline on the part of its pupils are pursued at the school.
- (2) In particular, the governing body—
  - (a) shall make, and from time to time review, a written statement of general principles to which the head teacher is to have regard in determining any measures under subsection (4); and
  - (b) where they consider it desirable that any particular measures should be so determined by the head teacher or that he should have regard to any particular matters—
    - (i) shall notify him of those measures or matters, and
    - (ii) may give him such guidance as they consider appropriate;
 and in exercising their functions under this subsection the governing body shall have regard to any guidance given from time to time by the Secretary of State.
- (3) Before making or revising the statement required by subsection (2)(a) the governing body shall consult (in such manner as appears to them to be appropriate)—
  - (a) the head teacher; and
  - (b) parents of registered pupils at the school.
- (4) The head teacher shall determine measures (which may include the making of rules and provision for enforcing them) to be taken with a view to—
  - (a) promoting, among pupils, self-discipline and proper regard for authority;
  - (b) encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils;
  - (c) securing that the standard of behaviour of pupils is acceptable; and
  - (d) otherwise regulating the conduct of pupils.
- (5) The head teacher shall in determining such measures—
  - (a) act in accordance with the current statement made by the governing body under subsection (2)(a); and
  - (b) have regard to any notification or guidance given to him under subsection (2)(b).
- (6) The standard of behaviour which is to be regarded as acceptable at the school shall be determined by the head teacher, so far as it is not determined by the governing body.



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- (7) The measures determined by the head teacher under subsection (4) shall be publicised by him in the form of a written document as follows—
- (a) he shall make the measures generally known within the school and to parents of registered pupils at the school; and
  - (b) he shall in particular, at least once in every school year, take steps to bring them to the attention of all such pupils and parents and all persons employed, or otherwise engaged to provide their services, at the school.

**Modifications etc. (not altering text)**

**C15** S. 61 applied with modifications (1.9.1999) by [S.I. 1999/2262](#), **reg. 59**.

**C16** S. 61 extended (with modifications) (1.9.1999) by [S.I. 1999/2243](#), **reg. 59**.

**62 LEA’s reserve power to prevent a breakdown of discipline.**

- (1) The local education authority may, in the circumstances mentioned in subsection (2) or where subsection (3) applies, take such steps in relation to a maintained school as they consider are required to prevent the breakdown, or continuing breakdown, of discipline at the school.
- (2) The circumstances are that—
- (a) in the opinion of the authority—
    - (i) the behaviour of registered pupils at the school, or
    - (ii) any action taken by such pupils or their parents,is such that the education of any registered pupils at the school is (or is likely in the immediate future to become) severely prejudiced; and
  - (b) the governing body have been informed in writing of the authority’s opinion.
- (3) This subsection applies where—
- (a) a warning notice has been given in accordance with section 15(2) referring to the safety of pupils or staff at the school being threatened by a breakdown of discipline at the school,
  - (b) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction within the compliance period, and
  - (c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under subsection (1) of this section (whether or not in conjunction with exercising their powers under either or both of sections 16 and 17);
- and a notice under paragraph (c) of this subsection may be combined with a notice under section 15(1)(c).
- (4) Steps taken by a local education authority under subsection (1) may include the giving of any direction to the governing body or head teacher.

*School attendance targets*

**63 School attendance targets.**

- (1) Regulations may make provision for and in connection with—

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- (a) requiring, or
  - (b) enabling the Secretary of State to require, governing bodies of maintained schools to secure that annual targets are set for reducing the level of unauthorised absences on the part of relevant day pupils at their schools.
- (2) Regulations under this section may, in particular, make provision—
- (a) for the Secretary of State to impose such a requirement on the governing body of a maintained school where—
    - (i) the specified condition is for the time being satisfied in relation to the school, and
    - (ii) he considers it appropriate to impose the requirement;
  - (b) for such a requirement to be imposed by the Secretary of State in such manner, and for such period, as may be specified in or determined in accordance with the regulations;
  - (c) for the Secretary of State, where he considers it appropriate to do so, to exempt the governing body of a maintained school, in relation to any school year, from a requirement imposed by virtue of subsection (1)(a) or (b).
- (3) For the purposes of subsection (2)(a)(i) the specified condition is for the time being satisfied in relation to a maintained school if in the previous school year the level of unauthorised absences on the part of relevant day pupils at the school (as determined in accordance with the regulations) exceeded such level as may for that year be specified in or determined in accordance with the regulations.
- (4) In this section—
- “relevant day pupil” means a pupil registered at a maintained school who is of compulsory school age and is not a boarder;
  - “unauthorised absence”, in relation to such a pupil, means any occasion on which the pupil is recorded as absent without authority pursuant to regulations under section 434 of the <sup>M3</sup>Education Act 1996 (registration of pupils).

**Modifications etc. (not altering text)**

C17 S. 63 extended (*temp.*) (16.2.1999) by S.I. 1999/129, reg.2.

**Marginal Citations**

M3 1996 c. 56.

*Exclusion of pupils*

**64 Power of head teacher to exclude pupils.**

- (1) The head teacher of a maintained school may exclude a pupil from the school for a fixed period or permanently.
- (2) The head teacher may not exercise the power to exclude a pupil from the school for one or more fixed periods such that the pupil is so excluded for more than 45 school days in any one school year.

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- (3) A pupil may not be excluded from a maintained school (whether by suspension, expulsion or otherwise) except by the head teacher in accordance with this section.
- (4) In this Act “exclude”, in relation to the exclusion of a child from a school, means exclude on disciplinary grounds (and “exclusion” shall be construed accordingly).

**Modifications etc. (not altering text)**

- C18** Ss. 64–68 restricted (13.8.1999) by [S.I. 1999/2323, art. 4, Sch. 6, para. 1](#)
- C19** S. 64(2)(3): Power to apply (with modifications) conferred (24.7.2002) by [Education Act 2002 \(c. 32\), ss. 52\(8\)\(9\), 216](#) (with [ss. 210\(8\), 214\(4\)](#))
- C20** S. 64(2)(3): Power to apply (with modifications) conferred (24.7.2002) by [Education Act 2002 \(c. 32\), ss. 52\(8\)\(9\), 216](#) (with [ss. 210\(8\), 214\(4\)](#))
- C21** S. 64(4) extended (16.6.1999) by [S.I. 1999/1439, reg. 13\(2\)](#).

**65 Exclusion of pupils: duty to inform parents, etc.**

- (1) Where the head teacher of a maintained school excludes any pupil, the head teacher shall (without delay) take reasonable steps to inform the relevant person of the following matters—
  - (a) the period of the exclusion (or, if the pupil is being permanently excluded, that he is being so excluded);
  - (b) the reasons for the exclusion;
  - (c) that he may make representations about the exclusion to the governing body, and
  - (d) the means by which such representations may be made.
- (2) Where the head teacher decides that any exclusion of a pupil for a fixed period should be made permanent, he shall (without delay) take reasonable steps to inform the relevant person of—
  - (a) his decision, and
  - (b) the matters specified in paragraphs (b) to (d) of subsection (1).
- (3) Subsection (4) applies where the head teacher—
  - (a) excludes any pupil in circumstances where the pupil would, as a result of the exclusion—
    - (i) be excluded from the school for a total of more than five school days in any one term, or
    - (ii) lose an opportunity to take any public examination,
  - (b) excludes a pupil permanently, or
  - (c) decides that any exclusion of a pupil should be made permanent.
- (4) Where this subsection applies, the head teacher shall (without delay) inform the local education authority and the governing body of the following matters—
  - (a) the period of the exclusion (or, if the pupil is being permanently excluded, that he is being so excluded), or
  - (b) his decision that any exclusion of a pupil for a fixed period should be made permanent,and (in either case) of the reasons for it.

*Status: Point in time view as at 01/09/1999.*

*Changes to legislation: School Standards and Framework Act 1998, Chapter V is up to date with all changes known to be in force on or before 23 May 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)*

- (5) In this section and in sections 66 and 67 “the relevant person” means—
- (a) in relation to a pupil under the age of 18, a parent of his;
  - (b) in relation to a pupil who has attained that age, the pupil himself.
- (6) Where regulations under paragraph 4 of Schedule 11 require the governing body of a maintained school to establish a discipline committee, references in this section and sections 66 to 68 to the governing body of such a school shall be construed as references to their discipline committee.

**Modifications etc. (not altering text)**

**C22** Ss. 64-68 restricted (13.8.1999) by [S.I. 1999/2323](#), art. 4, [Sch. 6 para. 1](#)

**C23** Ss. 65-67: Power to apply (with modifications) conferred (24.7.2002) by [Education Act 2002 \(c. 32\)](#), [ss. 52\(8\)\(9\), 216](#) (with [ss. 210\(8\), 214\(4\)](#))

**66 Functions of governing body in relation to excluded pupils.**

- (1) Subsections (2) to (6) apply where the governing body of a maintained school are informed under section 65(4) of any exclusion or decision to which that provision applies.
- (2) The governing body shall in any such case—
- (a) consider the circumstances in which the pupil was excluded;
  - (b) consider any representations about the exclusion made to the governing body—
    - (i) by the relevant person in pursuance of section 65(1)(c) or (2)(b), or
    - (ii) by the local education authority;
  - (c) allow each of the following, namely—
    - (i) the relevant person, and
    - (ii) an officer of the local education authority nominated by the authority, to attend a meeting of the governing body and to make oral representations about the exclusion; and
  - (d) consider any oral representations so made.
- (3) In a case where it would be practical for the governing body to give a direction to the head teacher requiring the reinstatement of a pupil, they shall in addition consider whether he should be reinstated immediately, reinstated by a particular date or not reinstated.
- (4) If the governing body decide that the pupil should be reinstated, they shall forthwith—
- (a) give the appropriate direction to the head teacher, and
  - (b) inform the relevant person and the local education authority of their decision.
- (5) The head teacher shall comply with any direction of the governing body for the reinstatement of a pupil who has been excluded from the school.
- (6) If the governing body decide that the pupil should not be reinstated, they shall forthwith—
- (a) inform the relevant person, the head teacher and the local education authority of their decision, and

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- (b) in addition, in the case of a pupil who is permanently excluded, give the relevant person notice in writing referring to that decision and stating the following matters—
- (i) the reasons for the decision,
  - (ii) his right to appeal against the decision,
  - (iii) the person to whom he should give any notice of appeal,
  - (iv) that any notice of appeal must contain the grounds of appeal, and
  - (v) the last date on which an appeal may be made.
- (7) Where—
- (a) the head teacher of a maintained school excludes a pupil otherwise than as mentioned in section 65(3), and
  - (b) the governing body receive any representations made in pursuance of section 65(1)(c) or (2)(b) by the relevant person about the exclusion,
- they shall consider those representations.
- (8) Regulations may provide that, where a governing body of a maintained school are required under this section to take any step, the duty must, subject to such exceptions as may be prescribed, be performed within the prescribed period; but such a provision shall not relieve the governing body of the duty to take any step which has not been taken within that period.

**Modifications etc. (not altering text)**

**C24** Ss. 64-68 restricted (13.8.1999) by [S.I. 1999/2323](#), art. 4, [Sch. 6 para. 1](#)

**C25** Ss. 65-67: Power to apply (with modifications) conferred (24.7.2002) by [Education Act 2002 \(c. 32\)](#), [ss. 52\(8\)\(9\)](#), 216 (with [ss. 210\(8\)](#), 214(4))

**Commencement Information**

**I3** S. 66 wholly in force at 1.9.1999; s. 66 not in force at Royal Assent see s. 145(3); s. 66(8) in force at 1.12.1998 by [S.I. 1998/2212](#), art. 2, [Sch. 1 Pt. II](#); s. 66 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

**67 Appeals against exclusion of pupils.**

- (1) A local education authority shall make arrangements for enabling the relevant person to appeal against any decision of the governing body under section 66 not to reinstate a pupil who has been permanently excluded from a school maintained by the authority.
- (2) Schedule 18 has effect in relation to the making and hearing of appeals pursuant to arrangements made under subsection (1); and in subsections (3) and (4) “appeal panel” means an appeal panel constituted in accordance with paragraph 2 of that Schedule.
- (3) The decision of an appeal panel on an appeal pursuant to arrangements made under subsection (1) shall be binding on the relevant person, the governing body, the head teacher and the local education authority.
- (4) Where on such an appeal the appeal panel determines that the pupil in question should be reinstated, the panel shall either—
  - (a) direct that he is to be reinstated immediately, or
  - (b) direct that he is to be reinstated by a date specified in the direction.

*Status: Point in time view as at 01/09/1999.*

*Changes to legislation: School Standards and Framework Act 1998, Chapter V is up to date with all changes known to be in force on or before 23 May 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)*

**Modifications etc. (not altering text)**

**C26** Ss. 64-68 restricted (13.8.1999) by [S.I. 1999/2323](#), [art. 4](#), [Sch. 6 para. 1](#)

**C27** Ss. 65-67: Power to apply (with modifications) conferred (24.7.2002) by [Education Act 2002 \(c. 32\)](#), [ss. 52\(8\)\(9\)](#), 216 (with [ss. 210\(8\)](#), 214(4))

**Commencement Information**

**I4** S. 67 wholly in force at 1.9.1999; s. 67 not in force at Royal Assent see s. 145(3); s. 67(2) in force for specified purpose at 1.4.1999 by [S.I. 1999/1016](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-6](#), [Sch. 4](#)); s. 67 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

**68 Exclusion of pupils: guidance.**

- (1) This section applies to any functions of—
- (a) the head teacher or the governing body of a maintained school,
  - (b) a local education authority, or
  - (c) an appeal panel constituted in accordance with paragraph 2 of Schedule 18, conferred by or under any of sections 64 to 67 and Schedule 18.
- (2) In discharging any such function, such a person or body shall have regard to any guidance given from time to time by the Secretary of State.

**Modifications etc. (not altering text)**

**C28** Ss. 64-68 restricted (13.8.1999) by [S.I. 1999/2323](#), [art. 4](#), [Sch. 6 para. 1](#)

**Status:**

Point in time view as at 01/09/1999.

**Changes to legislation:**

School Standards and Framework Act 1998, Chapter V is up to date with all changes known to be in force on or before 23 May 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.