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STATUTORY INSTRUMENTS

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**1999 No. 2258**

**EDUCATION, ENGLAND**

**The Education (School Meals Staff) (England) Regulations 1999**

*Made* - - - - *9th August 1999*  
*Laid before Parliament* *11th August 1999*  
*Coming into force* - - *1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 54(1), 138(7) and (8) of, and paragraph 30 of Schedule 16 to, the School Standards and Framework Act 1998(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Education (School Meals Staff) (England) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply in relation to school meals staff employed or to be employed to work at a school in England.

(3) In these Regulations—

“the Act” means the School Standards and Framework Act 1998;

“authority” means the local education authority by which a school is maintained;

“school” means a community, voluntary controlled or community special school; and

“school meals staff” means persons employed or to be employed by an authority to work at a school solely in connection with the provision of meals.

**Appointment, discipline, suspension and dismissal of school meals staff**

2.—(1) Subject to regulations 3 and 4 and paragraph (2), the authority shall be responsible for the appointment, discipline, suspension and dismissal of school meals staff at a school.

(2) Before exercising any function under this regulation the authority shall consult the governing body of the school at which the person in question works to such extent as the authority think fit.

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(1) [1998 c. 31](#); by virtue of [S.I.1999/672](#) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

**Appointment etc. of school meals staff at schools where governing body responsible for school meals but meals continue to be supplied by local education authority**

3.—(1) Where an order is in force under section 512A(1) of the Education Act 1996(2) imposing on the governing body of a school a duty corresponding to a duty of the authority mentioned in section 512A(2)(a) of that Act (duty to provide school lunches) or section 512A(2)(b) of that Act (duty to provide school lunches free of charge), but the governing body have entered into an agreement with the authority that the authority shall supply lunches at that school then the following paragraphs of this regulation shall apply.

(2) The authority shall, subject to paragraph (4), be responsible for the appointment, discipline, suspension and dismissal of school meals staff at that school.

(3) Before exercising any function under paragraph (2) the authority shall consult the governing body of the school to such extent as the authority think fit.

(4) Where the governing body determine that any member of the school meals staff should cease to work at the school they shall notify the authority in writing of their determination and of the reasons for it and the authority shall thereupon require the person to cease to work at the school.

**Appointment etc. of school meals staff at schools where governing body responsible for school meals**

4. Where an order is in force under section 512A(1) of the Education Act 1996 imposing on the governing body of a school a duty corresponding to a duty of the authority mentioned in section 512A(2)(a) of that Act (duty to provide school lunches) or section 512A(2)(b) of that Act (duty to provide school lunches free of charge), and no agreement has been entered into with the authority that the authority shall supply lunches at that school then paragraphs 20 to 22 and 24 to 29 of Schedule 16 to the Act shall apply to the appointment, discipline, suspension and dismissal of school meals staff.

*Estelle Morris*  
Minister of State,

Department for Education and Employment

9th August 1999

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(2) [1996 c. 56](#); section 512A was inserted by section 116 of the School Standards and Framework Act 1998. When these Regulations come into force, the relevant Order under that section will be S.I. [1999/2164](#).

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## EXPLANATORY NOTE

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

These Regulations make provision for the appointment, discipline, suspension and dismissal of school meals staff employed by local education authorities to work solely in connection with the provision of meals at community, voluntary controlled and community special schools with delegated budgets in England.

Responsibility for the appointment, discipline, suspension and dismissal of school meals staff will in general rest with the local education authority in consultation with the governing body of the school concerned (*regulation 2*).

Where an order has been made under section 512A of the Education Act 1996 placing a duty on the governing body to provide paid or free school lunches but the lunches are supplied by the local education authority pursuant to an agreement between the governing body and the authority, responsibility for the appointment, discipline, suspension and dismissal of school meals staff will rest with the authority in consultation with the governing body but the governing body may require any person to cease to work at the school (*regulation 3*).

Where an order has been made under section 512A of the Education Act 1996 placing a duty on the governing body to provide paid or free school lunches and no such agreement has been entered into with the authority then paragraphs 20 to 22 and 24 to 29 of Schedule 16 to the School Standards and Framework Act 1998 shall apply to the appointment, discipline, suspension and dismissal of school meals staff (*regulation 4*).

The Regulations are applied by virtue of paragraph 27(3) of Schedule 17 to the School Standards and Framework Act 1998 to school meals staff who are, or are to be, employed by an authority at a foundation, voluntary aided or foundation special school.