STATUTORY INSTRUMENTS

1999 No. 705

EDUCATION, ENGLAND AND WALES

Staffing of Grant-maintained and Grant-maintained Special Schools (Transitional Provisions) Regulations 1999

Made - - - -	*9th March 1999*
Laid before Parliament	*11th March 1999*
Coming into force	*1st April 1999*

In exercise of the powers conferred on the Secretary of State by section 144 of the School Standards and Framework Act 1998**(a)**, the Secretary of State for Education and Employment, as regards England, and the Secretary of State for Wales, as regards Wales, hereby make the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Staffing of Grant-maintained and Grant-maintained Special Schools (Transitional Provisions) Regulations 1999 and shall come into force on 1st April 1999.

2.—(1) In these Regulations "the relevant period" means the period beginning on 1st April 1999 and ending immediately before 1st September 1999**(b)**.

(2) In these Regulations a reference to a regulation is a reference to a regulation contained herein and a reference in a regulation to a paragraph is a reference to a paragraph of that regulation and a reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

Transitional provisions for staffing of grant-maintained and grant-maintained special schools

3. Regulation 4 applies to a grant-maintained or grant-maintained special school if at any time during the relevant period it does not have a delegated budget.

4.—(1) During the relevant period, the articles of government of a school to which this regulation applies shall apply subject to the provisions in paragraphs (2) to (7).

(2) The number of teachers and non-teaching staff to be employed at the school shall be determined by the local education authority.

(3) 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

(a) 1998 c. 31.

(b) 1st September 1999 is the appointed day for the purposes of section 20(7) of the School Standards and Framework Act 1998: *see* S.I. 1998/2083.

(b) dismiss any teacher at the school.

(4) 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 sub-paragraph (a) except after consulting the governing body.

(5) 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.

(6) 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 affecting the school premises) the use of those premises is or would be under the control of any such person, the reference in paragraph (5) to the governing body shall be read as a reference to that person.

(7) If a teacher appointed to give religious education at a school referred to in section 305(1) of the Education Act 1996**(a)** fails to give such education efficiently and suitably, he may be dismissed on that ground by the governing body without the consent of the authority.

Estelle Morris
Minister of State,
6th March 1999 Department for Education and Employment

Peter Hain
Parliamentary Under Secretary of State,
9th March 1999 Welsh Office

(a) 1996 c. 56.

EXPLANATORY NOTE

(This note is not part of the Regulations)

From 1st April 1999, grant-maintained and grant-maintained special schools will be maintained by local education authorities (although authorities will not at first be under a duty to meet capital expenditure). On 1st April 1999 such a school will acquire a delegated budget under Chapter IV of Part II of the School Standards and Framework Act 1998, unless the Secretary of State has determined, under Schedule 32 to that Act, that it should not. There is also provision in that Act for a governing body's right to a delegated budget to be suspended.

These Regulations make provision similar to section 55 of the School Standards and Framework Act 1998 for the appointment and dismissal of staff, and the determination of the number of staff to be employed, at grant-maintained and grant-maintained special schools which do not have delegated budgets.

The provisions of these Regulations cease to apply on 1st September 1999, when the categories of grant-maintained school and grant-maintained special school will cease to exist, and such schools will be allocated to new categories under the School Standards and Framework Act 1998.

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