



# Education Act 1996

## 1996 CHAPTER 56

### PART II

#### SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

### CHAPTER VI

#### CONDUCT AND STAFFING OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

##### *Staffing of schools without delegated budgets*

#### **133 Staffing of county, controlled, special agreement and maintained special schools without delegated budgets**

- (1) A county, controlled, special agreement or maintained special school shall have a complement of teaching and non-teaching posts determined by the local education authority.
- (2) The complement shall include—
  - (a) all full-time teaching posts, and
  - (b) all part-time teaching posts which are to be filled by persons whose only employment with the authority will be at the school.
- (3) The complement shall not include any staff employed by the authority solely in connection with either or both of the following—
  - (a) the provision of meals;
  - (b) the supervision of pupils at midday.
- (4) Schedule 13 has effect in relation to the staffing of county, controlled, special agreement and maintained special schools.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) The appointment and dismissal of staff (including teachers) at a county, controlled, special agreement or maintained special school shall be under the control of the local education authority, subject to—
- (a) any provision made by the articles of government for the school in accordance with Schedule 13,
  - (b) section 135 and any provision made by the articles of government in accordance with that section (appointment and dismissal of clerk to governing body),
  - (c) sections 143 and 144 (appointment and dismissal of teachers of religious education), and
  - (d) in the case of a school for which there is a temporary governing body, Schedule 19 (conduct and staffing of new schools).
- (6) This section is subject to section 136 (staffing of county, controlled and special agreement schools with delegated budgets).

#### **134 Staffing of aided schools without delegated budgets**

- (1) In the case of an aided school the functions of the local education authority and of the governing body with respect to—
- (a) the appointment of teachers, and
  - (b) subject to section 145 (dismissal of teachers of religious education), the dismissal of teachers,
- shall be regulated by the articles of government.
- (2) The articles of government shall make provision—
- (a) for the appointment of the teachers by the governing body, and
  - (b) for enabling the local education authority to determine the number of teachers to be employed.
- (3) The articles of government shall make provision for enabling the local education authority—
- (a) to prohibit the dismissal of teachers without the authority's consent, except for reasons for which under section 145 the governing body may dismiss a teacher without the authority's consent; and
  - (b) to require the dismissal of any teacher.
- (4) The articles of government may make such provision as may be agreed between the local education authority and the governing body or, in default of such agreement, as may be determined by the Secretary of State, for enabling the authority—
- (a) to prohibit the appointment, without the authority's consent, of teachers to be employed for giving secular education; and
  - (b) to give directions as to the educational qualifications of the teachers to be employed for giving secular education.
- (5) The local education authority may give directions to the governing body of an aided school 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 under section 151) the use of those premises is or would be under the control of any such person, the reference in subsection (5) to the governing body shall be read as a reference to that person.

- (7) This section is subject to section 137 (staffing of aided schools with delegated budgets).

### **135 Appointment etc. of clerk to governing body of school other than aided school**

- (1) The articles of government for a county or maintained special school shall provide for the clerk to the governing body to be appointed by the local education authority in accordance with arrangements determined by them in consultation with the governing body.
- (2) The clerk to the governing body of a controlled or special agreement school shall be appointed—
- (a) where the articles of government make provision in relation to his appointment, in accordance with that provision, or
  - (b) where paragraph (a) does not apply, by the local education authority in accordance with arrangements determined by them in consultation with the governing body.
- (3) Arrangements determined in respect of a school by virtue of subsection (1) or under subsection (2)(b) may be varied by the authority in consultation with the governing body.
- (4) The articles of government for a county or maintained special school shall require the local education authority not to dismiss the clerk except in accordance with arrangements determined by them in consultation with the governing body.
- (5) The clerk to the governing body of a controlled or special agreement school may not be dismissed except—
- (a) where the articles of government make provision in relation to his dismissal, in accordance with that provision, or
  - (b) where paragraph (a) does not apply, in accordance with arrangements determined by the local education authority in consultation with the governing body.
- (6) The articles of government for a county, controlled, special agreement or maintained special school shall require the local education authority to consider any representations made to them by the governing body as to the dismissal of their clerk.
- (7) Subsections (1) to (6) are subject to section 136 (staffing of county, controlled, and special agreement schools with delegated budgets).
- (8) The articles of government for a county, controlled, special agreement or maintained special school shall enable the governing body, where the clerk fails to attend a meeting of theirs, to appoint one of their number to act as clerk for the purposes of that meeting (but without prejudice to his position as a governor).