

**Changes to legislation:** Education Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 23 April 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) View outstanding changes

## SCHEDULES

### SCHEDULE 2 **E+W**

Sections 35(7) and 36(7)

#### EFFECT ON STAFFING OF SUSPENSION OF DELEGATED BUDGET

#### PART 1 **E+W**

##### COMMUNITY, VOLUNTARY CONTROLLED, COMMUNITY SPECIAL AND MAINTAINED NURSERY SCHOOLS

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

- C1** Sch. 2 Pt. 1 applied (W.) (1.4.2006) by [The Staffing of Maintained Schools \(Wales\) Regulations 2006 \(S.I. 2006/873\)](#), regs. 1(1), **38**

- 1 The arrangements for the staffing of the school shall be determined by the [<sup>F1</sup>local authority].

###### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 11(2)

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

- C2** Sch. 2 paras. 1-3 applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(5)**)

###### Commencement Information

- I1** Sch. 2 para. 1 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, Sch.

- 2 The authority may appoint, suspend and dismiss teachers and other staff at the school as the authority think fit.

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

- C2** Sch. 2 paras. 1-3 applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(5)**)

###### Commencement Information

- I2** Sch. 2 para. 2 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, Sch.

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- 3 The authority shall, in connection with the exercise of their functions under paragraph 2, consult the governing body to such extent as the authority think fit.

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

- C2** Sch. 2 paras. 1-3 applied (with modifications) by S.I. 2007/2979, Sch. 1 para. 20A (as inserted (1.4.2013) by [The Pupil Referral Units \(Miscellaneous Amendments\) \(No.2\) \(England\) Regulations 2012 \(S.I. 2012/3158\)](#), regs. 1, **3(5)**)

**Commencement Information**

- I3** Sch. 2 para. 3 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, **Sch.**

- 4 In relation to teachers at a voluntary controlled school who are reserved teachers within the meaning of section 58 of the School Standards and Framework Act 1998 (c. 31) (appointment and dismissal of certain teachers at schools with a religious character), paragraph 2 shall have effect subject to the provisions of that section.

**Commencement Information**

- I4** Sch. 2 para. 4 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, **Sch.**

**PART 2** **E+W**

FOUNDATION, VOLUNTARY AIDED AND FOUNDATION SPECIAL SCHOOLS

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

- C3** Sch. 2 Pt. 2 applied (1.9.2003) by [School Staffing \(England\) Regulations 2003 \(S.I. 2003/1963\)](#), regs. 1(2), **37**
- C4** Sch. 2 Pt. 2 applied (W.) (1.4.2006) by [The Staffing of Maintained Schools \(Wales\) Regulations 2006 \(S.I. 2006/873\)](#), regs. 1(1), **39**

- 5 The arrangements for the staffing of the school shall be determined by the [<sup>F1</sup>local authority].

**Textual Amendments**

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 11(2)**

**Commencement Information**

- I5** Sch. 2 para. 5 in force at 1.4.2006 for W. by [S.I. 2006/879](#), art. 4, **Sch.**

- 6 Except with the consent of the authority, the governing body shall not—
- (a) appoint any teacher to work at the school, or
  - (b) dismiss any teacher at the school.

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**Commencement Information**

**I6** Sch. 2 para. 6 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 7 The authority may give the governing body directions—
- (a) as to the educational qualifications of the teachers to be appointed 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.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 8 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.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- 9 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 authorised by regulations under section 31) the use of those premises is or would be under the control of any such person, the reference in paragraph 8 to the governing body shall be read as a reference to that person.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#) (with [art. 5](#))

- 10 Paragraphs 6 and 7 have effect subject to section 58 of the School Standards and Framework Act 1998 (c. 31).

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 1.4.2006 for W. by [S.I. 2006/879](#), [art. 4](#), [Sch.](#)

- [<sup>F2</sup>11 Paragraph 8 has effect subject to—
- (a) any provision made by an order under section 231(2)(a) or 233(2)(a) of the Apprenticeships, Skills, Children and Learning Act 2009;
  - (b) any provision made by an order under section 233(2)(d) or 234(2)(b) or (4)(b) of that Act, where the order provides that it is to have effect for determining the conditions of employment of persons to whom it applies.]

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#### Textual Amendments

- F2** Sch. 2 para. 11 inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 237\(7\), 269\(4\)](#); [S.I. 2009/3317](#), [art. 2](#), Sch.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)