



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 10

#### SCHOOLS

#### CHAPTER 4

##### SCHOOL SUPPORT STAFF PAY AND CONDITIONS: ENGLAND

##### *Orders*

#### **235 Effect of order ratifying SSSNB agreement**

- (1) This section applies if the Secretary of State makes an order ratifying an agreement submitted by the SSSNB.
- (2) If the agreement relates to a person's remuneration, the person's remuneration is to be determined and paid in accordance with it.
- (3) A provision of the agreement that relates to any other condition of a person's employment has effect as a term of the person's contract of employment.
- (4) A term of that contract has no effect to the extent that it makes provision that is prohibited by, or is otherwise inconsistent with, the agreement.

#### **236 Effect of order making provision otherwise than in terms of SSSNB agreement**

- (1) This section applies if the Secretary of State makes an order under section 233(2)(d) or 234(2)(b) or (4)(b).
- (2) The order must either—

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- (a) require specified persons, in exercising specified functions, to have regard to the order, or
  - (b) provide that it is to have effect for determining the conditions of employment of persons to whom it applies.
- (3) If the order makes provision within subsection (2)(b), subsections (4) to (6) apply.
- (4) If the order relates to a person’s remuneration, the person’s remuneration is to be determined and paid in accordance with it.
- (5) A provision of the order that relates to any other condition of a person’s employment has effect as a term of the person’s contract of employment.
- (6) A term of that contract has no effect to the extent that it makes provision that is prohibited by, or is otherwise inconsistent with, the order.
- (7) In subsection (2)(a), “specified” means specified in the order.

### **237 Orders: supplementary**

- (1) An order under this Chapter may make provision that has retrospective effect, subject to subsection (2).
- (2) An order under this Chapter may not make provision the effect of which is to—
- (a) reduce remuneration in respect of a period wholly or partly before the date on which the order is made, or
  - (b) alter a condition of a person’s employment to the person’s detriment in respect of such a period.
- (3) An order under section 233(2)(d) or 234(2)(b) or (4)(b) may make provision by reference to the exercise of a power under—
- (a) section 35 of the [Education Act 2002 \(c. 32\)](#) (staffing of community schools, etc.), or
  - (b) section 36 of that Act (staffing of foundation schools, etc.).
- (4) An order under this Chapter may make provision by reference to—
- (a) an agreement submitted to the Secretary of State by the SSSNB, or
  - (b) any other document.
- (5) If an order under this Chapter does so, it must include provision about the publication of the agreement or other document.
- (6) A reference in subsection (3) to an order under section 233(2)(d) or 234(2)(b) or (4)(b), and a reference in section 236(4) to (6) to such an order, or a provision of such an order, includes a reference to a provision of a document referred to by such an order.
- (7) In Schedule 2 to the [Education Act 2002 \(c. 32\)](#) (effect on staffing of suspension of delegated budget), after paragraph 10 insert—
- “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

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effect for determining the conditions of employment of persons to whom it applies.”