



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 10

SCHOOLS

CHAPTER 4

SCHOOL SUPPORT STAFF PAY AND CONDITIONS: ENGLAND

Reconsideration by SSSNB

232 Reconsideration of agreement by SSSNB

- (1) This section applies if, under section 231(2)(b) or section 233(2)(b), the Secretary of State refers an agreement back to the SSSNB for reconsideration.
- (2) The Secretary of State may specify—
 - (a) factors to which the SSSNB must have regard in the reconsideration;
 - (b) a date by which the SSSNB must comply with subsection (4).
- (3) The SSSNB must reconsider the agreement, having regard to any factors specified under subsection (2)(a).
- (4) After completing its reconsideration, the SSSNB must—
 - (a) if it has agreed revisions to the agreement, submit to the Secretary of State a new version of the agreement incorporating the revisions;
 - (b) if it has not agreed revisions to the agreement, submit the existing version of the agreement to the Secretary of State.
- (5) If the Secretary of State specifies a date under subsection (2)(b), the SSSNB must comply with subsection (4) no later than that date.

Status: This is the original version (as it was originally enacted).

- (6) The Secretary of State may, at any time before the SSSNB has complied with subsection (4) in relation to an agreement referred back to it for reconsideration—
- (a) withdraw the reference of the agreement;
 - (b) if factors have been specified under subsection (2)(a), withdraw or vary those factors, or specify further factors under that paragraph;
 - (c) if a date has been specified under subsection (2)(b), specify a later date under that paragraph.

233 SSSNB’s submission of agreement following reconsideration: powers of Secretary of State

- (1) This section applies if the SSSNB submits an agreement about a matter to the Secretary of State under section 232.
- (2) Subject to subsections (3) and (4), the Secretary of State may—
- (a) by order ratify the agreement;
 - (b) refer the agreement back to the SSSNB for reconsideration (see section 232);
 - (c) by order require specified persons to have regard to the agreement in exercising specified functions;
 - (d) by order make provision, in relation to a matter to which the agreement relates, otherwise than in the terms of the agreement.
- (3) The Secretary of State may refer an agreement about a matter back to the SSSNB for reconsideration only if it appears to the Secretary of State that the condition in subsection (5) is met.
- (4) The Secretary of State may make an order under subsection (2)(d) in relation to a matter only if it appears to the Secretary of State that—
- (a) the condition in subsection (5) is met, and
 - (b) there is an urgent need to make provision in relation to the matter.
- (5) The condition is that one or more of the following applies—
- (a) the agreement does not properly address the matter;
 - (b) it is not practicable to implement the agreement;
 - (c) the SSSNB failed in reconsidering the agreement to have regard to factors specified under section 232(2)(a).
- (6) In this section, “specified”, in relation to an order, means specified in the order.