



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 10

SCHOOLS

CHAPTER 4

SCHOOL SUPPORT STAFF PAY AND CONDITIONS: ENGLAND

Orders

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

Status: This is the original version (as it was originally enacted).

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