

SCHEDULE 8

Regulation 44

Modification of the Staffing Regulations

1. In regulation 3, after paragraph (7) insert the following paragraph—
 - “(8) In these Regulations —
 - (a) any reference to the head teacher or deputy head teacher of a school is to be construed as a reference to the head teacher or deputy head teacher of a federation or of a federated school; and
 - (b) where reference is made to the authority and a federation includes schools maintained by more than one authority, the reference is to be taken as a reference to each.”.
2. In regulation 4, for paragraph (1) substitute—
 - “(1) A governing body and an authority must exercise their respective functions under these Regulations and any other enactment with a view to ensuring that there is employed, or engaged otherwise than under contracts of employment, a staff suitable and sufficient in numbers for the purpose of securing the provision of education appropriate to the ages, abilities, aptitudes and needs of the pupils having regard to any arrangements for the utilisation of the services of staff employed or engaged otherwise than at the federation or federated school in question.”.
3. In regulation 6(1)(a), after “sending a copy to the” insert “relevant”.
4. In regulations 7(1), (2)(a) to (c) and (4)(c), 24A(2) and (5), 27(1) and (3), 29(1) and (4), and 32(1) for “school” in each place it occurs substitute “federation or federated school”.
5. In regulation 7(3) for “school’s staff” substitute “federation or federated school staff”.
6. In regulation 7(4)(a) for “school” substitute “federation”.
7. In regulation 7(4)(b) and (d) for “school” substitute “federated school”.
8. In regulations 9 and 20 after “This Part applies to” insert “federated schools which are”.
9. In regulations 9A(3), 9B and 20A(3), for “school” in each place it occurs substitute “federation or a federated school”.
10. In regulation 10(11) for “work at the school” substitute “work at the federation or a federated school”.
11. In regulations 12(1), 12(4), 12(9)b), 12(15), 15A(1), (2) and (5), 17(1) to (3), (8) and (11), 26(1), (5), (10)(b) and (15) for “school” in each place it occurs substitute “federation or federated school”.
12. In regulations 15A(4), 18(3) and 24A(4) for “work at the school” in each place it occurs substitute “work at the federation or a federated school”.
13. In regulation 16 for paragraph (1) substitute—
 - “(1) Subject to regulation 18—
 - (a) both the governing body and the head teacher of the federation have the power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the federation; and
 - (b) both the governing body and the head teacher of a federated school have the power to suspend any person employed to work, or engaged otherwise than under a contract of employment, at that federated school,

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where, in the opinion of the governing body or (as the case may be) the head teacher, his or her suspension is required.”.

14. In regulation 17(4) for “school's” substitute “federated school's”.
15. In regulation 18(1) for “work at a school” substitute “work at a federation or a federated school”.
16. In regulation 18(3) for “school” in the first place it occurs substitute “federated school”.
17. In regulations 18A and 26A for “school” substitute “federation or federated school”.
18. In regulation 19(1) after “applies to a” insert “federated”.
19. In regulation 19(2)(a) after “teachers at the” insert “federated”.
20. In regulation 19(4) after “apply to a” insert “federated”.
21. In regulation 23(1) after “foundation school” insert “which is a federated school and”.
22. In regulation 23(5) for “school” substitute “federated school”.
23. In regulation 24, after paragraph (8) insert—

“(8A) The foundation governors appointed in respect of a particular federated voluntary aided school must agree any recommendation at paragraph (8)(c) in respect of the head teacher of that school.”.
24. In regulation 24A for paragraph (1) substitute—

“(1) No person supplied by an employment business to a federation or federated school may begin work as a teacher or member of support staff at the federation or federated school unless the governing body have received—

 - (a) written notification from the employment business in relation to that person—
 - (i) that the checks referred to in regulation 15A(6) have been made;
 - (ii) that an application for an enhanced criminal record certificate accompanied by a children’s suitability statement has been made, or such a certificate has been obtained in response to an application by that or another employment business; and
 - (iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the federation or federated school, it disclosed any matter or information, or any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997; and
 - (b) where the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the federation or federated school, and it discloses any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of the Police Act 1997, a copy of the certificate.”.
25. In regulation 28 for paragraph (1) substitute—

“(1) Both the governing body and the head teacher—

 - (a) of the federation have the power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the federation; and
 - (b) of a federated school have the power to suspend any person employed to work, or engaged otherwise than under a contract of employment, at that federated school,

where, in the opinion of the governing body or (as the case may be) the head teacher, his or her suspension is required.”.

26. In regulation 32, for paragraph (2) substitute—

“(2) Regulations 16 and 17 apply in relation to the suspension, dismissal or withdrawal from the federation or federated school of any member of the staff who is employed by the authority as they apply in relation to the suspension, dismissal or withdrawal from a federation or federated school to which Part 2 of these Regulations applies of a person who is employed to work at the federation or federated school.”.

27. In regulation 32(3) for “the school” substitute “a federated school” and for “as if it were a school” substitute “as if it were a federated school”.

28. In regulations 33(1) and 34(1) after “voluntary aided school” insert “which is a federated school”.

29. In regulation 35, after “school” insert “which is to be a federated school”.