



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### [<sup>F1</sup>PART 5A

#### [<sup>F2</sup>TEACHERS AND STAFF] AT INDEPENDENT SCHOOLS HAVING A RELIGIOUS CHARACTER

##### Textual Amendments

- F1** Pt. 5A inserted (E.W.) (1.9.2003) by [The Independent Schools \(Employment of Teachers in Schools with a Religious Character\) Regulations 2003 \(S.I. 2003/2037\)](#), regs. 1(1), 3
- F2** Words in Pt. 5A title substituted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), ss. 62(4)(a), 82(3); S.I. 2012/84, art. 3

#### **124A. Employment of teachers at independent schools having a religious character**

- (1) This section applies to an independent school which has a religious character [<sup>F3</sup>, other than an Academy to which section 124AA applies].
- (2) Preference may be given, in connection with the appointment, promotion or remuneration of teachers at the school, to persons—
  - (a) whose religious opinions are in accordance with the tenets of the religion or the religious denomination specified in relation to the school under section 124B(2), or
  - (b) who attend religious worship in accordance with those tenets, or
  - (c) who give, or are willing to give, religious education at the school in accordance with those tenets.
- (3) Regard may be had, in connection with the termination of the employment or engagement of any teacher at the school, to any conduct on his part which is

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incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination so specified.

#### **Textual Amendments**

**F3** Words in s. 124A(1) inserted (1.2.2012) by [Education Act 2011 \(c. 21\), ss. 62\(2\), 82\(3\)](#); S.I. 2012/84, art. 3

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

**C1** S. 124A(2)(3) excluded (28.7.2010) by [The Academies Act 2010 \(Commencement and Transitional Provisions\) Order 2010 \(S.I. 2010/1937\), art. 5](#)

### **Staff at certain Academies with religious character**

**F4** **124AA**

- (1) This section applies if—
  - (a) an Academy order has been made in respect of a foundation or voluntary controlled school which is designated by order under section 69(3) as a school having a religious character,
  - (b) the school has been converted into an Academy (see section 4(3) of the Academies Act 2010), and
  - (c) the Secretary of State has not made an order in respect of the school under subsection (2).
- (2) The Secretary of State may by order provide that this section does not apply to a school specified in the order.
- (3) Where there are more than two teachers at the Academy, the teachers must include persons who—
  - (a) are selected for their fitness and competence to give religious education in accordance with the tenets of the religion or the religious denomination specified in relation to the Academy in the order under section 69(3) (as applied by section 6(8) of the Academies Act 2010), and
  - (b) are specifically appointed to do so.

A teacher employed or engaged at the Academy in pursuance of this subsection is a “reserved teacher”, and any other teacher at the Academy is a “non-reserved teacher”.
- (4) The number of reserved teachers in the Academy must not exceed one-fifth of the total number of teachers, including the principal (and for this purpose, where the total number of teachers is not a multiple of five, it is to be treated as if it were the next higher multiple of five).
- (5) In connection with the appointment of a person to be the principal of the Academy, in a case where the principal is not to be a reserved teacher, regard may be had to that person's ability and fitness to preserve and develop the religious character of the Academy.
- (6) Preference may be given, in connection with the appointment, promotion or remuneration of reserved teachers at the Academy, to persons—
  - (a) whose religious opinions are in accordance with the tenets of the religion or the religious denomination specified in relation to the Academy in the order under section 69(3) (as applied by section 6(8) of the Academies Act 2010), or
  - (b) who attend religious worship in accordance with those tenets, or

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- (c) who give, or are willing to give, religious education at the Academy in accordance with those tenets.
- (7) Regard may be had, in connection with the termination of employment or engagement of any reserved teacher at the Academy, to any conduct on the part of the teacher which is incompatible with the precepts, or with the upholding of the tenets, of the religion or religious denomination specified in the order under section 69(3) (as applied by section 6(8) of the Academies Act 2010).
- (8) No person, other than a reserved teacher, is to be disqualified by reason of their religious opinions, or of their attending or omitting to attend religious worship—
  - (a) from being a teacher at the Academy, or
  - (b) from being employed or engaged for the purposes of the Academy otherwise than as a teacher.
- (9) A non-reserved teacher must not be required to give religious education.
- (10) A non-reserved teacher must not receive any less remuneration than any other non-reserved teacher, or be deprived of, or disqualified for, any promotion or other advantage available to other non-reserved teachers—
  - (a) for the reason that the teacher gives, or does not give, religious education, or
  - (b) for reasons related to the teacher's religious opinions or to the teacher's attending or omitting to attend religious worship.]

#### Textual Amendments

**F4** S. 124AA inserted (1.2.2012) by [Education Act 2011 \(c. 21\)](#), ss. **62(3)**, 82(3); S.I. 2012/84, art. 3

### 124B. Designation of independent schools as having a religious character

- [ Subsections (1) and (3) of section 68A (which relate to the designation of foundation<sup>F5</sup>(A1) or voluntary schools in Wales as having a religious character) apply in relation to an independent school in Wales as they apply in relation to a foundation or voluntary school in Wales, but as if—
- (a) in subsection (1) of that section, the references to Part 2 and the Curriculum and Assessment (Wales) Act 2021 were a reference to this Part, and
  - (b) in subsection (3) of that section, the reference to subsection (2) of that section were a reference to subsection (2) of this section.]
- (1) Subsections (3) and (5) of section 69 (which relate to the designation of foundation or voluntary schools [<sup>F6</sup>in England] as having a religious character) apply in relation to an independent school [<sup>F7</sup>in England][<sup>F8</sup>(other than an alternative provision Academy)] as they apply in relation to a foundation or voluntary school, but as if—
- (a) in subsection (3), the reference to Part 2 were a reference to this Part, and
  - (b) in subsection (5), the reference to subsection (4) of that section were a reference to subsection (2) of this section.
- (2) An order made under [<sup>F9</sup>section 68A by virtue of subsection (A1) or under] section 69(3) by virtue of subsection (1) shall specify, in relation to each school designated by the order, the religion or religious denomination (or as the case may be each religion or religious denomination) in accordance with whose tenets education is provided at the school or the school is conducted.]

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### **Textual Amendments**

- F5** S. 124B(A1) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. 73, 84(1), **Sch. 2 para. 37(2)**
- F6** Words in s. 124B(1) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. 73, 84(1), **Sch. 2 para. 37(3)(a)**
- F7** Words in s. 124B(1) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. 73, 84(1), **Sch. 2 para. 37(3)(b)**
- F8** Words in s. 124B(1) inserted (E.) (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 9** (with art. 3)
- F9** Words in s. 124B(2) inserted (30.4.2021) by [Curriculum and Assessment \(Wales\) Act 2021 \(asc 4\)](#), ss. 73, 84(1), **Sch. 2 para. 37(4)**

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**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. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)