



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

#### CHAPTER V

##### STAFFING AND CONDUCT OF SCHOOLS

##### *Appointment and dismissal of teachers of religious education [F1 etc]*

#### Textual Amendments

- F1** Word in s. 58 cross-heading inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 4\(2\)](#)

#### **58 Appointment and dismissal of certain teachers at schools with a religious character [F2: England].**

(1) In this section—

- (a) subsections (2) to (6) apply to a foundation or voluntary controlled school [F3 in England] which has a religious character; and
- (b) subsection (7) applies (subject to subsection (8)) to a voluntary aided school [F4 in England] which has a religious character;

and references in this Chapter to a school which has (or does not have) a religious character shall be construed [F5 in relation to a school in England,] in accordance with [F6 section 68A and] section 69(3).

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Appointment and dismissal of teachers of religious education etc is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (2) Where the number of [<sup>F7</sup>teachers at] a school to which this subsection applies is more than two, [<sup>F8</sup>the teachers shall] include persons who—
  - (a) are selected for their fitness and competence to give such religious education as is required in accordance with arrangements under paragraph 3(3) of Schedule 19 (arrangements for religious education in accordance with the school’s trust deed or with the tenets of the school’s specified religion or religious denomination), and
  - (b) are specifically appointed to do so.
- (3) The number of reserved teachers in such a school shall not exceed one-fifth of [<sup>F9</sup>the total number of teachers], including the head teacher (and for this purpose, where [<sup>F9</sup>the total number of teachers] is not a multiple of five, it shall be treated as if it were the next higher multiple of five).
- <sup>F10</sup>(4) .....
- (5) Where the appropriate body propose to appoint a person to be a reserved teacher in such a school, that body—
  - (a) shall consult the foundation governors, and
  - (b) shall not so appoint that person unless the foundation governors are satisfied as to his fitness and competence to give such religious education as is mentioned in subsection (2)(a).
- (6) If the foundation governors of such a school consider that a reserved teacher has failed to give such religious education efficiently and suitably, they [<sup>F11</sup>may—
  - (a) in the case of a teacher who is an employee, require the appropriate body to dismiss him from employment as a reserved teacher at the school, and
  - (b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate his engagement.]
- (7) If a teacher appointed to give religious education in a school to which this subsection applies fails to give such education efficiently and suitably, he may be dismissed on that ground by the governing body without the consent of the [<sup>F12</sup>local authority].
- (8) Subsection (7) does not apply—
  - (a) where the school has a delegated budget, or
  - (b) to religious education in accordance with an agreed syllabus.
- (9) In this section—
  - “the appropriate body” means—
    - (a) in relation to a foundation school, the governing body, and
    - (b) in relation to a voluntary controlled school, the [<sup>F12</sup>local authority];
  - “reserved teacher”, in relation to a foundation or voluntary controlled school, means a person employed [<sup>F13</sup>or engaged] at the school in pursuance of subsection (2).

**Textual Amendments**

**F2** Word in s. 58 heading inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), [Sch. 2 para. 4\(3\)\(a\)](#)



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**Changes to legislation:** School Standards and Framework Act 1998, Cross Heading: Appointment and dismissal of teachers of religious education etc is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (3) Where the number of teachers at a school to which this subsection applies is more than two, the teachers must include persons (“reserved teachers”) who—
- (a) are selected for their fitness and competence to provide teaching and learning within subsection (11), and
  - (b) are specifically appointed to provide that teaching and learning.
- (4) The number of reserved teachers at a school must not exceed one fifth of the total number of teachers, including the head teacher; 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) Where the appropriate body propose to appoint a person as a reserved teacher in a school, that body—
- (a) must consult the foundation governors, and
  - (b) must not appoint that person unless the foundation governors are satisfied as to the person’s fitness and competence to provide teaching and learning within subsection (11).
- (6) Subsection (7) applies if the foundation governors of a school to which subsection (3) applies consider that a person appointed as a reserved teacher at the school has failed to provide teaching and learning within subsection (11) efficiently and suitably.
- (7) The foundation governors may—
- (a) in the case of a teacher who is an employee, require the appropriate body to dismiss the teacher from employment as a teacher appointed under subsection (3);
  - (b) in the case of a teacher who is engaged otherwise than under a contract of employment, require the governing body to terminate that engagement.
- (8) Subsection (9) applies if a teacher appointed to provide teaching and learning within subsection (11), in a school to which this subsection applies, fails to provide that teaching and learning efficiently and suitably.
- (9) The teacher may be dismissed by the governing body, without the consent of the local authority, on the ground of failure to provide the teaching and learning efficiently and suitably.
- (10) Subsection (9) does not apply where the school has a delegated budget.
- (11) Teaching and learning within this section is teaching and learning in Religion, Values and Ethics that accords with—
- (a) any provisions of the school’s trust deed that relate to teaching and learning in Religion, Values and Ethics, or
  - (b) if there are no such provisions, the tenets of the religion or religious denomination specified in relation to the school under section 68A.
- (12) In this section—
- “the appropriate body” means—
- (a) in relation to a foundation school, the governing body, and
  - (b) in relation to a voluntary controlled school, the local authority;
- “Religion, Values and Ethics” has the same meaning as in the Curriculum and Assessment (Wales) Act 2021.]

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### Textual Amendments

**F14** S. 58A inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 4(4)**

**Changes to legislation:**

School Standards and Framework Act 1998, Cross Heading: Appointment and dismissal of teachers of religious education etc is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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\(4\)](#)