



# Education Act 2011

## 2011 CHAPTER 21

### PART 6

#### ACADEMIES

##### *Academies: other provisions*

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

- (1) Part 5A of SSFA 1998 (employment of teachers at independent schools having a religious character) is amended as set out in subsections (2) and (3).
- (2) In section 124A (employment of teachers at independent schools having a religious character), in subsection (1), at the end insert “, other than an Academy to which section 124AA applies”.
- (3) After section 124A, insert—

##### **“124AA Staff at certain Academies with religious character**

- (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—

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*Status: This is the original version (as it was originally enacted).*

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- (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
    - (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.”
- (4) In consequence of the amendments made by subsections (2) and (3)—

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- (a) in the title to Part 5A of SSFA 1998, for “Employment of Teachers” substitute “Teachers and Staff”;
- (b) in section 138 of SSFA 1998 (orders and regulations), in subsection (2)(a), after “111(3)(a)” insert “, 124AA(2)”;
- (c) in paragraph 4 of Schedule 22 to the Equality Act 2010 (educational appointments etc based on religious belief), at the end insert—
  - “(d) section 124AA(5) to (7) of that Act (religious considerations relating to certain teachers at Academies with religious character).”