

2005 No. 1032

EDUCATION, ENGLAND

**The Education (Review of Staffing Structure) (England)
Regulations 2005**

<i>Made</i> - - - -	<i>30th March 2005</i>
<i>Laid before Parliament</i>	<i>8th April 2005</i>
<i>Coming into force</i> -	<i>6th May 2005</i>

In exercise of the powers conferred on the Secretary of State by section 21(3) of the Education Act 2002(a) and by paragraph 3 of Schedule 1 to the Education Act 1996(b), the Secretary of State for Education and Skills makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Review of Staffing Structure) (England) Regulations 2005 and shall come into force on 6th May 2005.

(2) These Regulations apply only in relation to England.

Interpretation

2.—(1) In these Regulations—

“the Document” means the document containing provisions relating to the statutory conditions of employment of school teachers in England and Wales (the School Teachers’ Pay and Conditions Document, in force from time to time) and accompanying guidance prepared by the Secretary of State for Education and Skills, as in effect on the date on which the relevant body carries out its review pursuant to these Regulations(c);

“maintained school” has the meaning given to that expression in section 39(1) of the Education Act 2002;

“Pupil Referral Unit” has the meaning given to that expression in section 19(2) of the Education Act 1996;

“relevant body” means—

(a) in relation to a maintained school with a delegated budget, the governing body of the school, and

(a) 2002 c.32; by virtue of the definition of “regulations” in section 212(1) of the Education Act 2002, these Regulations made by the Secretary of State apply only in relation to England.

(b) 1996 c.56.

(c) The Document in effect as at the date of these Regulations is that published by The Stationery Office Limited (ISBN 0-11-2711-634) and entitled “School Teachers’ Pay and Conditions Document 2004 and Guidance on School Teachers’ Pay and Conditions” (in effect pursuant to the Education (School Teachers’ Pay and Conditions) Order (No. 2) 2004 (SI 2004/2142), made under section 122 of the Education Act 2002), as amended by SI 2005/539.

(b) in relation to a maintained school without a delegated budget, the local education authority that maintains the school;

“school teachers” has the meaning given to that expression in section 122 of the Education Act 2002;

“staffing structure” means the arrangements for the management and deployment of all staff at the school; and

“support staff” means any member of a school’s staff other than a school teacher.

Duty of relevant body to review the school’s staffing structure and prepare an implementation plan

3.—(1) The relevant body must review the school’s staffing structure in accordance with this regulation.

(2) The relevant body must conduct the review with a view to ensuring that—

- (a) the management and deployment of all staff, and
- (b) the allocation of responsibilities and duties to all staff,

make effective use of its resources.

(3) In conducting the review, the relevant body must take into account—

- (a) in relation to school teachers, the pay arrangements and the conditions of employment of teachers set out in the Document, and
- (b) in relation to support staff, the implications for their grading and remuneration.

(4) In conducting the review, the relevant body must consider any advice given by the head teacher in accordance with regulation 4 below.

(5) During the conduct of the review the relevant body must consult—

- (a) all staff;
- (b) representatives of recognised trade unions; and
- (c) such other persons as the relevant body considers appropriate.

(6) On or before 31st December 2005 the relevant body must—

- (a) determine its review of the staffing structure, and
- (b) prepare a plan (an “implementation plan”) showing how it intends to implement any changes to the staffing structure.

(7) An implementation plan must include—

- (a) a timetable for implementation, and
- (b) the date by which any changes to staffing structure will be fully implemented, being no later than 31st December 2008.

(8) Where the relevant body is the governing body, the duty to review the school’s staffing structure is without prejudice to the general principles and the respective roles and responsibilities of governing bodies and head teachers set out in the Education (School Government) (Terms of Reference) (England) Regulations 2000(a).

Duty of the head teacher to advise and assist relevant bodies

4. The head teacher must advise and assist the relevant body in relation to its review of the staffing structure and preparation of the implementation plan under regulation 3.

(a) SI 2000/2122.

Duty of relevant body with regard to the management of the head teacher

5. In managing the head teacher, the relevant body must have regard to the desirability of the head teacher being able to achieve a satisfactory balance between the time required to discharge his professional duties and the time required to pursue his personal interests outside work.

Duty of local education authority in relation to pupil referral units

6. Paragraphs (1) to (7) of regulation 3, and regulations 4 and 5 shall apply in relation to pupil referral units with the substitution for the references to the relevant body with references to the local education authority which establishes and maintains the pupil referral unit.

30th March 2005

Margaret Hodge
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations place a duty on the governing body of a maintained school with a delegated budget, and on the local education authority in respect of a school without a delegated budget or a pupil referral unit (the “relevant body”), to review the staffing arrangements at the school, or the pupil referral unit, as the case may be. The review must be conducted with a view to ensuring that the management and deployment of, and allocation of duties and responsibilities to, all staff make effective use of its resources. In conducting the review, the relevant body must take into account the pay arrangements and the conditions of employment of school teachers set out in the Document and the implications for the grading and remuneration of support staff. On or before 31st December 2005, all relevant bodies must determine their review of the staffing structure and prepare a plan for the implementation of any changes to the staffing structure.

The duty upon governing bodies to conduct the review of the staffing structure is without prejudice to the general principles and the respective roles and responsibilities of governing bodies and head teachers set out in the Education (School Government) (Terms of Reference) (England) Regulations 2000.

Regulation 4 of these Regulations imposes a duty on the head teacher, or the teacher in charge in the case of a pupil referral unit, to advise and assist the relevant body in relation to its review of the staffing structure and preparation of the implementation plan.

Regulation 5 of these Regulations imposes a duty on the relevant bodies to have regard to the need for the head teacher, or the teacher in charge in the case of a pupil referral unit, to enjoy a reasonable work/life balance.

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