



School Standards and Framework Act 1998

CHAPTER 31

SCHOOL STANDARDS AND FRAMEWORK ACT 1998

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Committees

- 3 An Education Action Forum may— (a) establish a committee for...

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- 4 The Secretary of State may by regulations make provision as...
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10 An Education Action Forum shall be a charity which is...

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- 2 (1) In the case of a foundation, voluntary controlled or...
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Obligations of governing bodies

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*Obligations of LEAs as regards provision of sites
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- 4 (1) In the case of a voluntary aided school, the...

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- 5 (1) The Secretary of State may make grants—

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- 6 (1) The Secretary of State may pay grants—

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- 7 (1) Where, on the application of the governing body of...

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- 8 A local education authority may give to the governing body...

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Financial and other assistance by LEA

- 4 (1) The relevant authority in the case of a committee...

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 6 The validity of any proceedings of a committee shall not...
 7 Subject to any provision made by or under this Schedule,...
 8 When taking any decision a committee shall have regard (so...

Indemnity

- 9 The relevant authority in the case of a committee shall...

Default powers of Secretary of State

- 10 Each of sections 496 and 497 of the Education Act...

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- 1 In this Schedule “adjudicator” means a person appointed under section...

Tenure of office

- 2 (1) Subject to sub-paragraphs (2) and (3), an adjudicator shall...

Remuneration and pensions

- 3 (1) The Secretary of State may pay to an adjudicator...

Staff and accommodation etc.

- 4 The Secretary of State may— (a) provide an adjudicator with...

Procedure

- 5 (1) Regulations may make provision as to the procedure to...
 6 When taking any decision an adjudicator shall have regard (so...

Indemnity

- 7 The Secretary of State shall indemnify an adjudicator against any...

Parliamentary disqualification

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Objections

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Approval of proposals

3 (1) Proposals published under section 28, 29 or 31 require...

Determination by LEA whether to implement proposals

4 (1) Where any proposals have been published by a local...

Requirement to implement proposals

5 (1) Where— (a) any proposals published under section 28, 29...

Part II — PROCEDURE FOR DEALING WITH STATUTORY PROPOSALS: WALES

Application of Part II

6 This Part of this Schedule applies to proposals published under...

Objections

7 (1) Any person may make objections to any proposals published...

Approval of proposals

8 (1) Proposals published under section 28, 29 or 31 require...

Determination whether to implement proposals

9 (1) Where any proposals published under section 28, 29 or...

Requirement to implement proposals

10 (1) Where— (a) any proposals published under section 28, 29...

Part III — MANNER OF IMPLEMENTATION OF STATUTORY PROPOSALS

Introductory

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Proposals relating to community or maintained nursery schools

12 (1) This paragraph applies to proposals relating to a community...

Proposals relating to foundation or voluntary controlled schools

- 13 (1) This paragraph applies to proposals relating to a foundation...

Proposals relating to voluntary aided schools

- 14 (1) This paragraph applies to proposals relating to a voluntary...

Proposals relating to community or foundation special schools

- 15 (1) This paragraph applies to proposals relating to—
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*Provision of site and buildings for foundation,
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*Grants in respect of certain expenditure relating
to existing or proposed voluntary aided school*

- 17 (1) This paragraph applies where— (a) the governing body of...

Assistance in respect of maintenance and other obligations relating to voluntary aided school

- 18 A local education authority may give to the governing body...

Assistance for promoters of new voluntary aided school

- 19 A local education authority may give to persons required by...

Duty to transfer interest in premises provided under paragraph 18 or 19

- 20 (1) Where assistance under paragraph 18 or 19 consists of...
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Single-sex schools: England

- 21 (1) This paragraph applies to proposals for a school in...

Single-sex schools: Wales

- 22 (1) This paragraph applies to proposals for a school in...

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- 1 In this Schedule— (a) “powers to make proposals for the...

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Directions to bring forward proposals to remedy excessive provision

- 2 (1) This paragraph applies where the Secretary of State is...

Directions to bring forward proposals to remedy insufficient provision

- 3 (1) This paragraph applies where the Secretary of State is...

Supplementary provisions

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- 5 (1) Where— (a) the Secretary of State has, in relation...
Part IV — PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH
5: ENGLAND

Application of Part IV

- 6 This Part of this Schedule applies to proposals published under...

Objections

- 7 (1) Any person may make objections to any proposals published...

Approval of proposals

- 8 (1) Proposals published under paragraph 5 require the approval of...

Local inquiry into proposals

- 9 (1) Where any proposals are referred to the adjudicator under...

Implementation of proposals

- 10 Proposals approved by the school organisation committee under
paragraph 8...
Part V — PROCEDURE FOR DEALING WITH PROPOSALS UNDER PARAGRAPH
5: WALES

Application of Part V

- 11 This Part of this Schedule applies to proposals published under...

Objections

- 12 (1) Any person may make objections to any proposals published...

Local inquiry into proposals

- 13 (1) This paragraph applies where in relation to the area...

Adoption of proposals

- 14 (1) Where the Secretary of State has published proposals under...

Implementation of proposals

- 15 Proposals adopted by the Secretary of State under paragraph 14...
Part VI — TRANSITIONAL EXEMPTION ORDERS FOR PURPOSES OF SEX
DISCRIMINATION ACT 1975

Single-sex schools: England

- 16 (1) This paragraph applies to proposals for a school in...

Single-sex schools: Wales

17 (1) This paragraph applies to proposals for a school in...

SCHEDULE 8 — Changes of category of school

Permitted changes of category

1 (1) A community school may in accordance with this Schedule...

Procedure for changing category of school

2 (1) Where, in the case of any maintained school, the...

Mandatory publication of proposals for voluntary aided school to change category

3 (1) If at any time the governing body of a...

Restrictions on changing category of school

4 (1) Regulations may make provision for preventing a school of...

Implementation of proposals

5 (1) Regulations may make such provision as the Secretary of...

6 A school's change of category under this Schedule shall not...

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1 In this Schedule “co-opted governor” means a person who is...

Foundation governors

2 In this Act “foundation governor” means a person appointed to...

LEA governors

3 In this Schedule “LEA governor” means a governor appointed to...

Parent governors

4 In this Schedule “parent governor” means— (a) a person who...

Partnership governors

5 In this Schedule “partnership governor” means a person nominated as...

Staff governors

6 In this Schedule “staff governor” means a person—

Teacher governors

7 In this Schedule “teacher governor” means a person—

Head teacher

- 8 At any time when the head teacher is a governor,...
- Part II — CONSTITUTION OF GOVERNING BODIES

Community schools

- 9 (1) The governing body of a community school shall consist...

Community special schools

- 10 (1) The governing body of a community special school shall...

Foundation schools

- 11 (1) The governing body of a foundation school shall consist...

Foundation special schools

- 12 (1) The governing body of a foundation special school shall...

Voluntary controlled schools

- 13 (1) The governing body of a voluntary controlled school shall...

Voluntary aided schools

- 14 (1) The governing body of a voluntary aided school shall...

Additional governors

- 15 (1) If the governing body of any maintained school so...

Substitutes for ex officio foundation governors

- 16 Regulations may make provision for, and in connection with, the...

Adjustment in number of governors

- 17 (1) Where— (a) a maintained school has more governors of...

SCHEDULE 10 — Incorporation and powers of governing bodies

Introductory

- 1 (1) In the following paragraphs of this Schedule “the governing...

Name and seal of governing body

- 2 (1) The governing body shall be known as “The governing...

Powers of governing body

- 3 (1) The governing body may do anything which appears to...

Dissolution of governing body

- 4 (1) If the school is discontinued, the governing body are...

SCHEDULE 11 — Membership and proceedings etc. of governing bodies

Part I — MEMBERSHIP AND PROCEEDINGS

Regulations about governing bodies

1 Regulations may make in relation to governing bodies of maintained...

Election or appointment of governors

2 (1) The regulations may make provision— (a) as to the...

Qualifications and tenure of office

3 The regulations may make provision as to—

Meetings and proceedings

4 (1) The regulations may make provision as to the meetings...

Information as to meetings and proceedings

5 (1) The regulations may make provision requiring a governing body—...

Part II — OTHER PROVISIONS ABOUT GOVERNORS

Governors' expenses

6 (1) A governor shall be entitled to receive such allowances,...

Training and support of governors

7 The local education authority shall— (a) (to the extent that...

Part III — CLERK TO THE GOVERNING BODY

Appointment etc. of clerk

8 Regulations may make provision— (a) requiring the appointment of a...

SCHEDULE 12 — Instruments of government

Contents and form of instrument of government

1 (1) The instrument of government for a maintained school shall...

Making of instruments of government

2 (1) Paragraph 3 shall apply in connection with the making...

Procedure for making instrument

3 (1) The governing body shall prepare a draft of the...

Review of instruments of government

4 (1) The governing body or the local education authority may...

Other requirements relating to instruments of government

5 Regulations may make provision imposing on local education authorities requirements...

Duty to secure making of first instrument of government

6 (1) A local education authority shall secure that, by the...

SCHEDULE 13 — Control of school premises by governing bodies

Community and community special schools: general

1 (1) This paragraph applies to a community or community special...

Transfer of control agreement in case of community or community special school

2 (1) Subject to sub-paragraph (2), the governing body of a...

Foundation and foundation special schools: general

3 (1) This paragraph applies to a foundation or foundation special...

Transfer of control agreement in case of foundation or foundation special school

4 (1) Subject to sub-paragraph (2), the governing body of any...

Voluntary schools: general

5 (1) This paragraph applies to a voluntary school.

Transfer of control agreement in case of voluntary school

6 (1) Subject to sub-paragraph (2), the governing body of any...

Control of use of premises of voluntary school outside school hours

7 (1) The governing body may determine the use to which...

Saving

8 The power of the governing body of a maintained school...

Interpretation

9 In this Schedule— “community use” means the use of school...

SCHEDULE 14 — Local education authority schemes: approval, imposition and revision

Approval or imposition of schemes by Secretary of State

1 (1) A scheme prepared by a local education authority under...

Revision of schemes

2 (1) A local education authority may, in accordance with this...

SCHEDULE 15 — Suspension of financial delegation

Suspension of financial delegation for mismanagement, etc.

1 (1) This paragraph applies where it appears to the local...

Review of suspension

- 2 (1) The local education authority concerned— (a) shall review before...

Appeal against suspension or refusal to revoke it

- 3 (1) A governing body may appeal to the Secretary of...

Effect of suspension of right to delegated budget

- 4 (1) During any period when a governing body's right to...

SCHEDULE 16 — Staffing of community, voluntary controlled and community special schools

Introductory

- 1 (1) In this Schedule “the school” means a community, voluntary...

Appointment of head teacher and deputy head teacher

- 2 Paragraphs 3 to 7 apply in relation to the filling...
 3 The governing body shall notify the local education authority of...
 4 (1) Where the vacancy is in the post of head...
 5 The governing body shall advertise the vacancy in such publications...
 6 (1) The governing body shall appoint a selection panel consisting...
 7 (1) Where the governing body approve a recommendation of the...
 8 (1) The governing body may, in connection with any absence...

Appointment of other teachers

- 9 Subject to paragraph 10, paragraphs 11 to 15 apply in...
 10 (1) Paragraphs 11 to 15 do not apply in relation...
 11 Before taking any of the steps mentioned below, the governing...
 12 (1) The local education authority may nominate for consideration for...
 13 (1) The governing body may advertise the vacancy at any...
 14 (1) Where the governing body advertise the vacancy, they shall—...
 15 (1) The local education authority shall appoint the person recommended...
 16 (1) The governing body may, in connection with any absence...
 17 The governing body may, in relation to a particular vacancy...

Advice of chief education officer on appointments of teachers

- 18 (1) The chief education officer of the local education authority...

Advice of head teacher on appointments etc. of teachers

- 19 Except in relation to the appointment of a head teacher—...

Appointment of non-teaching staff

- 20 (1) Where the governing body desire the appointment of a...
 21 (1) The local education authority shall appoint a person recommended...

Discipline

- 22 (1) The regulation of conduct and discipline in relation to...

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

LEA report on performance of head teacher

- 23 (1) Where the authority have any serious concerns about the...

Suspension

- 24 (1) Both the governing body and the head teacher shall...

Dismissal, etc.

- 25 (1) Where the governing body determine that any person employed...
26 (1) Where paragraph 25(3) applies, no part of the costs...
27 (1) The governing body shall— (a) make arrangements for giving...
28 (1) The head teacher (except where he is the person...
29 (1) The local education authority shall not dismiss a person...

School meals staff

- 30 The Secretary of State may by regulations make provision as...

Advisory rights for appropriate diocesan authorities

- 31 (1) This paragraph applies to a voluntary controlled school which...

SCHEDULE 17 — Staffing of foundation, voluntary aided and foundation special schools

Introductory

- 1 (1) In this Schedule “the school” means a foundation or...

Advisory rights of chief education officer

- 2 (1) This paragraph applies where— (a) the governing body of...

Appointment of head teacher and deputy head teacher

- 3 Paragraphs 4 to 8 apply in relation to the filling...
4 The governing body shall notify the local education authority of...
5 (1) Where the vacancy is in the post of head...
6 The governing body shall advertise the vacancy in such publications...
7 (1) The governing body shall appoint a selection panel consisting...
8 Where the governing body approve a recommendation of the selection...
9 (1) The governing body may, in connection with any absence...

Appointment of other teachers

- 10 Subject to paragraph 11, paragraphs 12 to 15 apply in...
11 (1) Paragraphs 12 to 15 do not apply in relation...
12 Before taking any of the steps mentioned below, the governing...
13 (1) The local education authority may nominate for consideration for...
14 (1) The governing body may advertise the vacancy at any...
15 (1) Where the governing body advertise the vacancy, they shall—...
16 (1) The governing body may, in connection with any absence...
17 The governing body may, in relation to a particular vacancy...

Advice of chief education officer on appointments of teachers

- 18 (1) The chief education officer shall be entitled to attend,...

Advice of head teacher on appointments etc. of teachers

- 19 (1) Except in relation to the appointment of a head...

Appointment of non-teaching staff

- 20 (1) Except in a case where the governing body and...

Conduct and discipline of staff

- 21 (1) The regulation of conduct and discipline in relation to...

LEA report on performance of head teacher

- 22 (1) Where the authority have any serious concerns about the...

Suspension

- 23 (1) Both the governing body and the head teacher shall...

Dismissal

- 24 (1) Before making a decision that a person employed to...
 25 (1) The head teacher (except where he is the person...
 26 The governing body are not required to comply with paragraph...

Staff employed by LEA

- 27 (1) Nothing in paragraph 24 applies in relation to a...

Advisory rights for appropriate diocesan authorities

- 28 (1) This paragraph applies to a voluntary aided or foundation...

Appointment of head teachers for schools of Roman Catholic religious orders

- 29 (1) This paragraph applies to a voluntary aided school if...

Selection procedures involving whole governing body

- 30 (1) If the governing body of a voluntary aided school...

SCHEDULE 18 — Appeals against exclusion of pupils

Time limits and notices waiving right to appeal

- 1 (1) No appeal under section 67(1) against a decision not...

Constitution of appeal panels

- 2 (1) An appeal pursuant to arrangements made by a local...

Allowances for members

- 3 (1) For the purpose of the payment of financial loss...

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

Duty to advertise for lay members

- 4 Regulations may require any local education authority who are required...

Indemnity

- 5 Any local education authority required to make arrangements under section...

Procedure on an appeal

- 6 In the following provisions of this Schedule “appeal” means an...
7 An appeal shall be by notice in writing setting out...
8 (1) The appeal panel shall meet to consider an appeal...
9 (1) For the purpose of fixing the time (in accordance...
10 (1) The appeal panel shall give the relevant person an...
11 Appeals shall be heard in private except when the local...
12 Two or more appeals may be combined and dealt with...
13 In the event of a disagreement between the members of...
14 The decision of an appeal panel and the grounds on...
15 (1) Subject to paragraphs 7 to 14, all matters relating...

Notices

- 16 (1) Where in accordance with section 66(6)(b) notice in writing...

Meaning of “the relevant person”

- 17 In this Schedule “the relevant person” means—

Power of Secretary of State to make amendments

- 18 The Secretary of State may by order make such amendments...

SCHEDULE 19 — Required provision for religious education

Introductory

- 1 (1) In this Schedule “the required provision for religious education”,...

Community schools and foundation and voluntary schools without a religious character

- 2 (1) This paragraph applies to— (a) any community school; and...

Foundation and voluntary controlled schools with a religious character

- 3 (1) This paragraph applies to any foundation or voluntary controlled...

Voluntary aided schools with a religious character

- 4 (1) This paragraph applies to any voluntary aided school which...

SCHEDULE 20 — Collective worship

Introductory

- 1 In this Schedule “the required collective worship”, in relation to...

General provisions as to collective worship

- 2 (1) This paragraph applies to any community, foundation or voluntary...

Nature of collective worship in community schools and foundation schools without a religious character

- 3 (1) This paragraph applies to— (a) any community school; and...

Disapplication of requirement under paragraph 3(2)

- 4 (1) This paragraph applies where a standing advisory council on...

Nature of collective worship in foundation schools with a religious character and voluntary schools

- 5 In the case of a foundation school which has a...

SCHEDULE 21 — Transfers of land on appointed day

Part I — GENERAL PROVISIONS

Introductory

- 1 In this Schedule any reference to a grant-maintained or grant-maintained...

Effect of transfers under this Schedule

- 2 (1) Where any land is transferred to and vests in...

Part II — RULES RELATING TO TRANSFERS

Application of Part II

- 3 (1) This Part of this Schedule applies to schools which,...

Transfers for purposes of community schools

- 4 (1) This paragraph applies where a grant-maintained school (an “existing...

Transfers for purposes of foundation schools

- 5 (1) This paragraph applies where— (a) a grant-maintained school (an...

Transfers for purposes of voluntary schools

- 6 (1) This paragraph applies where— (a) a grant-maintained school (an...

Transfers for purposes of community special schools

- 7 (1) This paragraph applies where a grant-maintained special school (an...

Outstanding transfers to existing school

- 8 Where immediately before the appointed day— (a) any land vested...

Transfer of rights to use land

- 9 (1) Where paragraph 4, 5, 6 or 7 applies to...
Part III — PROPERTY EXCLUDED FROM TRANSFERS
10 (1) Nothing in Part II of this Schedule has the...

SCHEDULE 22 — Disposals of land in case of certain schools and disposals on
discontinuance
Part I — FOUNDATION, VOLUNTARY AND FOUNDATION SPECIAL SCHOOLS:
DISPOSALS OF LAND

Disposal of land by governing body of foundation, voluntary or foundation special school

- 1 (1) This paragraph applies to any disposal by the governing...

Disposal of land by foundation body

- 2 (1) This paragraph applies to any disposal by a foundation...

Disposal of land by trustees of foundation, voluntary or foundation special school

- 3 (1) This paragraph applies to any disposal by the trustees...

Land required by local education authority for new school

- 4 (1) This paragraph applies where, on an application made by...
Part II — MAINTAINED SCHOOLS: DISPOSALS ON DISCONTINUANCE

Discontinuance of foundation, voluntary and foundation special schools: land

- 5 (1) This paragraph applies where— (a) proposals to discontinue a...

*Discontinuance of foundation or voluntary school by
notice given by its governing body: land and premises*

- 6 (1) This paragraph applies where the governing body of a...

Disposal of property held by governing body of maintained school on their dissolution

- 7 (1) This paragraph applies in connection with the dissolution of...

Notice by trustees terminating foundation or voluntary school's occupation of existing site

- 8 (1) This paragraph applies where trustees have given a notice...
Part III — GENERAL
9 (1) Where a transfer under paragraph 1(3)(a), 2(3)(a), 4(2), 5(4)(a)...
10 (1) In this Schedule— (a) “the trustees”, in relation to...

SCHEDULE 23 — Determination, variation and review of standard numbers
Part I — DETERMINATION OF STANDARD NUMBERS

Standard numbers for admission to maintained schools

- 1 (1) This paragraph applies to any maintained school which
immediately...

Standard numbers on establishment or alteration of school

- 2 (1) If proposals under section 28 or paragraph 5 of...
 Part II — VARIATION OF STANDARD NUMBERS: ENGLAND

Application of Part II

- 3 This Part of this Schedule applies to schools in England....

Variation of standard numbers

- 4 (1) The Secretary of State may by order applying to...

Procedure for application to vary standard number

- 5 (1) Where the local education authority or the governing body...

Decision on application to vary standard number

- 6 (1) Subject to the following provisions of this paragraph, on...
 Part III — VARIATION OF STANDARD NUMBERS: WALES

Application of Part III

- 7 This Part of this Schedule applies to schools in Wales....

Variation of standard numbers

- 8 (1) The Secretary of State may by order applying to...

Procedure for application to vary standard number

- 9 (1) Where the local education authority or the governing body...

Decision on application to vary standard number

- 10 (1) Subject to the following provisions of this paragraph, on...
 Part IV — REVIEW OF STANDARD NUMBERS

- 11 (1) The admission authority for a maintained school shall keep...

SCHEDULE 24 — Admission appeals

Part I — CONSTITUTION OF APPEAL PANELS

Appeal arrangements made by local education authorities

- 1 (1) An appeal pursuant to arrangements made by a local...

Appeal arrangements made by governing bodies

- 2 (1) An appeal pursuant to arrangements made by the governing...

- 3 (1) Where (by virtue of section 94(3)) joint arrangements are...

Joint arrangements by local education authorities and governing bodies

- 4 (1) Where (by virtue of section 94(4)) joint arrangements are...

Allowances for members

- 5 (1) For the purpose of the payment of financial loss...

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

Duty to advertise for lay members

6 The Secretary of State may by regulations require any local...

Indemnity

7 (1) Any local education authority or governing body required to...

Part II — PROCEDURE

8 In this Part of this Schedule “appeal” means an appeal...

9 An appeal shall be by notice in writing setting out...

10 An appeal panel shall give the appellant an opportunity of...

11 The matters to be taken into account by an appeal...

12 Where the decision under appeal was made on the ground...

13 (1) Appeals shall be heard in private except when the...

14 In the event of a disagreement between the members of...

15 (1) The decision of an appeal panel and the grounds...

16 Subject to paragraphs 9 to 15, all matters relating to...

Power of Secretary of State to make amendments

17 The Secretary of State may by order make such amendments...

SCHEDULE 25 — Children to whom section 87 applies: appeals by governing bodies

Duty to notify governing body of decision to admit child

1 Where any such decision as is mentioned in section 95(2)...

Time limit on appealing

2 An appeal by the governing body against any such decision...

Appeal panels

3 (1) Subject to sub-paragraphs (2) and (3) below, paragraphs 1,...

Procedure on an appeal

4 In the following provisions of this Schedule— “appeal” means an...

5 An appeal shall be by notice in writing setting out...

6 (1) The appeal panel shall meet to consider an appeal...

7 On an appeal the panel shall allow—

8 In considering an appeal the appeal panel shall have regard...

9 Appeals shall be heard in private except when the local...

10 Two or more appeals may be combined and dealt with...

11 In the event of a disagreement between the members of...

12 The decision of an appeal panel and the grounds on...

13 Subject to paragraphs 5 to 12, all matters relating to...

Power of Secretary of State to make amendments

14 The Secretary of State may by order make such amendments...

SCHEDULE 26 — Inspection of nursery education

Introductory

- 1 (1) In this Schedule “relevant nursery education” means—
 2 (1) In this Schedule “the Chief Inspector” means—

General functions of the Chief Inspector

- 3 The Chief Inspector has the general duty of keeping the...
 4 When asked to do so by the Secretary of State,...
 5 The Chief Inspector may at any time give advice to...

Inspections

- 6 (1) The Chief Inspector— (a) shall secure that relevant nursery...
 7 A person conducting an inspection under paragraph 6 shall report...

Registration of nursery education inspectors

- 8 (1) Her Majesty’s Chief Inspector of Schools in England shall...
 9 (1) If the Chief Inspector is satisfied that any of...
 10 (1) Any person who is aggrieved by—

Training

- 11 (1) A registered nursery education inspector shall not conduct an...

Impartiality

- 12 A person shall not undertake an inspection under paragraph 6...

Reports of inspections

- 13 (1) Where a person has conducted an inspection under paragraph...

Annual reports of the Chief Inspector

- 14 The annual reports of the Chief Inspector required by subsection...

Reserve powers of the Chief Inspector

- 15 The Chief Inspector may, in any case where it appears...
 16 If the Chief Inspector elects in the case of an...
 17 Where an inspection is being conducted by a registered nursery...

Rights of entry

- 18 (1) This paragraph applies to— (a) a registered nursery education...

SCHEDULE 27 — Further provision about partnership arrangements in Wales

SCHEDULE 28 — Amendments relating to school and nursery inspections

Part I — SCHOOL INSPECTIONS

Introductory

- 1 In this Part of this Schedule “the 1996 Act” means...

Persons who may be registered inspectors

2 In section 7(3) of the 1996 Act (registration of inspectors),...

Decisions of Chief Inspector having immediate effect

3 In section 9(3)(a) of the 1996 Act (circumstances where Chief...

Enrolment of persons to act as team members

4 (1) For paragraph 3(1) of Schedule 3 to the 1996...

Replacement of inspectors

5 After paragraph 8 of Schedule 3 to the 1996 Act...

Part II — NURSERY INSPECTIONS

Persons who may be registered nursery education inspectors

6 In paragraph 8(3) of Schedule 1 to the Nursery Education...

Decisions of Chief Inspector having immediate effect

7 In paragraph 10(4)(a) of Schedule 1 to the Nursery Education...

Powers of entry of registered nursery education inspectors

8 After paragraph 17 of Schedule 1 to the Nursery Education...

SCHEDULE 29 — Amendments relating to functions of Education Transfer Council

Introductory

1 In this Schedule “the 1988 Act” means the Education Reform...

General provisions as to transfers

2 (1) Section 198 of the 1988 Act (transfers under Parts...

Division and apportionment of property etc.

3 For paragraph 1 of Schedule 10 to the 1988 Act...

Identification of property, rights and liabilities

4 For paragraph 2 of Schedule 10 to the 1988 Act...

Resolution of disputes

5 For paragraph 3 of Schedule 10 to the 1988 Act...

Proof of title by certificate

6 In paragraph 5 of Schedule 10 to the 1988 Act,...

Construction of agreements etc.

7 In paragraph 7 of Schedule 10 to the 1988 Act,...

Third parties affected by vesting provisions

8 In paragraph 9 of Schedule 10 to the 1988 Act—...

Delivery of documents to transferee

9 In paragraph 10 of Schedule 10 to the 1988 Act,...

Amendment of references to Education Assets Board

10 For “the Education Assets Board” or “the Board”, wherever occurring...

SCHEDULE 30 — Minor and consequential amendments

Children and Young Persons Act 1933 (c. 12)

1 In section 1(7) of the Children and Young Persons Act...

Local Authorities (Goods and Services) Act 1970 (c. 39)

2 (1) Subject to sub-paragraph (2), in the Local Authorities (Goods...

Local Government Act 1972 (c. 70)

3 (1) Section 177 of the Local Government Act 1972 (provisions...

Local Government Act 1974 (c. 7)

4 (1) The Local Government Act 1974 shall be amended as...

Sex Discrimination Act 1975 (c. 65)

5 In section 22 of the Sex Discrimination Act 1975 (discrimination...

6 In section 27 of that Act (exception for single-sex establishments...

Race Relations Act 1976 (c. 74)

7 In section 17 of the Race Relations Act 1976 (discrimination...

National Health Service Act 1977 (c. 49)

8 In Schedule 1 to the National Health Service Act 1977...

Representation of the People Act 1983 (c. 2)

9 The Representation of the People Act 1983 shall be amended...

10 In section 95(2)(a) (schools and rooms for parliamentary election meetings),...

11 In section 96(2)(a) (schools and rooms for local election meetings),...

12 In Schedule 5 (use for parliamentary election meetings of rooms...

Local Government Act 1986 (c. 10)

13 In section 2A(4)(a) of the Local Government Act 1986 (prohibition...

Education (No. 2) Act 1986 (c. 61)

14 In section 49(3) of the Education (No. 2) Act 1986...

Local Government Act 1988 (c. 9)

- 15 In Schedule 1 to the Local Government Act 1988 (defined...

Education Reform Act 1988 (c. 40)

- 16 The Education Reform Act 1988 shall be amended as follows...
17 In section 218 (school and further and higher education regulations),...
18 In section 221(1)(b) (avoidance of certain contractual terms), for “an...
19 In section 226(4) (services to schools in member States providing...
20 In Schedule 8 (provisions relating to the body to be...

Children Act 1989 (c. 41)

- 21 In Schedule 9 to the Children Act 1989 (child minding...

Local Government and Housing Act 1989 (c. 42)

- 22 In section 13(5) of the Local Government and Housing Act...

Environmental Protection Act 1990 (c. 43)

- 23 In section 98(2) of the Environmental Protection Act 1990
(definitions),...

School Teachers' Pay and Conditions Act 1991 (c. 49)

- 24 The School Teachers' Pay and Conditions Act 1991 shall be...
25 In section 1 (establishment of review body on statutory conditions...
26 In section 2 (orders relating to statutory conditions of employment)—...
27 In section 3A (special provisions for teachers on transfer of...
28 (1) Section 5 (interpretation, etc.) shall be amended as follows...

Diocesan Boards of Education Measure 1991 (1991 No.2)

- 29 The Diocesan Boards of Education Measure 1991 shall be amended...
30 In section 3 (transactions for which advice or consent of...
31 In section 7 (powers of Board to give directions to...
32 (1) Section 10 (interpretation) shall be amended as follows.

Further and Higher Education Act 1992 (c. 13)

- 33 The Further and Higher Education Act 1992 shall be amended...
34 In section 5(4) (administration of funds by councils), for “grant-
maintained...
35 In section 21 (initial instruments and articles)—
36 For section 25 substitute— Transfer of property, etc. from foundation...
37 In section 26 (transfer of staff to further education corporation)—...
38 In section 28(2)(a) (designation of institutions as eligible for funds)...
39 In section 32 (transfer of property, etc., to designated institutions),...
40 In section 37 (attribution of surpluses and deficits)—
41 In section 44(1) (collective worship) for the words from “was...
42 In section 45(1) (religious education) for the words from “means”...
43 In section 47(2) (transfer of higher education institutions to further...
44 In section 48 (statutory conditions of employment)—
45 In section 58(3) (reorganisations of schools involving establishment of
further...

46 In section 90 (interpretation)— (a) after subsection (3) insert—

Tribunals and Inquiries Act 1992 (c. 53)

47 In paragraph 15 of Schedule 1 to the Tribunals and...

Charities Act 1993 (c. 10)

48 In section 3 of the Charities Act 1993 (the register...

49 In section 79(9) of that Act (parochial charities), for the...

Welsh Language Act 1993 (c. 38)

50 In section 6(1) of the Welsh Language Act 1993 (meaning...

Value Added Tax Act 1994 (c. 23)

51 In Schedule 9 to the Value Added Tax Act 1994...

Education Act 1994 (c. 30)

52 The Education Act 1994 shall be amended as follows.

53 In section 11A (general duty of Secretary of State with...

54 In section 12 (power of schools to provide courses of...

Employment Rights Act 1996 (c. 18)

55 In section 134(1) of the Employment Rights Act 1996 (teachers...

Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)

56 In section 4(1) of the Nursery Education and Grant-Maintained
Schools...

Education Act 1996 (c. 56)

57 The Education Act 1996 shall be amended as follows.

58 In section 1(2) (the stages of education), omit paragraph (b)...

59 In section 5 (primary, secondary and middle schools)—

60 In section 6(2) (nursery schools and special schools), for the...

61 In section 9 (pupils to be educated in accordance with...

62 In section 14 (functions of local education authorities in respect...

63 After section 15 insert— Functions in respect of full-time education...

64 (1) Section 16 (power to establish, maintain and assist primary...

65 In section 17(2) (powers in respect of nursery education), for...

66 Omit sections 20 to 28 (the funding authorities).

67 In section 29 (provision of information by local education authorities)

—...

68 Omit section 30 (provision of information by funding authorities).

69 Part II (schools maintained by local education authorities) shall be...

70 Part III (grant-maintained schools) shall be omitted.

71 In section 312 (definitions for purposes of Part IV)—

72 In section 313(1) (code of practice on special educational needs),...

73 In section 315(2) (review of arrangements for special educational
provision),...

74 (1) Section 317 (duties of governing body or local education...

75 (1) Section 318 (provision of goods and services in connection...

- 76 In section 321(3) (general duty of local education authority towards...
- 77 In section 324 (statement of special educational needs)—
- 78 In section 327 (access for local education authority to certain...
- 79 Omit section 330 (assessment of education needs at request of...
- 80 For section 337 substitute— Special schools (1) A school is a special school if it is...
- 81 Omit sections 338 to 341 (establishment of maintained and grant-maintained...
- 82 For section 342 substitute— Approval of non-maintained special schools Approval...
- 83 Omit sections 343 to 346 (government etc. of special schools)...
- 84 In section 348 (provision of special education at non-maintained schools),...
- 85 In section 350 (definitions for purposes of Part V), for...
- 86 In section 352(1)(a) (basic curriculum for maintained schools), for “sections...
- 87 In section 356 (establishment of the National Curriculum by order)—...
- 88 In section 357 (implementation of National Curriculum in schools), omit...
- 89 In section 362 (National Curriculum: development work and experiments)—
- 90 In section 366 (information concerning directions under section 365)—
- 91 Omit sections 370 to 374 (functions of local education authority...
- 92 Omit sections 376 to 389 (religious education and worship).
- 93 In section 390 (constitution of advisory councils), for subsection (2)...
- 94 (1) Section 391 (functions of advisory councils) shall be amended...
- 95 In section 392 (advisory councils: supplementary provisions), omit subsection (4)....
- 96 Omit section 393 (duty to constitute new standing advisory council)...
- 97 (1) Section 394 (determination of cases in which requirement for...
- 98 In section 395(1) (review of determinations under section 394), for...
- 99 In section 396(1) (power of Secretary of State to direct...
- 100 In section 399 (determination of question whether religious education in...
- 101 In section 402(6) (obligation to enter pupils for public examinations),...
- 102 In section 403(2) (sex education: manner of provision), for “a...
- 103 In section 404 (sex education: statements of policy)—
- 104 In section 406(3) (political indoctrination), for “a maintained special school”...
- 105 In section 407(2) (duty to secure balanced treatment of political...
- 106 In section 408 (provision of information)— (a) omit subsection (1)(b);...
- 107 In section 409 (complaints and enforcement: maintained schools)—
- 108 For the cross-heading “SCHOOL ADMISSIONS” preceding section 411 substitute— ADMISSION,...
- 109 Omit sections 411 to 432 (admission of pupils: general).
- 110 Omit section 433(4) (time for admission of pupils: admission for...
- 111 In section 434(4)(c) (registration of pupils: returns)—
- 112 Omit section 436 (effect of admission for nursery education).
- 113 In section 437 (school attendance orders)— (a) in each of...
- 114 In section 438 (choice of school: child without statement of...
- 115 (1) Section 439 (specification of schools in notices under section...
- 116 In section 440 (amendment of order at request of parent)...
- 117 In section 444(4)(b) (offence: failure to secure regular attendance at...

-
- 118 Omit section 448 (exemption where child becomes five during term)....
- 119 For section 449 and the cross-headings preceding it substitute—
Chapter...
- 120 In section 451 (prohibition of charges for provision of education)—...
- 121 In section 456(1) (regulation of permitted charges), omit the words...
- 122 In section 457 (charges and remissions policies)—
- 123 In section 458 (charges for board and lodging at boarding...
- 124 In section 463 (meaning of “independent school”)—
- 125 In section 484 (grants for education support and training)—
- 126 In section 489 (conditions as to payment of grants under...
- 127 In section 490(1) (grants in respect of special provision for...
- 128 For section 494 substitute— Recoupment: excluded pupils (1)
Subsection (2) applies where a pupil is permanently excluded...
- 129 In section 496 (power of Secretary of State to prevent...
- 130 In section 497 (general default powers of the Secretary of...
- 131 In section 498 (powers of Secretary of State where no...
- 132 Omit sections 500 to 505 (rationalisation of school places).
- 133 In section 509 (provision of transport etc.)—
- 134 In section 510 (provision of clothing)— (a) in subsection (1)(a)...
- 135 In section 514 (provision of board and lodging otherwise than...
- 136 In section 515(2) (provision of teaching services for day nurseries),...
- 137 Omit section 516 (supply by LEA of goods and services...
- 138 Omit section 517 (payment of fees at schools not maintained...
- 139 (1) Section 519 (allowances for governors, etc.) shall be amended...
- 140 Omit section 520(3) (medical inspection and treatment of pupils: grant-maintained...
- 141 In section 521 (examination of pupils for cleanliness), in subsection...
- 142 In section 524 (removal of pupil at direction of medical...
- 143 In section 525 (offence of neglecting the cleanliness of a...
- 144 In section 527A (local education authority plans for children with...
- 145 In section 529 (power to accept gifts on trust for...
- 146 In section 530 (compulsory purchase of land)—
- 147 In section 531(2) (acquisition of land by agreement) for “voluntary...
- 148 In section 533 (duties of governing bodies of maintained schools...
- 149 Omit section 534 (duties of governing bodies of grant-maintained schools...
- 150 In section 535(1) (provision of teaching services for day nurseries),...
- 151 Omit section 536 (medical inspection and treatment of pupils at...
- 152 In section 537 (power of Secretary of State to require...
- 153 For section 537A substitute— Provision of information about individual pupils...
- 154 In section 538 (provision of information to Secretary of State...
- 155 Omit section 539 (provision of information by governing body of...
- 156 In section 540 (distribution of information about schools providing a...
- 157 In section 541 (distribution of information about further education institutions),...
- 158 In section 542 (prescribed standards for school premises)—
- 159 In section 543 (relaxation of prescribed standards in special cases)—...
- 160 In section 544 (approval etc. of school premises and boarding...
- 161 In section 545(2) (exemption from building byelaws of approved buildings),...
- 162 In section 546(2) (control of potentially harmful materials and apparatus...

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

- 163 In section 547 (nuisance or disturbance on school premises)—
- 164 Omit sections 549 and 550 (provisions about corporal punishment).
- 165 In section 550B(2) (detention), as inserted by section 5 of...
- 166 In section 551(2) (regulations as to duration of school day...
- 167 Omit section 552 (transitional exemption orders for purposes of Sex...
- 168 (1) Section 554 (power to make new provision as to...
- 169 In section 556(2) (content of orders under section 554)—
- 170 In section 557(9) (adoption of statutory trusts), in the definition...
- 171 In section 559 (power of local education authorities to prohibit...
- 172 In section 563(3) (educational records)— (a) at the end of...
- 173 In section 566(1)(b) (evidence: documents), for “a county or voluntary...
- 174 Omit section 567 (stamp duty).
- 175 In section 568 (orders)— (a) for subsection (2) substitute—
- 176 In section 569 (regulations)— (a) in subsection (2), for “section...
- 177 In section 570 (revocation and variation of certain orders and...
- 178 In section 573 (meaning of expressions relating to alteration etc....
- 179 Omit section 575 (meaning of expressions relating to employment).
- 180 In section 576 (meaning of “parent”)— (a) in subsection (1),...
- 181 Omit section 577 (minor authorities).
- 182 In section 578 (meaning of “the Education Acts”), insert at...
- 183 In section 579 (general interpretation)— (a) in subsection (1)—
- 184 In Schedule 1 (pupil referral units)— (a) in paragraph 6—...
- 185 Schedules 2 to 25A shall be omitted.
- 186 (1) Schedule 27 (making and maintenance of statements under section...
- 187 Schedule 28 (government and conduct of grant-maintained special
schools) shall...
- 188 In Schedule 31 (agreed syllabuses of religious education), omit
paragraphs...
- 189 The following provisions shall be omitted— (a) Schedule 32
(reduction...

School Inspections Act 1996 (c. 57)

- 190 The School Inspections Act 1996 shall be amended as follows...
- 191 (1) Section 10 (inspection of certain schools by registered inspectors)...
- 192 (1) Section 11 (application of provisions for inspections) shall be...
- 193 In section 15(3)(b) (timing of inspections), for “a county, voluntary...
- 194 (1) Section 16 (destination of reports) shall be amended as...
- 195 (1) Section 17 (special measures by appropriate authority) shall be...
- 196 (1) Section 18 (additional special measures by local education
authority)...
- 197 In section 20(3) (destination of reports)— (a) in paragraph (a),...
- 198 In section 21(4) (special measures by appropriate authority)—
- 199 (1) Section 23 (inspection of religious education) shall be amended...
- 200 Omit the following sections— (a) sections 26 to 30 (miscellaneous...
- 201 In section 45 (orders and regulations)— (a) in subsection (1),...
- 202 (1) Section 46(1) (interpretation) shall be amended as follows.
- 203 In paragraph 1 of Schedule 3 (inspections under section 10),...
- 204 In paragraph 3 of Schedule 4 (inspections of denominational education)
—...
- 205 Schedule 5 (education associations) shall be omitted.
- 206 In Schedule 6 (consequential amendments), omit paragraph 7.

Education Act 1997 (c. 44)

- 207 The Education Act 1997 shall be amended as follows.
- 208 Omit the following provisions— (a) sections 2 and 3 (school...
- 209 In section 15 (baseline assessments: interpretation), in the definition of...
- 210 In section 16(5) (adoption of baseline assessment schemes), for “a...
- 211 In section 17 (assessment of pupils)— (a) in subsection (5),...
- 212 In section 18 (regulations for Chapter I of Part IV)—...
- 213 In section 19 (school performance targets), for subsection (3) substitute
—...
- 214 In section 23 (functions of Qualifications and Curriculum Authority)—
- 215 In section 29(3) (functions of Qualifications, Curriculum and
Assessment Authority...
- 216 In section 42 (miscellaneous amendments relating to school
inspections), omit...
- 217 In section 43(2) (provision of careers education)—
- 218 Omit section 50 (recoupment by local education authority of costs...
- 219 In section 52 (commencement of compulsory school age), omit
subsections...
- 220 In section 57 (minor and consequential amendments, repeals etc), omit...
- 221 In section 58(4) (commencement) omit “section 50,”.
- 222 Omit the following provisions— (a) Schedules 1 to 3;
- 223 In Schedule 7 (minor and consequential amendments), omit paragraphs
15...

Education (Schools) Act 1997 (c. 59)

- 224 In section 2 of the Education (Schools) Act 1997 (transitional...

Audit Commission Act 1998 (c. 18)

- 225 In section 36(3) of the Audit Commission Act 1998 (studies...

SCHEDULE 31 — Repeals

SCHEDULE 32 — Transitional provisions and savings

Part I — FUNDING

Interpretation

- 1 In this Part of this Schedule— “the 1996 Act” means...

Continued operation of GMS grants provisions

- 2 (1) Subject to the provisions of this paragraph, the GMS...

Existing loans

- 3 (1) Any loan made under section 255 of the 1996...

Grants by Secretary of State in respect of planned expenditure

- 4 (1) Regulations may provide for the payment by the Secretary...

Deferment of governing body’s right to delegated budget

- 5 (1) A maintained school falling within section 49(1) shall not...

Part II — OTHER PROVISIONS

Limit on class sizes

6 (1) The transitional provision which may be made for the...

School Teachers' Pay and Conditions Act 1991

7 The amendment made by section 13 of this Act shall...

Orders for purposes of section 20(5)

8 The Secretary of State may only make an order under...

Notice by trustees to terminate former voluntary school's occupation of land

9 (1) This paragraph applies where— (a) at any time before...

Transfer of sites provided under sections 60 and 61 of the Education Act 1996

10 (1) This paragraph applies where— (a) before the appointed day...