



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART I

#### MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

#### CHAPTER I

##### LIMIT ON INFANT CLASS SIZES

#### **1 Duty to set limit on infant class sizes.**

- (1) The Secretary of State shall by regulations—
  - (a) impose a limit on class sizes for infant classes at maintained schools; and
  - (b) specify the school years in relation to which any such limit is to have effect.
- (2) Any limit imposed under this section shall specify the maximum number of pupils that a class to which the limit applies may contain while an ordinary teaching session is conducted by a single qualified teacher.
- (3) Subject to subsections (4) and (5), regulations under this section shall be so framed that—
  - (a) the maximum number specified in pursuance of subsection (2) is 30, and
  - (b) that limit has effect in relation to the 2001-02 school year and any subsequent year.
- (4) Regulations under this section may—
  - (a) provide for any limit imposed under this section to take effect—
    - (i) at the same time in the case of each of the age groups into which the pupils in infant classes fall, or

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- (ii) at different times (which may be earlier than the beginning of the school year mentioned in subsection (3)) in the case of different such age groups;
  - (b) provide that, in any circumstances specified in the regulations, any such limit either is not to apply or is to operate in such manner as is so specified.
- (5) The Secretary of State may by order amend subsection (3)—
- (a) by substituting for “30” such other number as is specified in the order; or
  - (b) by substituting for the reference to the 2001-02 school year a reference to such other school year as is so specified.
- (6) Where any limit imposed under this section applies to an infant class at a maintained school, the local education authority and the governing body shall exercise their functions with a view to securing that that limit is complied with in relation to that class.

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

- C1 S. 1 applied (with modifications) (18.10.1999) by S.I. 1999/2666, reg. 8, Sch. paras. 1(c), 2-8.  
 S. 1 applied (with modifications) (1.9.1999) by S.I. 1999/2800, reg. 7, Sch. paras. 1, 2-8.

**2 Plans by LEAs for reducing infant class sizes.**

- (1) Every local education authority shall prepare a statement setting out the arrangements which the authority propose to make for the purpose of securing that any limit imposed under section 1 is complied with in relation to infant classes at schools maintained by the authority.
- (2) The statement shall—
- (a) contain such information as to the proposed arrangements, and
  - (b) take such form,
- as may be prescribed; and in preparing the statement the authority shall have regard to any guidance given from time to time by the Secretary of State.
- (3) In the course of preparing the statement the authority shall carry out such consultation as may be prescribed.
- (4) A prescribed body or person, or a body or person falling within any prescribed category, shall provide the authority—
- (a) with such documents or information, or
  - (b) with such other assistance,
- as the authority may reasonably request from that body or person for the purpose of enabling them to prepare the statement.
- (5) The authority shall submit the statement to the Secretary of State for his approval—
- (a) by such date as may be prescribed, or
  - (b) by such later date as he may allow, where he is satisfied that it is reasonable to do so in view of any particular circumstances relating to the authority;
- and different dates may be prescribed for different authorities.
- (6) If the Secretary of State decides not to approve the authority’s proposed arrangements—

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- (a) he shall notify the authority of his decision and of his reasons for it; and
  - (b) the authority shall prepare a revised statement under this section in respect of their proposed arrangements.
- (7) Where the authority are required by subsection (6) to prepare a revised statement, the preceding provisions of this section shall apply to it as they applied to the original statement, except that—
- (a) in preparing the revised statement the authority shall have regard to the Secretary of State’s reasons for not approving their original proposals; and
  - (b) the revised statement shall be submitted to the Secretary of State by such date as he may determine.
- (8) In subsection (4) “document” includes information recorded otherwise than in legible form, and the reference to the provision of a document is, in the case of information so recorded, a reference to the provision of a copy of that information in legible form.

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

C2 S. 2 modified (1.9.1998)(*temp.*) by S.I. 1998/1968, reg.2

### 3 Payment of grant in connection with reductions in infant class sizes.

- (1) Regulations shall make provision for the payment by the Secretary of State of grants to local education authorities in respect of expenditure incurred or to be incurred by them for the purpose of securing that any limit imposed under section 1 is complied with in relation to infant classes at schools maintained by them.
- (2) Regulations under this section shall provide for the Secretary of State—
- (a) to withhold grants under the regulations from a local education authority where no proposed arrangements by that authority have been approved by him under section 2; and
  - (b) when determining whether any grant (and, if so, what amount) should be paid by him under the regulations to a local education authority, to have regard to their proposed arrangements as so approved.
- (3) Regulations under this section may provide—
- (a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
  - (b) for requiring local education authorities to whom payments have been made under the regulations to comply with such requirements as may be so determined.

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

C3 S. 3 modified (1.9.1998) (*temp.*) by S.I. 1998/1968, reg.2

### 4 Interpretation of Chapter I.

In this Chapter—

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“class” means a group in which pupils are taught in an ordinary teaching session;

“infant class” means a class containing pupils the majority of whom will attain the age of five, six or seven during the course of the school year;

“ordinary teaching session” does not include a school assembly or other school activity usually conducted with large groups of pupils;

“qualified teacher”, in relation to an infant class, means—

- (a) a person who is a qualified teacher in relation to that class for the purposes of section 218(1)(a) of the <sup>M1</sup>Education Reform Act 1988 (regulations relating to teachers’ qualifications, etc.), or
- (b) any other person who in accordance with regulations under that provision may be employed as a teacher of that class.

#### Marginal Citations

M1 1988 c. 40.

VALID FROM 01/10/1998

## CHAPTER II

### GENERAL RESPONSIBILITIES OF LOCAL EDUCATION AUTHORITIES

#### *Duty to promote high standards of education*

#### **5 Duty of LEAs to promote high standards in primary and secondary education.**

After section 13 of the <sup>M2</sup>Education Act 1996, there shall be inserted—

#### **“13A Duty to promote high standards in primary and secondary education.**

- (1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards.
- (2) This section applies to education for—
  - (a) persons of compulsory school age (whether at school or otherwise); and
  - (b) persons of any age above or below that age who are registered as pupils at schools maintained by the authority;
 and in subsection (1) “functions” means functions of whatever nature.”

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## Marginal Citations

M2 1996 c. 56.

### *Education development plans*

## **6 Preparation of education development plans.**

- (1) Every local education authority shall prepare an education development plan for their area, and shall prepare further such plans at such intervals as may be determined by or in accordance with regulations.
- (2) An education development plan shall consist of—
  - (a) a statement of proposals, which sets out proposals by the authority for developing their provision of education for children in their area, whether by—
    - (i) raising the standards of education provided for such children (whether at schools maintained by the authority or otherwise than at school), or
    - (ii) improving the performance of such schools, or otherwise; and
  - (b) annexes to that statement.
- (3) In subsection (2) “children” means—
  - (a) persons of compulsory school age (whether at school or otherwise), or
  - (b) persons of any age above or below that age who are registered as pupils at schools maintained by the authority.
- (4) The statement of proposals must—
  - (a) deal with such matters, and relate to such period, as may be determined by or in accordance with regulations, and
  - (b) be approved by the Secretary of State under section 7.
- (5) The annexes to the statement—
  - (a) must contain such material as may be prescribed; and
  - (b) may contain such other material as the authority consider relevant to their proposals as set out in the statement.
- (6) In preparing an education development plan the authority shall have regard, in particular, to the education of children (within the meaning of subsection (2)) who have special educational needs.
- (7) In the course of preparing an education development plan the authority shall consult—
  - (a) the governing body and head teacher of every school maintained by the authority;
  - (b) the appropriate diocesan authority for any foundation or voluntary school in their area which is a Church of England, Church in Wales or Roman Catholic Church school; and
  - (c) such other persons as they consider appropriate.

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- (8) In its operation at any time before the appointed day (as defined by section 20(7)), subsection (7)(a) above shall be read as referring also to the governing body of every grant-maintained or grant-maintained special school situated in the authority's area.
- (9) In performing their functions under this section the authority shall have regard to any guidance given from time to time by the Secretary of State.

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

C4 S. 6(2)(a)(i)(3)(b) modified (12.1.1999) by [S.I. 1998/3217](#), [art.2](#)

**7 Approval, modification and review of statement of proposals.**

- (1) Where a local education authority have prepared an education development plan in accordance with section 6, they shall, by such date as may be determined by or in accordance with regulations, submit the plan to the Secretary of State for him to approve the authority's statement of proposals under this section.
- (2) The Secretary of State may in the case of any statement submitted to him under this section—
  - (a) approve the statement in any of the following ways, namely wholly or in part, for a limited period of time, or subject to conditions;
  - (b) require the authority to make such modifications to the statement as he may specify; or
  - (c) reject the statement.
- (3) If the Secretary of State approves the statement—
  - (a) he shall notify the authority of his decision; and
  - (b) the authority shall implement the proposals set out in the statement, so far as approved by the Secretary of State, as from such date as he may determine.
- (4) If the Secretary of State requires the authority to make modifications or rejects the statement—
  - (a) he shall notify the authority of his decision and of his reasons for it, and
  - (b) the authority shall prepare a revised statement and submit it to the Secretary of State for his approval under this section by such date as he may determine.
- (5) Once the Secretary of State has approved an authority's statement of proposals under subsection (2), he shall keep under review the authority's proposals, as approved by him, and their implementation by the authority, and—
  - (a) where he is of the opinion that the statement should be modified (or further modified), he may withdraw his approval and require the authority to make such modifications to the statement as he may specify; and
  - (b) where he is of the opinion that the authority's proposals are not being properly implemented by them, he may withdraw his approval for such period as he thinks fit.
- (6) If under subsection (5) the Secretary of State withdraws his approval of a statement of proposals—
  - (a) he shall notify the authority of his decision and of his reasons for it; and

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- (b) in a case falling within paragraph (a) of that subsection, the authority shall prepare a revised statement and submit it to him for his approval under this section by such date as he may determine.
- (7) Section 6 shall apply to the preparation of a revised statement under subsection (4) (b) or (6)(b) above, with such modifications (if any) as the Secretary of State may determine.
- (8) At any time after the Secretary of State has approved an authority's statement of proposals under subsection (2)—
- (a) the authority may submit modifications to the statement to the Secretary of State for his approval,
  - (b) the Secretary of State may approve the modifications, whether in whole or in part, for a limited period of time, or subject to conditions, and
  - (c) if and to the extent that he approves those modifications, he shall notify the authority of his decision and—
    - (i) the statement shall have effect with the modifications, and
    - (ii) the authority shall implement their proposals as modified, as from such date as he may determine.
- (9) Once the Secretary of State has approved—
- (a) an authority's statement of proposals under subsection (2), or
  - (b) the modification of an authority's statement of proposals under subsection (8),
- the authority shall publish their education development plan (or their plan as so modified) in such manner and by such date as may be prescribed, and shall provide such persons as may be prescribed with copies of that plan or of a summary version of that plan.
- (10) In section 484 of the <sup>M3</sup>Education Act 1996 (education standards grants) references to “eligible expenditure” include expenditure for or in connection with the implementation by local education authorities of their education development plans.

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**Marginal Citations**

M3 1996 c. 56.

*Intervention by Secretary of State*

**8 Reserve power of Secretary of State to secure proper performance of LEA's functions.**

After section 497 of the <sup>M4</sup>Education Act 1996 there shall be inserted—

**“497A Power to secure proper performance of LEA's functions.**

- (1) This section applies to a local education authority's functions (of whatever nature) which relate to the provision of education—
- (a) for persons of compulsory school age (whether at school or otherwise), or

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- (b) for persons of any age above or below that age who are registered as pupils at schools maintained by the authority.
- (2) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a local education authority are failing in any respect to perform any function to which this section applies to an adequate standard (or at all), he may exercise his powers under subsection (3) or (4).
- (3) The Secretary of State may under this subsection direct an officer of the authority to secure that that function is performed in such a way as to achieve such objectives as are specified in the direction.
- (4) The Secretary of State may under this subsection give an officer of the authority such directions as the Secretary of State thinks expedient for the purpose of securing that the function—
  - (a) is performed, on behalf of the authority and at their expense, by such person as is specified in the direction, and
  - (b) is so performed in such a way as to achieve such objectives as are so specified;
 and such directions may require that any contract or other arrangement made by the authority with that person contains such terms and conditions as may be so specified.
- (5) Where the Secretary of State considers it expedient that the person specified in directions under subsection (4) should perform other functions to which this section applies in addition to the function to which subsection (2) applies, the directions under subsection (4) may relate to the performance of those other functions as well; and in considering whether it is expedient that that person should perform any such additional functions, the Secretary of State may have regard to financial considerations.
- (6) Any direction under this section may either—
  - (a) have effect for an indefinite period until revoked by the Secretary of State, or
  - (b) have effect until any objectives specified in the direction have been achieved (as determined in accordance with the direction).
- (7) Any direction given under subsection (3) or (4) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

**497B Power to secure proper performance: further provisions.**

- (1) Where the Secretary of State gives directions under section 497A(4) to an officer of a local education authority, the person specified in those directions shall, in the performance of the function or functions specified in the directions, be entitled to exercise the powers conferred by this section.
- (2) The specified person shall have at all reasonable times—
  - (a) a right of entry to the premises of the authority, and
  - (b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the performance of the specified function or functions.



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- (3) In exercising the right to inspect records or other documents under subsection (2), the specified person—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used, or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).
- (4) Without prejudice to subsection (2), the authority shall give the specified person all assistance in connection with the performance of the specified function or functions which they are reasonably able to give.
- (5) Subsection (2) shall apply in relation to any school maintained by the authority as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—
- (a) the governing body of any such school shall give the specified person all assistance in connection with the exercise of his functions which they are reasonably able to give; and
  - (b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.
- (6) Any reference in this section to the specified person includes a reference to any person assisting him in the performance of the specified function or functions.
- (7) In this section “document” and “records” each include information recorded in any form.”

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**Marginal Citations**

M4 1996 c. 56.

*Parent governor representatives on education committees*

**9 Education committees to include representatives of parent governors.**

At the end of section 499 of the <sup>M5</sup>Education Act 1996 (power of Secretary of State to direct appointment of members of education committees) there shall be added—

- “(6) Regulations may require—
- (a) any such committee as is mentioned in subsection (1) or (3), and

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- (b) any sub-committee appointed by any authorities within subsection (1) or (3), or by any committee within paragraph (a) of this subsection, for the purpose mentioned in subsection (5)(b), to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools in relation to which the committee or sub-committee acts.
- (7) Regulations may make provision for—
- (a) the number of persons who are to be elected for the purposes of subsection (6) in the case of any local education authority;
  - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election;
  - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected;
  - (d) the term of office of persons so elected and their voting rights;
  - (e) the application to any such committee or sub-committee, with or without any modification, of any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority;
  - (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (8) Regulations may also make provision—
- (a) enabling the Secretary of State to determine, where he considers it expedient to do so in view of the small number of maintained schools in relation to which a committee or sub-committee acts, that the requirement imposed on the committee or sub-committee by virtue of subsection (6) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools;
  - (b) for any regulations under subsection (7) to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.
- (9) In subsections (6) and (8) “maintained school” and “parent governor” have the same meaning as in the School Standards and Framework Act 1998.”

#### **Marginal Citations**

**M5** 1996 c. 56.

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VALID FROM 08/08/1998

## CHAPTER III

### EDUCATION ACTION ZONES

#### 10 Establishment of education action zones.

- (1) If the Secretary of State considers that it is expedient to do so with a view to improving standards in the provision of education at any particular maintained schools, he may by order provide for those schools to constitute collectively an education action zone for the purposes of this Chapter.
- (2) An education action zone shall be established in the first instance for three years; but the Secretary of State may, by an order made before the end of that period, provide for the zone to continue in existence for a further two years.
- (3) At any time when an education action zone is in existence, the Secretary of State may by order vary the order establishing the zone by adding to the schools for the time being included in that order—
  - (a) any school in relation to which section 15 applies by virtue of subsection (1), (4) or (6) of that section; or
  - (b) with a view to enabling it to achieve improving standards in the provision of education once it becomes a maintained school, any new school which has a temporary governing body.
- (4) No order shall be made by the Secretary of State under subsection (1), (2) or (3) except on an application made for the purpose with the consent of the governing body of every school which it is proposed should be a participating school.
- (5) Any school which ceases to be a participating school by virtue of subsection (2) may nevertheless be included in a further order under subsection (1).
- (6) In this Chapter—
  - (a) references to a governing body shall be read as including the temporary governing body of a new school;
  - (b) “participating school”, in relation to an education action zone, means one of the schools for the time being included in the order under subsection (1) by which the zone is established.
- (7) In this section “new school” has the meaning given by section 72(3).
- (8) Unless the Secretary of State by order otherwise provides, nothing in this Chapter applies in relation to Wales.

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

C5 s. 10(1) modified (*temp.*) (4.8.1998) by S.I. 1998/1878, reg. 2

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## **11 Establishment of Education Action Forum for zone.**

- (1) An order establishing an education action zone under section 10(1) shall provide for the establishment of an Education Action Forum for the zone.
- (2) An Education Action Forum shall be a body corporate and shall be constituted in accordance with the order under section 10(1) by which it is established.
- (3) The order shall require the members of an Education Action Forum to include—
  - (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment; and
  - (b) either one or two persons appointed by the Secretary of State.
- (4) Schedule 1 has effect in relation to an Education Action Forum.
- (5) The Forum established for an education action zone shall be dissolved by order of the Secretary of State with effect from the time when the zone ceases to exist in accordance with section 10(2).
- (6) An order under subsection (5) may make provision for the transfer of property, staff, rights and liabilities of the Forum and for the preparation of a final statement of accounts.

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

**C6** S. 11 extended (10.3.1999) by S.I. 1999/362, reg. 2(4).

VALID FROM 01/10/2002

### **[<sup>F1</sup>11A Constitution of Education Action Forum**

- (1) The members of an Education Action Forum must include—
  - (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment, and
  - (b) one or two persons appointed by the Secretary of State, unless he chooses not to make such appointments.
- (2) Subject to that, an Education Action Forum—
  - (a) shall initially be constituted in accordance with the order under section 10(1), and
  - (b) may subsequently alter its membership (as set out in that order or as previously altered under this paragraph).
- (3) In subsection (2) the references to altering the Forum's membership include—
  - (a) altering the number of members, and
  - (b) altering who may appoint members.
- (4) An alteration may be made under subsection (2)(b) only if it is made—
  - (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and

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(b) with the consent of the Secretary of State.]

#### Textual Amendments

**F1** S. 11A inserted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32) ss. 187, 216, {Sch. 15 para. 4} (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

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

**C7** S. 11A modified (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 187, 216, Sch. 15 para. 8(4) (with ss.210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

VALID FROM 01/10/2002

#### [<sup>F2</sup>11B Expansion of zone

- (1) An Education Action Forum established for an education action zone may add—
  - (a) any eligible school (within the meaning of section 10(1A)), or
  - (b) any new school which has a temporary governing body,to the zone.
- (2) But a school may be added under this section only if it is added—
  - (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
  - (b) with the consent of the governing body of the school and of the Secretary of State.
- (3) For the purposes of this section references to a school being added to an education action zone are to it becoming one of the schools which constitute collectively the zone.

#### Textual Amendments

**F2** Ss. 11B, 11C inserted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 187, 216, Sch. 15 para. 5 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

VALID FROM 01/10/2002

#### 11C Removal from zone

- (1) An Education Action Forum established for an education action zone may remove a participating school from the zone.
- (2) But a school may be removed under this section only if it is removed—
  - (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
  - (b) with the consent of the Secretary of State.

*Status: Point in time view as at 24/07/1998. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: School Standards and Framework Act 1998, Part I is up to date with all changes known to be in force on or before 09 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)*

- (3) For the purposes of this section references to a school being removed from an education action zone are to it ceasing to be one of the schools which constitute collectively the zone.]

#### Textual Amendments

- F2** Ss. 11B, 11C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 5](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

VALID FROM 01/10/2002

#### [<sup>F3</sup>11D Information relating to a Forum and its zone

- (1) An Education Action Forum established for an education action zone must provide the Secretary of State with details of—
- (a) any alteration made to its constitution under section 11A(2)(b),
  - (b) any addition of a school to the zone under section 11B, and
  - (c) any removal of a school from the zone under section 11C.
- (2) The Forum must also, on a request being made by any person, provide him with—
- (a) the name of each member of the Forum and of the person or body that appointed him,
  - (b) the name of any other person or body entitled to appoint a member, and
  - (c) the name of each participating school in relation to the zone.
- (3) But the duty under subsection (2) is subject, in such circumstances as the Forum may determine, to the payment by the person concerned of a reasonable fee determined by the Forum.]

#### Textual Amendments

- F3** S. 11D inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 6](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

## 12 Functions of Education Action Forum.

- (1) An Education Action Forum shall have as its main object the improvement of standards in the provision of education at each of the participating schools.
- (2) A Forum may, under arrangements made by the governing body of a participating school in respect of any prescribed function of that body relating to the conduct of the school, either—
- (a) discharge that function on behalf of the governing body until such time as they may specify in a request to the Forum to cease discharging the function on their behalf; or
  - (b) assume full responsibility for the discharge of that function during the whole of the period for which the Forum remains in existence.

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- (3) Regulations may make provision—
- (a) as to the circumstances in which the governing body of a participating school may make arrangements under subsection (2);
  - (b) for the procedure to be followed by such a governing body in connection with the making of any such arrangements;
  - (c) for the procedure to be followed by an Education Action Forum when discharging any function by virtue of that subsection;
  - (d) for statutory provisions relating to governing bodies of maintained schools to apply, with any prescribed modifications, to an Education Action Forum when discharging any function by virtue of paragraph (b) of that subsection.
- (4) Regulations may, in relation to the discharge by an Education Action Forum of any function of a governing body under sections 54 and 57(1) to (3), Schedule 16 or paragraph 27 of Schedule 17, make any such provision as may be made by an order under section 81 (application of employment law during financial delegation).
- (5) The Secretary of State may by a direction provide for any scheme under Chapter IV of Part II of this Act which relates to a participating school to have effect with such modifications as he considers appropriate in a case where an Education Action Forum is discharging any function in relation to the school by virtue of subsection (2)(b).
- (6) Before giving a direction under subsection (5) the Secretary of State shall consult the local education authority.

VALID FROM 01/09/1998

**13 Disapplication of pay and conditions order in relation to teachers at participating schools.**

For section 3 of the <sup>M6</sup>School Teachers' Pay and Conditions Act 1991 there shall be substituted—

**“3 Special provisions as to schools in education action zones.**

- (1) A pay and conditions order shall not apply to the statutory conditions of employment of the school teachers in a participating school the governing body of which—
- (a) have, by notice to the Secretary of State, made an application for exemption; and
  - (b) pursuant to that application are for the time being exempted from subsections (6) and (7) of section 2 above by virtue of an order under subsection (4) below.
- (2) Before making an application under subsection (1) above, the governing body of the participating school concerned shall consult the school teachers employed at the school with respect to the proposed application.
- (3) A notice of application under subsection (1) above shall specify a date, at least three months after the date of the notice, with effect from which the governing body of the participating school concerned intend to make

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their own provision as to the statutory conditions of employment of the school teachers employed at the school.

- (4) On receipt of a notice of application under subsection (1) above the Secretary of State may, by statutory instrument, make an order—
- (a) naming the school; and
  - (b) specifying, as the date with effect from which, by virtue of the order, subsections (6) and (7) of section 2 above are not to apply, the date specified in the notice of application or such other date as may be agreed between the governing body and the Secretary of State.
- (5) Where by virtue of an order under subsection (4) above a pay and conditions order ceases to apply in relation to any school, the statutory conditions of employment of the school teachers employed at the school shall be—
- (a) such as may be determined by the governing body, or
  - (b) so far as the governing body have not made any determination with respect to any such conditions of employment, those having effect under the order immediately before it ceased to apply;
- and (so far as necessary) the local education authority shall give effect to any such determination of the governing body.
- (6) In this section “participating school” means one of the schools for the time being included in an order under section 10(1) of the School Standards and Framework Act 1998 establishing an education action zone.”

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

**C8** S. 13 excluded (1.9.1998) (*temp.*) by S.I. 1998/2115, **reg.3**

**Marginal Citations**

**M6** 1991 c. 49.

VALID FROM 01/10/1998

## CHAPTER IV

### INTERVENTION IN SCHOOLS CAUSING CONCERN

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

**C9** Pt. 1 Chapter 4: Power to modify conferred (prosp.) by Education Act 2002 (c. 32), **ss. 25, 216** (with **ss. 210(8), 214(4)**)



**Status:** Point in time view as at 24/07/1998. This version of this part contains provisions that are not valid for this point in time.  
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### Intervention by LEAs

#### 14 Powers of intervention exercisable by LEAs.

- (1) If at any time section 15 applies to a maintained school by virtue of any of the following provisions of that section, namely—
- (a) subsection (1) (school subject to formal warning),
  - (b) subsection (4) (school with serious weaknesses), or
  - (c) subsection (6) (school requiring special measures),
- the provisions mentioned in subsection (2) below (which confer powers of intervention on local education authorities) shall also apply to the school at that time unless excluded by subsection (3) below (intervention by Secretary of State).
- (2) Those provisions are—
- (a) section 16 (power to appoint additional governors); and
  - (b) section 17 (power to suspend right to delegated budget).
- (3) Those provisions shall not apply to a school to which section 15 applies by virtue of subsection (6) of that section (school requiring special measures) if, in connection with the same report falling within paragraph (a) of that subsection—
- (a) the Secretary of State has exercised in relation to the school his power under section 18 (power to appoint additional governors) and any additional governors appointed in the exercise of that power remain in office; or
  - (b) he has exercised in relation to the school his power under section 19 (power to direct closure of school).
- (4) In this Chapter—
- (a) “Chief Inspector” and “member of the Inspectorate”, and
  - (b) references to special measures being, or not being, required to be taken in relation to a school,
- have the same meaning as in the <sup>M7</sup>School Inspections Act 1996.

#### Marginal Citations

M7 1996 c. 57.

#### 15 Cases where LEA may exercise powers of intervention.

- (1) This section applies to a maintained school by virtue of this subsection if—
- (a) the local education authority have—
    - (i) given the governing body a warning notice in accordance with subsection (2), and
    - (ii) given the head teacher of the school a copy of the notice at the same time as the notice was given to the governing body;
  - (b) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction within the compliance period; and
  - (c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under either or both of sections 16 and 17 (whether or not the notice is combined with a notice under section 62(3)(c)).

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- (2) A local education authority may give a warning notice to the governing body of a maintained school where—
- (a) the authority are satisfied—
    - (i) that the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless the authority exercise their powers under either or both of sections 16 and 17, or
    - (ii) that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or
    - (iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise); and
  - (b) the authority have previously informed the governing body and the head teacher of the matters on which that conclusion is based; and
  - (c) those matters have not been remedied to the authority’s satisfaction within a reasonable period.
- (3) For the purposes of subsections (1) and (2) a “warning notice” is a notice in writing by the local education authority setting out—
- (a) the matters referred to in subsection (2)(b);
  - (b) the action which they require the governing body to take in order to remedy those matters; and
  - (c) the period within which that action is to be taken by the governing body (“the compliance period”).
- (4) This section applies to a maintained school by virtue of this subsection if—
- (a) a report of an inspection of the school has been made under Part I of the <sup>M8</sup>School Inspections Act 1996 in which the person making it stated that in his opinion the school had serious weaknesses; and
  - (b) where any subsequent report of an inspection of the school has been made under Part I of that Act, that opinion has not been superseded by the person making the report stating that in his opinion—
    - (i) the school no longer has serious weaknesses, or
    - (ii) special measures are required to be taken in relation to the school.
- (5) For the purposes of subsection (4) a school has serious weaknesses if, although giving its pupils in general an acceptable standard of education, it has significant weaknesses in one or more areas of its activities.
- (6) This section applies to a maintained school by virtue of this subsection if—
- (a) a report of an inspection of the school has been made under Part I of the <sup>M9</sup>School Inspections Act 1996 in which the person making it stated that in his opinion special measures were required to be taken in relation to the school;
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
  - (c) where any subsequent report of an inspection of the school has been made under Part I of that Act, the person making it did not state that in his opinion special measures were not required to be taken in relation to the school.

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### Marginal Citations

M8 1996 c. 57.

M9 1996 c. 57.

## 16 Power of LEA to appoint additional governors.

- (1) If at any time this section applies to a maintained school in accordance with section 14(1), then (subject to subsections (2) and (3)) the local education authority may appoint such number of additional governors as they think fit.
- (2) Where this section so applies in the case of a school falling within section 15(1) (school subject to formal warning), the power conferred by subsection (1) above is only exercisable within the period of two months following the end of the compliance period.
- (3) Where this section so applies in the case of a school falling within section 15(6) (school requiring special measures), the power conferred by subsection (1) above is only exercisable if the following conditions are satisfied, namely—
  - (a) the relevant document has been sent to the Secretary of State;
  - (b) the authority have received a notice in writing from the Secretary of State in which he acknowledges receipt of that document; and
  - (c) a period of not less than ten days has elapsed since the date of the notice.
- (4) The Secretary of State may in respect of any particular school determine that subsection (3)(c) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (5) In relation to any appointment made by the local education authority by virtue of subsection (1) to the governing body of a school, the instrument of government for the school shall have effect as if (despite anything in Part II of Schedule 9) it provided for the local education authority to appoint such number of additional governors as they think fit.
- (6) If at any time—
  - (a) this section applies to a voluntary aided school other than one falling within section 15(6), and
  - (b) the local education authority have exercised their power to appoint additional governors under subsection (1),the appropriate appointing authority may appoint such number of additional foundation governors as is equal to the number of additional governors appointed by the authority.
- (7) Any additional foundation governors appointed under subsection (6)—
  - (a) shall cease to hold office at the time when the additional governors appointed by the authority cease to do so; and
  - (b) shall not be eligible for re-appointment except where, and to the extent that, those governors are re-appointed.
- (8) If—
  - (a) at any time this section applies to a voluntary aided school falling within section 15(6), and

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- (b) neither of paragraphs (a) and (b) of section 14(3) for the time being applies in connection with the same report falling within section 15(6)(a), the appropriate appointing authority may (subject to subsection (9)) appoint such number of additional foundation governors as they think fit.
- (9) The power conferred by subsection (8) is only exercisable if the following conditions are satisfied, namely—
- (a) the relevant document has been sent to the Secretary of State;
  - (b) the appropriate appointing authority have received a notice in writing from the Secretary of State informing them that he has received that document; and
  - (c) a period of not less than ten days has elapsed since the date of the notice.
- (10) In the case of any appointment made by virtue of subsection (6) or (8) to the governing body of a school, the instrument of government for the school shall have effect as if (despite paragraph 14 of Schedule 9) the instrument provided for the appropriate appointing authority to appoint such number of additional foundation governors as they are authorised to appoint under subsection (6) or (8) (as the case may be).
- (11) Subject to subsection (12), references in this section to the appropriate appointing authority in relation to any voluntary aided school are references—
- (a) to the appropriate diocesan authority, if it is a Church of England school, Church in Wales school or Roman Catholic Church school; or
  - (b) in any other case, to the person or persons by whom the foundation governors are appointed.
- (12) Where, in the case of any voluntary aided school not falling within subsection (11) (a), there are different powers to appoint foundation governors, references in this section to the appropriate appointing authority are references—
- (a) to all those persons who have any such power acting jointly, or
  - (b) if they are unable to agree, to such of them acting jointly, or such one of them, as the Secretary of State may, after consulting all those persons, determine.
- (13) In this section “the relevant document” means a copy of a statement prepared—
- (a) under section 18 of the <sup>M10</sup>School Inspections Act 1996, or
  - (b) under section 17 of that Act, if the school does not have a delegated budget within the meaning of Part II of this Act.

#### **Commencement Information**

- II** S. 16 wholly in force at 1.9.1999; s. 16 not in force at Royal Assent see s. 145(3); s. 16(1)-(5) and (13) in force at 1.10.1998 by [S.I. 1998/2212](#), [art. 2](#), [Sch. 1 Pt. I](#); s. 16 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3-5](#), [Schs. 5-7](#)).

#### **Marginal Citations**

- M10** 1996 c. 57.

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VALID FROM 02/09/2002

**[<sup>F4</sup>16A Power of LEA to provide for governing body to consist of interim executive members**

- (1) If at any time this section applies to a maintained school in accordance with section 14(1), then (subject to subsections (2) and (3)) the local education authority may, with the consent of the Secretary of State, give the governing body a notice in writing stating that, as from a date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).
- (2) Where this section so applies in the case of a school falling within section 15(4) (school with serious weaknesses) or section 15(6) (school requiring special measures), the power conferred by subsection (1) above is exercisable only if the following conditions are satisfied, namely—
  - (a) the Secretary of State has given the local education authority a notice under section 16A(3) of the School Inspections Act 1996, and
  - (b) a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(b) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) Before exercising the power conferred by subsection (1), the local education authority shall consult—
  - (a) the governing body of the school,
  - (b) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
  - (c) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.]

**Textual Amendments**

**F4** S. 16A inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 57\(2\)](#), [216](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2002](#), [art. 4](#)

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

**C10** S. 16A modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [reg. 4\(c\)](#)

**17 Power of LEA to suspend right to delegated budget.**

- (1) If at any time—
  - (a) this section applies to a maintained school in accordance with section 14(1), and
  - (b) the school has a delegated budget within the meaning of Part II of this Act,

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then (subject to subsections (2) and (3)) the local education authority may, by giving the governing body of the school notice in writing of the suspension, suspend the governing body's right to a delegated budget with effect from the receipt of the notice by the governing body.

- (2) Where this section so applies in the case of a school falling within section 15(1) (school subject to formal warning), the power conferred by subsection (1) above is only exercisable within the period of two months following the end of the compliance period.
- (3) Where this section so applies in the case of a school falling within section 15(6) (school requiring special measures), the power conferred by subsection (1) above is only exercisable if the following conditions are satisfied, namely—
  - (a) a copy of a statement prepared under section 18 of the <sup>M11</sup>School Inspections Act 1996 has been sent to the Secretary of State;
  - (b) the authority have received a notice in writing from the Secretary of State in which he acknowledges receipt of that document; and
  - (c) a period of not less than ten days has elapsed since the date of the notice.
- (4) The Secretary of State may in respect of any particular school determine that subsection (3)(c) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (5) A copy of a notice given under subsection (1) shall be given to the head teacher of the school at the same time as the notice is given to the governing body.
- (6) A suspension imposed under this section shall have effect for the purposes of Chapter IV of Part II of this Act as if made under paragraph 1 of Schedule 15 to this Act, but there shall be no right of appeal under paragraph 3 of that Schedule against such a suspension.

#### **Marginal Citations**

**M11** 1996 c. 57.

### *Intervention by Secretary of State*

#### **18 Power of Secretary of State to appoint additional governors.**

- (1) If at any time section 15 applies to a maintained school by virtue of subsection (6) of that section (school requiring special measures), the Secretary of State may appoint such number of additional governors as he thinks fit; and he may nominate one of those governors to be the chairman of the governing body in place of any person who has been elected as chairman of that body.
- (2) Before making any such appointment in relation to a voluntary aided school, the Secretary of State shall consult—
  - (a) in the case of a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority; or
  - (b) in any other case, the person who appoints the foundation governors.
- (3) A governor appointed under this section—

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- (a) shall hold office as governor for such term, and
  - (b) if nominated as chairman of the governing body, shall be chairman of that body for such period,
- as the Secretary of State may determine.
- (4) The Secretary of State may pay to any governor appointed under this section such remuneration and allowances as the Secretary of State may determine.
- (5) In relation to any appointment made by the Secretary of State by virtue of subsection (1) to the governing body of a school, the instrument of government for the school shall have effect as if (despite anything in Part II of Schedule 9) it provided for the Secretary of State to appoint such number of additional governors as he thinks fit.
- (6) Where the Secretary of State has exercised his power under this section in relation to a school, then—
- (a) in any such case—
    - (i) the local education authority may not exercise their power under paragraph 1 of Schedule 15 to suspend the governing body's right to a delegated budget, and
    - (ii) if they have already exercised that power or their power under section 17(1), the Secretary of State shall, if requested to do so by the governing body, revoke the suspension; and
  - (b) in the case of a voluntary aided school, nothing in paragraph 14 of Schedule 9 shall be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by the Secretary of State under this section.
- (7) The revocation of a suspension under subsection (6)(a) shall—
- (a) be notified to the local education authority in writing; and
  - (b) take effect from such date as is specified in that notification.

VALID FROM 02/09/2002

**[<sup>F5</sup>18A Power of Secretary of State to provide for governing body to consist of interim executive members**

- (1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4)(school with serious weaknesses), or
  - (b) subsection (6)(school requiring special measures),
- the Secretary of State may give the governing body a notice in writing stating that, as from the date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).
- (2) Before exercising the power conferred by subsection (1), the Secretary of State shall consult—
- (a) the local education authority,
  - (b) the governing body of the school,

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- (c) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
  - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (3) The Secretary of State is not obliged to consult the persons mentioned in subsection (2)(b), (c) and (d) if the local education authority have consulted them under subsection (4) of section 16A in relation to a proposed notice under subsection (1) of that section.]

#### **Textual Amendments**

**F5** S. 18A inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), **ss. 58, 216** (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2002](#), **art. 4**

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

**C11** S. 18A modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), **reg. 4(b)**

### **19 Power of Secretary of State to direct closure of school.**

- (1) If at any time section 15 applies to a maintained school by virtue of subsection (6) of that section (school requiring special measures), the Secretary of State may give a direction to the local education authority requiring the school to be discontinued on a date specified in the direction.
- (2) Before giving a direction under subsection (1), the Secretary of State shall consult—
  - (a) the local education authority and the governing body of the school;
  - (b) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority;
  - (c) in the case of any other foundation or voluntary school, the person who appoints the foundation governors; and
  - (d) such other persons as the Secretary of State considers appropriate.
- (3) On giving a direction under subsection (1) the Secretary of State shall give notice in writing of the direction to the governing body of the school and its head teacher.
- (4) Where the local education authority are given a direction under subsection (1), they shall discontinue the school in question on the date specified in the direction; and nothing in sections 29 to 33 shall apply to their discontinuance of the school under this section.
- (5) In this section any reference to the discontinuance of a maintained school is to the local education authority ceasing to maintain it.



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VALID FROM 02/09/2002

*[<sup>F6</sup>Governing bodies consisting of interim executive members*

**Textual Amendments**

**F6** S. 19A and cross-heading inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 59\(1\)](#), 216 (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/2002, [art. 4](#)

[<sup>F7</sup>19A

**Governing bodies consisting of interim executive members**

The provisions of Schedule 1A shall have effect in relation to any school in respect of which a notice has been given—

- (a) under section 16A(1), by the local education authority, or
- (b) under section 18A(1), by the Secretary of State.]]

**Textual Amendments**

**F7** S. 19A and Cross-heading inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 59\(1\)](#), 216 (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/2002, [art. 4](#)

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

**C12** S. 19A modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [reg. 4\(b\)](#)

**Status:**

Point in time view as at 24/07/1998. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

School Standards and Framework Act 1998, Part I is up to date with all changes known to be in force on or before 09 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.