



Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER II

SECULAR EDUCATION

General functions of LEA, governing body and head teacher in relation to curriculum

370 Duty of local education authority to state policy

- (1) A local education authority shall—
 - (a) determine, and keep under review, their policy in relation to the secular curriculum for the county, voluntary and special schools maintained by them, and
 - (b) make, and keep up to date, a written statement of that policy.
- (2) In discharging their duty under subsection (1), the authority shall consider, in particular—
 - (a) the range of the secular curriculum, and
 - (b) the balance between its different components.
- (3) In carrying out their functions under this Act or any other enactment, the authority shall have regard to their policy as expressed in their statement.

371 Functions of governing body: county, controlled and maintained special schools

- (1) This section applies to the articles of government for a county, controlled or maintained special school.
- (2) The articles shall require the governing body to consider—

Status: This is the original version (as it was originally enacted).

- (a) the policy of the local education authority as expressed in the statement made by the authority under section 370,
 - (b) what, in the governing body's opinion, should be the aims of the secular curriculum for the school, and
 - (c) how (if at all) the authority's policy with regard to matters other than sex education should in their opinion be modified in relation to the school,
- and to make, and keep up to date, a written statement of their conclusions.
- (3) The articles shall require the governing body—
- (a) to consider separately (while having regard to the local education authority's statement under section 370) the question whether sex education should form part of the secular curriculum for the school, and
 - (b) to make, and keep up to date, a separate written statement—
 - (i) of their policy with regard to the content and organisation of the relevant part of the curriculum, or
 - (ii) where they conclude that sex education should not form part of the secular curriculum, of that conclusion.
- (4) The articles shall require the governing body—
- (a) when considering the matters mentioned in subsections (2) and (3), to do so in consultation with the head teacher and to have regard to any representations—
 - (i) which are made to them by any persons connected with the community served by the school, or
 - (ii) which are made to them by the chief officer of police and are connected with his responsibilities; and
 - (b) to consult the local education authority before making or varying any statement under subsection (2).
- (5) The articles shall provide that the governing body may review their conclusions about the matters mentioned in subsection (2) or (3) whenever they think fit, and that they shall do so immediately following—
- (a) the implementation of any proposals of a kind mentioned in subsection (7) which materially affect the school, or
 - (b) the implementation of any proposal under section 339 (establishment, alteration and discontinuance of maintained special school).
- (6) The articles shall require the governing body, where they have completed such a review and consider it appropriate to make a fresh statement, to do so.
- (7) The kinds of proposals referred to in subsection (5) are—
- (a) proposals under section 35 (establishment, alteration etc. of a county school) or section 41 (establishment, alteration etc. of a voluntary school); and
 - (b) proposals for a voluntary school to be transferred to a new site in pursuance of an order under section 47;
- and the reference above to proposals under section 35 includes a reference to proposals which would fall to be published by virtue of that section but for subsection (2)(b) of that section.
- (8) In relation to sex education, this section has effect subject to section 404(3).

372 Functions of head teacher: county, controlled and maintained special schools

- (1) The articles of government for a county, controlled or maintained special school shall—
 - (a) provide for the determination and organisation of the secular curriculum for the school to be the responsibility of the head teacher, and
 - (b) require the head teacher to secure that that curriculum is followed within the school.
- (2) The articles shall provide that, in discharging his duties in relation to the secular curriculum for the school, the head teacher shall consider the statement made by the local education authority under section 370 and those made by the governing body by virtue of section 371.
- (3) The articles shall also provide that, in discharging those duties, the head teacher shall have regard to any representations with regard to the determination or organisation of the secular curriculum—
 - (a) which are made to him by any persons connected with the community served by the school, or
 - (b) which are made to him by the chief officer of police and are connected with that officer's responsibilities.
- (4) The articles shall also provide that, in discharging those duties, the head teacher shall ensure that the secular curriculum—
 - (a) so far as it relates to sex education, is compatible with the governing body's policy (as expressed in the statement made by them by virtue of section 371(3)) except where that policy is incompatible with any part of the syllabus for a course which forms part of that curriculum and leads to a public examination;
 - (b) so far as it relates to other matters, is compatible with the policy of the local education authority (as expressed in the statement made by them under section 370) as modified by the statement made by the governing body by virtue of section 371(2), and
 - (c) is compatible with the provisions of this Act and any other enactments relating to education (including, in particular, provisions relating to children with special educational needs).
- (5) In relation to sex education subsection (4) has effect subject to section 404(3).

373 Functions of governing body and head teacher: aided and special agreement schools

- (1) The articles of government for an aided or special agreement school shall provide—
 - (a) for the content of the secular curriculum for the school to be under the control of the governing body,
 - (b) for the governing body to have regard to the policy of the local education authority as expressed in the statement made by the authority under section 370, and
 - (c) for the head teacher to be allocated by the governing body such functions as will, subject to the resources available, enable him to determine and organise the curriculum and secure that it is followed within the school.

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

- (2) The articles shall require the governing body, when considering the content of the secular curriculum for the school, to have regard to any representations with regard to that curriculum—
- (a) which are made to them by any persons connected with the community served by the school, or
 - (b) which are made to them by the chief officer of police and are connected with his responsibilities.

374 Functions of governing body and head teacher: grant-maintained schools

Paragraph 4 of Schedule 23 has effect for securing the discharge by the governing body and the head teacher of a grant-maintained school of duties imposed on them under the provisions of this Part mentioned in paragraph 4(1).