



School Standards and Framework Act 1998

1998 CHAPTER 31

PART I

MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

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 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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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.
- (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.

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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
 - (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

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- (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 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.

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 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
 - (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;

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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.
- (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.

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- (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.”

Parent governor representatives on education committees

9 Education committees to include representatives of parent governors

At the end of section 499 of the 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
 - (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

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- 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.”