



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART IV

#### OTHER PROVISIONS ABOUT SCHOOL EDUCATION

##### *Home-school agreements*

#### **110 Home-school agreements.**

- (1) The governing body of a school which is—
- a maintained school, or
  - a city technology college [<sup>F1</sup>, a city college for the technology of the arts or [<sup>F2</sup>an Academy]],
- shall adopt a home-school agreement for the school, together with a parental declaration to be used in connection with the agreement.
- (2) For the purposes of this section and section 111 a “home-school agreement” is a statement specifying—
- the school’s aims and values;
  - the school’s responsibilities, namely the responsibilities which the school intends to discharge in connection with the education of pupils at the school who are of compulsory school age;
  - the parental responsibilities, namely the responsibilities which the parents of such pupils are expected to discharge in connection with the education of their children while they are registered pupils at the school; and
  - the school’s expectations of its pupils, namely the expectations of the school as regards the conduct of such pupils while they are registered pupils there;
- and “parental declaration” means a document to be used by qualifying parents for recording that they take note of the school’s aims and values and its responsibilities

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- and that they acknowledge and accept the parental responsibilities and the school's expectations of its pupils.
- (3) The governing body shall take reasonable steps to secure that the parental declaration is signed by every qualifying parent.
- (4) Subsection (3) does not, however, require the governing body to seek the signature of a qualifying parent if, having regard to any special circumstances relating to the parent or the pupil in question, they consider that it would be inappropriate to do so.
- (5) Where the governing body consider that a registered pupil at the school has a sufficient understanding of the home-school agreement as it relates to him, they may invite the pupil to sign the parental declaration as an indication that he acknowledges and accepts the school's expectations of its pupils.
- (6) The governing body shall discharge their duty under subsection (3), and (where they decide to exercise it) shall exercise their power under subsection (5), as follows—
- (a) in the case of a pupil attending the school on the relevant date, as soon after that date as is reasonably practicable; and
  - (b) in the case of a pupil admitted to the school after the relevant date, as soon after the date of his admission as is reasonably practicable.
- (7) The governing body shall from time to time review the home-school agreement.
- (8) Where the home-school agreement is revised by the governing body following such a review, subsections (3) to (6) shall, in the case of pupils admitted to the school after the revision takes effect, accordingly apply in relation to the revised agreement.
- (9) Before adopting the home-school agreement or parental declaration, or revising that agreement, the governing body shall consult—
- (a) all qualifying parents, and
  - (b) such other persons as may be prescribed.
- (10) In this section—
- “qualifying parent” means a registered parent of a pupil at the school who is of compulsory school age;
- “the relevant date” means such date as the Secretary of State may by order appoint or such later date as he may determine in the case of the school in question.

#### **Subordinate Legislation Made**

**P1** S. 110 power fully exercised (12.11.1998): 1.9.1999 appointed day by [S.I. 1998/2877](#)

#### **Textual Amendments**

**F1** Words in s. 110(1)(b) substituted (28.7.2000) by [2000 c. 21, s. 149, Sch. 9 para. 85](#)

**F2** Words in s. 110(1)(b) substituted (26.7.2002) by [Education Act 2002 \(c. 32\), ss. 65, 216, Sch. 7 para. 9](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2002, art. 2](#)

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

**C1** S. 110(1)(a) modified (*temp.*) by [S.I. 1998/2834, art. 2](#)

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#### **Commencement Information**

- II** S. 110 wholly in force; s. 110 not in force at Royal Assent see s. 145(3); s. 110 in force at 1.2.1999 by S.I. 1998/2212, art. 2, Sch. 1 Pt. III

### **111 Supplementary provisions about home-school agreements.**

- (1) In discharging any function under section 110 the governing body of a school shall have regard to any guidance given from time to time by the Secretary of State.
- (2) If the Secretary of State by order so provides, the governing body of a school to which subsection (1) of that section applies shall ensure that any form of words—
  - (a) specified in the order, or
  - (b) having such effect as is so specified,is not used in a home-school agreement or (as the case may be) in a parental declaration.
- (3) An order under subsection (2) may apply—
  - (a) to any school specified in the order, or
  - (b) to any description of school so specified.
- (4) Neither the governing body of a school to which section 110(1) applies nor the local education authority where it is the admission authority for such a school shall—
  - (a) invite any person to sign the parental declaration at a time when the child in question has not been admitted to the school;
  - (b) make it a condition of a child being admitted to the school that the parental declaration is signed in respect of the child; or
  - (c) make any decision as to whether or not to admit a child to the school by reference to whether any such declaration is or is not likely to be signed in respect of the child;and in this subsection “admission authority” has the meaning given by section 88(1).
- (5) No person shall be excluded from such a school or suffer any other adverse consequences on account of any failure to comply with any invitation to sign the parental declaration.
- (6) A home-school agreement shall not be capable of creating any obligation in respect of whose breach any liability arises in contract or in tort.

#### *Extension of educational opportunities for Key Stage 4 pupils*

### **112 Extended work experience for Key Stage 4 pupils.**

- (1) Section 560 of the <sup>M1</sup>Education Act 1996 (work experience during compulsory schooling) shall be amended as follows.
- (2) For subsections (1) and (2) there shall be substituted—
  - “(1) The enactments relating to the prohibition or regulation of the employment of children shall not apply to the employment of a child in his last two years of compulsory schooling if the employment is in pursuance of arrangements made—

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- (a) by a local education authority, or
  - (b) by the governing body of a school on behalf of such an authority,
- with a view to providing him with work experience as a part of his education.
- (2) For the purposes of subsection (1) a child shall be taken to be in his last two years of compulsory schooling as from the beginning of the last two school years at his school during the whole or part of which he is of compulsory school age.”
- (3) In subsection (6) (disapplication of sections 495 and 496 of the Act), the words “or the governing body of a grant-maintained school” shall be omitted.

#### Commencement Information

**I2** S. 112 partly in force; s. 112 not in force at Royal Assent see s. 145(3); s. 112(1)(2) in force at 1.10.1998 by [S.I. 1998/2212](#), [art. 2](#), [Sch. 1 Pt. 1](#)

#### Marginal Citations

**M1** [1996 c. 56](#).

### 113 Provision of secondary education for Key Stage 4 pupils by FE institutions.

- (1) In section 18(1) of the <sup>M2</sup>Further and Higher Education Act 1992 (principal powers of a further education corporation), after paragraph (a) there shall be inserted—
- “(aa) in pursuance of arrangements made—
- (i) by a local education authority, or
  - (ii) by the governing body of a school on behalf of such an authority,
- provide secondary education to pupils in the fourth key stage, and”.
- (2) After section 52 of that Act there shall be inserted—

#### “52A Duty to safeguard pupils receiving secondary education.

- (1) This section applies where secondary education is provided to pupils in the fourth key stage—
- (a) by a further education corporation in pursuance of arrangements falling within section 18(1)(aa) of this Act, or
  - (b) by a designated institution in pursuance of arrangements made—
    - (i) by a local education authority, or
    - (ii) by the governing body of a school on behalf of such an authority.
- (2) The governing body of the corporation or institution shall secure that, except in such circumstances as may be prescribed by regulations, no education is provided to a person who has attained the age of nineteen years in a room in which any such pupils are for the time being receiving secondary education.”

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#### Marginal Citations

M2 1992 c. 13.

*[<sup>F3</sup>Food and drink provided on school premises etc]*

#### Textual Amendments

F3 S. 114A and cross-heading substituted for s. 114 and cross-heading (8.11.2006) by Education and Inspections Act 2006 (c. 40), ss. 86(1), 188(1) (with s. 86(3))

### <sup>F3</sup>114 Nutritional standards for school lunches.

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#### <sup>F3</sup>114A Requirements for food and drink provided on school premises etc

- (1) Regulations may prescribe requirements which, subject to such exceptions as may be provided for by or under the regulations, are to be complied with in connection with—
  - (a) food or drink provided on the premises of any school maintained by a local education authority, or
  - (b) food or drink provided at a place other than school premises by a local education authority or the governing body of a school maintained by such an authority to any registered pupil at the school.
- (2) Regulations under this section may in particular—
  - (a) specify nutritional standards, or other nutritional requirements, which are to be complied with;
  - (b) require that drinking water is to be available, free of charge, on the premises of any school maintained by a local education authority;
  - (c) require that specified descriptions of food or drink are not to be provided.
- (3) Requirements prescribed by virtue of subsection (1)(a) do not apply to food or drink brought on to the premises of a school maintained by a local education authority where the food or drink is brought on to those premises by any person for his own consumption.
- (4) Where a local education authority or the governing body of a school maintained by such an authority provide food or drink—
  - (a) to anyone on the premises of the school, or
  - (b) to any registered pupil at the school at a place other than school premises,that authority or, as the case may be, that governing body must secure that any applicable provisions of the regulations are complied with.
- (5) Subsection (4) applies whether the food or drink is provided in pursuance of any statutory requirement or otherwise.
- (6) Where—
  - (a) food or drink is provided on the premises of a school maintained by a local education authority,

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- (b) the provision is by a person (“X”) other than the authority or the governing body of the school, and
  - (c) X uses or occupies the whole or a part of the premises in circumstances related to a use or occupation agreement made (whether by X or any other person) with the authority or the governing body,
- that authority or, as the case may be, that governing body must secure that any applicable provisions of the regulations are complied with.
- (7) A “use or occupation agreement”, in relation to the premises of a school, is an agreement or other arrangement relating to the use or occupation of the whole or any part of the premises.
- (8) Without prejudice to the generality of section 138(7), regulations under this section may prescribe—
- (a) different requirements in relation to different classes or descriptions of school as specified in the regulations;
  - (b) different requirements in connection with food or drink provided by or to different classes or descriptions of person as specified in the regulations;
  - (c) requirements which apply during different periods of the day as specified in the regulations.
- (9) A “place other than school premises” means a place other than the premises of any school maintained by a local education authority.
- (10) References in this section to food or drink provided by a local education authority or the governing body of a school include references to food or drink provided in pursuance of an agreement or other arrangement made by such an authority or body for the provision of food or drink.]

<sup>F4</sup> **115 Extension of LEA functions concerning school lunches, etc.**

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**Textual Amendments**

**F4** S. 115 repealed (31.3.2003 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4

**116 Transfer of LEA functions concerning school lunches, etc. to governing bodies.**

After section 512 of the Education Act 1996 there shall be inserted—

**“512A Transfer of functions under section 512 to governing bodies.**

- (1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the local education authority which are mentioned in subsection (2).
- (2) Those duties are—
  - (a) the duty to provide school lunches in accordance with section 512(1A) and (1B);

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- (b) the duty to provide school lunches free of charge in accordance with section 512(3)(a); and
  - (c) the duty to provide milk free of charge in accordance with section 512(3)(b).
- (3) An order under this section may (subject to subsection (6)) apply to—
  - (a) all maintained schools; or
  - (b) any specified class of such schools; or
  - (c) all such schools, or any specified class of such schools, maintained by specified local education authorities.
- (4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—
  - (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the local education authority in relation to the school; and
  - (b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c), section 533(3) shall not apply to any school lunches or milk provided by the governing body in pursuance of the order.
- (5) An order under this section may provide for section 513(2) not to apply—
  - (a) to local education authorities generally, or
  - (b) to any specified local education authority,either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.
- (6) An order under this section shall not operate to—
  - (a) impose any duty on the governing body of a school, or
  - (b) relieve a local education authority of any duty in relation to a school,at any time when the school does not have a delegated budget; and such an order may provide for section 512(2)(b) above to have effect, in relation to any provision made at any such time by the local education authority for pupils at the school, with such modifications as may be specified.
- (7) In this section—
  - “delegated budget” and “maintained school” have the same meaning as in the School Standards and Framework Act 1998;
  - “school lunch” has the same meaning as in section 512 above;
  - “specified” means specified in an order under this section.”

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