



# Education (No. 2) Act 1986

## CHAPTER 61

### EDUCATION (NO. 2) ACT 1986

#### PART I

##### INTRODUCTORY

- 1 Instruments of government and articles of government.
- 2 Procedure in relation to making etc. of instruments and articles.

#### PART II

##### SCHOOL GOVERNMENT

###### *Governing bodies*

- 3 Governing bodies for county, controlled and maintained special schools.
- 4 Governing bodies for aided and special agreement schools.
- 4A Sponsor governors for aided secondary schools.

###### *Governors*

- 5 Appointment of parent governors by governing body.
- 6 Connection with local business community.
- 7 Appointment of representative governors in place of co-opted governors.
- 8 Governors' proceedings and tenure of office.

###### *Grouping of schools*

- 9 Grouping of schools under single governing body.
- 10 Requirements as to consent to grouping.

*Status: Point in time view as at 16/11/1994.*

*Changes to legislation: Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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)*

---

### *Reviews*

- 11 Review of constitution of governing bodies of county, controlled and maintained special schools.

### *Temporary governing bodies*

- 12 Temporary governing bodies for new schools.

### *Miscellaneous and supplemental*

- 13 Effect of change of circumstances on instrument of government.  
14 Adjustment in number of governors.  
15 Miscellaneous.

## **PART III**

### **ORGANISATION AND FUNCTIONS**

#### *General*

- 16 General responsibility for conduct of certain schools.  
16A Provision of further education.

#### *School curriculum*

- 17 Duty of local education authority to state policy.  
18 County, controlled and maintained special schools.  
19 Aided and special agreement schools.  
20 .....

#### *School terms etc.*

- 21 Terms, holidays and sessions.

#### *Discipline*

- 22 Discipline: general duties.  
23 Exclusion of pupils: duty to inform parents etc.  
24 Reinstatement of excluded pupils: county, controlled and maintained special schools.  
25 Reinstatement of excluded pupils: aided and special agreement schools.  
26 Appeals.  
27 Exclusion: additional provision for appeals.  
28 Local education authority's reserve power.

#### *Finance*

- 29 .....

#### *Reports and meetings*

- 30 Governors' annual report to parents.  
31 Annual parents' meetings.  
32 Reports by governing body and head teacher.

#### *Admissions*

- 33 Admissions.

*Status: Point in time view as at 16/11/1994.*

*Changes to legislation: Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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)*

---

### *Appointment and dismissal of staff*

- 34 Determination of staff complement for schools.
- 35 Appointment and dismissal of staff: introductory.
- 36 The selection panel.
- 37 Appointment of head teacher.
- 38 Appointment of certain other staff.
- 39 Appointment of deputy head teacher.
- 40 Appointment and dismissal of clerk to governing body.
- 41 Dismissal, etc. of staff.

### *School premises*

- 42 Control of use of premises outside school hours.

## **PART IV**

### MISCELLANEOUS

- 43 Freedom of speech in universities, polytechnics and colleges.
- 44 Political indoctrination.
- 45 Duty to secure balanced treatment of political issues.
- 46 Sex education.
- 46A Application of sections 44 to 46 to grant-maintained schools.
- 47 Abolition of corporal punishment.
- 48 Abolition of corporal punishment: Scotland.
- 49 Appraisal of performance of teachers.
- 50 Grants for teacher training, etc.
- 51 Recoupment.
- 52 Recoupment: cross-border provisions.
- 53 School transport.
- 54 Change of status of controlled school to aided school.
- 55 Compensation payable by governing body on change from controlled to aided status.
- 56 Reports to Secretary of State.
- 57 Information and training for governors.
- 58 Travelling and subsistence allowances for governors of schools and establishments of further education.
- 59 Repeal of section 4 of 1944 Act.
- 60 Discontinuance of Secretary of State's duty to make annual reports.
- 61 Minimum age for governors of establishments of further education.
- 62 Access to papers etc. of governing bodies.

## **PART V**

### SUPPLEMENTAL

- 63 Orders and regulations.
- 64 Expenses.
- 65 Interpretation.
- 66 Commencement.
- 67 Short title etc.

*Status: Point in time view as at 16/11/1994.*

*Changes to legislation: Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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)*

---

## SCHEDULES

### Schedule 1 — Grouped Schools

#### *General*

- 1 (1) In this Schedule— “group” means two or more schools...

#### *Procedure in relation to making etc. of instrument of government*

- 2 (1) Before making an order under section 1 of this...

#### *Election of parent and teacher governors*

- 3 The instrument of government for any group—

#### *Governors’ annual report to parents*

- 4 (1) In discharging their duty to prepare governors’ reports; the...

#### *Annual parents’ meeting*

- 5 (1) In discharging their duty to hold an annual parents’ ...

### SCHEDULE 2 — New Schools

#### Part I — GENERAL

- 1 In this Schedule— “arrangement” means (except in paragraph 2(2)(b) or...

#### *Constitution of temporary governing body*

- 2 (1) Subject to the provisions of this Schedule, every temporary...

#### Part II — SCHOOL GOVERNMENT

#### *Transition from temporary governing body to governing body*

- 3 (1) The requirement for there to be an instrument of...

- 4 (1) Before making any order under section 1 of this...

#### *Duration of arrangement for temporary governing body*

- 5 (1) Every arrangement shall (if it has not been brought...

#### *Composition of temporary governing body*

- 6 (1) No local education authority shall make an arrangement in...

#### *Appointment of temporary parent and teacher governors*

- 7 (1) The temporary parent governors for a new school shall,...

#### *Temporary teacher governors*

- 8 (1) Subject to paragraph 7(2) above, the temporary teacher governors...

#### *Duty to appoint suitably experienced members*

- 9 (1) Any person other than a person who is to...

*Status: Point in time view as at 16/11/1994.*

**Changes to legislation:** Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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)

---

*Proceedings etc.*

- 10 (1) The proceedings of a temporary governing body shall not...

*Miscellaneous*

- 11 (1) The qualification of any person for appointment as a...  
Part III — ORGANISATION AND FUNCTIONS

*General*

- 12 (1) The requirement for there to be articles of government...

*Reports and information to be provided by temporary governing body*

- 13 (1) Every temporary governing body shall furnish to the local...

*Head teacher's reports*

- 14 (1) The head teacher of any new school for which...

*Preparation of curriculum*

- 15 (1) The head teacher of any new school for which...

*School terms etc.*

- 16 (1) Pending the coming into force of the articles of...

*Discipline*

- 17 Pending the coming into force of the articles of government...

*Finance*

- 18 Where a temporary governing body have been constituted for any...

*Admission of pupils*

- 19 (1) The initial arrangements for the admission of pupils to...

*Appointment of staff etc. at new aided schools*

- 20 (1) For the purposes of the appointment and dismissal of...

*Determination of staff complement*

- 21 (1) Where a temporary governing body have been constituted for...

*The selection panel*

- 22 (1) Whenever a selection panel is required by virtue of...

*Appointment of head teacher and acting head teacher*

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

*Appointment of certain other staff*

- 24 (1) Subject to sub-paragraph (3) below, the same provision shall...

*Status: Point in time view as at 16/11/1994.*

*Changes to legislation: Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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)*

---

*Appointment of deputy head teacher*

25 Where a temporary governing body have been constituted for a...

*Appointment of clerk to temporary governing body*

26 (1) Where a temporary governing body have been constituted for...  
Part IV — MISCELLANEOUS

*Travelling and subsistence allowances etc.*

27 Section 58 of this Act shall apply in relation to...

*Expenses of temporary governing bodies, etc.*

28 Where a temporary governing body are constituted for a new...

*Powers of Secretary of State*

29 For the purposes of the following provisions of the 1944...

*Provision of information for temporary governing bodies*

30 (1) Every local education authority shall secure that the temporary...

SCHEDULE 3 — Exclusion on Discipline Grounds: Appeals

*General*

- 1 The articles of government for every county, controlled and maintained...
- 2 The articles of government for every aided and special agreement...
- 3 (1) Where, in accordance with any provision of the articles...
- 3A (1) No appeal under section 26(1)(a) or (2) of this...
- 4 Part I of Schedule 2 of the 1980 Act (constitution...
- 5 The Secretary of State may by order amend this Schedule...

*Procedure*

- 6 An appeal shall be by notice in writing setting out...
- 6A The appeal committee shall meet to consider an appeal—
- 7 On an appeal by a pupil or parent, the appeal...
- 8 On an appeal by a governing body, the appeal committee—...
- 9 (1)The body responsible for making any arrangements under section 26...
- 10 In considering any appeal, the appeal committee shall take into...
- 11 In the event of a disagreement between the members of...
- 12 Within— (a) the period ending with the seventeenth school day...
- 13 All appeals shall be heard in private except when otherwise...
- 14 Two or more appeals may be combined and dealt with...
- 15 Subject to the preceding provisions of this Schedule, all matters...
- 16 In this Schedule references to appeals are to appeals under...
- 17 (1) Where in accordance with paragraph 1 or 2 above...

SCHEDULE 4 — Consequential Amendments

*Status: Point in time view as at 16/11/1994.*

**Changes to legislation:** *Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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)*

---

*The Education Act 1944 (c.31)*

- 1 In section 15(2) of the Education Act 1944 (change of...
- 2 In section 22 of that Act, for subsection (4) (appointment...

*The Education Act 1962 (c.12)*

- 3 In section 4(5) of the Education Act 1962 (meaning of...
- 4 . . . . .

*The Local Government Act 1974 (c.7)*

- 5 In paragraph 5 of Schedule 5 to the Local Government...
- 6 . . . . .
- 7 . . . . .

SCHEDULE 5 — Transitional Provisions

*Instruments of government for certain existing schools*

- 1 (1) Section 1 of this Act shall not require the...

*Grouping*

- 2 Where a local education authority propose to group two or...

*Recommendations by outgoing governing bodies*

- 3 (1) The governing body for any county, controlled or maintained...

SCHEDULE 6 — Repeals and Revocations

Part I — ENACTMENTS REPEALED

Part II — INSTRUMENTS REVOKED

**Status:**

Point in time view as at 16/11/1994.

**Changes to legislation:**

Education (No. 2) Act 1986 is up to date with all changes known to be in force on or before 06 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.