
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the School Boards (Scotland) Act 1988 (repealed), SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 15.

DELEGATION ORDERS

Delegation on education authority's initiative

- 1 Where an education authority propose making a delegation order under section 15 of this Act on their own initiative, they shall provide a draft of the order to the School Board and seek the agreement of the Board to the terms of the proposed order, without which agreement the order may not be made.

Request by School Board for delegation

- 2 Where a School Board request their education authority in writing to make a delegation order under section 15 of this Act, the authority shall consider the request and inform the Board in writing as soon as is practicable (and in any event within 6 months) in respect of each of the functions requested to be delegated whether or not they agree to make a delegation order, and of their reasons for any refusal.

Refusal by authority

- 3 In the event of a refusal under paragraph 2 above to delegate any function, the School Board may call for a ballot of all parents of pupils in attendance at the school to determine whether a majority of the parents voting in the ballot are in support of the request for delegation of that function.
- 4 Where a School Board call for a ballot under paragraph 3 above, their education authority shall carry out the ballot by providing to all parents of pupils in attendance at the school—
- (a) a ballot paper;
 - (b) a statement of the School Board's proposals and of any reasons for them given to the authority by the Board;
 - (c) the reasons given by the authority under paragraph 2 above for refusing the request, and any reply thereto made by the Board,
- and the parents shall be invited to vote "yes" or "no" to the proposals.
- 5 Schedule 1 to this Act shall apply (with the exception of paragraph 9 and of references to candidates) to a ballot under paragraph 3 above as it applies to an election of parent members held under that Schedule.

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6 Where, following a refusal under paragraph 2 above to delegate a function to a School Board, a majority of parents voting in a ballot under paragraph 3 above have expressed support for the delegation of a function, the education authority may agree or again refuse to delegate the function.

7 Where an education authority refuse to delegate a function under paragraph 6 above, the School Board may refer the matter to the Secretary of State for a decision under paragraph 8 below.

8 Where a request for delegation of a function is referred to the Secretary of State under paragraph 7 above he shall, after considering the views of the education authority and of the School Board, unless he is satisfied that the delegation requested would prejudice the good running of the school, direct the education authority concerned to make a delegation order in such terms and including such conditions of delegation and ancillary provisions as he considers appropriate.

Agreement by authority

9 Where an education authority agree under paragraph 2 or 6 above to make a delegation order, they shall as soon as is practicable provide a draft of the order to the School Board, and seek to reach agreement with the Board on the terms of the order.

10 If agreement is reached under paragraph 9 above, the education authority shall make the delegation order forthwith.

Disagreement on terms of the order

11 Where, after the elapse of 2 months from the date when the first draft of any proposed delegation order was provided to a School Board under paragraph 9 above, the Board and their authority have been unable to reach agreement on the terms of the proposed order, the authority shall, if so requested by the Board, send the current draft to the Secretary of State for decision under paragraph 12 below.

12 Where a draft delegation order is referred to the Secretary of State under paragraph 11 above he shall, after considering the views of the education authority and of the School Board, unless he is satisfied that the delegation requested would prejudice the good running of the school, direct the education authority concerned to make forthwith a delegation order in such terms as he considers appropriate, including such conditions of delegation and ancillary provisions as he considers appropriate.

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Secretary of State's power to require information

- 13 In connection with any reference to him under paragraph 7 or 11 above or 15 below, the Secretary of State may require the education authority and the Board to provide him with such information and documents as he requires in order to make his decision.

Amendment

- 14 An education authority may, with the consent of the School Board concerned, amend a delegation order by making a further order (which may include revocation of the delegation of a function, or of the whole delegation order).
- 15 Where an education authority has been unable to obtain the consent of the School Board to an order under paragraph 14 above, the authority may send a draft of the order to the Secretary of State who shall consider the views of the education authority and of the School Board, and—
- (a) may, if he is satisfied that continued delegation of any function would prejudice the good running of the school, consent to the revocation of the delegation of that function;
 - (b) may, as he thinks fit, consent to an amendment which does not in his view amount to the revocation of the delegation of a function; and
 - (c) in either case, may direct such alterations of the draft order as he thinks fit, and the authority, if they decide to proceed to make an order, shall do so in accordance with his directions.

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