



# Education Act 1996

## 1996 CHAPTER 56

### PART II

#### SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

#### CHAPTER IV

#### GOVERNMENT OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

#### *Grouping of schools under a single governing body*

#### **89 Grouping of schools under a single governing body.**

- (1) Subject to subsection (2), a local education authority may resolve that any two or more schools maintained by them shall be grouped for the purposes of this Chapter.
- (2) If the instrument of government of any of the schools names a person as a sponsor of the school, a local education authority may only pass a resolution under subsection (1) if all the schools are secondary schools.
- (3) Where any schools are grouped under this section, they shall—
  - (a) be treated for the purposes of this Chapter as a single school; and
  - (b) have a single governing body constituted under a single instrument of government.
- (4) A group shall be treated for the purposes of this Chapter—
  - (a) as an aided school, if it contains at least one aided school;
  - (b) as a special agreement school, if it contains at least one special agreement school and paragraph (a) does not apply;
  - (c) as a controlled school, if it contains at least one controlled school and neither paragraph (a) nor paragraph (b) applies;
  - (d) as a maintained special school, if it consists only of maintained special schools; and

*Status: Point in time view as at 14/06/1997.*

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- (e) as a county school, if none of paragraphs (a) to (d) applies.
- (5) In this Part—
- “group” means two or more schools grouped under this section; and
- “grouped school” means a school which forms a part of a group.
- (6) Any reference in any enactment to the governing body or governors of a school shall be construed, in relation to any grouped school, as a reference to the governing body or governors of the group.

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

- C1** S. 89 restricted (1.11.1996) by 1996 c. 57, ss. 29(1), 48(2)
- S. 89 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)
- S. 89 applied (24.7.1998 for certain purposes only) by 1998 c. 31, ss. 36(2), 145(3)(5), Sch. 10 para. 1(7) (with ss. 138(9), 144(6)).

**90 Consent of Secretary of State as to grouping.**

- (1) Subject to subsection (2), a local education authority shall, before resolving to group any schools under section 89, obtain the consent of the Secretary of State to the proposed grouping.
- (2) The Secretary of State’s consent is not required if—
- (a) the group will consist only of two primary schools;
  - (b) both of the schools serve substantially the same area;
  - (c) neither of the schools is a special school; and
  - (d) where they are in Wales, there is no significant difference between them in their use of the Welsh language.
- (3) Where—
- (a) two primary schools have been grouped in circumstances in which, by virtue of subsection (2), the Secretary of State’s consent to the grouping was not required, and
  - (b) a change of circumstances occurs such that a proposal to group those schools made after that change would require his consent,
- the local education authority shall obtain his consent to their continuing to be grouped.
- (4) The Secretary of State may give his consent to any grouping (or continued grouping) of schools subject to such conditions as to the duration of the grouping as he sees fit to impose.
- (5) Where the Secretary of State’s consent is required to the grouping or continued grouping of any schools, sections 79 to 81, 84 and 85 and paragraph 2(2) of Schedule 8 (representation of local business community on governing body) shall apply in relation to the group subject to such modifications (if any) as he may direct.
- (6) Any dispute as to whether, for the purposes of this section—
- (a) two primary schools are to be regarded as serving substantially the same area, or
  - (b) there is any significant difference between two primary schools in their use of the Welsh language,

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shall be determined by the Secretary of State.

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

C2 S. 90 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)

**91 Consent of, or consultation with, governing body as to grouping.**

- (1) A local education authority shall not pass a resolution under section 89 applying to a voluntary school without first obtaining the consent of the school's governing body.
- (2) A local education authority shall not pass a resolution under section 89 applying to a county or maintained special school without first consulting the school's governing body.

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

C3 S. 91 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)

**92 Procedure for making or altering the instrument of government for a group.**

- (1) Before making an order under section 76 embodying the first instrument of government for a group, the local education authority shall consult the governing body and head teacher of each school within the group.
- (2) Before making such an order in respect of a group which contains one or more voluntary schools, the local education authority shall also—
  - (a) secure the agreement of the governing body of each of those schools to the terms of the proposed order,
  - (b) secure the agreement of the foundation governors of each of those schools to any provision which will be of particular concern to the foundation governors of the group, and
  - (c) have regard to the way in which those schools have been conducted.
- (3) Where an order such as is mentioned in subsection (1) has been made, section 77 shall apply in relation to any subsequent order embodying or varying the instrument of government for the group, or any proposal for the making of such an order, as if the group—
  - (a) (where it contains one or more voluntary schools) were a single voluntary school; or
  - (b) (in any other case) were a single county school.
- (4) Any agreement required by subsection (2) shall be treated for the purposes of section 77(5) as having been required by section 77(2).

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

C4 S. 92 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)

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### 93 Election of parent and teacher governors for a group.

The instrument of government for a group—

- (a) may provide for the local education authority to have power to determine, in relation to every election of parent or teacher governors, the school or schools within the group—
  - (i) the parents of registered pupils at which are entitled to stand and vote at the election, or
  - (ii) the teachers at which are entitled to stand and vote at the election, as the case may be; and
- (b) where it so provides, shall require the authority to ensure that the position after any such election will be that there is no school within the group which will not have had an opportunity to participate in accordance with paragraph (a) in the election of at least one of the parent or (as the case may be) teacher governors of the group.

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

C5 S. 93 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)

### 94 Review of grouping.

- (1) Where subsection (2) applies in relation to a school which is grouped with one or more other schools under section 89, the local education authority shall review the grouping of those schools and consider whether or not it should be brought to an end.
- (2) This subsection applies in relation to a school if—
  - (a) proposals relating to it are made under—
    - (i) section 35 (establishment, alteration etc. of county schools),
    - (ii) section 41 (establishment, alteration etc. of voluntary schools),
    - (iii) section 52 (controlled schools becoming aided schools),
    - (iv) section 167 (discontinuance of county, voluntary and nursery schools), or
    - (v) section 339 (establishment etc. of special schools); or
  - (b) it is proposed that the Secretary of State should make an order relating to it under section 46 (establishment of new voluntary schools in substitution for old ones) or section 47 (transfer of voluntary schools to new sites); or
  - (c) the Secretary of State makes an order relating to it—
    - (i) under section 50 or section 51 (division of county or voluntary school), or
    - (ii) under section 57 or 58(1) (revocation of orders by virtue of which schools are aided or special agreement schools); or
  - (d) it is transferred to a new site in circumstances falling within section 35(2)(b).
- (3) Where on a review under this section a local education authority consider that any grouping of schools should be continued, and the Secretary of State's consent to the grouping, or to the continued grouping, of the schools was at any time required by section 90, the authority shall—
  - (a) report to the Secretary of State on the results of their review; and

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- (b) provide him with such information as he may reasonably require with a view to enabling him to consider whether or not the grouping should be brought to an end.

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

C6 S. 94 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)

**95 Termination of grouping.**

- (1) The Secretary of State may by order bring to an end any grouping under section 89 in respect of which his consent was at any time required by section 90.
- (2) Any grouping under section 89 may, if the group does not contain a voluntary school, be brought to an end by resolution of the local education authority.
- (3) Any such grouping may, if the group contains a voluntary school but not one whose instrument of government names any person as a sponsor of the school, be brought to an end—
  - (a) by resolution of the local education authority made with the agreement of the governing body, or
  - (b) by one year's notice given either by the authority to the governing body or by the governing body to the authority.
- (4) Any order under section 76 embodying an instrument of government for two or more schools which are grouped under section 89 shall be taken to have been revoked—
  - (a) in the case of a group which was established for a specified period, at the end of that period, or
  - (b) at the time when the grouping is brought to an end in accordance with subsection (1), (2) or (3).

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

C7 S. 95 excluded (1.1.1999) by S.I. 1998/3097, reg. 8(a)

C8 S. 95(1) extended (1.11.1996) by 1996 c. 57, ss. 29(2), 48(2)

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