

Status: Point in time view as at 04/04/2005.

Changes to legislation: Education Act 1996, SCHEDULE 23 is up to date with all changes known to be in force on or before 24 August 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 23

Section 218(5).

CONTENT OF ARTICLES OF GOVERNMENT FOR GRANT-MAINTAINED SCHOOLS

Modifications etc. (not altering text)

C1 Sch. 23 modified (*temp.*) (1.9.1998) by S.I. 1998/1948, reg. 3(1)(2), Sch. para. 9(1)(2)

Introductory

- 1 In this Schedule—
“school” means a grant-maintained school, and
“articles”, in relation to a school, means the articles of government for the school.

Performance and delegation of functions

- 2 (1) The articles must make provision as to the functions to be exercised in relation to the school by—
(a) the Secretary of State,
(b) the funding authority,
(c) the governing body,
(d) any committee or other body established by the governing body,
(e) the head teacher, and
(f) any other persons specified in or determined under the articles.
- (2) The articles must also include provision as to the delegation of such functions by those on whom they are imposed or conferred by or under the articles.
- (3) The articles may include provision as to the establishment by the governing body of committees or other bodies of persons for the purposes of or in connection with the performance in relation to the school of such functions as may be determined by or under the articles.

Staff

- 3 (1) The articles must include provision as to—
(a) disciplinary rules and procedures applicable to members of the staff of the school, and
(b) procedures for giving them opportunities for seeking redress of any grievances relating to their employment.
- (2) The articles must also include provision as to arrangements—

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- (a) for giving any member of the staff an opportunity of making representations as to any proposal to dismiss him by the governing body or any persons authorised under the articles to dismiss him, including (if he so wishes) oral representations to such person or persons as may be appointed for the purpose,
- (b) for requiring the governing body or any persons authorised under the articles to dismiss him to have regard to any representations made by him before taking any decision to dismiss him, and
- (c) for giving any member of staff whom it has been decided to dismiss an opportunity of appealing against that decision before any action is taken to implement it.

Curriculum

- 4 (1) The articles must include provision for securing the discharge by the governing body and the head teacher of duties imposed on them under Chapters I and II of Part V and sections 384, 388, 389, 400 and 408.
- (2) The articles must include provision as to arrangements for the consideration and disposal of complaints relating to any matter concerning the curriculum followed within the school including, in particular, the discharge by the governing body of those duties.
- (3) The articles must require the governing body, when considering the content of the secular curriculum for the school, to have regard to any representations with regard to that curriculum—
 - (a) which are made to them by any persons connected with the community served by the school, or
 - (b) which are made to them by the chief officer of police and are connected with his responsibilities.

Admission arrangements

- 5 (1) The articles must—
 - (a) provide for the governing body to be responsible for determining the arrangements for admitting pupils to the school; and
 - (b) include provision as to the policy to be followed in deciding admissions.
- (2) The articles must also require the governing body to publish, for each school year, particulars of—
 - (a) the arrangements for admission of pupils to the school; and
 - (b) the procedures applicable under the articles in relation to the admission of pupils to the school.

Appeals relating to admission and exclusion of pupils

- 6 (1) The articles must include provision as to the arrangements for appeals (in such circumstances as may be provided by the articles) to an appeal committee constituted in accordance with the instrument of government against any decision or action taken—
 - (a) by the governing body, or

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- (b) by any persons authorised under the articles to take any decision or action of the kind in question,
in relation to admissions of pupils to the school or the permanent exclusion of a pupil from the school.
- (2) The articles must enable the governing body to make such arrangements jointly with the governing body of one or more other grant-maintained schools.
- [^{F1}(2A) Sub-paragraphs (1) and (2), so far as they apply in relation to arrangements in respect of appeals—
 - (a) do not require the articles to provide for any matter for which provision is made by Schedule 25A (exclusion appeals); and
 - (b) have effect subject to paragraph 4(2) of Schedule 33B (refusal of admission in case of children permanently excluded from two or more schools).]
- (3) The articles must require the governing body to publish, for each school year, particulars of any arrangements made by them in respect of appeals by parents against any such decision or action in relation to admissions of pupils to the school as is mentioned in sub-paragraph (1) above.

Textual Amendments

- F1** Sch. 23 para. 6(2A) inserted (1.9.1997 except in relation to the insertion of para. 6(2A)(a), as to which the insertion came into force on 1.9.1998) by 1997 c. 44, s. 57(1), Sch. 7 para. 49(3); S.I. 1997/1468, art. 2(2), Sch. 1 Pt. II (with transitional provisions); S.I. 1998/386, art. 2(4), Sch. 1 Pt. IV (with transitional provisions); and Sch. 7 para. 49 of the amending Act is repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 223, Sch.31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1.

Annual reports

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- (1) The articles must require the governing body to prepare once in every school year a report in such form and containing such information as the articles may require.
 - (2) The articles must require the governing body to take such steps as are reasonably practicable to secure that—
 - (a) the registered parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the report, and
 - (b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school.

Annual parents' meetings

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- (1) The articles must require the governing body, subject to any exceptions provided for in the articles, to hold a meeting once in every school year which is open to—
 - (a) all parents of registered pupils at the school, and
 - (b) such other persons as the governing body may invite.
 - (2) The articles must include provision as to—
 - (a) the procedure to be followed and the matters to be considered at such a meeting,
 - (b) the determination of any questions arising in connection with such a meeting, and

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- (c) the taking by the governing body or any other persons of such action as may be required by the articles for the purposes of, or in connection with, such a meeting or any resolutions passed at it.

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