



Education Act 1996

1996 CHAPTER 56

PART II

SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES

CHAPTER VI

CONDUCT AND STAFFING OF COUNTY, VOLUNTARY AND MAINTAINED SPECIAL SCHOOLS

Staffing of schools with delegated budgets

138 Staffing of aided schools with delegated budgets: advisory rights of chief education officer

- (1) Subsection (2) applies if, in the case of an aided school which has a delegated budget—
- (a) the governing body of the school have agreed with the local education authority to accord to the authority's chief education officer advisory rights in relation to the appointment or dismissal of teachers at the school, or
 - (b) in default of such agreement, the Secretary of State has determined that it would be appropriate that such advisory rights should be accorded to the chief education officer.
- (2) During any period when the agreement or determination under subsection (1) is effective, the chief education officer, or an officer of the authority nominated by him, shall be entitled to attend all relevant proceedings of the governing body for the purpose of giving advice to the governing body.

For this purpose "relevant proceedings" means proceedings (including interviews) relating to any action to which the advisory rights accorded to the chief education officer extend.

Status: This is the original version (as it was originally enacted).

- (3) Advisory rights accorded by an agreement or determination under subsection (1) may relate to the appointment or dismissal, or both to the appointment and to the dismissal, either—
 - (a) of head teachers and deputy head teachers alone, or
 - (b) of all teachers at the school.
- (4) The agreement of a governing body for the purposes of subsection (1)(a) must be given in writing and may only be withdrawn by notice in writing to the local education authority.
- (5) A determination by the Secretary of State for the purposes of subsection (1)(b) may be withdrawn at any time (without prejudice to a further determination for those purposes).