



School Inspections Act 1996

1996 CHAPTER 57

PART II

POWERS OVER SCHOOLS REQUIRING SPECIAL MEASURES

Miscellaneous powers and restrictions

26 Schools to which sections 27 to 30 apply

Sections 27 to 30 apply only to county, voluntary and maintained special schools and do not apply to a school at any time unless, at that time—

- (a) there is a report of an inspection of the school in which the person who made it stated that in his opinion special measures were required to be taken in relation to the school,
- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school under Part I, he did not state in the report that in his opinion special measures were not required to be taken in relation to the school, and
- (d) the Secretary of State has not exercised his powers under section 33 in relation to the school.

27 Appointment of additional governors

(1) If at any time—

- (a) this section applies in relation to any county, controlled or maintained special school, and
- (b) the conditions in subsection (2) are satisfied,

the local education authority may appoint such number of additional governors as they think fit.

Status: This is the original version (as it was originally enacted).

- (2) Those conditions are that—
- (a) a copy of a statement prepared—
 - (i) (in the case of a school not having a delegated budget) under section 17, and
 - (ii) (in any other case) under section 18,
 has been sent to the Secretary of State;
 - (b) the local education authority have received a notice in writing in which the Secretary of State acknowledges receipt of the copy; and
 - (c) a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(c) above shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) In relation to any appointment made by the local education authority by virtue of subsection (1) to the governing body of a school—
- (a) the instrument of government for the school, or
 - (b) if the governing body of the school are constituted in accordance with arrangements under section 96 or 97 of the Education Act 1996 (temporary governing bodies for new schools), those arrangements,
- shall have effect as if, notwithstanding subsection (1) or (2) of section 79 of that Act (governing bodies for county schools, etc.), the instrument or, as the case may be, arrangements authorised the local education authority to appoint such number of additional governors as they think fit.
- (5) If at any time—
- (a) this section applies in relation to an aided or special agreement school, and
 - (b) the conditions in subsection (6) are satisfied,
- the appropriate appointing authority may appoint such number of additional foundation governors as they think fit.
- (6) Those conditions are—
- (a) that a period of not less than ten days has elapsed since the expiry of—
 - (i) (in the case of a school not having a delegated budget) the period prescribed for the purposes of section 17(3), or
 - (ii) (in any other case) the period allowed under section 18(3) for preparing a statement under section 18, and
 - (b) that the Secretary of State has received a copy of a statement prepared—
 - (i) (in the case of a school not having a delegated budget) under section 17, or
 - (ii) (in any other case) under section 18,
 and has served notice in writing on the appropriate appointing authority stating that the power conferred by subsection (5) is exercisable.
- (7) The Secretary of State may by notice in writing served on the appropriate appointing authority determine that subsection (6)(a) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (8) In the case of any appointment made by virtue of subsection (5) to the governing body of a school—

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- (a) the instrument of government for the school, or
 - (b) if the governing body are constituted in accordance with arrangements under section 97 of the Education Act 1996, those arrangements,
- shall have effect as if, notwithstanding section 84(2) of that Act (foundation governors for aided and special agreement schools), the instrument or, as the case may be, arrangements authorised the appropriate appointing authority to appoint such number of additional foundation governors as they think fit.
- (9) Subject to subsection (10), references in this section to the appropriate appointing authority in relation to any aided or special agreement school are references—
- (a) to the appropriate diocesan authority, if it is a Church of England School, Church in Wales school or Roman Catholic Church school; or
 - (b) in any other case, to the person who appoints the foundation governors.
- (10) Where, in the case of any aided or special agreement school not falling within subsection (9)(a) there are different powers to appoint foundation governors, references in this section (excluding subsections (6) and (7)) to the appropriate appointing authority are references—
- (a) to all those persons who have any such power acting jointly, or
 - (b) if they are unable to agree, to such of them acting jointly, or such one of them, as the Secretary of State may, after consulting all those persons, determine.

28 Suspension of right to delegated budget

- (1) If at any time—
- (a) this section applies in relation to a county, controlled or maintained special school in respect of which financial delegation is required, and
 - (b) the conditions in subsection (2) are satisfied,
- the local education authority may by giving the governing body of the school notice of suspension suspend the right to a delegated budget with effect from the receipt by the governing body of the notice; and a copy of the notice shall be given to the head teacher of the school at the same time as the notice is given to the governing body.
- (2) Those conditions are that—
- (a) a copy of a statement prepared under section 18 has been sent to the Secretary of State;
 - (b) the local education authority have received a notice in writing in which the Secretary of State acknowledges receipt of the copy; and
 - (c) a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(c) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) A suspension by virtue of this section shall have effect for the purposes of Chapter V of Part II of the Education Act 1996 as if made under section 117 of that Act, but section 119(1)(a) of that Act (right to appeal against imposition of suspension) does not apply in relation to a suspension by virtue of this section.
- (5) Expressions used in this section and that Chapter have the same meaning as in that Chapter.

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

29 Grouping and de-grouping

(1) If at any time—

- (a) this section applies in relation to a county, voluntary or maintained special school, and
- (b) the local education authority have received a copy of the report referred to in section 26(a),

they may not pass a resolution under section 89 of the Education Act 1996 (grouping of schools under single governing body) for two or more schools to be grouped if those schools would include the school to which this section applies.

(2) If at any time—

- (a) this section applies in relation to a county, voluntary or maintained special school, and
- (b) the Secretary of State has received a copy of the report referred to in section 26(a),

he may by order under section 95(1) of the Education Act 1996 bring to an end any grouping of schools under that section which includes the school to which this section applies, whether or not the grouping is one in respect of which his consent was at any time required under section 90 of that Act.

30 Prohibition on ballot under Part III of Education Act 1996

(1) If at any time—

- (a) this section applies in relation to a county or voluntary school, and
- (b) the governing body have received a copy of the report referred to in section 26(a),

then, notwithstanding anything in section 186 or 187 of the Education Act 1996 (initiation of ballot procedure), the governing body of the school may not secure that any ballot is held under Chapter II of Part III of that Act.

(2) If at any time—

- (a) this section applies in relation to a maintained special school, and
- (b) the governing body have received a copy of the report referred to in section 26(a),

regulations under section 345 of that Act (maintained special school becoming grant-maintained special school) shall not apply in relation to the school.