



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART I

#### MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

### CHAPTER III

#### EDUCATION ACTION ZONES

#### 10 Establishment of education action zones.

- (1) If the Secretary of State considers that it is expedient to do so with a view to improving standards in the provision of education at any particular [<sup>F1</sup>eligible schools] , he may by order provide for those schools to constitute collectively an education action zone for the purposes of this Chapter.

[<sup>F2</sup>(1A) For the purposes of subsection (1) “eligible school” means—

- (a) a maintained school;
  - (b) a nursery school;
  - (c) a pupil referral unit; or
  - (d) an independent school.]
- (2) An education action zone shall be established in the first instance for three years; but the Secretary of State may, by an order made before the end of that period, provide for the zone to continue in existence for a further two years.
- (3) [<sup>F3</sup>At any time when an education action zone is in existence, the Secretary of State may by order vary the order establishing the zone by adding to the schools for the time being included in that order—
- (a) any school in relation to which section 15 applies by virtue of subsection (1), (4) or (6) of that section; or

*Status: Point in time view as at 12/12/2007.*

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- (b) with a view to enabling it to achieve improving standards in the provision of education once it becomes a maintained school, any new school which has a temporary governing body.]
- (4) No order shall be made by the Secretary of State under subsection (1) [<sup>F4</sup>or (2)] except on an application made for the purpose with the consent of the governing body of every school which it is proposed should be a participating school.
- (5) Any school which ceases to be a participating school by virtue of subsection (2) may nevertheless be included in a further order under subsection (1).
- (6) In this Chapter—
- [<sup>F5</sup>(a) references to a governing body—
- (i) in relation to an independent school (other than an Academy, city technology college or city college for the technology of the arts), are to the proprietor of the school, and
- (ii) in relation to a new school, include the temporary governing body of the school;
- (b) “participating school”, in relation to an education action zone, means one of the schools that—
- (i) for the time being is included in the order under subsection (1), or
- (ii) has been added to the zone by virtue of section 11B,
- other than a school that has been removed from the zone in accordance with section 11C;
- (c) “pupil referral unit” has the same meaning as in section 19 of the Education Act 1996 (c. 56);
- (d) “new school” has the meaning given in section 72(3).]
- (7) [<sup>F6</sup>In this section “new school” has the meaning given by section 72(3).]
- (8) Unless the Secretary of State by order otherwise provides, nothing in this Chapter applies in relation to Wales.

#### Textual Amendments

- F1** Words in s. 10(1) substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 2\(1\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))
- F2** S. 10(1A) inserted (1.10.2002 for E. for specified purposes, 1.9.2003 for E. so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 15 para. 2\(2\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2003/1667](#), [art. 4](#)
- F3** S. 10(3) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 2\(3\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))
- F4** Words in s. 10(4) substituted (1.10.2002 for E otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 2\(4\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))
- F5** S. 10(6)(a)-(d) substituted for s. 10(6)(a)(b) (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 2\(5\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))
- F6** S. 10(7) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 2\(6\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))

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

- C1** s. 10(1) modified (*temp.*) (4.8.1998) by [S.I. 1998/1878](#), [reg. 2](#)

*Status: Point in time view as at 12/12/2007.*

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**C2** S. 10(6)(a)(i) modified (temp.) (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 8\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

## **11 Establishment of Education Action Forum for zone.**

- (1) An order establishing an education action zone under section 10(1) shall provide for the establishment of an Education Action Forum for the zone.
- (2) An Education Action Forum shall be a body corporate [<sup>F7</sup> and shall be constituted in accordance with the order under section 10(1) by which it is established] .
- (3) [<sup>F8</sup>The order shall require the members of an Education Action Forum to include—
  - (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment; and
  - (b) either one or two persons appointed by the Secretary of State.]
- (4) Schedule 1 has effect in relation to an Education Action Forum.
- (5) The Forum established for an education action zone shall be dissolved by order of the Secretary of State with effect from the time when the zone ceases to exist in accordance with section 10(2).
- (6) An order under subsection (5) may make provision for the transfer of property, staff, rights and liabilities of the Forum and for the preparation of a final statement of accounts.

### **Textual Amendments**

- F7** Words in s. 11(2) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 3\(a\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)
- F8** S. 11(3) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 3\(b\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

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

- C3** S. 11 extended (10.3.1999) by S.I. 1999/362, [reg. 2\(4\)](#).

## **[<sup>F9</sup>11A Constitution of Education Action Forum**

- (1) The members of an Education Action Forum must include—
  - (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment, and
  - (b) one or two persons appointed by the Secretary of State, unless he chooses not to make such appointments.
- (2) Subject to that, an Education Action Forum—
  - (a) shall initially be constituted in accordance with the order under section 10(1), and
  - (b) may subsequently alter its membership (as set out in that order or as previously altered under this paragraph).

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- (3) In subsection (2) the references to altering the Forum’s membership include—
- (a) altering the number of members, and
  - (b) altering who may appoint members.
- (4) An alteration may be made under subsection (2)(b) only if it is made—
- (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
  - (b) with the consent of the Secretary of State.]

#### Textual Amendments

**F9** S. 11A inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#) ss. 187, 216, {Sch. 15 para. 4} (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

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

**C4** S. 11A modified (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 8\(4\)](#) (with [ss.210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

### [<sup>F10</sup> 11B Expansion of zone

- (1) An Education Action Forum established for an education action zone may add—
- (a) any eligible school (within the meaning of section 10(1A)), or
  - (b) any new school which has a temporary governing body, to the zone.
- (2) But a school may be added under this section only if it is added—
- (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
  - (b) with the consent of the governing body of the school and of the Secretary of State.
- (3) For the purposes of this section references to a school being added to an education action zone are to it becoming one of the schools which constitute collectively the zone.

#### Textual Amendments

**F10** Ss. 11B, 11C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 5](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

### 11C Removal from zone

- (1) An Education Action Forum established for an education action zone may remove a participating school from the zone.
- (2) But a school may be removed under this section only if it is removed—
- (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
  - (b) with the consent of the Secretary of State.

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- (3) For the purposes of this section references to a school being removed from an education action zone are to it ceasing to be one of the schools which constitute collectively the zone.]

#### Textual Amendments

**F10** Ss. 11B, 11C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 5](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

### [<sup>F11</sup>11D Information relating to a Forum and its zone

- (1) An Education Action Forum established for an education action zone must provide the Secretary of State with details of—
- any alteration made to its constitution under section 11A(2)(b),
  - any addition of a school to the zone under section 11B, and
  - any removal of a school from the zone under section 11C.
- (2) The Forum must also, on a request being made by any person, provide him with—
- the name of each member of the Forum and of the person or body that appointed him,
  - the name of any other person or body entitled to appoint a member, and
  - the name of each participating school in relation to the zone.
- (3) But the duty under subsection (2) is subject, in such circumstances as the Forum may determine, to the payment by the person concerned of a reasonable fee determined by the Forum.]

#### Textual Amendments

**F11** S. 11D inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 6](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

## 12 Functions of Education Action Forum.

- (1) An Education Action Forum shall have as its main object the improvement of standards in the provision of education at each of the participating schools.

[<sup>F12</sup>(1A) With the consent of the Secretary of State, a Forum may also carry on any other activities which it considers will promote the provision of, or access to, education whether in a participating school or otherwise.]

- (2) A Forum may, under arrangements made by the governing body of a participating school in respect of any prescribed function of that body relating to the conduct of the school, either—
- discharge that function on behalf of the governing body until such time as they may specify in a request to the Forum to cease discharging the function on their behalf; or
  - assume full responsibility for the discharge of that function during the whole of the period for which the Forum remains in existence.

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- (3) Regulations may make provision—
- (a) as to the circumstances in which the governing body of a participating school may make arrangements under subsection (2);
  - (b) for the procedure to be followed by such a governing body in connection with the making of any such arrangements;
  - (c) for the procedure to be followed by an Education Action Forum when discharging any function by virtue of that subsection;
  - (d) for statutory provisions relating to governing bodies of maintained schools to apply, with any prescribed modifications, to an Education Action Forum when discharging any function by virtue of paragraph (b) of that subsection.
- (4) Regulations may, in relation to the discharge by an Education Action Forum of any function of a governing body [<sup>F13</sup>under sections 54 and 57(1) to (3), Schedule 16 or paragraph 27 of Schedule 17,]<sup>F13</sup>[<sup>F13</sup>under sections 35 to 37 of, or Schedule 2 to, the Education Act 2002 or under regulations made under those sections,] make any such provision as may be made by an order under section 81 (application of employment law during financial delegation).
- (5) The Secretary of State may by a direction provide for any scheme under Chapter IV of Part II of this Act which relates to a participating school to have effect with such modifications as he considers appropriate in a case where an Education Action Forum is discharging any function in relation to the school by virtue of subsection (2)(b).
- (6) Before giving a direction under subsection (5) the Secretary of State shall consult the local education authority.

#### Textual Amendments

- F12** S. 12(1A) inserted (1.10.2002 for E. otherwise prosp. ) by [Education Act 2002 \(c. 32\)](#), 187, 216, {Sch. 15 para. 7} (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#))
- F13** Words in s. 12(4) substituted (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 90](#) (with ss. 210(8), 214(4)); [S.I. 2003/1667](#), [art. 4](#)

### 13 Disapplication of pay and conditions order in relation to teachers at participating schools.

[<sup>F14</sup>For section 3 of the <sup>M1</sup>School Teachers' Pay and Conditions Act 1991 there shall be substituted—

#### “ Special provisions as to schools in education action zones.

- (1) A pay and conditions order shall not apply to the statutory conditions of employment of the school teachers in a participating school the governing body of which—
- (a) have, by notice to the Secretary of State, made an application for exemption; and
  - (b) pursuant to that application are for the time being exempted from subsections (6) and (7) of section 2 above by virtue of an order under subsection (4) below.

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- (2) Before making an application under subsection (1) above, the governing body of the participating school concerned shall consult the school teachers employed at the school with respect to the proposed application.
- (3) A notice of application under subsection (1) above shall specify a date, at least three months after the date of the notice, with effect from which the governing body of the participating school concerned intend to make their own provision as to the statutory conditions of employment of the school teachers employed at the school.
- (4) On receipt of a notice of application under subsection (1) above the Secretary of State may, by statutory instrument, make an order—
  - (a) naming the school; and
  - (b) specifying, as the date with effect from which, by virtue of the order, subsections (6) and (7) of section 2 above are not to apply, the date specified in the notice of application or such other date as may be agreed between the governing body and the Secretary of State.
- (5) Where by virtue of an order under subsection (4) above a pay and conditions order ceases to apply in relation to any school, the statutory conditions of employment of the school teachers employed at the school shall be—
  - (a) such as may be determined by the governing body, or
  - (b) so far as the governing body have not made any determination with respect to any such conditions of employment, those having effect under the order immediately before it ceased to apply;and (so far as necessary) the local education authority shall give effect to any such determination of the governing body.
- (6) In this section “participating school” means one of the schools for the time being included in an order under section 10(1) of the School Standards and Framework Act 1998 establishing an education action zone.”]

#### Textual Amendments

- F14** S. 13 ceased to have effect (1.10.2002 for E. and otherwise prosp.) by virtue of [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216, [Sch. 21 para. 91](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with [Sch.](#)); S. 13 repealed (prosp) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 1](#) (with ss. 210(8), 214(4))

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

- C5** S. 13 excluded (1.9.1998) (*temp.*) by [S.I. 1998/2115](#), [reg.3](#)

#### Marginal Citations

- M1** 1991 c. 49.

**Status:**

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