

Status: Point in time view as at 28/04/2014.

Changes to legislation: School Standards and Framework Act 1998, SCHEDULE 15 is up to date with all changes known to be in force on or before 30 June 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 15 **E+W**

Section 51.

SUSPENSION OF FINANCIAL DELEGATION

Modifications etc. (not altering text)

- C1** Sch. 15: power to modify conferred (1.4.2003 for E., 12.4.2010 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 25\(1\)\(b\)](#), [216\(4\)](#) (with [ss. 210\(8\)](#), [214\(4\)](#)); [S.I. 2003/124](#), [art. 4](#); [S.I. 2010/707](#), [art. 3\(d\)](#)
- C2** Sch. 15 modified (E.) (1.9.2012) by [The School Governance \(Federations\) \(England\) Regulations 2012 \(S.I. 2012/1035\)](#), [regs. 1, 29](#), [Sch. 8](#) (with [reg. 2](#))
- C3** Sch. 15: power to modify conferred (W.) (28.4.2014) by [Education \(Wales\) Measure 2011 \(nawm 7\)](#), [ss. 18, 33\(2\)](#); [S.I. 2014/1066](#), [art. 2](#)

Suspension of financial delegation for mismanagement, etc.

- 1 (1) This paragraph applies where it appears to the [^{F1}local authority] that the governing body of a school which has a delegated budget—
- (a) have been guilty of a substantial or persistent failure to comply with any delegation requirement or restriction, ^{F2}...
 - (b) are not managing in a satisfactory manner the expenditure or appropriation of the sum referred to in section 50(1) [^{F3}or
 - (c) are not managing in a satisfactory manner any expenditure, or sums received, in the exercise of the power conferred by section 27 of the Education Act 2002 (power to provide community facilities etc.).]
- (2) The authority may suspend the governing body's right to a delegated budget by giving the governing body not less than one month's notice of the suspension, unless by reason of any gross incompetence or mismanagement on the part of the governing body or other emergency it appears to the authority to be necessary—
- (a) to give the governing body a shorter period of notice, or
 - (b) to give the governing body a notice suspending their right to such a budget with immediate effect.
- (3) The notice must specify the grounds for the suspension, giving particulars—
- (a) of any alleged failure on the part of the governing body to comply with any delegation requirement or restriction;
 - (b) of any alleged mismanagement on their part; and
 - (c) if applicable, of the basis upon which a period of notice of less than one month was given under sub-paragraph (2).
- ^{F4}(4)
- (5) A copy of the notice must be given to the head teacher of the school at the same time as the notice is given to the governing body.

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^{F5}(6)

(7) In this paragraph “delegation requirement or restriction” means any requirement or restriction applicable, under or by virtue of the scheme or section 50(3), to the management by the governing body of the school’s budget share.

(8) Any notice given under this paragraph must be in writing.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F2** Word in Sch. 15 para. 1(1)(a) omitted (2.9.2002 for E., 1.9.2003 for W.) by virtue of Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 5** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F3** Sch. 15 para. 1(1)(c) and preceding word inserted (2.9.2002 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 3 para. 5** (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2003/1718, art. 5, Sch. Pt. II
- F4** Sch. 15 para. 1(4) repealed (8.2.2007 for E., 2.4.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 5 para. 6(a)**, **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 4(c)(d); S.I. 2010/736, art. 3(c)(d)
- F5** Sch. 15 para. 1(6) repealed (8.2.2007 for E., 2.4.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 5 para. 6(a)**, **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 4(c)(d); S.I. 2010/736, art. 3(c)(d)

Modifications etc. (not altering text)

- C4** Sch. 15 para. 1 modified (20.11.1998) by S.I. 1998/2670, **reg. 6**

Review of suspension

- 2 (1) The [^{F1}local authority] concerned—
- (a) shall review before the beginning of every [^{F6}funding period] any suspension under paragraph 1 which is for the time being in force, unless the suspension took effect less than two months before the beginning of [^{F7}that period]; and
 - (b) may review at any time any suspension under paragraph 1 which is for the time being in force, if they consider it appropriate to do so.
- (2) For the purposes of any review under sub-paragraph (1), the authority shall give the governing body and the head teacher of the school an opportunity of making representations with respect to the suspension.
- (3) If on the review the authority consider it appropriate to do so, they shall revoke the suspension—
- (a) (in the case of a review under sub-paragraph (1)(a)) with effect from the beginning of the [^{F8}funding period] next following the review; or
 - (b) (in the case of a review under sub-paragraph (1)(b)) with effect from such time before the beginning of the [^{F8}funding period] next following the review as they may determine.
- (4) The authority shall give the governing body and the head teacher notice in writing of their decision on the review.

^{F9}(5)

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Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F6** Words in Sch. 15 para. 2(1)(a) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 11(2)(a)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F7** Words in Sch. 15 para. 2(1)(a) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 11(2)(b)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F8** Words in Sch. 15 para. 2(3) substituted (1.11.2005 for E., 1.4.2010 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 18 para. 11(3)** (with s. 119); S.I. 2005/2034, art. 8; S.I. 2010/735, art. 2(e)
- F9** Sch. 15 para. 2(5) repealed (8.2.2007 for E., 2.4.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 5 para. 6(b)**, **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 4(c)(d); S.I. 2010/736, art. 3(c)(d)

Appeal against suspension or refusal to revoke it

F10₃

Textual Amendments

- F10** Sch. 15 para. 3 repealed (8.2.2007 for E., 2.4.2010 for W.) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 5 para. 6(c)**, **Sch. 18 Pt. 6**; S.I. 2006/3400, art. 4(c)(d); S.I. 2010/736, art. 3(c)(d)

Effect of suspension of right to delegated budget

- 4 (1) During any period when a governing body's right to a delegated budget is suspended under paragraph 1—
- (a) the [^{F1}local authority]'s duty under section 50(1) shall not apply in relation to the school; but
 - (b) the authority may permit the governing body to take such decisions as to the spending of sums to be met from the school's budget share as the authority consider appropriate.
- (2) Where in accordance with sub-paragraph (1)(b) the governing body have decided that a particular sum should be spent, they shall, in spending that sum, comply with such reasonable conditions as the authority think fit to impose.
- (3) The governing body may, to such extent as they may specify, delegate their powers in relation to that sum to the head teacher.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

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