

Status: Point in time view as at 08/02/2007.

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Suspension of financial delegation for mismanagement, etc. is up to date with all changes known to be in force on or before 24 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

SUSPENSION OF FINANCIAL DELEGATION

Modifications etc. (not altering text)

- C1** Sch. 15: power to modify conferred (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 25(1)(b)**, 216(4) (with **ss. 210(8)**, 214(4)); [S.I. 2003/124](#), art. 4

Suspension of financial delegation for mismanagement, etc.

- 1 (1) This paragraph applies where it appears to the local education authority that the governing body of a school which has a delegated budget—
- have been guilty of a substantial or persistent failure to comply with any delegation requirement or restriction,^{F1} ...
 - are not managing in a satisfactory manner the expenditure or appropriation of the sum referred to in section 50(1) [^{F2}or
 - 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—
- to give the governing body a shorter period of notice, or
 - 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—
- of any alleged failure on the part of the governing body to comply with any delegation requirement or restriction;
 - of any alleged mismanagement on their part; and
 - if applicable, of the basis upon which a period of notice of less than one month was given under sub-paragraph (2).
- (4) [^{F3}The notice must also inform the governing body of their right to appeal against the suspension under paragraph 3 and of the time within which such an appeal may be brought.]
- (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.
- (6) [^{F4}The authority shall send a copy of the notice to the Secretary of State.]

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- (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** 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
- F2** 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
- F3** Sch. 15 para. 1(4) repealed (8.2.2007 for E.) 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)
- F4** Sch. 15 para. 1(6) repealed (8.2.2007 for E.) 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)

Modifications etc. (not altering text)

- C1** Sch. 15 para. 1 modified (20.11.1998) by [S.I. 1998/2670](#), [reg. 6](#)

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