

## **EDUCATION ACT 2002**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS AND SCHEDULES**

#### **Part 4 – Powers of Intervention**

#### **Schools causing concern**

#### ***Schedule 6: Governing Bodies consisting of interim executive members – to be inserted in the School Standards and Framework Act as Schedule 1A***

172. This Schedule contains detailed provisions relating to the temporary replacement of the normally constituted governing body of a school with a specially constituted governing body consisting of interim executive members. The governing body remains in existence as a body corporate, but its membership is changed. The specially constituted governing body is referred to in the Schedule as an “interim executive board” (IEB), but it will run the school as “the governing body of ..... School” and will have the responsibilities of a governing body.
173. The Schedule allows current members of the governing body to be appointed; provides for the number of interim executive members to be two or more; enables further members to be appointed at any time; requires the LEA or Secretary of State, or the NAW, to consult appropriate interests before appointing members. The Schedule provides that members can be removed for incapacity or misbehaviour; allows the duration of the interim period to be specified; provides for the LEA or Secretary of State, or the NAW, to nominate one member as chairman and for interim executive members to be paid. It also provides for the IEB to determine its own procedures; exempts it from regulations relating to normal governing bodies; and provides for the school’s instrument of government not to be applied.
174. The Schedule explains that during the interim period when the IEB is in place the LEA will not be able to use its usual powers to appoint additional governors and/or suspend a school’s right to a delegated budget. The Secretary of State, or the NAW, will also lose the power to appoint additional governors when an IEB is in place.
175. An IEB will not have the power to publish proposals to close a school, if it concludes that a school cannot be turned around. It will be able to report recommending that a school should be closed to the LEA and the Secretary of State, or the NAW.
176. The interim period and the appointment of the IEB may continue until the date of closure when the Secretary of State, or the NAW, or the LEA use their powers of closure or direction to close in SSFA. The LEA or the Secretary of State, or the NAW, is given the ability to specify in a notice a date on which a normally constituted governing body will return to the school.
177. The Schedule sets out when interim executive members will leave office, either when a school closes or where the duration of an interim period is specified, the last day, or where a notice is given for the restoration of a normally constituted governing body, the date specified. It provides for an LEA to make arrangements for the constitution of the

*These notes refer to the Education Act 2002 (c.32)  
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normal governing body and enables regulations to be made for a shadow (transitional) governing body to be established and governors to be elected or appointed before the end of the interim period.