



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

21 General responsibility for conduct of school

- (1) Subject to any other statutory provision, the conduct of a maintained school shall be under the direction of the school's governing body.
- (2) The governing body shall conduct the school with a view to promoting high standards of educational achievement at the school.
- (3) Regulations may—
 - (a) set out terms of reference for governing bodies of maintained schools,
 - (b) define the respective roles and responsibilities in relation to the conduct of a maintained school (whether generally or with respect to particular matters) of—
 - (i) the local education authority,
 - (ii) the governing body, and
 - (iii) the head teacher, and
 - (c) confer functions on governing bodies and head teachers of such schools.
- (4) The governing body of a maintained school shall, in discharging their functions, comply with—
 - (a) the instrument of government, and
 - (b) (subject to any other statutory provision) any trust deed relating to the school.

Status: Point in time view as at 25/05/2007. This version of this provision has been superseded.

Changes to legislation: Education Act 2002, Section 21 is up to date with all changes known to be in force on or before 12 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)

- [^{F1}(5) The governing body of a maintained school shall, in discharging their functions relating to the conduct of the school—
- (a) promote the well-being of pupils at the school, and
 - (b) in the case of a school in England, promote community cohesion.
- (6) The governing body of a maintained school shall, in discharging those functions, have regard to any relevant children and young people's plan.
- (7) In discharging those functions, the governing body of a maintained school in England shall also have regard to any views expressed by parents of registered pupils.
- (8) In this section “well-being”—
- (a) in relation to a pupils at a school in England, means their well-being so far as relating to the matters mentioned in section 10(2) of the Children Act 2004, and
 - (b) in relation to pupils at a school in Wales, means their well-being so far as relating to the matters mentioned in section 25(2) of that Act.
- (9) In this section “relevant children and young people's plan” means—
- (a) in relation to a school in England—
 - (i) any plan published by the local education authority under section 17 of the Children Act 2004 (children and young people's plans: England), or
 - (ii) in a case where the local education authority are not required by regulations under that section to prepare and publish a plan, any plan which is published by the authority and sets out their strategy for discharging their functions in relation to children and relevant young persons within the meaning of that section, and
 - (b) in relation to a school in Wales—
 - (i) any plan published by the local education authority under section 26 of the Children Act 2004 (children and young people's plans: Wales), or
 - (ii) in a case where the local education authority are not required by regulations under that section to prepare and publish a plan, any plan which is published by the authority and sets out their strategy for discharging their functions in relation to children and relevant young persons within the meaning of that section.]

Textual Amendments

- F1** S. 21(5)-(9) inserted (25.5.2007 for E. for specified purposes, 1.9.2007 for E. in force in so far as not already in force, 1.9.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 38(1)**, 188(3); [S.I. 2007/1271](#), art. 2; [S.I. 2007/1801](#), art. 3(a); [S.I. 2008/1429](#), art. 3(3), Sch. Pt. 3

Modifications etc. (not altering text)

- C1** S. 21 modified (temp.) (1.9.2004) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(Wales\) Regulations 2004 \(S.I. 2004/1743\)](#), regs. 1(3), **3**
- C2** S. 21(1) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(e)**
- C3** S. 21(2) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(f)**

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Commencement Information

- I1** S. 21 in force at 1.9.2004 for W. by [S.I. 2004/1728, art. 5, Sch. Pt. 2](#)
- I2** S. 21(1)(2)(4) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667, art. 4](#)
- I3** S. 21(3) in force at 1.3.2003 except in relation to W. by [S.I. 2003/124, art. 2](#)

Status:

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