



Education and Inspections Act 2006

2006 CHAPTER 40

PART 2

ESTABLISHMENT, DISCONTINUANCE OR ALTERATION OF SCHOOLS

Removal of foundation or reduction in foundation governors

25 Proposals for removal of foundation or reduction in foundation governors

- (1) This section applies to any foundation or foundation special school having a foundation if either or both of the following conditions is met.
- (2) Condition A is that the school was established (whether or not as a foundation or foundation special school) in pursuance of proposals falling to be implemented under Schedule 2.
- (3) Condition B is that the school acquired its foundation in pursuance of proposals falling to be implemented under regulations under section 24.
- (4) The governing body of any foundation or foundation special school to which this section applies may at any time publish proposals under this section for either or both of the following alterations to the school—
 - (a) the removal of the foundation, or
 - (b) the alteration of the instrument of government in such a way that foundation governors will cease to constitute the majority of governors.
- (5) A prescribed proportion of the governors of a foundation or foundation special school to which this section applies may in the prescribed manner require the governing body of the school to publish proposals under this section for either or both of the alterations mentioned in subsection (4).
- (6) Subsection (5) does not require the governing body of a foundation or foundation special school to publish proposals under this section—
 - (a) at any time within a prescribed period beginning with the date on which—

Status: This is the original version (as it was originally enacted).

- (i) proposals for the establishment of the school were implemented under Schedule 2, or
 - (ii) proposals for the acquisition of a foundation, for a relevant change in the instrument of government or for a change of category to foundation school or foundation special school were implemented under regulations under section 24, or
 - (b) at any time within a prescribed period beginning with the date on which previous proposals published under this section in pursuance of a requirement under subsection (5) were rejected by the governing body in accordance with regulations under section 26.
- (7) In subsection (6)(a)(ii) “relevant change”, in relation to the instrument of government of a school, is to be read in accordance with section 22(2).
- (8) In this section “foundation” means a foundation established otherwise than under SSFA 1998.