

## SCHEDULES

### SCHEDULE 2

#### NEW SCHOOLS

#### PART III

##### ORGANISATION AND FUNCTIONS

###### *General*

- 12 (1) The requirement for there to be articles of government for certain schools, which is imposed by section 1 of this Act, shall not apply in relation to a new school until such time as it is required to have an instrument of government (in accordance with section 1 as read with paragraph 3 of this Schedule).
- (2) The determination of those matters relating to the conduct of any new school which require to be determined before a governing body is constituted for the school under an instrument of government shall be under the direction of the temporary governing body, but subject to any provision made by or under this Act (including, in particular, this Schedule) or any other enactment.
- (3) The Secretary of State may by regulations make similar provision in relation to consultation with temporary governing bodies as he has power to make in relation to consultation with governing bodies under section 16(2) of this Act.

###### *Reports and information to be provided by temporary governing body*

- 13 (1) Every temporary governing body shall furnish to the local education authority such reports in connection with the discharge of their functions as the authority may require (either on a regular basis or from time to time).
- (2) Every temporary governing body shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of the exercise of his functions in relation to education.
- (3) Every temporary governing body shall prepare—
- (a) immediately before the arrangement under which they are constituted comes to an end ; and
  - (b) for the purpose of assisting the governing body who will succeed them ; a brief report of the action which they have taken in the discharge of their functions; and shall recommend (with reasons) persons who belong to the community served by the new school and who are, in the opinion of the temporary governing body, suitable for appointment as co-opted members of the governing body.
- (4) Before making any recommendations under sub-paragraph (3) above, a temporary governing body shall consult representatives of the local business community.

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- (5) All minutes and papers of any temporary governing body, including the report prepared under sub-paragraph (3) above, shall be made available to their successors.

*Head teacher's reports*

- 14 (1) The head teacher of any new school for which a temporary governing body have been constituted shall furnish that body, or (as the case may be) the local education authority, with such reports in connection with the discharge of his functions as that body or authority may require (either on a regular basis or from time to time).
- (2) Where, under sub-paragraph (1) above, any requirement is imposed by a local education authority on the head teacher of a new school which will be an aided school, the authority shall notify the temporary governing body of that requirement; and the head teacher of any such school shall furnish that body with a copy of any report which he makes in complying with any such requirement.

*Preparation of curriculum*

- 15 (1) The head teacher of any new school for which a temporary governing body have been constituted shall, in preparing to discharge his functions in relation to the curriculum for the school, consult that body and the local education authority.
- (2) Any authority who have been consulted under this paragraph shall inform the head teacher of the resources which are likely to be made available to the school; and the head teacher shall have regard to any information so given to him.

*School terms etc.*

- 16 Pending the coming into force of the articles of government for a new school, the times at which the school session is to begin and end on any day and the dates and times at which the school terms and holidays are to begin and end shall be determined—
- (a) by the temporary governing body, in the case of a school which will be an aided school; and
- (b) by the local education authority, in any other case.

*Discipline*

- 17 Pending the coming into force of the articles of government for a new school which will be a county, voluntary or maintained special school, the head teacher and the temporary governing body shall be under the same duties as will be required to be imposed on him and the governing body by virtue of section 22(a) to (e) of this Act.

*Finance*

- 18 Where a temporary governing body have been constituted for any new school, the local education authority shall consult that body and the head teacher on their proposed expenditure on books, equipment and stationery for the school.

*Admission of pupils*

- 19 (1) The initial arrangements for the admission of pupils to a new school shall be made—

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- (a) where the school will be a county or controlled school, by the local education authority ; and
  - (b) where it will be an aided school, by the temporary governing body or, where that body have not been constituted and the promoters consider that it is expedient for the arrangements to be determined without delay, by the promoters.
- (2) Any person making any initial arrangements under this paragraph shall have regard to the arrangements in force for the admission of pupils to comparable schools in the area of the local education authority.
- (3) Before making any such initial arrangements for a new school which will be a county school, the authority shall consult the temporary governing body unless—
  - (a) that body have not been constituted ; and
  - (b) the authority consider that it is expedient for the initial arrangements to be determined without delay.
- (4) Before making any such initial arrangements for a new school which will be a controlled school, the authority shall consult—
  - (a) the temporary governing body ; or
  - (b) where that body have not been constituted, the promoters.
- (5) Before making any such initial arrangements for a new school which will be an aided school, the temporary governing body or (as the case may be) the promoters shall consult the authority.
- (6) Sections 6 to 8 of the 1980 Act (admission to schools) shall have effect, in relation to any new school, as if the references to governors included references to the person responsible for the admission of pupils under the initial arrangements for that school.

*Appointment of staff etc. at new aided schools*

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- (1) For the purposes of the appointment and dismissal of staff at any new school which will be an aided school, the local education authority and the temporary governing body shall (subject to sub-paragraph (2) below) have the same powers, and be under the same duties, as would the authority and the governing body for an aided school whose articles of government provided for—
    - (a) staff employed solely in connection with the provision of school meals to be appointed by the authority ; and
    - (b) other staff employed at the school to be appointed by the governing body.
  - (2) The first appointment of a clerk to the temporary governing body of any such school shall be made by the promoters.
  - (3) Where the arrangement for the constitution of a temporary governing body of any such school comes to an end, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of their clerk.
  - (4) The authority shall, with a view to enabling staff to be appointed in good time, notify the temporary governing body of every such school of the steps (if any) which they intend to take in respect of the school under sections 22(4) and 24(2) of the 1944 Act (powers of authority in relation to certain staff).

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- (5) Paragraphs 21 to 25 and 26 (1) and (2) below shall not apply in relation to any such school.

*Determination of staff complement*

- 21 (1) Where a temporary governing body have been constituted for a new school, the complement of teaching and non-teaching posts for the school shall be determined by the local education authority.
- (2) Section 34(2) and (3) of this Act shall apply in relation to any complement determined under this paragraph.

*The selection panel*

- 22 (1) Whenever a selection panel is required by virtue of paragraph 23 or 25 below, it shall be constituted in accordance with this paragraph.
- (2) A selection panel shall consist of such number of persons appointed to it by the local education authority, and such number of temporary governors appointed to it by the temporary governing body, as the authority shall determine.
- (3) The number so determined shall—
- (a) in each case, be not less than three ; and
  - (b) in relation to appointments made by the temporary governing body, be not less than the number determined in relation to appointments made by the authority.
- (4) The temporary governing body and the authority shall have power to replace, at any time, any member of a selection panel whom they have appointed.
- (5) The Secretary of State may by regulations make provision, for the purposes of this paragraph, as to the meetings and proceedings of selection panels.

*Appointment of head teacher and acting head teacher*

- 23 (1) Subject to sub-paragraphs (2) and (3) below, the same provision shall apply in relation to the appointment of a head teacher for a new school for which a temporary governing body have been constituted as is required to be made in relation to the appointment of a head teacher by the articles of government of a school to which section 37 of this Act applies.
- (2) Where—
- (a) two or more schools are to be discontinued (" the discontinued schools "); and
  - (b) the registered pupils at those schools, or a substantial number of those pupils, are expected to transfer to a new school;
- the local education authority may, in consultation with the temporary governing body, appoint one of the head teachers of the discontinued schools as the first head teacher for the new school, instead of following the procedure mentioned in sub-paragraph (1) above.
- (3) In the event of the post of head teacher for the new school being vacant, the authority may, if they think fit, appoint an acting head teacher after consulting the temporary governing body.

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*Appointment of certain other staff*

- 24 (1) Subject to sub-paragraph (3) below, the same provision shall apply in relation to the appointment of any person to a post which is part of the complement of a new school for which a temporary governing body have been constituted as is required to be made in relation to the appointment of any person to such a post by the articles of government of a school to which section 38 of this Act applies.
- (2) The local education authority shall consult the temporary governing body and the head teacher before appointing any person to work solely at the school otherwise than—
- (a) in a teaching post;
  - (b) in a non-teaching post which is part of the complement of the school; or
  - (c) solely in connection with either or both of the following—
    - (i) the provision of meals ;
    - (ii) the supervision of pupils at midday.
- (3) This paragraph does not apply in relation to the appointment of a head teacher or deputy head teacher or to any temporary appointment pending—
- (a) the return to work of the holder of the post in question ; or
  - (b) the taking of any steps required by this Schedule in relation to the vacancy in question.

*Appointment of deputy head teacher*

- 25 Where a temporary governing body have been constituted for a new school, the provision which is to apply in relation to the appointment of a deputy head teacher of the school shall be—
- (a) the same as that which may be made in the articles of government of a school to which section 39 of this Act applies by virtue of subsection (1) (a) of that section ; or
  - (b) where the local education authority so decide, the same as that which may be made in the articles of government of such a school by virtue of subsection (1)(6) of section 39.

*Appointment of clerk to temporary governing body*

- 26 (1) Where a temporary governing body have been constituted for a new school, the clerk to the temporary governing body shall be appointed by the local education authority.
- (2) Where the arrangement for the constitution of a temporary governing body of any new school comes to an end, the person who was the clerk to that body shall act as clerk to the governing body who succeed them, pending the appointment of a clerk under section 40 of this Act.
- (3) Where the clerk to a temporary governing body fails to attend any meeting of theirs, they may appoint one of their number to act as clerk for the purposes of that meeting, but without prejudice to his position as a temporary governor.