



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART III

#### EDUCATION IN INNER LONDON

##### *Disposal of functions and property of ILEA*

#### **165 Development plans for education**

- (1) Not later than such date as the Secretary of State may direct each inner London council shall prepare and publish a plan (referred to in this section as a “development plan”)—
  - (a) describing the manner in which the council proposes to perform the functions of a local education authority for its area (in this Part referred to, in relation to each such council, as the council’s “LEA functions”); and
  - (b) giving the additional information required by subsection (2) below.
- (2) A council’s development plan shall—
  - (a) list the property belonging to ILEA which, in the council’s opinion, needs to be transferred to it for the purpose of enabling it properly to perform its LEA functions;
  - (b) specify—
    - (i) all schools situated inside the council’s area which are currently maintained by ILEA; and
    - (ii) any schools situated outside the council’s area which are currently so maintained and which the council would wish to maintain in exercise of its LEA functions; and
  - (c) give particulars of the management structure (within the meaning of section 169 of this Act) which the council proposes to adopt for the purpose of the exercise of those functions.
- (3) In preparing a development plan, a council shall—
  - (a) consult the local authorities for adjacent areas; and

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- (b) take into account any guidance given by the Secretary of State (whether as to the contents of the plan or as to consultation with any other persons, and whether as to such plans generally or as to the particular council's plan).
- (4) Guidance given by the Secretary of State for the purposes of subsection (3)(b) above shall be published in such manner as the Secretary of State thinks fit.
- (5) A development plan shall be published in such manner as the council concerned considers likely to bring it to the attention of persons (both inside and outside its area) who may be affected by the performance by the council of its LEA functions, and the council shall make copies of the plan readily available, during office hours, to persons wishing to inspect it.

## **166 Responsibility for schools**

- (1) The Secretary of State shall by an order or orders made at any time before the abolition date designate in relation to each inner London council—
  - (a) the ILEA maintained schools which it is to be that council's duty to maintain; and
  - (b) the ILEA grant-maintained schools in respect of which functions exercisable by ILEA are to be exercisable instead by that council.
- (2) The Secretary of State may by an order or orders so made designate in relation to any local education authority specified in the order (other than an inner London council)—
  - (a) any ILEA maintained school which it is to be that authority's duty to maintain; or
  - (b) any ILEA grant-maintained school in respect of which functions exercisable by ILEA are to be exercisable instead by that authority;
 and shall so designate any such school which is not designated by an order under subsection (1) above.
- (3) For the purposes of this section—
  - (a) a school is an ILEA maintained school if it is a county, voluntary, nursery or special school maintained by ILEA; and
  - (b) a school is an ILEA grant-maintained school if it is a grant-maintained school which was maintained by ILEA immediately before it became a grant-maintained school.
- (4) A school may be designated—
  - (a) in relation to a council by an order under subsection (1) above; or
  - (b) in relation to a local education authority by an order under subsection (2) above;
 whether it is inside or outside the area of that council or authority.
- (5) Subject to subsection (6) below, as from the abolition date each inner London council and any other local education authority shall maintain and, except in accordance with the Education Acts 1944 to 1988, shall not cease to maintain any school—
  - (a) which is designated in relation to that council or authority by an order under subsection (1)(a) or (2)(a) above; and
  - (b) which immediately before that date was maintained by ILEA.
- (6) Any such council or authority may, with the consent of the Secretary of State, agree with any other local education authority for the maintenance by that authority of any

school which by virtue of subsection (5) above would otherwise fall to be maintained by the council or the first-mentioned authority.

- (7) Any functions which, immediately before the abolition date, were exercisable by ILEA in relation to, or in relation to registered pupils at, any school which is designated in relation to any such council or in relation to any other local education authority by an order under subsection (1)(b) or (2)(b) above shall, as from that date, be exercisable instead by that council or (as the case may be) by that authority.
- (8) Where after the date on which an order under subsection (1) or (2) above is made any school designated under paragraph (a) of either of those subsections becomes a grant-maintained school, it shall be treated for the purposes of subsection (7) above as having been designated under paragraph (b) of subsection (1) or (2) (as the case may require).

## **167 Removal of certain governors**

- (1) On the abolition date—
  - (a) any person appointed by ILEA as governor of any institution to which this subsection applies; and
  - (b) any person co-opted as governor of any such institution;shall cease to hold office.
- (2) Subsection (1) above applies to the following institutions—
  - (a) any school which immediately before the abolition date was maintained by ILEA; and
  - (b) any institution other than a school which immediately before that date was maintained or assisted by ILEA.
- (3) On that date any person appointed by an inner London council as governor of a primary school by virtue of any provision included in the instrument of government of the school in accordance with section 7(1) of the 1986 Act (appointment of governor by minor authority) shall cease to hold office.
- (4) On and after that date the instrument of government of any school to which that section applies shall have effect as if it made the provision that would have been required by section 3 of that Act if section 7(1) had not applied (and with the omission of any provision included by virtue of subsection (6)(a) of section 7).
- (5) Neither subsection (1) nor subsection (3) above shall be taken as prejudicing any subsequent appointment or co-option as governor of the school or other institution concerned of a person who by virtue of that subsection ceases to hold office as governor of that school or institution.

## **168 Transfers of property, rights and liabilities**

- (1) The Secretary of State may by an order or orders made at any time before the abolition date provide for the transfer to each inner London council of—
  - (a) such of the property, rights and liabilities of ILEA (other than excepted rights and liabilities) as, in his opinion, need to be so transferred for the purpose of enabling that council properly to perform its LEA functions; and
  - (b) such of the rights and liabilities of ILEA (other than excepted rights and liabilities) as, in his opinion, it is appropriate to transfer to that council for the purposes of or in connection with the exercise by that council by virtue of

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section 166 of this Act of functions in relation to, or in relation to registered pupils at, any grant-maintained school which were formerly exercisable by ILEA.

- (2) The Secretary of State may by such an order or orders provide for the transfer to any local authority other than an inner London council of such of the property, rights and liabilities of ILEA (other than excepted rights and liabilities) as do not in his opinion fall to be transferred to such a council by virtue of subsection (1) above.
- (3) Any transfer for which provision is made by order under this section may be on such terms, including financial terms, as the Secretary of State thinks fit and the Secretary of State may by order create or impose such new rights or liabilities in respect of what is transferred as appear to him to be necessary or expedient.
- (4) The Secretary of State may by order confer on any inner London council or local authority to which property is transferred by or under the order any statutory functions which before the abolition date were exercisable in relation to that property by ILEA.
- (5) In this section “excepted rights and liabilities” means rights and liabilities arising under contracts of employment between ILEA and its employees.

#### **169 Approval of management structure and senior appointments in initial period**

- (1) References in this section to the management structure of an inner London council for the purpose of the exercise of its LEA functions are references to any aspect of the council’s organisation and its arrangements for managing its affairs in relation to the exercise of those functions which the Secretary of State determines ought to be subject to approval under this section with a view to securing the proper performance by the council of those functions during the initial period.

In this section “the initial period” means the period of five years beginning with the abolition date.

- (2) The reference in subsection (1) above to a council’s organisation and its arrangements for managing its affairs in relation to the exercise of its LEA functions includes in particular its staffing arrangements and the determination of the duties to be performed by its employees concerned in the exercise of those functions.
- (3) It shall be the duty of each inner London council to adopt and to maintain during the initial period a management structure for the purpose of the exercise of its LEA functions which is for the time being approved by the Secretary of State under this section.
- (4) Such a council shall not before the end of the initial period make an appointment to which this subsection applies except after consultation with the Secretary of State.
- (5) Subsection (4) above applies to the appointment of a person—
  - (a) to be the chief education officer of the council; or
  - (b) to any designated post forming part of the management structure of the council for the time being approved under this section.
- (6) In subsection (5)(b) above “designated” means designated for the purposes of subsection (4) above by a direction given by the Secretary of State.
- (7) For the purposes of the consultation required by subsection (4) above a council proposing to make an appointment to which that subsection applies shall send

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to the Secretary of State particulars showing the name, previous experience and qualifications of the persons from whom the council proposes to make a selection.

- (8) If the Secretary of State is of opinion that any person whose name is submitted to him under subsection (7) above is not a fit person to hold the appointment in question, he may give a direction prohibiting that person's appointment.