



Education Act 1996

1996 CHAPTER 56

PART III

GRANT-MAINTAINED SCHOOLS

CHAPTER IX

GROUPS OF GRANT-MAINTAINED SCHOOLS

280 Nature of group

- (1) Subject to the provisions of this Chapter, two or more grant-maintained schools may be conducted as a group by a single governing body.
- (2) In the case of such a group—
 - (a) there shall be an instrument (known as the instrument of government) providing for the constitution of the governing body, and
 - (b) for each school in the group there shall be an instrument (known as the articles of government) in accordance with which the school is to be conducted.
- (3) The instrument and articles of government—
 - (a) shall comply with any requirements imposed by or under this Chapter, and
 - (b) may make any provision authorised by or under this Chapter to be made and such other provision as may be necessary or desirable.
- (4) Subject to any express provision of the instrument or articles of government, each school in such a group shall be conducted in accordance with any trust deed relating to it.
- (5) The provisions of Schedules 22 and 23 (other than paragraph 14 of Schedule 22) shall have effect in relation to groups of grant-maintained schools with such modifications as may be prescribed.

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- (6) Subject to any provision made by or under this Chapter, where there is a group of grant-maintained schools any provision of an enactment which applies to such schools shall apply separately in relation to each of the schools.
- (7) References in this Chapter to a group are to a group of grant-maintained schools conducted, or to be conducted, by a single governing body.

281 Instruments and articles of government for group

- (1) The initial instrument of government for the governing body of a group and the initial articles of government for each school in the group shall be such as are prescribed.
- (2) The initial instrument of government shall have effect as from the date on which the governing body are incorporated.
- (3) The initial articles of government shall have effect as from the date of implementation of the proposals in pursuance of which the school became a member of the group.
- (4) Section 220 shall apply in relation to the governing body of a group as it applies in relation to the governing body of a grant-maintained school.
- (5) Section 221 shall apply in relation to a school in a group as it applies in relation to other grant-maintained schools.

282 Parent governors

- (1) The instrument of government for the governing body of a group shall provide for the governing body to include parent governors.
- (2) The number of parent governors shall not be—
 - (a) less than three, or
 - (b) (subject to paragraph (a)) more than the number of schools in the group.
- (3) Subject to subsection (6), the parent governors shall be elected by persons who are registered parents of registered pupils at schools in the group; but, if any of the schools in the group is established in a hospital, the instrument may provide for any of the parent governors to be appointed by the other members of the governing body.
- (4) To qualify for such election a person must when he is elected be a registered parent of a registered pupil at one of the schools in the group and, to qualify for such appointment, a person must when he is appointed be such a parent or, if that is not reasonably practicable, a parent of one or more children of compulsory school age.
- (5) The instrument shall provide for each parent governor to hold office for a term of four years.
- (6) The instrument shall provide that if—
 - (a) one or more vacancies for parent governors are required to be filled by election, and
 - (b) the number of parents standing for election as parent governors is less than the number of vacancies,
 the required number of parent governors shall be made up by persons appointed by the other members of the governing body.

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- (7) The instrument shall require governors, in appointing a person under a provision made by virtue of subsection (6)—
- (a) to appoint a person who is the registered parent of a registered pupil at one of the schools in the group, where it is reasonably practicable to do so, and
 - (b) where it is not, to appoint a person who is the parent of one or more children of compulsory school age.

283 Teacher governors

- (1) The instrument of government for the governing body of a group shall provide for the governing body to include either one or two teacher governors.
- (2) Each teacher governor shall be elected by persons who are teachers at schools in the group.
- (3) To qualify for such election, a person must when he is elected be a teacher at one of the schools in the group.
- (4) The instrument shall provide for each teacher governor to hold office for a term of four years.

284 Head teacher governors

The instrument of government for the governing body of a group shall provide for the head teacher of each school in the group to be an ex officio governor, unless he chooses not to be.

285 Core governors

- (1) The instrument of government for the governing body of a group shall provide for the governing body to include core governors.
- (2) Schedule 25 (which makes provision in relation to core governors for groups) shall have effect.
- (3) The instrument shall provide for core governors to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.

286 Power of the Secretary of State to replace core governors

- (1) The instrument of government for the governing body of a group shall provide for the Secretary of State to have power, where any of subsections (2) to (4) apply, to replace all or any of the core governors, other than any externally appointed core governor appointed in respect of a particular school.
- (2) This subsection applies where the governing body have been guilty of substantial or persistent failure to comply or secure compliance with any requirement imposed by or under any enactment.
- (3) This subsection applies where—
 - (a) there is a report of an inspection of any of the schools in which the person who made it expressed the opinion that special measures were required to be taken in relation to the school,

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- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school under Part I of the School Inspections Act 1996, he did not express the opinion in the report that special measures were not required to be taken in relation to the school, and
- (d) the Secretary of State has received a statement prepared under section 17 of that Act or the period allowed by subsection (2) of that section for the preparation of such a statement has expired;

and expressions used in this subsection and in that Act have the same meaning as in that Act.

- (4) This subsection applies where in the opinion of the Secretary of State any action taken or proposed by the governing body, or any failure of the governing body to act, is prejudicial to the provision of education by any of the schools.
- (5) The instrument of government shall enable the Secretary of State to make such provision as he thinks fit for filling vacancies for core governors other than externally appointed governors if it appears to him that the governing body are unable or unwilling to fill the vacancies.
- (6) Any provision made by the instrument of government in pursuance of Schedule 25 shall not apply for the purposes of the appointment by virtue of this section of any core governor.

287 Additional governors

- (1) The instrument of government for the governing body of a group shall enable the Secretary of State to appoint not more than two additional governors if it appears to him that the governing body are not adequately carrying out their responsibilities in respect of the conduct or management of any of the schools in the group.
- (2) The instrument shall enable the governing body, during any period when any additional governors appointed by the Secretary of State by virtue of subsection (1) are in office, to appoint a number of additional core governors not greater than the number of additional governors appointed by the Secretary of State who are then in office.
- (3) Section 285(3) and Schedule 25 do not apply to additional core governors.

288 Powers

In the case of a group of grant-maintained schools conducted by a single governing body, that body shall have in relation to each of the schools the powers conferred by section 231 on the governing body of a grant-maintained school.

289 Application of maintenance grants in the case of groups

- (1) For each financial year the governing body of a group shall apply for the purposes of each school in the group the share of maintenance grant which is attributable to that school.
- (2) For the purposes of subsection (1), in each financial year the share of maintenance grant which is attributable to each school in a group is the amount which in the case

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of that school is the prescribed percentage of the maintenance grant payable in respect of the school.

- (3) The governing body of a group shall not apply otherwise than for the purposes of schools in the group any payments made to them in respect of maintenance grant.
- (4) This section is subject to—
 - (a) any requirements imposed under section 247(1) or, as the case may be, 253(1), and
 - (b) any requirements as to the application of maintenance grant contained in the articles of government for any of the schools.
- (5) In relation to groups of grant-maintained schools, this section has effect in place of section 244(3) or, as the case may be, 250(2).

290 School acquiring grant-maintained status as a member of a group, etc

- (1) Regulations may make provision—
 - (a) for two or more schools, each of which is eligible for grant-maintained status and satisfies the prescribed requirements, to become grant-maintained schools conducted by a single governing body,
 - (b) for two or more grant-maintained schools, each of which is not a member of a group and satisfies the prescribed requirements, to become a new group conducted by a single governing body,
 - (c) for a school which is eligible for grant-maintained status, or is a grant-maintained school, and satisfies the prescribed requirements to become a member of an existing group,
 - (d) for the schools in two or more existing groups, where each of the schools satisfies the prescribed requirements, to become one group, and
 - (e) for a school in a group, where the school satisfies the prescribed requirements, to leave the group but continue to be a grant-maintained school (whether as a member of a group or not).
- (2) Regulations shall require in the case of each school which is not a grant-maintained school but is to acquire grant-maintained status as a member of a group—
 - (a) a resolution of the existing governing body to hold a ballot of parents on the question of whether grant-maintained status as a member of a group should be sought for the school,
 - (b) a ballot of parents at the school,
 - (c) the publication by the existing governing body (together with the existing governing bodies of any other schools which are to acquire grant-maintained status as members of the same group) of proposals for the schools to acquire grant-maintained status and be conducted by a single governing body, and
 - (d) the approval of such proposals, as originally published or as modified by the Secretary of State (whether before or after they are approved).
- (3) Regulations shall require in the case of each grant-maintained school which is not a member of a group but is to become a member of a new group—
 - (a) a resolution for the purpose of the existing governing body,
 - (b) the publication by the existing governing body (together with the governing bodies of any other schools which are to become members of the group)

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- of proposals for the schools to become a new group conducted by a single governing body, and
- (c) the approval of such proposals, as originally published or as modified by the Secretary of State (whether before or after they are approved).
- (4) Regulations made by virtue of subsection (2) or (3) shall not enable the Secretary of State to modify any proposals after approving them so as to exclude any school to which they relate; and where under such regulations the Secretary of State modifies any proposals so as to exclude any school to which they relate—
- (a) he may not approve them without the consent of the existing governing bodies of the schools to which the proposals as modified relate, and
- (b) if he approves them, the regulations shall have effect as if the proposals as published had related only to those schools.
- (5) Where proposals for the purposes of subsection (1)(a) or (b) are approved, regulations shall provide—
- (a) for the determination of the persons who are to be the initial members of the governing body,
- (b) for their incorporation, and
- (c) for sections 282 to 286, Schedule 25 and the instrument of government to have effect in relation to any person who becomes a member of the governing body—
- (i) before the date of implementation of the proposals, or
- (ii) before the date on which the first instrument under section 220(1) for the governing body comes into effect,
- with such modifications as may be prescribed.
- (6) Where proposals for the purposes of subsection (1)(a) in relation to any schools, or proposals for the purposes of subsection (1)(c) in relation to a school which is eligible for grant-maintained status, are approved, regulations shall provide in relation to each of the schools—
- (a) for the local education authority to cease to be under a duty to maintain the school,
- (b) for any special agreement relating to the school to cease to have effect, and
- (c) for the functions, during the period beginning with the approval of the proposals and ending with their implementation, of the governing body incorporated under the regulations.
- (7) Where proposals for the purposes of subsection (1)(b) are approved, regulations shall provide for the functions, during the period beginning with the approval of the proposals and ending with their implementation, of the governing body incorporated under the regulations.
- (8) In relation to—
- (a) any schools seeking to acquire grant-maintained status as a group or grant-maintained schools seeking to become a new group,
- (b) any school seeking to become a member of an existing group, and
- (c) schools in a group,
- regulations may provide for any relevant provision of this Act to apply with such modifications as may be prescribed.
- (9) For the purposes of subsection (8) “relevant provision of this Act” means—

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- (a) any provision of this Part other than—
 - (ii) section 198, 199, 291, 292, 294, 307 or 308, or
 - (ii) a provision of this Chapter, or
 - (b) any provision of this Act not contained in this Part which reproduces a provision of Part II of the Education Act 1993 (other than Chapter IX of that Part of that Act).
- (10) Regulations may make provision for the governing body of a group to be reconstituted where any change occurs in the membership of the group.
- (11) The Secretary of State may instead of, or in addition to, prescribing requirements for the purposes of subsection (1) issue guidance as to the requirements he would expect to be satisfied for any application—
- (a) for any maintained schools, or grant-maintained schools, to become a new group,
 - (b) to join or leave a group, or
 - (c) for the merger of groups,
- to be approved.
- (12) In subsection (11) “maintained school” means any county school or voluntary school and any maintained special school not established in a hospital.
- (13) This section does not apply to nursery schools.