



Education Act 1996

1996 CHAPTER 56

PART III

GRANT-MAINTAINED SCHOOLS

CHAPTER V

GOVERNMENT, CONDUCT ETC. OF GRANT-MAINTAINED SCHOOLS

Powers

231 Powers of governing body

- (1) The governing body of a grant-maintained school incorporated in pursuance of proposals for acquisition of grant-maintained status may conduct a school of the same description as the school immediately before the date of implementation of the proposals.
- (2) The governing body of a grant-maintained school incorporated in pursuance of proposals for the establishment of a new grant-maintained school may conduct a school of the description in the proposals.
- (3) The school conducted by the governing body of a grant-maintained school shall not, where changes have been made in the character or premises of the school since the date of implementation of the proposals, be regarded as of a different description to that immediately before that date or, as the case may be, to that in the proposals if the changes—
 - (a) did not require authorisation under Chapter VII (alteration etc. of grant-maintained schools), or
 - (b) were authorised under that Chapter.
- (4) Subject to subsections (6) and (7) and to any provision made by the instrument or articles of government, the governing body of a grant-maintained school may do

Status: This is the original version (as it was originally enacted).

anything which appears to them to be necessary or expedient for the purpose of or in connection with the conduct of the school as for the time being constituted.

- (5) The power conferred by subsection (4) includes in particular power—
- (a) in the case of a grant-maintained school established in pursuance of proposals for acquisition of grant-maintained status, to assume the conduct, as from the date of implementation of the proposals, of the school as constituted immediately before that date;
 - (b) in the case of a grant-maintained school established in pursuance of proposals for the establishment of a new grant-maintained school, to conduct, as from the date of implementation of the proposals, a school of the description in the proposals;
 - (c) power to borrow such sums as the governing body think fit and, in connection with such borrowing, to grant any mortgage, charge or other security over any land or other property of the governing body;
 - (d) to acquire and dispose of land and other property;
 - (e) to enter into contracts, including, in particular, contracts for the employment of teachers and other staff;
 - (f) to invest any sums not immediately required for the purposes of meeting the expenses of conducting the school or any liability transferred to the governing body under section 201; and
 - (g) to accept gifts of money, land or other property and apply it, or hold and administer it on trust, for such purposes.
- (6) The power to borrow sums and grant security mentioned in subsection (5)(c) may only be exercised with the written consent of the Secretary of State (which may be given for particular borrowing or for borrowing of a particular class); but this subsection does not apply in relation to loans under section 255.
- (7) The power to dispose of land mentioned in subsection (5)(d) may only be exercised with the written consent of the Secretary of State.
- (8) Without prejudice to subsection (4), but subject to any provision made by the instrument or articles of government, the governing body of a grant-maintained school may provide education at the school which is neither primary nor secondary education if—
- (a) it is part-time education suitable to the requirements of persons of any age over compulsory school age, or full-time education suitable to the requirements of persons who have attained the age of 19,
 - (b) it is part-time education suitable to the requirements of junior pupils who have not attained the age of five and the school provides full-time education for junior pupils of the same age, or
 - (c) they do so as agents for a local education authority under arrangements made with the authority for the purpose.

232 Joint schemes

- (1) Two or more grant-maintained schools may enter into a scheme under this section (referred to in this section and section 233 as a “joint scheme”).
- (2) A joint scheme may—

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

- (a) authorise or require the governing bodies of the schools to which the scheme applies to establish joint committees constituted in accordance with the scheme,
 - (b) provide for the meetings and proceedings of any joint committee so constituted, and
 - (c) authorise or require the governing bodies of the schools to which the scheme applies to delegate, in such circumstances as may be determined in accordance with the scheme, such of their functions as may be so determined to any joint committee so constituted.
- (3) A scheme providing for any joint committee must provide for the committee—
- (a) to consist only of persons who are governors of the schools to which the scheme applies, and
 - (b) to include a head teacher of one of those schools, a parent governor of one of those schools and a first or foundation governor of one of those schools.
- (4) A joint scheme may authorise or require the governing bodies of the schools to which the scheme applies to exercise jointly, in such circumstances as may be determined in accordance with the scheme, such of their functions as may be so determined; but such a scheme may not provide for the joint exercise of any function relating to the employment of teachers unless it also provides for the establishment of a joint committee to exercise that function.
- (5) In relation to any teacher employed in pursuance of a joint scheme, the School Teachers' Pay and Conditions Act 1991 shall have effect as if he were employed by the joint committee required to be established under subsection (4) and that joint committee were the governing body of a grant-maintained school.
- (6) A joint scheme shall provide for any expenses of exercising any functions in pursuance of the scheme.
- (7) A joint scheme shall have effect despite anything contained (whether in pursuance of a requirement under this Act or otherwise) in the instrument or articles of government for any of the schools to which the scheme applies.
- (8) A joint scheme shall not have effect in relation to any matter dealt with in any co-ordinated arrangements for admissions (within the meaning of section 430) contained in an agreement approved by the Secretary of State under that section or made in pursuance of a scheme under that section.

233 Making and varying joint schemes

- (1) A joint scheme shall not come into force until it has been approved by the Secretary of State.
- (2) A joint scheme shall provide for the scheme to cease to have effect where the governing bodies of all the schools to which the scheme applies agree.
- (3) A joint scheme—
- (a) may be varied by the governing bodies of all the schools to which the scheme applies if the variations are minor variations or the Secretary of State has approved the variations,
 - (b) if the Secretary of State so directs, shall be varied by the governing bodies in accordance with the direction, and

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

- (c) if the Secretary of State so directs, shall cease to have effect.
- (4) The Secretary of State may—
 - (a) approve a scheme, or variations, with such modifications as he thinks fit, or
 - (b) give a direction under subsection (3)(b) or (c),
only after proper consultations.
- (5) In subsection (4) “proper consultations” means consultations with the governing bodies of every school—
 - (a) (in the case of a proposed scheme) to which the scheme will apply,
 - (b) (in the case of a variation) to which the scheme applies, or will apply after the variation, or
 - (c) (in the case of a direction for a scheme to cease to have effect) to which the scheme applies.
- (6) The Secretary of State may by order specify what descriptions of variation are to be regarded as minor for the purposes of this section.