Education and Inspections Act 2006

2006 CHAPTER 40

PART 3

FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

General duties of governing body

38 General duties of governing body of maintained school

(1) In section 21 of EA 2002 (general responsibility for conduct of school) after subsection (4) insert—

"(5) The governing body of a maintained school shall, in discharging their functions relating to the conduct of the school—

(a) promote the well-being of pupils at the school, and

(b) in the case of a school in England, promote community cohesion.

(6) The governing body of a maintained school shall, in discharging those functions, have regard to any relevant children and young people's plan.

(7) In discharging those functions, the governing body of a maintained school in England shall also have regard to any views expressed by parents of registered pupils.

(8) In this section "well-being"—

(a) in relation to a pupils at a school in England, means their well-being so far as relating to the matters mentioned in section 10(2) of the Children Act 2004, and

(b) in relation to pupils at a school in Wales, means their well-being so far as relating to the matters mentioned in section 25(2) of that Act.

(9) In this section "relevant children and young people's plan" means—

(a) in relation to a school in England—

Changes to legislation: *Education and Inspections Act 2006, Cross Heading: General duties of governing body is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(i) any plan published by the **[**[F1]local authority**]** under section 17 of the Children Act 2004 (children and young people's plans: England), or

(ii) in a case where the **[**[F1]local authority**]** are not required by regulations under that section to prepare and publish a plan, any plan which is published by the authority and sets out their strategy for discharging their functions in relation to children and relevant young persons within the meaning of that section, and

(b) in relation to a school in Wales—

(i) any plan published by the **[**[F1]local authority**]** under section 26 of the Children Act 2004 (children and young people's plans: Wales), or

(ii) in a case where the **[**[F1]local authority**]** are not required by regulations under that section to prepare and publish a plan, any plan which is published by the authority and sets out their strategy for discharging their functions in relation to children and relevant young persons within the meaning of that section."

(2) In section 28 of that Act (limit on power to provide community facilities etc.), after subsection (4) insert—

"(4A) In exercising the power under section 27(1), the governing body of a maintained school shall have regard to any relevant children and young people's plan.

(4B) In subsection (4A) "relevant children and young people's plan" has the meaning given by section 21(9).

(4C) In exercising the power under section 27(1), the governing body of a maintained school in England shall also have regard to any views expressed by parents of registered pupils in circumstances where subsection (4)(a)(iii) does not apply."

Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 14(2)**

Commencement Information

I1 S. 38 in force at 1.9.2008 for W. by S.I. 2008/1429, art. 3(3), **Sch. Pt. 3**

I2 S. 38(1) in force at 25.5.2007 for specified purposes for E. by S.I. 2007/1271, **art. 2**

I3 S. 38(1) in force at 1.9.2007 for E. in force in so far as not already in force by S.I. 2007/1801, **art. 3(a)**

I4 S. 38(2) in force at 25.5.2007 for E. by S.I. 2007/1271, **art. 3**

Changes to legislation:
Education and Inspections Act 2006, Cross Heading: General duties of governing body is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by S.I. 2008/54 art. 2
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by S.I. 2007/1271 art. 4
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by S.I. 2007/1271 art. 5

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by 2010 c. 26 s. 7
- s. 88(A1) inserted by 2015 c. 20 Sch. 16 para. 1(2)
- s. 93A inserted by 2009 c. 22 s. 246
- s. 93A(7) words inserted by S.I. 2016/413 reg. 235 (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40)comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by 2010 nawm 1 Sch. 1 para. 20(a)