



# Standards in Scotland's Schools etc. Act 2000

2000 asp 6

## *Ending of self-governing status of schools*

VALID FROM 13/10/2000

### **17 Ending of self-governing status of school**

- (1) The Scottish Ministers may by order provide that, on such date as may be specified in the order, a self-governing school so specified shall cease to be under the management of its board of management and that it shall, in consequence, cease to be a school which is a self-governing school; and the board shall, on that date, cease to exist.
- (2) On and after that date, the education authority in whose area the school is situated shall manage the school.
- (3) On that date—
  - (a) all—
    - (i) land and other property (including corporeal and incorporeal moveable property); and
    - (ii) rights and obligations,which immediately before that date were vested in that board shall transfer to and vest in that authority; and
  - (b) all persons in the employment of that board shall transfer to the employment of that authority.
- (4) The vesting of property, rights and obligations under this section shall have effect notwithstanding any rule of law, any obligation or any provision made in or under any enactment (other than this Act or an enactment made under this Act).

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*Changes to legislation: There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Cross Heading: Ending of self-governing status of schools. (See end of Document for details)*

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## **18 Order supplementary to ending of self-governing status**

- (1) Where an order has been made under section 17 of this Act as respects a school the Scottish Ministers may, after consultation with the education authority which is to manage the school, by order under this section make incidental, supplementary, transitional or ancillary provision as respects the change in status of the school.
- (2) Without prejudice to the generality of subsection (1) above, an order under this section may—
  - (a) stipulate a timetable for any steps that may be specified in the order as necessary or expedient in relation to that change in status;
  - (b) provide for the payment of the expenses attributable to that change in status;
  - (c) confer such additional powers and impose such additional duties on the board of management of the school as appear to the Scottish Ministers to be appropriate in relation to that change in status;
  - (d) provide for the ingathering of any land or moveable property owned by—
    - (i) the board; or
    - (ii) trustees for the purposes of the school; or
  - (e) require the board to comply with any directions given by the Scottish Ministers in relation to that change in status.
- (3) Where land or moveable property purchased, or as the case may be refurbished, for the school out of (or partly out of) funds provided by way of a capital grant—
  - (a) is transferred to the education authority by virtue of section 17 of this Act; and
  - (b) subsequently is sold by that authority to a third party,
 the Scottish Ministers may, after consultation with the education authority, require that authority to pay them the amount of the funds so provided (or if the amount received by the authority in respect of the sale was less than the amount of those funds, to pay them the amount so received).
- (4) Without prejudice to subsection (2)(b) above, the Scottish Ministers may make grants to the board of management for the purpose of enabling the board to defray such expenses incurred by the board as are attributable to that change in status.
- (5) The Scottish Ministers may make the payment of a grant in pursuance of subsection (4) above subject to such conditions and requirements (including a requirement that the whole or any part of a grant be repaid) as they think fit.

VALID FROM 13/10/2000

## **19 Transfer of staff of self-governing school**

- (1) This subsection and subsections (2) to (4) below apply to any person who, immediately before the date specified in an order under section 17 of this Act as respects a self-governing school, is employed by the board of management of the school.

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- (2) The contract of employment between the person and the board shall have effect from that date as if originally made between the person and the education authority which is to manage the school.
- (3) Without prejudice to subsection (2) above—
- (a) all the board's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this paragraph transfer to the authority on that date; and
  - (b) anything done before that date by or in relation to the board in respect of that contract or of the employee shall be deemed as from that date to have been done by or in relation to the authority.
- (4) Subsections (2) and (3) above are without prejudice to any right of the person to terminate the contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such change shall not be taken to have occurred by reason only of the fact that the employer is changed by virtue of section 17(3)(b) of this Act.
- (5) Where a person—
- (a) has, prior to the date so specified, entered into a contract of employment with the board of management of the school and that contract is to come into effect on or after that date; and
  - (b) would, if the contract had come into effect before that date, have been a person to whom subsections (1) to (4) above apply,
- the person shall be treated as one to whom those subsections do apply.

VALID FROM 13/10/2000

## **20 Provision of information in relation to self-governing school**

Where the Scottish Ministers have made an order under section 17 of this Act as respects a school, the board of management of the school shall—

- (a) on or before the date specified in the order, provide the education authority which is to manage the school with all the information held by the board in respect of the school including, without prejudice to that generality, information in respect of—
  - (i) the administration and finances of the school;
  - (ii) the fabric of the school;
  - (iii) the staff transferred to the employment of the authority by virtue of section 17(3)(b) of this Act; and
  - (iv) the pupils in attendance at the school; and
- (b) provide the Scottish Ministers, without undue delay, with such information and documents as they may require from the board for the purposes of their determining what supplementary provision to make by order under section 18 of this Act.

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**21 Educational endowments in relation to self-governing school**

Where, immediately before the date specified in an order under section 17 of this Act in relation to a school, an educational endowment (within the meaning of Part VI of the 1980 Act) is, solely for the purposes of the school, to any extent vested in the board of management, the endowment shall, on that date and to that extent, transfer to and vest for the same purposes in the education authority which are to manage the school.

VALID FROM 28/07/2000

**22 Interruption of process of transition to self-governing status**

Where, in the case of any school, proposals for the acquisition of self-governing status have been published under section 16 of the Self-Governing Schools etc. (Scotland) Act 1989 (c.30) by the School Board and approved by the Secretary of State, or as the case may be the Scottish Ministers, but as at the coming into force of this section responsibility for the conduct of the school has not transferred to a board of management, the school's transition to self-governing status shall be treated as never having commenced.

**23 Purported disposal of property of self-governing school**

- (1) The board of management of a self-governing school shall obtain the consent of the Scottish Ministers to any transfer of moveable property owned by the board which is intended to take place on or after the date on which this section comes into force; and any purported transfer of such property on or after that date is void if such consent has not first been obtained.
- (2) The Scottish Ministers shall give consent under subsection (1) above only after they have consulted in the matter the education authority which are to manage the school.

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