

SCHEDULES

SCHEDULE 6

Article 71(12).

TRANSITION TO GRANT-MAINTAINED INTEGRATED STATUS

1.—(1) Where the Department approves a proposal for acquisition of grant-maintained integrated status in respect of any school it may by order made at any time on or after the date on which it approves the proposal and before the incorporation date in relation to the school make such provision as it considers appropriate in connection with the school's transition to grant-maintained integrated status and the impending transfer of responsibility for the management and control of the school to a Board of Governors constituted in accordance with Schedule 5.

(2) In this Schedule, in relation to any school in respect of which such a proposal has been approved,—

“the existing governing authority” means, in the case of a grant-aided school, the Board of Governors of the school constituted under the principal Order and, in the case of an independent school, the proprietor of the school;

“the new Board of Governors” means the first Board of Governors constituted for the school in accordance with Schedule 5.

2. The provision that may be made by an order under paragraph 1 includes in particular provision—

(a) for the constitution in accordance with Schedule 5 of the new Board of Governors for the school and in particular for—

(i) regulating the first appointment of foundation governors;

(ii) enabling some or all of the parents and teachers elected to the existing governing authority of a grant-aided school to be treated for the purposes of Schedule 5 as having been duly elected to the new Board of Governors and making transitional provision in relation to the terms of office of such persons;

(iii) empowering the voting members of the new Board of Governors to exercise the powers of co-option conferred by Article 122 or 139, or the powers of appointment conferred by Article 13(3A) of the principal Order;

(iv) empowering the new Board of Governors to make arrangements for the election of persons under paragraph 2(1)(c) and (d) of Schedule 5;

(v) applying Article 13 of the principal Order in relation to the new Board of Governors;

(b) for the exercise by the new Board of Governors in relation to the school, in such circumstances and in such manner and subject to such conditions as may be specified in the order, of any functions so specified corresponding to any of the functions that would be exercisable by it on its incorporation, including in particular—

(i) power to appoint members of staff to take up employment on or after the incorporation date in relation to the school;

(ii) power to enter into contracts for the purpose of or in connection with the management and control of the school on or after that date;

(iii) functions under Part IV of this Order; and

- (iv) functions in relation to the framing of the scheme of management for the school;
- (c) excluding or modifying any function of the board or of the existing governing authority in relation to any matter to which any function exercisable by the new Board of Governors in accordance with any provision made by virtue of sub-paragraph (b) applies;
- (d) for—
 - (i) requiring the new Board of Governors to be consulted before the board or the existing governing authority exercises in relation to the school any function of a description specified in the order or takes in relation to the school any action of a description so specified; or
 - (ii) requiring or enabling the new Board of Governors to participate in the exercise in relation to the school of any such function or in the taking in relation to the school of any such action,in such circumstances and in such manner as may be so specified; and
- (e) with respect to the proceedings of the new Board of Governors and the authentication of its actions (including the making or issue of any instrument by it or on its behalf).

3.—(1) The Department may make grants to the new Board of Governors in respect of expenditure incurred or to be incurred by it in pursuance of any provision made by an order under paragraph 1.

(2) The Department may impose on a new Board of Governors to which any such payment is made such requirements as it may from time to time determine (whether before, at or after the time when the payment in question is made).

(3) The functions of a board in relation to a school in respect of which a proposal for acquisition of grant-maintained integrated status has been approved shall not include the meeting of any expenses incurred by the new Board of Governors of the school.

4.—(1) On and after the incorporation date in relation to a grant-maintained integrated school any appointment made, contract entered into or other thing done by the new Board of Governors in pursuance of any provision made by an order under paragraph 1, so far as subsisting or in force immediately before that date, shall be treated as having been made, entered into or done by the new Board of Governors as a body corporate.

(2) Any property acquired by the new Board of Governors before the incorporation date for the purposes of or in connection with the doing of anything in pursuance of any provision so made shall on that date be transferred to, and by virtue of this Order vest in, the new Board of Governors as a body corporate.

5.—(1) The first scheme of management for a grant-maintained integrated school shall be framed not later than the end of the period of six months beginning with the incorporation date in relation to the school and may be framed before that date to come into force on that date.

(2) In relation to any time on or after the incorporation date when no scheme of management is in force in respect of any such school, the Department may by direction make with respect to the school any provision it considers appropriate for dealing with any matters relating to the school that could be dealt with by a scheme of management.

(3) Any direction under sub-paragraph (2) in relation to any school—

- (a) shall be in writing;
- (b) may be given at any time on or after the date on which the proposal for acquisition of grant-maintained integrated status for the school is approved.

(4) At any time when any such direction is in force in relation to a school, the school shall be managed and controlled in accordance with the provisions of that direction.

(5) The reference in Article 67(1) to any provision of the scheme of management of a grant-maintained integrated school shall include a reference to any provision of a direction under subparagraph (2) in relation to such a school.

6. Except as provided in an order under paragraph 1, the new Board of Governors shall not exercise any functions in relation to the school before the incorporation date, and, except as so provided, references in the Education Orders to a Board of Governors shall not, in relation to any time before that date, be taken to include references to the new Board of Governors.