SCHEDULES

SCHEDULE 5

TRANSITION TO GRANT-MAINTAINED STATUS

Transition to grant-maintained status

1 (1) Where the Secretary of State approves proposals for acquisition of grant-maintained status in respect of any school he may by an order or orders made at any time on or after the date on which he approves the proposals and before the incorporation date in relation to the school make such provision as he considers appropriate in connection with the school's transition to grant-maintained status and the impending transfer of responsibility for the conduct of the school to an initial governing body constituted in accordance with the proposals.

(2) References below in this Schedule, in relation to any school in respect of which such proposals have been approved, to the prospective governing body are references to the persons named in the proposals as the proposed initial governors.

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

(a) for the exercise by the prospective governing body 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 power so specified corresponding to any of the powers that would by virtue of section 57 of this Act be exercisable by the initial governing body of the school on its incorporation, including in particular power—

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

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

(iii) to determine the arrangements for admission of pupils to the school that are to apply in the first school year beginning on or after that date;

(b) excluding or modifying any powers of the local education authority or of the existing governing body in relation to any matter to which any power exercisable by the prospective governing body in accordance with any provision made by virtue of paragraph (a) above applies;

(c) enabling the prospective governing body, instead of the existing governing body, to give or withhold any consent or agreement required for the purposes of any provision of section 76 or 78 of this Act;

(d) enabling the prospective governing body, at any time before the incorporation date, to exercise the power in section 77(3) or (4) of this Act to repudiate any contract to which that subsection applies;

(e) for—

(i) requiring the prospective governing body to be consulted before the local education authority or the existing governing body exercise in relation to the school any function of a description specified in the order or take in relation to the school any action of a description so specified; or

(ii) requiring or enabling the prospective governing body 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

(f) with respect to the proceedings of the prospective governing body and the authentication of their actions (including the making or issue of any instrument by them or on their behalf).

3 (1) The Secretary of State may make grants to the prospective governing body in respect of expenditure incurred or to be incurred by them in pursuance of any provision made by an order under paragraph 1 above.

(2) The Secretary of State may impose on a prospective governing body to whom any such payment is made such requirements as he may from time to time determine (whether before, at or after the time when the payment in question is made).

4 The duty of a local education authority to maintain a school in respect of which proposals for acquisition of grant-maintained status have been approved shall not apply in relation to any expenses incurred by the prospective governing body of the school.

5 At any time on or after the date on which he approves any such proposals the Secretary of State may consult the prospective governing body with respect to the provisions he proposes to include in the instrument and articles of government for the school.

6 On and after the incorporation date in relation to a grant-maintained school—

(a) any appointment made, contract entered into or other thing done by the prospective governing body in pursuance of any provision made by an order under paragraph 1 above, so far as subsisting or in force immediately before that date, shall be treated as having been made, entered into or done by the initial governing body; and

(b) any consultations with the prospective governing body which have taken place under paragraph 5 above shall be treated for the purposes of section 59(2) of this Act as consultations with the initial governing body;

and any property acquired by the prospective governing body 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 Act vest in, the initial governing body.