



Education Reform Act 1988

1988 CHAPTER 40

PART I

SCHOOLS

CHAPTER IV

GRANT-MAINTAINED SCHOOLS

Procedure for acquisition of grant-maintained status

61 Ballot of parents

- (1) Where the governing body of any school are under a duty by virtue of section 60 of this Act to secure that a ballot is held in accordance with this section, they shall secure that all necessary arrangements for the ballot are made by such body as may be prescribed ("W").
- (2) The arrangements shall provide for a secret postal ballot.
- (3) It shall be the duty of the governing body to secure that the prescribed body take such steps as are reasonably practicable to secure that every person who is eligible to vote in the ballot is—
 - (a) given such information about the procedure for and consequences of acquisition of grant-maintained status for a school as may reasonably be expected to enable him to form a proper judgment as to whether or not such status should be sought for the school, including, in particular, the information required by subsection (4) below;
 - (b) informed that he is entitled to vote in the ballot; and
 - (c) given an opportunity to do so.
- (4) The information referred to in subsection (3)(a) above is—
 - (a) a general explanation of the provisions of this Chapter relating to—

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- (i) the procedure for acquisition of grant-maintained status for a school;
 - (ii) the constitution and powers of the governing body of such a school;
and
 - (iii) the conduct and funding of such a school;
 - (b) the number of teacher and first or (as the case may be) foundation governors that will be specified in any proposals for acquisition of grant-maintained status for the school if the result of the ballot is in favour of seeking such status;
 - (c) the names and addresses of the persons, so far as ascertained, who would be required by section 66 of this Act to be named in any such proposals required to be published under section 62 of this Act in respect of the school as at a specified date by reference to which the information required for the purposes of this paragraph was compiled for the purposes of the ballot;
 - (d) an explanation of the requirements applicable under this Chapter in any case where the determination of an initial governor of any elected category is pending (within the meaning of section 62) on the date of publication of any such proposals;
 - (e) an explanation of—
 - (i) the circumstances in which a person named in any such proposals as a proposed initial governor may be replaced under section 68 of this Act; and
 - (ii) the procedure applicable under this Chapter in each case in which such a replacement is required; and
 - (f) the date that will be included in any such proposals made in respect of the school if the result of the ballot is in favour of seeking grant-maintained status as the proposed date of implementation of the proposals.
- (5) Where the governing body of any school are under a duty by virtue of section 60 of this Act to secure that a ballot is held in accordance with this section they shall make available to every person employed to work at the school for inspection (at all reasonable times and free of charge) at the school a document containing the information required by subsections (3)(a) and (4) above to be given to persons eligible to vote in the ballot.
- (6) In determining the arrangements they require to be made by the prescribed body for the purposes of the ballot the governing body shall take into account any guidance given by the Secretary of State as to the arrangements he considers appropriate for ballots held in accordance with this section.
- (7) The Secretary of State shall publish any guidance given by him for the purposes of this section in such manner as he thinks fit.
- (8) Where in the case of any ballot held in respect of a school in accordance with this section other than one held by virtue of this subsection (“W”) the total number of votes cast in the ballot by persons eligible to vote in the ballot is less than fifty per cent. of the number of persons so eligible, it shall be the duty of the governing body to secure that another ballot (“W”) is held before the end of the period of fourteen days beginning with the date immediately following that on which the result of the first ballot is determined.
- (9) In any case to which subsection (8) above applies—
- (a) the result of the first ballot shall be disregarded for the purposes of section 62(1) of this Act; and

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- (b) subject to subsection (10) below, the provisions of this section shall apply as they apply in a case where the governing body of a school are under a duty by virtue of section 60 of this Act to secure that a ballot is held in accordance with this section.
- (10) In any such case—
 - (a) those provisions shall apply with the omission of subsections (3)(a) and (4); and
 - (b) subsection (5) above shall be read as if the information there referred to were the information given for the purposes of the first ballot.
- (11) If it appears to the Secretary of State—
 - (a) that any requirements of this section have been contravened in the case of any ballot held in purported compliance with this section;
 - (b) that the arrangements for any ballot so held did not accord with any guidance given by him for the purposes of this section; or
 - (c) that the governing body of any school have acted unreasonably in the discharge of their duties under this section;

he may by notice in writing given to the governing body declare the ballot void and require that a fresh ballot be held in accordance with this section before such date as he may specify in the notice.
- (12) Where a ballot is held in respect of a school in accordance with this section, the Secretary of State may pay, or reimburse the governing body of the school in respect of, the whole or any part of the expenses incurred by the governing body in respect of the ballot.
- (13) The making of any payments under subsection (12) above shall be subject to such conditions as the Secretary of State thinks fit.
- (14) For the purposes of this section, a person is eligible to vote in any ballot held in respect of a school in accordance with this section if he is—
 - (a) known to the governing body to be a parent of a registered pupil at the school; and
 - (b) named as a parent of such a pupil in the register kept in accordance with the requirements of the 1944 Act in the case of the school, as that register has effect on the date immediately following the end of the period of fourteen days beginning with the date on which the relevant resolution or request was passed or received by the governing body.
- (15) For the purposes of paragraph (a) of subsection (14) above, it shall be for the governing body to determine any question whether a person is a parent of a registered pupil at the school; and in paragraph (b) of that subsection the reference to the relevant resolution or request is a reference to the resolution or request (mentioned in section 60(4) of this Act) by reference to which the ballot is required to be held or, where the ballot is a second ballot under subsection (8) above, by reference to which the first ballot was required to be held.