



Education Act 1993

1993 CHAPTER 35

PART V

SCHOOLS FAILING TO GIVE AN ACCEPTABLE STANDARD OF EDUCATION

CHAPTER II

NEW POWERS OVER SCHOOLS REQUIRING SPECIAL MEASURES

Miscellaneous powers and restrictions

213 Schools to which sections 214 to 217 apply

Sections 214 to 217 of this Act apply only to county, voluntary and maintained special schools and do not apply to a school at any time unless, at that time—

- (a) there is a report of an inspection of the school in which the person who made it expressed the opinion that special measures were required to be taken in relation to the school,
- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school under Chapter I, he did not express the opinion in the report that special measures were not required to be taken in relation to the school, and
- (d) the Secretary of State has not exercised his powers under section 220 of this Act in relation to the school.

214 Appointment of additional governors

(1) If at any time—

- (a) this section applies in relation to any county, controlled or maintained special school, and

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- (b) the conditions in subsection (2) below are satisfied,
the local education authority may appoint such number of additional governors as they think fit.
- (2) Those conditions are that—
- (a) a copy of a statement prepared—
 - (i) in the case of a school not having a delegated budget, under section 210 of this Act, and
 - (ii) in any other case, under section 211 of this Act,
has been sent to the Secretary of State,
 - (b) the local education authority have received a notice in writing in which the Secretary of State acknowledges receipt of the copy, and
 - (c) not less than ten days have elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(c) above shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) In relation to any appointment made by the local education authority by virtue of subsection (1) above to the governing body of a school—
- (a) the instrument of government for the school, or
 - (b) if the governing body of the school are constituted in accordance with arrangements under section 12 of the Education (No. 2) Act 1986 (temporary governing bodies for new schools), those arrangements,
- shall have effect as if, notwithstanding paragraph (b) of section 3(2), (3), (4) and (5) of that Act (governing bodies for county schools, etc.), the instrument or, as the case may be, arrangements authorised the local education authority to appoint such number of additional governors as they think fit.
- (5) If at any time—
- (a) this section applies in relation to an aided or special agreement school, and
 - (b) the conditions in subsection (6) below are satisfied,
- the appropriate appointing authority may appoint such number of additional foundation governors as they think fit.
- (6) Those conditions are—
- (a) that a period of ten days has elapsed since—
 - (i) in the case of a school not having a delegated budget, the period prescribed for the purposes of section 210(3) of this Act expired, and
 - (ii) in any other case, the period allowed under section 211(3) of this Act for preparing a statement under that section expired, or
 - (b) that the Secretary of State has received a copy of a statement prepared—
 - (i) in the case of a school not having a delegated budget, under section 210 of this Act, and
 - (ii) in any other case, under section 211 of this Act,
and has served notice in writing on the appropriate appointing authority stating that the power conferred by subsection (5) above is exercisable.
- (7) The Secretary of State may by notice in writing served on the appropriate appointing authority determine that subsection (6)(a) above shall have effect as if the reference to ten days were to such shorter period as he may determine.

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- (8) In the case of any appointment made by virtue of subsection (5) above to the governing body of a school—
- (a) the instrument of government for the school, or
 - (b) if the governing body are constituted in accordance with arrangements under section 12 of the Education (No. 2) Act 1986, those arrangements,
- shall have effect as if, notwithstanding section 4(3) of that Act (foundation governors for aided and special agreement schools), the instrument or, as the case may be, arrangements authorised the appropriate appointing authority to appoint such number of additional foundation governors as they think fit.
- (9) Where in the case of any aided or special agreement school which is not a Church of England school, Church in Wales school or Roman Catholic Church school there are different powers to appoint foundation governors, references in this section (other than subsection (6) and (7)) to the appropriate appointing authority are to—
- (a) all those persons who have any such power acting jointly, or
 - (b) if they are unable to agree, such of them acting jointly, or such one of them, as the Secretary of State may, after consulting all those persons, determine.

215 Suspension of right to delegated budget

- (1) If at any time—
- (a) this section applies in relation to any county, controlled or maintained special school in respect of which financial delegation is required, and
 - (b) the conditions in subsection (2) below are satisfied,
- the local education authority may by giving the governing body of the school notice of suspension suspend the right to a delegated budget with effect from the receipt by the governing body of the notice; and a copy of the notice shall be given to the head teacher of the school at the same time as the notice is given to the governing body.
- (2) Those conditions are that—
- (a) a copy of a statement prepared under section 211 of this Act has been sent to the Secretary of State,
 - (b) the local education authority have received a notice in writing in which the Secretary of State acknowledges receipt of the copy, and
 - (c) not less than ten days have elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(c) above shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) A suspension by virtue of this section shall have effect for the purposes of Chapter III of Part I of the Education Reform Act 1988 as if made under section 37 of that Act, but subsection (8)(a) of that section (right to appeal against imposition of suspension) does not apply in relation to a suspension by virtue of this section.
- (5) Expressions used in this section and that Chapter have the same meaning as in that Chapter.

216 Grouping and de-grouping

- (1) If at any time—

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- (a) this section applies in relation to any county, voluntary or maintained special school, and
- (b) the local education authority have received a copy of the report referred to in section 213(a) of this Act,

they may not pass a resolution under section 9 of the Education (No. 2) Act 1986 (grouping of schools under single governing body) for two or more schools to be grouped if any of the schools is a school to which this section applies.

(2) If at any time—

- (a) this section applies in relation to any county, voluntary or maintained special school, and
- (b) the Secretary of State has received a copy of the report referred to in section 213(a) of this Act,

he may by order under section 9(6) of the Education (No. 2) Act 1986 bring to an end any grouping under that section of schools which include a school to which this section applies, whether or not the grouping is one in respect of which his consent was at any time required under section 10 of that Act.

217 Prohibition on ballot under Part II

(1) If at any time—

- (a) this section applies in relation to any county or voluntary school, and
- (b) the governing body have received a copy of the report referred to in section 213(a) of this Act,

then, notwithstanding anything in sections 25 or 26 of this Act, the governing body of the school may not secure that any ballot is held under Chapter II of Part II of this Act.

(2) If at any time—

- (a) this section applies in relation to a maintained special school, and
- (b) the governing body have received a copy of the report referred to in section 213(a) of this Act,

regulations under section 186 of this Act shall not apply in relation to the school.