



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Code of practice for local education authorities and maintained schools*

#### **127 Code of practice for securing effective relationships between LEAs and maintained schools.**

- (1) The Secretary of State shall issue, and may from time to time revise, a code of practice containing such practical guidance as he thinks appropriate with a view to securing effective relationships between local education authorities and the schools maintained by them—
  - (a) in relation to promoting high standards of education in such schools; and
  - (b) in relation to the discharge of relevant functions of such authorities in relation to such schools.
- (2) In discharging their functions in relation to any maintained school [<sup>F1</sup>or maintained nursery school], it shall be the duty of—
  - (a) the local education authority,
  - (b) the governing body, and
  - (c) the head teacher,to have regard to any relevant provisions of the code.
- (3) Section 85 shall apply in relation to the code as it applies in relation to a code of practice under section 84.
- (4) The Secretary of State shall publish the code as for the time being in force.

*Status: Point in time view as at 01/09/2005.*

*Changes to legislation: School Standards and Framework Act 1998, Cross Heading: Code of practice for local education authorities and maintained schools is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) The Secretary of State may under subsection (1) make different provision for England and Wales (whether or not by means of separate codes of practice); and references in this section to “the code” accordingly apply to any such separate code of practice.
- (6) For the purposes of this section the relevant functions of a local education authority are the functions exercisable by or on behalf of such an authority under—
- (a) sections 6 and 7 (so far as they relate to schools maintained by the authority),
  - (b) section 15(2),
  - (c) section 16(1),
  - [<sup>F2</sup>(cc) section 16A(1),]
  - (d) section 17(1),
  - (e) [<sup>F3</sup>section 42(3) and (4),]
  - (f) [<sup>F3</sup>sections 54 and 55,]
  - (g) section 62(1),
  - (h) [<sup>F4</sup>Schedules 9 and 11 (so far as they relate to the appointment and removal of LEA governors),]
  - (i) [<sup>F4</sup>Schedule 13,]
  - (j) paragraphs 1 and 2 of Schedule 15,
  - (k) [<sup>F5</sup>Schedules 16 and 17, and]
  - (l) [<sup>F6</sup>section 25 of the <sup>M1</sup>School Inspections Act 1996,]
  - [<sup>F7</sup>(m) regulations under section 19 of the Education Act 2002, so far as relating to the appointment of persons as local education authority governors,
    - [ section 30(3) and (4) of the 2002 Act (Governors' reports and other information),]
    - [ section 30(3) and (4) of that Act (Governors' reports and other information),]  - [<sup>F8</sup>(n) regulations under section 30(3) of that Act (governors' reports),
  - (o) regulations under section 31 of that Act (control of school premises),
  - (p) sections 35 and 36 of that Act (staffing) and regulations under those sections, and
  - (q) Schedule 2 to that Act (effect on staffing of suspension of delegated budget),]
  - [<sup>F10</sup>(r) section 51 of the Education Act 2005 (power of local education authority to inspect school for specific purpose),]
- and such other functions exercisable by or on behalf of a local education authority as the Secretary of State may determine for the purposes of this subsection.

#### Textual Amendments

- F1** Words in s. 127(2) inserted (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(2)** (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/1667, art. 4
- F2** S. 127(6)(cc) inserted (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(3)(a)** (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/124, art. 4
- F3** S. 127(6)(e)(f) repealed (1.4.2003 for E. for specified purposes, 1.9.2003 for E. In so far as not already in force, 1.9.2004 for W. for specified purposes) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(3)(b)**, **Sch. 22 Pt. 3** (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/124, art. 4; S.I. 2003/1667, art. 4; S.I. 2004/1728, art. 5, **Sch. Pt. 2**
- F4** S. 127(6)(h)(i) repealed (1.9.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 110(3)(b)**, **Sch. 22 Pt. 3** (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2003/1667, art. 4

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- F5** S. 127(6)(k) repealed (1.9.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), Sch. 21 para. 110(3)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4
- F6** S. 127(6)(l) repealed (1.9.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), Sch. 9 para. 21(a), **Sch. 19 Pt. 1**; S.I. 2005/2034, art. 4
- F7** S. 127(6)(m)-(q) inserted (1.4.2003 for E. for specified purposes, 1.9.2003 for E. for specified purposes) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 110(3)(c)** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2003/1667, art. 4
- F8** S. 127(6)(n) inserted (1.9.2003) by The Education Act 2002 (Modification and Transitional Provisions) (England) Regulations 2003 (S.I. 2003/2045), regs. 1(1), **4** (with reg. 6)
- F9** S. 127(6)(n) inserted (W.) (1.9.2004) by The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004 (S.I. 2004/1743), regs. 1(3), **4**
- F10** S. 127(6)(r) inserted (1.9.2005 for E.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 21(b)**; S.I. 2005/2034, art. 4

**Modifications etc. (not altering text)**

- C1** S. 127 applied (18.6.1999) by S.I. 1999/2022, **art. 2**.

**Marginal Citations**

- M1** 1996 c. 57.

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