



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER I

INTRODUCTORY

The new categories of schools

21 Kinds of foundation and voluntary schools and types of foundations.

- (1) There may be three kinds of foundation school—
- (a) those having a foundation established otherwise than under this Act;
 - (b) those belonging to a group of schools for which a foundation body acts under this section; and
 - (c) those not falling within either of paragraphs (a) and (b).
- (2) There may be three kinds of voluntary controlled or voluntary aided school—
- (a) those having a foundation established otherwise than under this Act;
 - (b) those belonging to a group of schools for which a foundation body acts under this section; and
 - (c) those not falling within either of paragraphs (a) and (b) but having been either of the following immediately before the appointed day, namely—
 - (i) a voluntary school, or
 - (ii) a grant-maintained school that was a voluntary school immediately before becoming grant-maintained,within the meaning of the ^{M1}Education Act 1996.

Status: Point in time view as at 25/05/2007. This version of this provision has been superseded.

Changes to legislation: School Standards and Framework Act 1998, Section 21 is up to date with all changes known to be in force on or before 22 May 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)

- (3) For the purposes of this Act—
- (a) “foundation”, in relation to a foundation or voluntary school, means—
 - (i) any body of persons (whether incorporated or not but excluding the governing body) which holds land on trust for the purposes of the school, or
 - (ii) a foundation body;
 - (b) a school “has” a foundation if—
 - (i) such a body of persons exists for holding land on trust for the purposes of the school, or
 - (ii) the school belongs to a group of schools for which a foundation body acts under this section; and
 - (c) references to land or other property held on trust, or by trustees, for the purposes of a school include references to land or other property which—
 - (i) is held on trust for purposes which (whether the trust deed expressly so provides or not) include the purposes of the school, and
 - (ii) is used for the purposes of the school.
- (4) For the purposes of this Act—
- (a) “foundation body” means a body corporate established under this section to perform, in relation to three or more schools each of which is either a foundation or a voluntary school, the following functions, namely—
 - (i) to hold property of those schools for the purposes of the schools, and
 - (ii) to appoint foundation governors for those schools; and
 - (b) “the group”, in relation to a foundation body, means the group of three or more schools for which the body performs those functions.
- (5) The Secretary of State may by regulations make provision for and in connection with—
- (a) the establishment, membership, functions and winding up of a foundation body, and
 - (b) the steps to be taken in connection with schools joining or leaving the group.
- (6) Regulations under subsection (5) may, in particular, make provision—
- (a) with respect to the transfer of property, rights and liabilities to and from a foundation body when schools join or leave the group but do not change category in accordance with Schedule 8 ^[F1]or under section 19 of the Education and Inspections Act 2006];
 - (b) with respect to the revision or replacement of the instruments of government of schools joining or leaving the group in such circumstances and the reconstitution of their governing bodies;
 - (c) authorising a foundation body to appoint foundation governors to every school in the group;
 - (d) prescribing a model instrument of government for adoption by a foundation body subject to variations approved by the Secretary of State;
 - (e) for conferring functions with respect to the resolution of disputes—
 - (i) between schools in the group, or
 - (ii) between one or more such schools and a foundation body, on such person or body as may be specified in the regulations;
 - (f) in connection with a school leaving the group—

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- (i) for requiring the publication of proposals under paragraph 2 of Schedule 8 [^{F2}or under section 19 of the Education and Inspections Act 2006] (procedure for changing category of school);
 - (ii) for enabling the Secretary of State to require the publication under that paragraph [^{F3}or that section] of proposals for the school to become a school of a category specified by him;
 - (iii) for preventing a voluntary school [^{F4}in Wales] from becoming one falling within subsection (2)(a) unless any conditions specified in pursuance of paragraph 4(2)(b) of that Schedule are satisfied in relation to the school;
 - (g) for the dissolution of a foundation body by order of the Secretary of State;
 - (h) for enabling the Secretary of State, in the case of any land held by a foundation body immediately before its dissolution which by virtue of this Act could not be disposed of without his consent [^{F5}or to the disposal of which paragraph A9 of Schedule 22 would apply], to determine how that land is to be dealt with on its dissolution;
 - (i) for conferring functions on ^{F6}... adjudicators including any functions which might otherwise be conferred on the Secretary of State.
- (7) Regulations made in pursuance of subsection (6)(b) may, in connection with the making or variation of instruments of government in preparation for schools joining or leaving the group, modify paragraph 1 of Schedule 12 in its operation in relation to such instruments of government.
- (8) The Secretary of State may, after consulting a foundation body, make an order modifying the instrument of government adopted by that body.
- (9) Regulations may make provision for applying to foundation special schools, with or without modifications—
- (a) any of the provisions of subsections (3) to (8); or
 - (b) any provision of Schedule 21 to this Act (transfers of land on appointed day).

Textual Amendments

- F1** Words in s. 21(6)(a) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(a)**; S.I. 2007/935, art. 7(o)
- F2** Words in s. 21(6)(f)(i) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(b)(i)**; S.I. 2007/935, art. 7(o)
- F3** Words in s. 21(6)(f)(ii) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(b)(ii)**; S.I. 2007/935, art. 7(o)
- F4** Words in s. 21(6)(f)(iii) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(b)(iii)**; S.I. 2007/935, art. 7(o)
- F5** Words in s. 21(6)(h) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(c)**; S.I. 2007/935, art. 7(o)
- F6** Words in s. 21(6)(i) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(d)**, **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)

Modifications etc. (not altering text)

- C1** S. 21(3) applied (with modifications) (E.) (25.5.2007) by The School Organisation (Foundation Special Schools) (Application of Provisions Relating to Foundations) (England) Regulations 2007 (S.I. 2007/1329), regs. 1(1), 2

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Marginal Citations

M1 1996 c. 56.

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