



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART II

#### NEW FRAMEWORK FOR MAINTAINED SCHOOLS

### CHAPTER III

#### GOVERNMENT OF MAINTAINED SCHOOLS

##### *Functions of governing body*

#### **38 General responsibility of governing body for conduct of school.**

- [<sup>F1</sup>(1) Subject to any other statutory provision, the conduct of a maintained school shall be under the direction of the school's governing body.
- (2) The governing body shall conduct the school with a view to promoting high standards of educational achievement at the school.
- (3) Regulations may—
- set out terms of reference for governing bodies of maintained schools;
  - define the respective roles and responsibilities of governing bodies and head teachers of such schools, whether generally or with respect to particular matters, including the curriculum for such schools;
  - confer functions on governing bodies and head teachers of such schools.
- (4) The governing body of a maintained school shall, in discharging their functions, comply with—
- the instrument of government; and
  - (subject to any other statutory provision) any trust deed relating to the school.]

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*Status: Point in time view as at 01/09/2004. This version of this provision has been superseded.*

*Changes to legislation: School Standards and Framework Act 1998, Section 38 is up to date with all changes known to be in force on or before 20 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)*

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### Textual Amendments

- F1** Ss. 36-44 repealed (1.10.2002 for E. for specified purposes, 1.4.2003 for E. for specified purposes, 1.9.2003 for E. In so far as not already in force, 31.3.2004 for W. for specified purposes, 1.9.2004 for W. for specified purposes, 31.10.2005 for W. for specified purposes, 31.3.2008 for W. in so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), **art. 3**; [S.I. 2003/124](#), **art. 4**; [S.I. 2003/1667](#), **art. 4** (with art. 6, Sch. para. 4); [S.I. 2004/912](#), art. 4, **Sch. Pt. 1**; [S.I. 2004/1728](#), art. 5, **Sch. Pt. 2**; [S.I. 2005/2910](#), art. 4, **Sch.**; [S.I. 2007/3611](#), art. 4(2), **Sch. Pt. 2**

### Commencement Information

- II** S. 38 wholly in force at 1.9.1999; s. 38 not in force at Royal Assent see s. 145(3); s. 38(3) in force at 1.10.1998 by [S.I. 1998/2212](#), **art. 2**, **Sch. 1**, Pt. I; s. 38 in force at 1.9.1999 in so far as not already in force by [S.I. 1999/2323](#), **art. 2(1)**, **Sch. 1** (with arts. 3-5, **Schs. 5-7**).

**Status:**

Point in time view as at 01/09/2004. This version of this provision has been superseded.

**Changes to legislation:**

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