



Education Act 2002

2002 CHAPTER 32

PART 3

MAINTAINED SCHOOLS

CHAPTER 1

GOVERNMENT OF MAINTAINED SCHOOLS

21 General responsibility for conduct of school

- (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—
 - (a) set out terms of reference for governing bodies of maintained schools,
 - (b) define the respective roles and responsibilities in relation to the conduct of a maintained school (whether generally or with respect to particular matters) of—
 - (i) the [^{F1}local authority],
 - (ii) the governing body, and
 - (iii) the head teacher, and
 - (c) 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—
 - (a) the instrument of government, and
 - (b) (subject to any other statutory provision) any trust deed relating to the school.

Changes to legislation: Education Act 2002, Section 21 is up to date with all changes known to be in force on or before 16 April 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) View outstanding changes

- [^{F2}(5) The governing body of a maintained school shall, in discharging their functions relating to the conduct of the school—
- (a) promote the well-being of pupils at the school, and
 - (b) in the case of a school in England, promote community cohesion.
- (6) The governing body of a maintained school shall, in discharging those functions, have regard to any relevant children and young people's plan.
- (7) In discharging those functions, the governing body of a maintained school in England shall also have regard to any views expressed by parents of registered pupils.
- (8) In this section “well-being”—
- (a) in relation to a pupils at a school in England, means their well-being so far as relating to the matters mentioned in section 10(2) of the Children Act 2004, and
 - (b) in relation to pupils at a school in Wales, means their well-being so far as relating to the matters mentioned in section 25(2) of that Act.
- (9) In this section “relevant children and young people's plan” means—
- [^{F3}(a) in relation to a school in England, any plan published by the relevant Children's Trust Board under section 17 of the Children Act 2004 (children and young people's plans: England),] and
 - [^{F4}(b) in relation to a school in Wales, a local well-being plan published under section 39 [^{F5}, 44(5) or 47(6) or (11)] of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by a public services board of which the local authority is a member.]
- [In subsection (9)(a), “the relevant Children's Trust Board” means the Children's Trust
- ^{F6}(10) Board established by arrangements made under section 10 of the Children Act 2004 by the [^{F1}local authority]^{F7} ...]]

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F2** S. 21(5)-(9) inserted (25.5.2007 for E. for specified purposes, 1.9.2007 for E. in force in so far as not already in force, 1.9.2008 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 38(1)**, 188(3); [S.I. 2007/1271](#), art. 2; [S.I. 2007/1801](#), art. 3(a); [S.I. 2008/1429](#), art. 3(3), Sch. Pt. 3
- F3** S. 21(9)(a) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 194(9)(a)**, 269(4); [S.I. 2010/303](#), art. 3, Sch. 2 (with art. 12)
- F4** S. 21(9)(b) substituted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 7**; [S.I. 2016/86](#), art. 3
- F5** Words in s. 21(9)(b) substituted (E.W.) (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(q), **Sch. 14 para. 3**
- F6** S. 21(10) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 194(9)(b)**, 269(4); [S.I. 2010/303](#), art. 3, Sch. 2 (with art. 12)
- F7** Words in s. 21(10) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 11(7), **Sch. 3 Pt. 1** (with Sch. 4 para. 2)

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Modifications etc. (not altering text)

- C1** S. 21 modified (temp.) (1.9.2004) by [The Education Act 2002 \(Transitional Provisions and Consequential Amendments\) \(Wales\) Regulations 2004 \(S.I. 2004/1743\)](#), regs. 1(3), **3**
- C2** S. 21(1) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(e)**
- C3** S. 21(2) modified (31.3.2004) by [The Blackburn with Darwen \(Maintained Nursery School Governance\) Order 2004 \(S.I. 2004/657\)](#), arts. 1(1), **3(f)**
- C4** S. 21(5)-(9) applied (with modifications) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), **Sch. 1 para. 12**

Commencement Information

- I1** S. 21 in force at 1.9.2004 for W. by [S.I. 2004/1728](#), art. 5, **Sch. Pt. 2**
- I2** S. 21(1)(2)(4) in force at 1.9.2003 except in relation to W. by [S.I. 2003/1667](#), **art. 4**
- I3** S. 21(3) in force at 1.3.2003 except in relation to W. by [S.I. 2003/124](#), **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)