

STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

EXPLANATORY NOTES

THE ACT

Ending of self-governing status of schools

Section 17 – Ending of self-governing status of schools

45. Self-governing schools were created under the Self-Governing Schools etc. (Scotland) Act 1989. They were formerly local authority schools that “opted out” following a ballot of parents. They are run by boards of management established under the 1989 Act. They are funded directly by the Scottish Ministers (although part of this funding is in turn recovered from the authority in whose area the school is situated).
46. In practice, Scottish Ministers’ power under section 17 to return a named self-governing school to local authority management may be exercised only in relation to St. Mary’s Episcopal Primary School, Dunblane which is currently the only self-governing school in Scotland.

Section 18 – Order supplementary to ending of self-governing status

47. **Section 18(1)** gives the Scottish Ministers – after making an order under section 17 – the power to make a further order in relation to the transfer of a school to local authority control following consultation with the authority. In general terms, the order-making power will be used as Scottish Ministers consider appropriate to facilitate the school’s return to local authority management.
48. **Section 18(3)** allows the Scottish Ministers, following consultation with the education authority, to recover funds where property originally purchased by a self-governing school out of money provided by government grant is sold by the local authority to whom it has transferred under section 17(3). The amount recoverable is the value of the grant or the amount received by the authority for the sale if that is less.

Section 19 – Transfer of staff of self-governing school

49. **Section 19** explains the legal effect of the transfer of staff to the employment of the authority. Subsection (1) identifies the staff to whom the section applies, i.e. those employed by the board of management in a self-governing school immediately prior to transfer to a local authority under an order made under section 17.

Sections 20 and 21 – Provision of information and educational endowments in relation to self-governing school

50. These sections deal with other ramifications of transferring self-governing schools into the local authority sector in relation to staff and the provision of information.

Section 22 – Interruption of process of transition to self-governing status

51. **Section 22** provides that if a school's proposals for self-governing status have been approved by the Secretary of State or the Scottish Ministers, but that the school has not yet assumed full self-governing status, the school's transition to self-governing status will be treated as if it had never started. The school will therefore remain within the local authority's management.
52. In practice, this provision affects only Fort William Primary School, which is currently the only school in this transitional state, i.e. where their proposals for acquisition of self-governing status have been approved, but the school has not yet assumed that status.

Section 23 – Purported disposal of property of self-governing school

53. **Section 23** requires the board of management of a self-governing school to get the permission of the Scottish Ministers to any transfer of moveable property owned by the Board on or after the date this Act came into force i.e. 14 July 2000. Scottish Ministers must consult the relevant education authority before giving consent. Any transfer of property is void if prior consent is not obtained. The intention is to prevent a Board's deliberate disposal of property in order to stop it passing to the authority.