



# Education Act 1993

## 1993 CHAPTER 35

### PART II

#### GRANT-MAINTAINED SCHOOLS

#### CHAPTER IX

##### GROUPS OF GRANT-MAINTAINED SCHOOLS

#### 117 Nature of group

- (1) Subject to the provisions of this Chapter, two or more grant-maintained schools may be conducted as a group by a single governing body.
- (2) In the case of such a group—
  - (a) there shall be an instrument (to be known as the instrument of government) providing for the constitution of the governing body, and
  - (b) for each school in the group there shall be an instrument (to be known as the articles of government) in accordance with which the school is to be conducted.
- (3) The instrument and articles of government—
  - (a) shall comply with any requirements imposed by or under this Chapter, and
  - (b) may make any provision authorised by or under this Chapter to be made and such other provision as may be necessary or desirable.
- (4) Subject to any express provision of the instrument or articles of government, each school in such a group shall be conducted in accordance with any trust deed relating to it.
- (5) Schedules 5 and 6 to this Act shall have effect in relation to groups of grant-maintained schools with such modifications as may be prescribed.

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- (6) Subject to any provision made by or under this Chapter, where there is a group of grant-maintained schools any provision of an enactment which applies to such schools shall apply separately in relation to each of the schools.
- (7) References in this Chapter to a group are to a group of grant-maintained schools conducted, or to be conducted, by a single governing body.

### **118 Instruments and articles of government for group**

- (1) The initial instrument of government for the governing body of a group and the initial articles of government for each school in the group shall be such as are prescribed.
- (2) The initial instrument of government shall have effect as from the date on which the governing body are incorporated.
- (3) The initial articles of government shall have effect as from the date of implementation of the proposals in pursuance of which the school became a member of the group.
- (4) Section 57 of this Act shall apply in relation to the governing body of a group as it applies in relation to the governing body of a grant-maintained school.
- (5) Section 58 of this Act shall apply in relation to a school in a group as it applies in relation to other grant-maintained schools.

### **119 Parent governors**

- (1) The instrument of government for the governing body of a group shall provide for the governing body to include parent governors.
- (2) The number of parent governors shall not be—
  - (a) less than three, or
  - (b) subject to paragraph (a) above, more than the number of schools in the group.
- (3) Subject to subsection (6) below, the parent governors shall be elected by persons who are registered parents of registered pupils at schools in the group, but, if any of the schools in the group is established in a hospital, the instrument may provide for any of the parent governors to be appointed by the other members of the governing body.
- (4) To qualify for such election a person must himself when he is elected be a registered parent of a registered pupil at one of the schools in the group and, to qualify for such appointment, a person must when he is appointed be such a parent or, if that is not reasonably practicable, a parent of one or more children of compulsory school age.
- (5) The instrument shall provide for each parent governor to hold office for a term of four years.
- (6) The instrument shall provide that if—
  - (a) one or more vacancies for parent governors are required to be filled by election, and
  - (b) the number of parents standing for election as parent governors is less than the number of vacancies,
 the required number of parent governors shall be made up by persons appointed by the other members of the governing body.

- (7) The instrument shall require governors, in appointing a person under a provision made by virtue of subsection (6) above—
- (a) to appoint a person who is the registered parent of a registered pupil at one of the schools in the group, where it is reasonably practicable to do so, and
  - (b) where it is not, to appoint a person who is the parent of one or more children of compulsory school age.

## **120 Teacher governors**

- (1) The instrument of government for the governing body of a group shall provide for the governing body to include either one or two teacher governors.
- (2) Each teacher governor shall be elected by persons who are teachers at schools in the group.
- (3) To qualify for such election, a person must himself when he is elected be a teacher at one of the schools in the group.
- (4) The instrument shall provide for each teacher governor to hold office for a term of four years.

## **121 Head teacher governors**

The instrument of government for the governing body of a group shall provide for the head teacher of each school in the group to be an ex officio governor, unless he chooses not to be.

## **122 Core governors**

- (1) The instrument of government for the governing body of a group shall provide for the governing body to include core governors.
- (2) Schedule 8 to this Act (which makes provision in relation to core governors for groups) shall have effect.
- (3) The instrument shall provide for core governors to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument.

## **123 Power of the Secretary of State to replace core governors**

- (1) The instrument of government for the governing body of a group shall provide for the Secretary of State to have power, where any of subsections (2) to (4) below apply, to replace all or any of the core governors, other than any externally appointed core governor appointed in respect of a particular school.
- (2) This subsection applies where the governing body have been guilty of substantial or persistent failure to comply or secure compliance with any requirement imposed by or under any enactment.
- (3) This subsection applies where—
  - (a) there is a report of an inspection of any of the schools in which the person who made it expressed the opinion that special measures were required to be taken in relation to the school,

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- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- (c) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school under Chapter I of Part V of this Act, he did not express the opinion in the report that special measures were not required to be taken in relation to the school, and
- (d) the Secretary of State has received a statement prepared under section 210 of this Act or the period allowed by subsection (2) of that section for the preparation of such a statement has expired;

and expressions used in this subsection and in that Part have the same meaning as in that Part.

- (4) This subsection applies where in the opinion of the Secretary of State any action taken or proposed by the governing body or any failure of the governing body to act is prejudicial to the provision of education by any of the schools.
- (5) The instrument of government shall enable the Secretary of State to make such provision as he thinks fit for filling vacancies for core governors other than externally appointed governors if it appears to him that the governing body are unable or unwilling to fill the vacancies.
- (6) Any provision made by the instrument of government in pursuance of Schedule 8 to this Act shall not apply for the purposes of the appointment by virtue of this section of any core governor.

#### **124 Additional governors**

- (1) The instrument of government for the governing body of a group shall enable the Secretary of State to appoint not more than two additional governors if it appears to him that the governing body are not adequately carrying out their responsibilities in respect of the conduct or management of any of the schools in the group.
- (2) The instrument shall enable the governing body, during any period when any additional governors appointed by the Secretary of State by virtue of subsection (1) above are in office, to appoint a number of additional core governors not greater than the number of additional governors appointed by the Secretary of State who are then in office.
- (3) Section 122(3) of this Act and Schedule 8 to this Act do not apply to additional core governors.

#### **125 Powers**

In the case of a group of grant-maintained schools conducted by a single governing body, that body shall have in relation to each of the schools the powers conferred by section 68 of this Act on the governing body of a grant-maintained school.

#### **126 Application of maintenance grants in the case of groups**

- (1) For each financial year the governing body of a group shall apply for the purposes of each school in the group the share of maintenance grant which is attributable to that school.

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- (2) For the purposes of subsection (1) above, in each financial year the share of maintenance grant which is attributable to each school in a group is the amount which in the case of that school is the prescribed percentage of the maintenance grant payable in respect of the school.
- (3) The governing body of a group shall not apply otherwise than for the purposes of schools in the group any payments made to them in respect of maintenance grant.
- (4) This section is subject to—
  - (a) any requirements imposed under section 84(1) or, as the case may be, 90(1) of this Act, and
  - (b) any requirements as to the application of maintenance grant contained in the articles of government for any of the schools.
- (5) In relation to groups of grant-maintained schools, this section has effect in place of section 81(3) or, as the case may be, 87(2) of this Act.

## **127 School acquiring grant-maintained status as a member of a group, etc**

- (1) Regulations may make provision—
  - (a) for two or more schools, each of which is eligible for grant-maintained status and satisfies the prescribed requirements, to become grant-maintained schools conducted by a single governing body,
  - (b) for two or more grant-maintained schools, each of which is not a member of a group and satisfies the prescribed requirements, to become a new group conducted by a single governing body,
  - (c) for a school which is eligible for grant-maintained status, or is a grant-maintained school, and satisfies the prescribed requirements to become a member of an existing group,
  - (d) for the schools in two or more existing groups, where each of the schools satisfies the prescribed requirements, to become one group, and
  - (e) for a school in a group, where the school satisfies the prescribed requirements, to leave the group but continue to be a grant-maintained school (whether as a member of a group or not).
- (2) Regulations shall require in the case of each school which is not a grant-maintained school but is to acquire grant-maintained status as a member of a group—
  - (a) a resolution of the existing governing body to hold a ballot of parents on the question of whether grant-maintained status as a member of a group should be sought for the school,
  - (b) a ballot of parents at the school,
  - (c) the publication by the existing governing body (together with the existing governing bodies of any other schools which are to acquire grant-maintained status as members of the same group) of proposals for the schools to acquire grant-maintained status and be conducted by a single governing body, and
  - (d) the approval of such proposals, as originally published or as modified by the Secretary of State (whether before or after they are approved).
- (3) Regulations shall require in the case of each grant-maintained school which is not a member of a group but is to become a member of a new group—
  - (a) a resolution for the purpose of the existing governing body,

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- (b) the publication by the existing governing body (together with the governing bodies of any other schools which are to become members of the group) of proposals for the schools to become a new group conducted by a single governing body, and
  - (c) the approval of such proposals, as originally published or as modified by the Secretary of State (whether before or after they are approved).
- (4) Regulations made by virtue of subsection (2) or (3) above shall not enable the Secretary of State to modify any proposals after approving them so as to exclude any school to which they relate; and where under such regulations the Secretary of State modifies any proposals so as to exclude any school to which they relate—
  - (a) he may not approve them without the consent of the existing governing bodies of the schools to which the proposals as modified relate, and
  - (b) if he approves them, the regulations shall have effect as if the proposals as published had related only to those schools.
- (5) Where proposals for the purposes of subsection (1)(a) or (b) above are approved, regulations shall provide—
  - (a) for the determination of the persons who are to be the initial members of the governing body,
  - (b) for their incorporation, and
  - (c) for sections 119 to 123 of this Act, Schedule 8 to this Act and the instrument of government to have effect in relation to any person who becomes a member of the governing body—
    - (i) before the date of implementation of the proposals, or
    - (ii) before the date on which the first instrument under section 57(1) of this Act for the governing body comes into effect,with such modifications as may be prescribed.
- (6) Where proposals for the purposes of subsection (1)(a) above in relation to any schools, or proposals for the purposes of subsection (1)(c) above in relation to a school which is eligible for grant-maintained status, are approved, regulations shall provide in relation to each of the schools—
  - (a) for the local education authority to cease to be under a duty to maintain the school,
  - (b) for any special agreement relating to the school to cease to have effect, and
  - (c) for the functions, during the period beginning with the approval of the proposals and ending with their implementation, of the governing body incorporated under the regulations.
- (7) Where proposals for the purposes of subsection (1)(b) above are approved, regulations shall provide for the functions, during the period beginning with the approval of the proposals and ending with their implementation, of the governing body incorporated under the regulations.
- (8) In relation to—
  - (a) any schools seeking to acquire grant-maintained status as a group or grant-maintained schools seeking to become a new group,
  - (b) any school seeking to become a member of an existing group, and
  - (c) schools in a group,

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regulations may provide for any provision of this Part of this Act, other than this Chapter, to apply with such modifications as may be prescribed.

- (9) Regulations may make provision for the governing body of a group to be reconstituted where any change occurs in the membership of the group.
- (10) The Secretary of State may instead of, or in addition to, prescribing requirements for the purposes of subsection (1) above issue guidance as to the requirements he would expect to be satisfied for any application—
  - (a) for any maintained schools, or grant-maintained schools, to become a new group,
  - (b) to join or leave a group, or
  - (c) for the merger of groups,to be approved.
- (11) This section does not apply to nursery schools.