SCHEDULES

SCHEDULE 11

Section 182.

GOVERNMENT AND CONDUCT OF GRANT-MAINTAINED SPECIAL SCHOOLS

Modifications etc. (not altering text)

C1 Sch. 11 excluded (9.5.1994) by S.I. 1994/1084, reg. 7

C2 SCh. 11 applied with modification (1.10.1994) by S.I. 1994/2281, art. 4

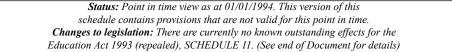
		VALID FROM 01/04/1994
	Constitution	of governing body and conduct of school
1 (1)	(a) an instrument the constitution(b) an instrument	body of a grant-maintained special school there shall be— (to be known as the instrument of government) providing for on of the governing body, and t (to be known as the articles of government) in accordance he school is to be conducted.
(2)	(a) shall comply Act, and(b) may make any	ticles of government— with any requirements imposed by or under Part III of this y provision authorised by or under that Part to be made and ovision as may be necessary or desirable.
(3)		as provision of the instrument or articles of government, the cted in accordance with any trust deed relating to it.
	tions etc. (not altering th. 11 paras. 1(2), 4 applie	g text) ed (1.10.1994) by S.I. 1994/2281, reg. 4

VALID FROM 01/04/1994 Initial instruments and articles of government 2 (1) The initial instrument of government for the governing body of a grant-maintained special school, and the initial articles of government for such a school, shall be such as are prescribed. (2) The initial instrument of government shall have effect as from the incorporation date. (3) The initial articles of government shall have effect as from the date of implementation of the proposals made under section 183(3)(a) or 186 of this Act but, in the case of a governing body incorporated in pursuance of proposals made under section 183(3)(a) of this Act, such of the articles as may be prescribed shall have effect as from the incorporation date. VALID FROM 01/04/1994 Subsequent instruments of government 3 (1) The Secretary of State may if the governing body of a grant-maintained special school submit a draft (a) of an instrument of government to have effect in place of their existing instrument, by order make a new instrument of government in terms of the draft or in such terms as he thinks fit, and if such a governing body submit draft modifications of an instrument made (b) under paragraph (a) above, by order modify the instrument concerned in terms of the draft or in such terms as he thinks fit. but shall not make a new instrument otherwise than in the terms of the draft, or modify the instrument otherwise than in terms of the draft, unless he has consulted the governing body. (2) The Secretary of State may by order modify the instrument of government for the governing body of any grant-maintained special school. (3) An order under sub-paragraph (2) above— (a) may relate to all grant-maintained special schools, to any category of such schools specified in the order or to any such school so specified, but shall not be made unless the Secretary of State has consulted the governing (b) body of each grant-maintained special school to which the order relates. (4) Where, by reason of the making of a new instrument, or the modification of an instrument, under this paragraph, the number of governors of any category will (unless the required number of governors of that category resign) exceed the number provided for in the instrument, the new instrument or, as the case may be, the instrument as modified shall provide-

- (a) for such number of governors of that category as is required to eliminate the excess to cease to hold office, and
- (b) for the selection of those who are to cease to hold office.

	VALID FROM 01/04/1994
	Subsequent articles of government
4	 (1) The governing body of a grant-maintained special school may, with the consent of the Secretary of State— (a) make new articles of government in place of the existing articles for the school, or (b) modify the existing articles for the school. (2) The Secretary of State may by a direction under this paragraph require the
	(2) The Secretary of State may by a direction under this paragraph require the governing bodies of grant-maintained special schools or any class of such schools specified in the direction or the governing body of any particular grant-maintained special school so specified to modify their articles of government in any manner so specified.
	(3) Before giving a direction under this paragraph, the Secretary of State shall consult the governing body or (as the case may be) each governing body to which the direction applies.
	VALID FROM 01/04/1994
	Parent governors
5	(1) The instrument of government for the governing body of a grant-maintained special school shall provide for the governing body to include not less than three nor more than five parent governors

- (2) Subject to sub-paragraph (5) below, the parent governors-
 - (a) in the case of a school not established in a hospital, shall be elected by persons who are registered parents of registered pupils at the school, and
 - (b) in the case of a school so established, shall be appointed by the other members of the governing body.
- (3) To qualify for such election a person must himself when he is elected be a registered parent of a registered pupil at the school; and to qualify for appointment under sub-paragraph (2)(b) above 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.
- (4) The instrument shall provide for each parent governor to hold office for a term of four years.



- (5) In the case of a school not established in a hospital, 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.

- (6) The instrument shall require governors, in appointing a person under a provision made by virtue of sub-paragraph (5) above—
 - (a) to appoint a person who is the registered parent of a registered pupil at the school, 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 with special educational needs or, if that also is not reasonably practicable, a person who is the parent of a person of any age with special educational needs.

Modifications etc. (not altering text)

- C4 Sch. 11 para. 5 modified (19.8.1994) by S.I. 1994/2003, reg. 2(2)
- C5 Sch. 11 para. 5(1) modified (19.8.1994) by S.I. 1994/2003, reg. 2(1)

VALID FROM 01/04/1994

Teacher governors

- 6 (1) The instrument of government for the governing body of a grant-maintained special school 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 the school.
 - (3) To qualify for such election, a person must himself when he is elected be a teacher at the school.
 - (4) The instrument shall provide for each teacher governor to hold office for a term of four years.

Modifications etc. (not altering text)

- C6 Sch. 11 para. 6 modified (19.8.1994) by S.I. 1994/2003, reg. 3(2)
- C7 Sch. 11 para. 6(1) modified (19.8.1994) by S.I. 1994/2003, reg. 3(1)

VALID FROM 01/04/1994

Head teacher

The instrument of government for the governing body of a grant-maintained special school shall provide for the governing body to include (as a governor ex officio) the person who is for the time being the head teacher.

Modifications etc. (not altering text) C8 Sch. 11 para. 7 modified (19.8.1994) by S.I. 1994/2003, reg. 4

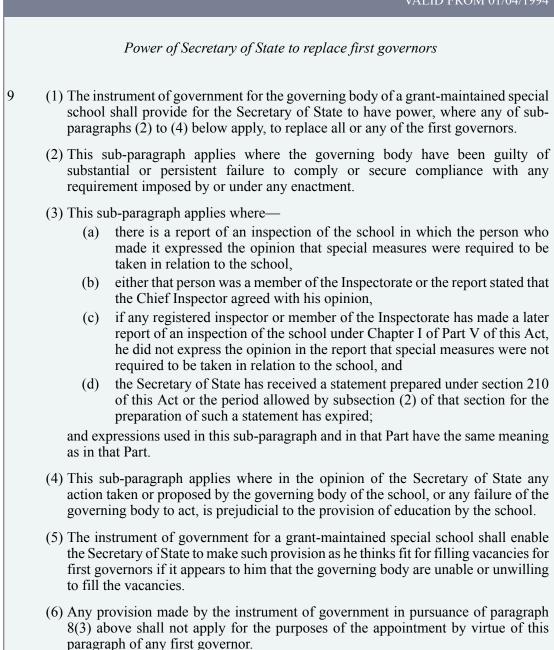
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VALID FROM 01/04/1994 First governors 8 (1) The instrument of government for the governing body of a grant-maintained special school shall provide for the governing body to include first governors. (2) The instrument shall provide for such number of first governors as will secure that they outnumber the other governors. (3) The instrument— (a) shall require— (i) that, where it is reasonably practicable, at least two of the first governors shall be (on the date or dates on which they respectively take office) parents of registered pupils at the school, and (ii) that at least two of the first governors shall be persons with experience of education for those with special educational needs, but one person may satisfy both requirements, and shall require the governing body, in appointing first governors, to secure (b) that those governors include a person appearing to them to be a member of the local business community (and such a person may also satisfy one or both of the requirements of paragraph (a)(i) and (ii) above). (4) The instrument shall provide for the first governors to be appointed by the governing body from among persons who appear to the governing body to be committed to the good government and continuing viability of the school. (5) The instrument shall provide for first governors to hold office for such term (not being less than five nor more than seven years) as may be specified in the instrument. (6) A person who is a member of the teaching or other staff at the school shall be disqualified for holding office as a first governor.

(7) References in this paragraph to governors other than first governors do not include sponsor governors.

Modifications etc. (not altering text) C9 Sch. 11 para. 8 modified (19.8.1994) by S.I. 1994/2003, reg. 5

VALID FROM 01/04/1994



VALID FROM 01/04/1994

Sponsor governors

The instrument of government for the governing body of a grant-maintained special school which provides secondary education may—

(a) name a person as a sponsor of the school, and

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(b) provide for the governing body to include such number of sponsor governors, not exceeding four, as is specified in the instrument.

VALID FROM 01/04/1994

Additional governors

- 11 (1) The instrument of government for the governing body of a grant-maintained special school 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 the school.
 - (2) The instrument shall enable the governing body, during any period when any additional governors appointed by the Secretary of State by virtue of subparagraph (1) above are in office, to appoint a number of additional first governors not greater than the number of additional governors appointed by the Secretary of State who are then in office.
 - (3) Any additional first governor appointed in pursuance of such a provision is to hold office for such term (not being more than five years) as may be specified in the terms of his appointment.

VALID FROM 01/04/1994

Powers

12 Section 68 of this Act shall have effect in relation to the governing body of a grant-maintained special school with such modifications as may be prescribed.

VALID FROM 01/04/1994

Transitory provisions

Regulations may modify the provisions of paragraphs 5 to 12 above in relation to—

- (a) the initial instrument of government, or
- (b) governors holding office, elected or appointed, before the date of implementation of the proposals in pursuance of which the governing body are constituted.

General application of enactments

14 In relation to any governing body incorporated in pursuance of proposals under section 183(3)(a) or 186 of this Act or any school conducted or formerly conducted by such a governing body, regulations may provide for any provision of—

- (a) Schedules 5 and 6 to this Act,
- (b) Chapters VI, VII, VIII and X of Part II of this Act, and
- (c) any other enactment (not contained in Part II of this Act) relating to grantmaintained schools or maintained special schools (or schools including such schools),

to have effect with or without modification.

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Status:

Point in time view as at 01/01/1994. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Education Act 1993 (repealed), SCHEDULE 11.