



Education Act 1996

1996 CHAPTER 56

PART IX

ANCILLARY FUNCTIONS

CHAPTER I

ANCILLARY FUNCTIONS OF SECRETARY OF STATE

General functions

495 Determination of disputes

- (1) Except where this Act expressly provides otherwise, any dispute between a local education authority and the governing body of a school as to the exercise of any power conferred or the performance of any duty imposed by or under this Act may be referred to the Secretary of State (despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the authority or of the governing body).
- (2) The Secretary of State shall determine any dispute referred to him under subsection (1).
- (3) Any dispute between two or more local education authorities as to which of them is responsible for the provision of education for any pupil shall be determined by the Secretary of State.

496 Power to prevent unreasonable exercise of functions

- (1) If the Secretary of State is satisfied (either on a complaint by any person or otherwise) that a body to which this section applies have acted or are proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed by or under this Act, he may give such directions as to the exercise of the power or the performance of the duty as appear to him to be expedient (and may

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do so despite any enactment which makes the exercise of the power or the performance of the duty contingent upon the opinion of the body).

- (2) The bodies to which this section applies are—
- (a) any local education authority,
 - (b) the governing body of any county, voluntary or maintained special school, and
 - (c) the governing body of any grant-maintained school.

497 General default powers

- (1) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a body to which this section applies have failed to discharge any duty imposed on them by or for the purposes of this Act, he may make an order—
- (a) declaring the body to be in default in respect of that duty, and
 - (b) giving such directions for the purpose of enforcing the performance of the duty as appear to him to be expedient.
- (2) The bodies to which this section applies are—
- (a) any local education authority,
 - (b) the governing body of any county, voluntary or maintained special school, and
 - (c) the governing body of any grant-maintained school.
- (3) Any directions given under subsection (1)(b) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

Appointment of governors, etc.

498 Powers where no properly constituted governing body

- (1) Where it appears to the Secretary of State that, by reason of the default of any person, there is no properly constituted governing body of a school to which this section applies, the Secretary of State—
- (a) may make such appointments and give such directions as he thinks desirable for the purpose of securing that there is a properly constituted governing body of that school, and
 - (b) may give directions rendering valid any acts or proceedings which in his opinion are invalid or otherwise defective by reason of the default.
- (2) This section applies to—
- (a) any county, voluntary or maintained special school, and
 - (b) any grant-maintained school.

Membership of education committees

499 Power to direct appointment of members of education committees

- (1) Subsection (2) applies to any local authorities which in accordance with section 102(1) of the Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.

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- (2) The Secretary of State may by directions to any local authorities to which this subsection applies require—
- (a) every such committee, or
 - (b) any such committee of a description specified in the direction,
- to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts.
- (3) Subsection (4) applies to any two or more local authorities which in accordance with section 102(1) of the Local Government Act 1972 have appointed any committees wholly or partly for the purpose of discharging any functions with respect to education which are conferred on them in their capacity as local education authorities.
- (4) The Secretary of State may by directions to any local authorities to which this subsection applies require—
- (a) every such committee, or
 - (b) any such committee of a description specified in the direction,
- to include persons appointed, in accordance with the directions, for securing the representation on the committee of persons who appoint foundation governors for voluntary schools in the area for which the committee acts or in such area as may be specified in the direction.
- (5) The power of the Secretary of State to give directions under subsection (2) or (4) shall be exercisable in relation to any sub-committees which—
- (a) are appointed by the authorities concerned or any such committee as is mentioned in that subsection, and
 - (b) are so appointed wholly or partly for the purpose of discharging the authorities' functions as mentioned in subsection (1) or (3) or the committee's functions with respect to education,
- as it is exercisable in relation to the committees themselves.

Rationalisation of school places

500 Directions to bring forward proposals to remedy excessive provision

- (1) Where the Secretary of State is of the opinion that the provision for primary or secondary education in maintained schools in the area of any local education authority is excessive, then, for the purpose of remedying the excess—
- (a) he may by an order under this paragraph direct the local education authority to exercise their powers to make proposals for the establishment, alteration or discontinuance of schools, and
 - (b) in the case of any voluntary school in the area, he may by an order under this paragraph direct the governing body to exercise their powers to make proposals for the alteration of their school.
- (2) Where—
- (a) the Secretary of State is of the opinion that the provision for primary or secondary education in grant-maintained schools in the area of any local education authority is excessive, and

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- (b) an order under section 27(1) (allocation of responsibility for providing sufficient school places) applies to the area,
 he may by an order under this subsection direct the funding authority to exercise their powers to make proposals for the establishment, alteration or discontinuance of schools for the purpose of remedying the excess.
- (3) An order under subsection (1) or (2) shall—
 - (a) require the proposals to be published, or (as the case may be) notice of the proposals to be served, not later than such date as may be specified in the order, and
 - (b) require the proposals to apply such principles in giving effect to the direction as may be specified in the order.
- (4) An order under subsection (1)(a) or (2) may not require the proposals to relate to any named school.

501 Directions to bring forward proposals for additional provision in maintained schools

- (1) The powers conferred by subsection (2) are exercisable where—
 - (a) an order under section 27(1)(b) applies to the area of a local education authority, and
 - (b) the Secretary of State is of the opinion that the schools providing relevant education which are available for the area are not sufficient for the purposes of section 14 and that additional provision for relevant education should be made in maintained schools in the area.
- (2) The Secretary of State may—
 - (a) by an order under this paragraph direct the local education authority to exercise their powers to make proposals for the establishment, alteration or discontinuance of schools, and
 - (b) in the case of any voluntary school in the area, by an order under this paragraph direct the governing body to exercise their powers to make proposals for the alteration of their school,

with a view (in each case) to securing that provision is made for such additional number of pupils in the area as may be specified in the order.
- (3) An order under subsection (2) shall—
 - (a) require the proposals to be published, or (as the case may be) notice of the proposals to be served, not later than such date as may be specified in the order, and
 - (b) require the proposals to apply such principles in giving effect to the direction as may be specified in the order.
- (4) An order under subsection (2)(a) may not require the proposals to relate to any named school.
- (5) Paragraph 7 of Schedule 4 does not apply in relation to the implementation of any proposals under section 35 where the Secretary of State has made an order under subsection (2) above.

502 Publication of proposals by Secretary of State

- (1) Where—
- (a) the Secretary of State has, in relation to the area of any local education authority, made an order under section 500(1) or (2) directing the local education authority, the funding authority or the governing body of a voluntary school to make proposals for the establishment, alteration or discontinuance of schools or (as the case may be) for the alteration of their school, and
 - (b) the time allowed under the order, and under any other order under that section relating to that area, for the publication of the proposals or (as the case may be) the service of notice of the proposals has expired,
- he may make in such manner as may be prescribed any such proposals as might have been made in accordance with the order or orders relating to that area by the person or persons to whom the directions were given.
- (2) Proposals made under this section shall—
- (a) include particulars of the proposed time or times of implementation of the proposals, and
 - (b) except where they are proposals to cease to maintain or discontinue any school or relate to a special school—
 - (i) include particulars of the number of pupils proposed to be admitted to the school to which the proposals relate in each relevant age group in the first school year in relation to which the proposals have been wholly implemented, and
 - (ii) if, in the case of a grant-maintained school, pupils are proposed to be admitted for nursery education, give the prescribed information.
- (3) For the purposes of subsection (2)(b)—
- (a) admission to a maintained school for nursery education shall be disregarded; and
 - (b) the transfer to a reception class of pupils admitted to a school for nursery education shall be treated as admission to the school.
- (4) Proposals made under this section shall be accompanied by a statement which—
- (a) describes any effect the implementation of the proposals would have on provision at the school for pupils who have special educational needs, and
 - (b) explains the effect of subsection (5).
- (5) Within the period of one month beginning with the date on which the proposals are made, objections to the proposals may be made by any of the following—
- (a) any ten or more local government electors for the area,
 - (b) the governing body of any school affected by the proposals and, in the case of a voluntary school, the person or persons who are named in the school's instrument of government as being entitled to appoint foundation governors,
 - (c) the appropriate further education funding council (if the proposals affect the provision of education to which section 2(1) of the Further and Higher Education Act 1992 applies), and
 - (d) any local education authority concerned.
- (6) Where—
- (a) an order under section 27 applies to the area of a local education authority, and

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(b) the Secretary of State makes proposals under this section which affect the provision of relevant education in the area,
the funding authority shall be included among the persons who may submit objections to the proposals.

(7) The reference in subsection (5) to the date on which the proposals are made is to the date on which the prescribed requirements in respect of the proposals are satisfied.

503 Public inquiry into proposals

(1) This section applies where in relation to the area of any local education authority the Secretary of State has made proposals under section 502 (otherwise than in pursuance of section 504(1)) which he has not withdrawn.

(2) If objections have been made under section 502(5) within the period allowed under that subsection, then, unless all objections so made have been withdrawn in writing within that period, the Secretary of State shall cause a local inquiry to be held to consider his proposals, any proposals he refers to the inquiry and any objections.

(3) Any proposals referred to a local inquiry under this section require the approval of the Secretary of State (if they would not require such approval apart from this subsection).

(4) Where the Secretary of State has a duty to cause a local inquiry to be held under this section, he shall refer to the inquiry—

- (a) any proposals made by him in relation to the area of the local education authority (and not withdrawn) but in respect of which he is not required under this section to cause a local inquiry to be held,
- (b) any proposals made by the local education authority, or made in relation to the area by the funding authority, in the exercise of their powers to make proposals for the establishment, alteration or discontinuance of schools (and not withdrawn), and
- (c) any proposals made by the governing body of any voluntary school in the area in exercise of their powers to make proposals for the alteration of their school (and not withdrawn),

where those proposals are not determined before he causes the inquiry to be held and appear to him to be related to the proposals made under section 502 in respect of which he is required under this section to cause the inquiry to be held.

(5) If, before the Secretary of State causes the inquiry to be held, he forms the opinion that any proposals ought to be implemented, subsection (4) does not require him to refer those proposals to the inquiry unless—

- (a) before the proceedings on the inquiry are concluded, or
- (b) (if earlier) the proposals are determined,

he subsequently forms a different opinion.

(6) It shall not be open to the inquiry to question the principles specified in the order under section 500 or 501.

(7) References in this section to the determination of any proposals are to any determination whether or not to approve, adopt or implement the proposals under section 37, 38, 43, 169 or 170, under Part III or under section 340.

504 Adoption of proposals and approval of related proposals

- (1) Where the Secretary of State has made proposals under section 502 in respect of which he is required to cause a local inquiry to be held, he may when he has considered the report of the person appointed to hold the inquiry do one or more of the following—
 - (a) adopt, with or without modifications, or determine not to adopt the proposals or any other proposals made by him under that section which he referred to the inquiry;
 - (b) approve, with or without modifications, or reject any other proposals which he referred to the inquiry; and
 - (c) make any such further proposals under section 502 as might have been made in accordance with the order or orders relating to the area of the local education authority concerned by the person or persons to whom the directions were given.
- (2) Where the Secretary of State has made proposals under section 502 in respect of which he is not required to cause a local inquiry to be held and which he is not required to refer to such an inquiry, he may, after considering any objections made under subsection (5) of that section (and not withdrawn) within the period allowed under that subsection—
 - (a) adopt the proposals with or without modifications; or
 - (b) determine not to adopt the proposals.
- (3) Proposals adopted by the Secretary of State under this section shall have effect—
 - (a) if they relate to a maintained school, as if they—
 - (i) had been made by the local education authority under their powers to make proposals for the establishment, alteration or discontinuance of schools, or
 - (ii) in the case of a voluntary school, had been made by the governing body under their powers to make proposals for the alteration of their school,and had been approved by the Secretary of State under section 37, 43 or 169 or, as the case may be, section 340; and
 - (b) if they relate to a grant-maintained school, as if they had been made by the funding authority under those powers and approved by the Secretary of State under Part III or, as the case may be, section 340;and the provisions of section 39 or 44 or Part III or, as the case may be, section 341 as to the approval of particulars of premises or proposed premises of schools shall have effect accordingly.

505 Supplementary provisions

- (1) An order under section 500 or 501 may not require any significant change to be made in the religious character of a voluntary school.
- (2) Where the governing body of a voluntary school make any proposals in pursuance of an order under section 500 or 501—
 - (a) the person or persons who are named in the school's instrument of government as being entitled to appoint foundation governors shall be included among the persons who may submit objections to the proposals, and
 - (b) the local education authority shall reimburse any expenditure reasonably incurred by the governing body in making the proposals.

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- (3) Proposals made in pursuance of an order under section 500 may not be withdrawn without the consent of the Secretary of State and such consent may be given on such conditions (if any) as the Secretary of State considers appropriate.
- (4) Where—
- (a) proposals made by the governing body of a voluntary school in pursuance of an order under section 500 or 501 are approved, or
 - (b) proposals adopted by the Secretary of State under section 504 have effect as mentioned in subsection (3)(a)(ii) of that section,
- then, despite anything in section 45(1), the local education authority shall defray the cost of implementing the proposals.
- (5) Despite anything in section 184, a county or voluntary school is not eligible for grant-maintained status—
- (a) if the local education authority have made any proposals in pursuance of an order under section 500 to cease to maintain the school which have not been withdrawn and no determination whether or not to approve or implement the proposals has been made under section 169 or 170 or section 504, or
 - (b) if the Secretary of State has made any proposals under section 502 for the local education authority to cease to maintain the school which have not been withdrawn and no determination whether or not to adopt the proposals has been made under section 504.
- (6) Section 37(4), (7) and (8) or, as the case may be, section 43(3), (4) and (5) do not apply in relation to any proposals under section 35(1)(c) or (d) or 41(2) made in pursuance of an order under section 500.
- (7) In sections 500 to 504 “powers to make proposals for the alteration of their school”, in relation to the governing body of a voluntary school, means their powers to publish proposals under section 41(2).
- (8) In sections 500 to 504—
- (a) “powers to make proposals for the establishment, alteration or discontinuance of schools” means—
 - (i) in relation to the local education authority, all or any of the powers to publish proposals under section 35 or 167,
 - (ii) in relation to the funding authority, all or any of the powers to publish proposals under sections 211, 260 or 268, and
 - (iii) in relation to either authority, the power to serve notice of proposals under section 339;
 - (b) references to maintained schools are references to county, voluntary and maintained special schools; and
 - (c) references to grant-maintained schools include grant-maintained special schools.

Medical examinations

506 Power to require medical examination of pupils

- (1) Where—
- (a) a question is referred to the Secretary of State under section 442(3) or 495, and

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- (b) in his opinion the examination of any pupil by a registered medical practitioner appointed by him for the purpose would assist in determining the question, he may serve a notice on the parent of that pupil requiring the parent to present the pupil for examination by such a practitioner.
- (2) Any parent who without reasonable excuse fails to comply with any requirements of a notice served on him under subsection (1) is guilty of an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Local inquiries

507 Power to direct local inquiries

- (1) The Secretary of State may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act.
- (2) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving evidence at and defraying costs of local inquiries) shall have effect with respect to any such inquiry as they have effect with respect to an inquiry held under that section.

CHAPTER II

ANCILLARY FUNCTIONS OF LOCAL EDUCATION AUTHORITIES

Provision of services

508 Functions in respect of facilities for recreation and social and physical training

- (1) A local education authority shall secure that the facilities for primary, secondary and further education provided for their area include adequate facilities for recreation and social and physical training.
- (2) For that purpose a local education authority—
 - (a) may establish, maintain and manage, or assist the establishment, maintenance and management of,—
 - (i) camps, holiday classes, playing fields, play centres, and
 - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary, secondary or further education;
 - (b) may organise games, expeditions and other activities for such persons; and
 - (c) may defray, or contribute towards, the expenses of such games, expeditions and other activities.
- (3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

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509 Provision of transport etc

- (1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purpose of facilitating the attendance of persons receiving education—
 - (a) at schools,
 - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),
 - (c) at any institution within the further education sector, or
 - (d) at any institution outside both the further and the higher education sectors, where a further education funding council has secured provision for those persons at the institution under section 4(3) or (5) of the Further and Higher Education Act 1992.
- (2) Any transport provided in pursuance of arrangements under subsection (1) shall be provided free of charge.
- (3) A local education authority may pay the whole or any part, as they think fit, of the reasonable travelling expenses of any person receiving education—
 - (a) at a school, or
 - (b) at any such institution as is mentioned in subsection (1),
 for whose transport no arrangements are made under that subsection.
- (4) In considering whether or not they are required by subsection (1) to make arrangements in relation to a particular person, a local education authority shall have regard (amongst other things)—
 - (a) to the age of the person and the nature of the route, or alternative routes, which he could reasonably be expected to take; and
 - (b) to any wish of his parent for him to be provided with education at a school or institution in which the religious education provided is that of the religion or denomination to which his parent adheres.
- (5) Arrangements made by a local education authority under subsection (1) shall—
 - (a) make provision for pupils at grant-maintained schools which is no less favourable than the provision made in pursuance of the arrangements for pupils at schools maintained by a local education authority;
 - (b) make provision for persons receiving full-time education at any institution within the further education sector which is no less favourable than the provision made in pursuance of the arrangements for pupils of the same age at schools maintained by a local education authority; and
 - (c) make provision for persons receiving full-time education at institutions mentioned in subsection (1)(d) which is no less favourable than—
 - (i) the provision made in pursuance of the arrangements for persons of the same age with learning difficulties (within the meaning of section 15(5)) at schools maintained by a local education authority, or
 - (ii) where there are no such arrangements, the provision made in pursuance of the arrangements for such persons for whom the authority secures the provision of education at any other institution.
- (6) Regulations under section 414(6) may require publication (within the meaning of that section) by every local education authority of such information as may be required by the regulations with respect to the authority's policy and arrangements for provision

under this section for persons attending institutions mentioned in subsection (1)(c) or (d) who are over compulsory school age and who have not attained the age of 19.

510 Provision of clothing

- (1) A local education authority may provide clothing for—
 - (a) any pupil who is a boarder at an educational institution maintained by the authority or at a grant-maintained school,
 - (b) any pupil at a nursery school maintained by the authority, and
 - (c) any pupil in a nursery class at a school maintained by the authority or at a grant-maintained school.
- (2) A local education authority may also provide clothing for any pupil—
 - (a) for whom they are providing board and lodging elsewhere than at an educational institution maintained by them, and
 - (b) for whom special educational provision is made in pursuance of arrangements made by them.
- (3) Where it appears to a local education authority, in a case where neither subsection (1) nor subsection (2) applies, that a pupil at—
 - (a) a school maintained by them or a grant-maintained school, or
 - (b) a special school (whether maintained by them or not),is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in their opinion is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (4) A local education authority may provide—
 - (a) for pupils at a school maintained by them, at a grant-maintained school or at an institution maintained by them which provides further education or higher education (or both),
 - (b) for persons who have not attained the age of 19 and who are receiving education at an institution within the further education sector, and
 - (c) for persons who make use of facilities for physical training made available for them by the authority under section 508(2),such articles of clothing as the authority may determine suitable for the physical training provided at that school or institution or under those facilities.
- (5) A local education authority may—
 - (a) with the consent of the proprietor of a school not maintained by the authority, other than a grant-maintained school or special school, and
 - (b) on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor,make arrangements, in the case of any pupil at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, for securing for the pupil the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (6) Any arrangements made under subsection (5) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements does not exceed the expense which would have

been incurred by them in the provision of it if the pupil had been a pupil at a school maintained by them.

511 Provisions supplementary to section 510

- (1) Provision of clothing under section 510 may be made in such way as to confer either a right of property in the clothing or a right of user only (at the option of the providing authority), except in any circumstances for which the adoption of one or other of those ways of making such provision is prescribed.
- (2) Where a local education authority have provided a person with clothing under section 510, then, in such circumstances respectively as may be prescribed—
 - (a) the authority shall require his parent to pay to them in respect of its provision such sum (if any) as in their opinion he is able to pay without financial hardship, not exceeding the cost to the authority of its provision;
 - (b) the authority may require his parent to pay to them in respect of its provision such sum as is mentioned in paragraph (a) or any lesser sum; or
 - (c) his parent shall not be required to pay any sum in respect of its provision.
- (3) Any sum which a parent is duly required to pay by virtue of subsection (2)(a) or (b) may be recovered summarily as a civil debt.
- (4) Where a person who has attained the age of 18 (other than a registered pupil at a school) is provided with clothing under section 510, any reference in subsection (2) or (3) to his parent shall be read as a reference to him.

512 Provision of meals etc. at schools maintained by local education authorities

- (1) A local education authority may provide registered pupils at any school maintained by them with milk, meals and other refreshment, either on the school premises or at any place other than the school premises where education is being provided.
- (2) Subject to subsection (3), a local education authority shall—
 - (a) charge for anything provided by them under subsection (1), and
 - (b) charge every pupil the same price for the same quantity of the same item.
- (3) In relation to a pupil whose parents are in receipt of income support or of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995) or who is himself in receipt of that benefit, a local education authority—
 - (a) shall so exercise their power under subsection (1) as to ensure that such provision is made for him in the middle of the day as appears to them to be requisite, and
 - (b) shall make that provision for him free of charge.
- (4) A local education authority shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
- (5) Subsections (1) and (4) shall apply in relation to—
 - (a) persons, other than pupils, who receive education at a school maintained by a local education authority, and
 - (b) the authority maintaining the school,

as they apply in relation to pupils at any such school and the authority maintaining the school; and a local education authority shall charge for anything provided under subsection (1) as it so applies, and shall charge every such person the same price for the same quantity of the same item.

513 Provision of meals etc. at schools not maintained by local education authorities

- (1) A local education authority may, with the consent of the proprietor of a school in their area which is not maintained by them, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school.
- (2) Any arrangements under this section—
 - (a) shall be on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school; and
 - (b) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or item under the arrangements shall not exceed the expense which would have been incurred by them in providing it if the pupil had been a pupil at a school maintained by them.

514 Provision of board and lodging otherwise than at school

- (1) Where a local education authority are satisfied with respect to any pupil—
 - (a) that primary or secondary education suitable to his age, ability and aptitude and to any special educational needs he may have can best be provided for him at a particular county, voluntary, grant-maintained or special school, but
 - (b) that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school,they may provide such board and lodging for him under such arrangements as they think fit.
- (2) Where a local education authority are satisfied with respect to a pupil with special educational needs that provision of board and lodging for him is necessary for enabling him to receive the required special educational provision, they may provide such board and lodging for him under such arrangements as they think fit.
- (3) In making any arrangements under this section, a local education authority shall, so far as practicable, give effect to the wishes of the pupil's parent as to the religion or religious denomination of the person with whom the pupil will reside.
- (4) Subject to subsection (5), where a local education authority have provided a pupil with board and lodging under arrangements under this section, they shall require the pupil's parent to pay them such sums, if any, in respect of the board and lodging as in their opinion he is able to pay without financial hardship.
- (5) No sum is recoverable under subsection (4) if the arrangements were made by the authority on the ground that in their opinion education suitable to the pupil's age, ability and aptitude or special educational needs could not otherwise be provided for him.
- (6) The sums recoverable under subsection (4) shall not exceed the cost to the authority of providing the board and lodging.
- (7) Any sum payable under subsection (4) may be recovered summarily as a civil debt.

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515 Provision of teaching services for day nurseries

- (1) Subject to subsection (2), a local education authority may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who—
 - (a) is employed by them in a nursery school or in a primary school having one or more nursery classes, and
 - (b) has agreed to provide his services for the purposes of the arrangements.
- (2) Arrangements under subsection (1) in respect of a teacher in a voluntary school require the concurrence of the governing body of the school.
- (3) Arrangements under this section may make provision—
 - (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;
 - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery; and
 - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.
- (4) In this section “day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children).
- (5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

516 Supply by LEA of goods and services to grant-maintained and grant-maintained special schools

- (1) Where the Secretary of State by order provides for this section to apply to a local education authority, the functions of the authority shall include the supply by the authority of such goods or services as may be specified in the order to the governing bodies of grant-maintained schools or grant-maintained special schools in such area as may be so specified.
- (2) The area specified in the order may not extend beyond the area which comprises—
 - (a) the area of the authority, and
 - (b) the area of any other local education authority which shares any boundary with the authority.
- (3) The terms on which goods and services are supplied by a local education authority in the exercise of a function exercisable by virtue of this section shall be such as can reasonably be expected to secure that the full cost of exercising the function is recovered by the authority.
- (4) This section shall not apply to a local education authority after the end of the period of two years beginning with the time when it first applies to the authority.

- (5) This section is without prejudice to the generality of any other enactment conferring functions on local education authorities.

Payment of fees

517 Payment of fees at schools not maintained by a local education authority

- (1) Where, in pursuance of arrangements made under section 18 or Part IV (special educational needs), primary or secondary education is provided for a pupil at a school not maintained by them or another local education authority, the local education authority by whom the arrangements are made shall—
- (a) if subsection (2), (3) or (4) applies, pay the whole of the fees payable in respect of the education provided in pursuance of the arrangements; and
 - (b) if board and lodging are provided for the pupil at the school and subsection (5) applies, pay the whole of the fees payable in respect of the board and lodging.
- (2) This subsection applies where—
- (a) the pupil fills a place in the school which the proprietor of the school has put at the disposal of the authority; and
 - (b) the school is one in respect of which grants are made by the Secretary of State under section 485.
- (3) This subsection applies where the authority are satisfied that, by reason of a shortage of places in every school maintained by them or another local education authority to which the pupil could be sent with reasonable convenience, education suitable—
- (a) to his age, ability and aptitude, and
 - (b) to any special educational needs he may have,
- cannot be provided by them for him except at a school not maintained by them or another local education authority.
- (4) This subsection applies where (in a case in which neither subsection (2) nor subsection (3) applies) the authority are satisfied—
- (a) that the pupil has special educational needs, and
 - (b) that it is expedient in his interests that the required special educational provision should be made for him at a school not maintained by them or another local education authority.
- (5) This subsection applies where the authority are satisfied that education suitable—
- (a) to the pupil's age, ability and aptitude, and
 - (b) to any special educational needs he may have,
- cannot be provided by them for him at any school unless board and lodging are also provided for him (either at school or elsewhere)
- (6) As from such day as the Secretary of State may by order appoint this section shall have effect with the following modifications—
- (a) in subsections (1) and (3), for “not maintained by them or another local education authority” substitute “which is neither a maintained nor a grant-maintained school”;
 - (b) in subsection (3), for “every school maintained by them or another local education authority” substitute “every maintained or grant-maintained school”;

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- (c) in subsections (3) and (5), for “provided by them” substitute “provided”;
- (d) omit subsection (4) and the reference to it in subsection (1); and
- (e) at the end add—

“(7) In this section “grant-maintained school” includes a grant-maintained special school, and subsection (5) does not apply where section 348(2) applies.”

- (7) An order under subsection (6) may appoint different days for different provisions and for different purposes.

518 Payment of school fees and expenses; grant of scholarships etc

Regulations shall empower local education authorities, for the purpose of enabling persons to take advantage without hardship to themselves or their parents of any educational facilities available to them—

- (a) to defray such expenses of children attending county, voluntary, grant-maintained or special schools as may be necessary to enable them to take part in any school activities, and
- (b) to pay the whole or any part of the fees and expenses payable in respect of children attending schools at which fees are payable, and
- (c) to grant scholarships, exhibitions, bursaries and other allowances in respect of persons over compulsory school age.

Allowances for governors

519 Travelling and subsistence allowances for governors of schools and further or higher education institutions

- (1) A local education authority may, in accordance with the provisions of a scheme made by them for the purposes of this section, pay travelling and subsistence allowances to governors of—
 - (a) any county, voluntary or maintained special school which does not have a delegated budget (construed in accordance with section 115); and
 - (b) any institution providing higher education or further education (or both) which is maintained by a local education authority.
- (2) Such a scheme may make different provision in relation to schools or other institutions of different categories (including provision for allowances not to be paid in respect of certain categories) but shall not make different provision in relation to different categories of governor of the same school or institution.
- (3) Subject to subsections (4) and (5), a local education authority may pay travelling and subsistence allowances to any person appointed to represent them on the governing body of—
 - (a) any institution providing higher education or further education (or both) which is not maintained by them; or
 - (b) any independent school or special school which is not maintained by them.
- (4) A local education authority shall not pay any allowance under subsection (3) for expenses in respect of which the person incurring them is entitled to reimbursement by any person other than the authority.

- (5) A local education authority shall not pay any allowance under subsection (3) if they have not made any scheme under subsection (1) or if the arrangements under which the allowance would otherwise be payable—
- (a) provide for allowances which are to any extent more generous than the most generous payable by the authority under any such scheme; or
 - (b) contain any provision which the authority would not have power to include in any such scheme.
- (6) No allowance may be paid to any governor of a school or institution of a kind mentioned in subsection (1), in respect of the discharge of his functions as such a governor, otherwise than under this section.

Medical arrangements

520 Medical inspection and treatment of pupils

- (1) A local education authority shall make arrangements for encouraging and assisting pupils to take advantage of the provision for medical and dental inspection and treatment made for them in pursuance of section 5(1) or (1A) of the National Health Service Act 1977 or paragraph 1(a)(i) of Schedule 1 to that Act.
- (2) If the parent of a pupil gives notice to the authority that he objects to the pupil availing himself of any of the provision so made, the pupil shall not be encouraged or assisted to do so.
- (3) A local education authority's duty under subsection (1) does not apply in relation to pupils at a grant-maintained school (in relation to whom the school's governing body have a similar duty under section 536(1)).

Cleanliness of pupils

521 Examination of pupils for cleanliness

- (1) A local education authority may by directions in writing authorise a medical officer of theirs to have the persons and clothing of pupils in attendance at relevant schools examined whenever in his opinion such examinations are necessary in the interests of cleanliness.
- (2) Directions under subsection (1) may be given with respect to—
- (a) all relevant schools, or
 - (b) any relevant schools named in the directions.
- (3) An examination under this section shall be made by a person authorised by the authority to make such examinations; and, if the examination is of a girl, it shall not be made by a man unless he is a registered medical practitioner.
- (4) For the purposes of this section “relevant schools” are—
- (a) schools maintained by the authority; and
 - (b) grant-maintained schools within the authority's area.

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522 Compulsory cleansing of a pupil

- (1) If, on an examination under section 521, the person or clothing of a pupil is found to be infested with vermin or in a foul condition, any officer of the local education authority may serve a notice on the pupil's parent requiring him to cause the pupil's person and clothing to be cleansed.
- (2) The notice shall inform the parent that, unless within the period specified in the notice the pupil's person and clothing are cleansed to the satisfaction of such person as is specified in the notice, the cleansing will be carried out under arrangements made by the authority.
- (3) The period so specified shall not be less than 24 hours from the service of the notice.
- (4) If, on a report being made to him by the specified person at the end of the specified period, a medical officer of the authority is not satisfied that the pupil's person and clothing have been properly cleansed, he may by order direct that they shall be cleansed under arrangements made by the authority under section 523.
- (5) An order made under subsection (4) shall be sufficient to authorise any officer of the authority—
 - (a) to cause the pupil's person and clothing to be cleansed in accordance with arrangements made by the authority under section 523, and
 - (b) for that purpose to convey the pupil to, and detain him at, any premises provided in accordance with such arrangements.

523 Arrangements for cleansing of pupils

- (1) A local education authority shall make arrangements for securing that the person or clothing of any pupil required to be cleansed under section 522 may be cleansed (whether at the request of a parent or in pursuance of an order under section 522(4)) at suitable premises, by suitable persons and with suitable appliances.
- (2) Where the council of a district in the area of the authority are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined—
 - (a) by agreement between the authority and the council, or
 - (b) in default of such agreement, by the Secretary of State.
- (3) Subsection (2) does not apply in relation to Wales.
- (4) A girl may be cleansed under arrangements under this section only by a registered medical practitioner or by a woman authorised for the purpose by the authority.

524 Exclusion of a pupil pending examination or cleansing

- (1) Where—
 - (a) a medical officer of a local education authority suspects that the person or clothing of a pupil in attendance at a relevant school is infested with vermin or in a foul condition, but
 - (b) action for the examination or cleansing of the pupil's person and clothing cannot be taken immediately,

the medical officer may direct that the pupil is to be excluded from the school until such action has been taken, if he considers it necessary to do so in the interests either of the pupil or of other pupils in attendance at the school.

- (2) A direction under subsection (1) is a defence to any proceedings under Chapter II of Part VI in respect of the failure of the pupil to attend school on any day on which he is excluded in pursuance of the direction, unless it is proved that the giving of the direction was necessitated by the wilful default of the pupil or his parent.
- (3) For the purposes of this section a “relevant school” is—
 - (a) a school maintained by the local education authority, or
 - (b) a grant-maintained school within the authority’s area.

525 Offence of neglecting the cleanliness of a pupil

- (1) If, after the person or clothing of a pupil has been cleansed under section 522—
 - (a) his person or clothing is again infested with vermin, or in a foul condition, at any time while he is in attendance at a relevant school, and
 - (b) the condition of his person or clothing is due to neglect on the part of his parent,the parent is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (3) For the purposes of this section a “relevant school” is a school maintained by a local education authority or a grant-maintained school.

Educational research and conferences

526 Powers as to educational research

A local education authority may make such provision for conducting, or assisting the conduct of, research as appears to them to be desirable for the purpose of improving the educational facilities provided for their area.

527 Powers as to educational conferences

A local education authority may—

- (a) organise, or participate in the organisation of, conferences for the discussion of questions relating to education, and
- (b) expend such sums as may be reasonable in paying, or contributing towards, any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorised by them to attend such a conference.

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Disability statements relating to further education

528 Duty of LEA to publish disability statements relating to further education

- (1) Every local education authority shall publish disability statements at such intervals as may be prescribed.
- (2) In subsection (1) “disability statement” means a statement containing information of a prescribed description about the provision of facilities for further education made by the local education authority in respect of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995.

Acquisition and holding of property

529 Power to accept gifts on trust for educational purposes

- (1) A local education authority may accept, hold and administer any property on trust for purposes connected with education.
- (2) Any intention on the part of a local education authority that a school (other than a nursery school or a special school) should be vested in the authority as trustees shall be treated for the purposes of section 35(1) as an intention to maintain the school as a county school (so that proposals for that purpose shall be published and submitted as required by that subsection); and the other provisions of section 35 and sections 36 to 40 shall apply accordingly.
- (3) Any school which in accordance with subsection (2) is vested in a local education authority as trustees shall be a county school.

530 Compulsory purchase of land

- (1) The Secretary of State may authorise a local education authority to purchase compulsorily any land (whether within or outside their area) which—
 - (a) is required for the purposes of any school or institution which is, or is to be, maintained by them or which they have power to assist, or
 - (b) is otherwise required for the purposes of their functions under this Act.
- (2) The Secretary of State shall not authorise the compulsory purchase of any land required for the purposes of a voluntary school unless he is satisfied that the arrangements made—
 - (a) as to the vesting of the land to be purchased, and
 - (b) as to the appropriation of that land for the purposes of the school,
 are such as to secure that the expenditure ultimately borne by the local education authority will not include any expenditure which, if the land had been purchased by the governing body of the school, would have fallen to be borne by the governing body.
- (3) Subsection (2) shall not, however, apply where the local education authority propose that expenditure to be incurred in connection with the purchase should ultimately be borne by them under section 68 (power to give assistance).
- (4) In this section “land” includes buildings and other structures and land covered with water.

531 Acquisition of land by agreement

- (1) For the removal of doubt, it is declared that making land available for the purposes of a school or institution—
- (a) which is, or is to be, maintained by a local education authority, or
 - (b) which such an authority have power to assist,
- is a function of the authority within the meaning of section 120 of the Local Government Act 1972 (which relates to the acquisition by a local authority by agreement of land for the purpose of any of their functions), even though the land will not be held by the authority.
- (2) A local education authority shall not acquire by agreement any land required for the purposes of a voluntary school unless they are satisfied that the arrangements made—
- (a) as to the vesting of the land to be acquired, and
 - (b) as to the appropriation of that land for the purposes of the school,
- are such as to secure that the expenditure ultimately borne by them will not include any expenditure which, if the land had been acquired by the governing body of the school, would have fallen to be borne by the governing body.

Appointment of chief education officer

532 Appointment of chief education officer

A local education authority's duties under the Local Government Act 1972 with respect to the appointment of officers shall (without prejudice to the generality of the provisions of that Act) include the duty of appointing a fit person to be the chief education officer of the authority.

CHAPTER III

ANCILLARY FUNCTIONS OF GOVERNING BODIES

Provision of services

533 Duties of governing bodies of maintained schools with respect to provision of school meals etc

- (1) The governing body of any school maintained by a local education authority shall—
- (a) afford the authority such facilities as they require to enable them to perform their functions under section 512, and
 - (b) allow the authority to make such use of the premises and equipment of the school, and such alterations to the school buildings, as the authority consider necessary for that purpose.
- (2) Nothing in subsection (1) shall require the governing body of a voluntary school to incur any expenditure.
- (3) Where the governing body of a school which has a delegated budget (within the meaning of Part II) provide pupils or other persons who receive education at the school with milk, meals or other refreshment, they shall—

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- (a) charge for everything so provided,
- (b) charge every such pupil the same price for the same quantity of the same item, and
- (c) charge every person other than a pupil the same price for the same quantity of the same item.

534 Duties of governing bodies of grant-maintained schools with respect to provision of school meals etc

- (1) The governing body of a grant-maintained school may provide registered pupils at the school with milk, meals and other refreshment, either on the school premises or at any place other than the school premises where education is being provided.
- (2) Subject to subsection (3), a governing body shall—
 - (a) charge for anything provided by them under subsection (1), and
 - (b) charge every pupil the same price for the same quantity of the same item.
- (3) In relation to a pupil whose parents are in receipt of income support or of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995) or who is himself in receipt of that benefit, a governing body—
 - (a) shall so exercise their power under subsection (1) as to ensure that such provision is made for him in the middle of the day as appears to them to be requisite, and
 - (b) shall make that provision for him free of charge.
- (4) A governing body of a grant-maintained school shall provide at the school such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
- (5) Subsections (1) and (4) shall apply in relation to—
 - (a) persons, other than pupils, who receive education at a grant-maintained school, and
 - (b) the governing body of the school,
 as they apply in relation to pupils at any such school and its governing body; and a governing body shall charge for anything provided under subsection (1) as it so applies, and shall charge every such person the same price for the same quantity of the same item.

535 Provision of teaching services for day nurseries

- (1) Subject to subsection (2), the governing body of a county or voluntary primary school having one or more nursery classes may, in accordance with arrangements made by them for that purpose, make available to a day nursery the services of any teacher who is employed by them in the school and has agreed to provide his services for the purposes of the arrangements.
- (2) No arrangements shall be made under subsection (1) except at the request of the local education authority and on terms approved by them.
- (3) Arrangements under this section may make provision—
 - (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements,

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- (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery, and
 - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.
- (4) In this section “day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children).
- (5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

Medical arrangements

536 Medical inspection and treatment of pupils at grant-maintained schools

- (1) The governing body of a grant-maintained school shall make arrangements for encouraging and assisting pupils at the school to take advantage of the provision for medical and dental inspection and treatment made for them in pursuance of section 5(1) or (1A) of the National Health Service Act 1977 or paragraph 1(a)(i) of Schedule 1 to that Act.
- (2) If the parent of a pupil gives notice to the governing body that he objects to the pupil availing himself of any of the provision so made, the pupil shall not be encouraged or assisted to do so.

CHAPTER IV

PROVISION OF INFORMATION BY GOVERNING BODIES ETC.

537 Power of Secretary of State to require information from governing bodies etc

- (1) The Secretary of State may by regulations make provision requiring—
- (a) the governing body of every school which is—
 - (i) maintained by a local education authority, or
 - (ii) a grant-maintained school, or
 - (iii) a special school which is not maintained by a local education authority, and
 - (b) the proprietor of each independent school,
- to provide such information about the school as may be prescribed.
- (2) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (3) Where the Secretary of State exercises his power to make regulations under this section he shall do so with a view to making available information which is likely to—

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- (a) assist parents in choosing schools for their children;
 - (b) increase public awareness of the quality of the education provided by the schools concerned and of the educational standards achieved in those schools; or
 - (c) assist in assessing the degree of efficiency with which the financial resources of those schools are managed.
- (4) Information which is required by virtue of regulations under this section shall be provided—
 - (a) in such form and manner,
 - (b) on such occasions, and
 - (c) to such person or persons, in addition to or in place of the Secretary of State, as may be prescribed.
- (5) No information provided in accordance with regulations under this section shall name any pupil to whom it relates.
- (6) The Secretary of State may—
 - (a) publish information provided in accordance with regulations under this section in such form and manner as he considers appropriate;
 - (b) make arrangements for such information to be published in such form and manner, and by such persons, as he may specify for the purposes of this section;
 - (c) make regulations requiring local education authorities to publish prescribed categories of such information, together with such supplementary information as may be prescribed, in such form and manner as may be prescribed.
- (7) The Secretary of State may make regulations requiring—
 - (a) the governing body of any school which is maintained by a local education authority or which is a grant-maintained school,
 - (b) the proprietor of any city technology college or city college for the technology of the arts, or
 - (c) any local education authority,to provide prescribed persons with prescribed categories of information published under subsection (6).
- (8) Information provided under subsection (7) shall be provided in such form and manner as may be prescribed.
- (9) Regulations under this section may make provision enabling the Secretary of State, in such circumstances as may be prescribed, to order the deletion from the register of independent schools of the name of any independent school the proprietor of which fails to comply with any requirement imposed by or under the regulations.
- (10) In subsection (9) “the register of independent schools” means—
 - (a) in relation to any school in England, the register of independent schools kept under section 464 by the Registrar of Independent Schools for England; and
 - (b) in relation to any school in Wales, the equivalent register kept by the Registrar of Independent Schools for Wales.
- (11) Without prejudice to the generality of section 569(4), regulations under this section may make provision for the designation by the Secretary of State, in accordance with

the regulations, of particular schools or classes of schools for the purposes of the application of particular provisions of the regulations in relation to such schools.

- (12) This section is not to be taken as restricting, or otherwise affecting, any other powers that the Secretary of State may have to make regulations with respect to, or otherwise to require, the provision of information by any person.
- (13) This section does not apply to nursery schools.

538 Provision of information to Secretary of State by governing bodies of maintained schools

The governing body or temporary governing body of a county, voluntary or maintained special school shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of the exercise of his functions in relation to education.

539 Provision of information by governing body of grant-maintained schools

- (1) The governing body of a grant-maintained school shall publish, at such times and in such manner as may be required by regulations made by the Secretary of State, such information in respect of the school as may be so required.
- (2) The governing body shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of his functions in relation to education.
- (3) The governing body shall make such reports and returns, and give such information, to the funding authority as they may require for the purpose of the exercise of their functions.
- (4) The governing body shall make such reports and returns, and give such information, to any local education authority by whom any functions are exercisable—
- (a) in relation to the school, or
 - (b) in relation to registered pupils at the school,
- as the authority may require for the purpose of the exercise of those functions.
- (5) The governing body shall make such reports and returns, and give such information, in relation to registered pupils at the school aged five or under as any local education authority may require for the purpose of exercising their functions under section 19(1) (a) of the Children Act 1989 (review of provision for day care).

540 Distribution of information about schools providing secondary education

- (1) Where the governing body of any school providing primary education receive a request which—
- (a) is made by the governing body of any school providing secondary education, and
 - (b) relates to the distribution of information about the school providing secondary education to parents of pupils at the school providing primary education without charge to those parents,
- the governing body of that school shall secure that the request is treated no less favourably (whether as to services provided or as to the terms on which they are

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provided) than any such request made by the governing body of any other school providing secondary education.

- (2) In this section “school” means—
- (a) any county or voluntary school or any maintained special school which is not established in a hospital, or
 - (b) any grant-maintained school or any grant-maintained special school.

541 Distribution of information about further education institutions

- (1) The Secretary of State may by regulations require—
- (a) the governing body of any school providing secondary education, and
 - (b) the proprietor of any city technology college or city college for the technology of the arts,
- to provide such persons as may be prescribed with such categories of information falling within subsection (2) as may be prescribed.
- (2) Information falls within this subsection if it is—
- (a) published under section 50 of the Further and Higher Education Act 1992 (information with respect to institutions within the further education sector), and
 - (b) made available to governing bodies and proprietors for distribution.
- (3) Information provided under subsection (1) shall be provided in such form and manner as may be prescribed.
- (4) In this section “school” means—
- (a) any county or voluntary school or any maintained special school which is not established in a hospital, or
 - (b) any grant-maintained school or any grant-maintained special school.