



School Standards and Framework Act 1998

1998 CHAPTER 31

PART II

NEW FRAMEWORK FOR MAINTAINED SCHOOLS

CHAPTER I

INTRODUCTORY

The new categories of schools

21 Kinds of foundation and voluntary schools and types of foundations.

- (1) There may be three kinds of foundation school—
 - (a) those having a foundation established otherwise than under this Act;
 - (b) those belonging to a group of schools for which a foundation body acts under this section; and
 - (c) those not falling within either of paragraphs (a) and (b).
- (2) There may be three kinds of voluntary controlled or voluntary aided school—
 - (a) those having a foundation established otherwise than under this Act;
 - (b) those belonging to a group of schools for which a foundation body acts under this section; and
 - (c) those not falling within either of paragraphs (a) and (b) but having been either of the following immediately before the appointed day, namely—
 - (i) a voluntary school, or
 - (ii) a grant-maintained school that was a voluntary school immediately before becoming grant-maintained,within the meaning of the ^{M1}Education Act 1996.

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- (3) For the purposes of this Act—
- (a) “foundation”, in relation to a foundation or voluntary school, means—
 - (i) any body of persons (whether incorporated or not but excluding the governing body) which holds land on trust for the purposes of the school, or
 - (ii) a foundation body;
 - (b) a school “has” a foundation if—
 - (i) such a body of persons exists for holding land on trust for the purposes of the school, or
 - (ii) the school belongs to a group of schools for which a foundation body acts under this section; and
 - (c) references to land or other property held on trust, or by trustees, for the purposes of a school include references to land or other property which—
 - (i) is held on trust for purposes which (whether the trust deed expressly so provides or not) include the purposes of the school, and
 - (ii) is used for the purposes of the school.
- (4) For the purposes of this Act—
- (a) “foundation body” means a body corporate established under this section to perform, in relation to three or more schools each of which is either a foundation or a voluntary school, the following functions, namely—
 - (i) to hold property of those schools for the purposes of the schools, and
 - (ii) to appoint foundation governors for those schools; and
 - (b) “the group”, in relation to a foundation body, means the group of three or more schools for which the body performs those functions.
- (5) The Secretary of State may by regulations make provision for and in connection with—
- (a) the establishment, membership, functions and winding up of a foundation body, and
 - (b) the steps to be taken in connection with schools joining or leaving the group.
- (6) Regulations under subsection (5) may, in particular, make provision—
- (a) with respect to the transfer of property, rights and liabilities to and from a foundation body when schools join or leave the group but do not change category ^{F1}... [^{F2}under section 19 of the Education and Inspections Act 2006][^{F3}or in accordance with proposals made under section 45 of the School Standards and Organisation (Wales) Act 2013];
 - (b) with respect to the revision or replacement of the instruments of government of schools joining or leaving the group in such circumstances and the reconstitution of their governing bodies;
 - (c) authorising a foundation body to appoint foundation governors to every school in the group;
 - (d) prescribing a model instrument of government for adoption by a foundation body subject to variations approved by the Secretary of State;
 - (e) for conferring functions with respect to the resolution of disputes—
 - (i) between schools in the group, or
 - (ii) between one or more such schools and a foundation body, on such person or body as may be specified in the regulations;

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- (f) in connection with a school leaving the group—
 - (i) for requiring the publication of proposals ^{F4}... [^{F5}under section 19 of the Education and Inspections Act 2006]^{F6}or under section 48 of the School Standards and Organisation (Wales) Act 2013];
 - (ii) for enabling the Secretary of State to require the publication under [^{F7}either of those sections] of proposals for the school to become a school of a category specified by him;
 - ^{F8}(iii)
 - (g) for the dissolution of a foundation body by order of the Secretary of State;
 - (h) for enabling the Secretary of State, in the case of any land held by a foundation body immediately before its dissolution which by virtue of this Act could not be disposed of without his consent [^{F9}or to the disposal of which paragraph A9 of Schedule 22 would apply], to determine how that land is to be dealt with on its dissolution;
 - (i) for conferring functions on ^{F10}... adjudicators including any functions which might otherwise be conferred on the Secretary of State.
- (7) Regulations made in pursuance of subsection (6)(b) may, in connection with the making or variation of instruments of government in preparation for schools joining or leaving the group, modify paragraph 1 of Schedule 12 in its operation in relation to such instruments of government.
- (8) The Secretary of State may, after consulting a foundation body, make an order modifying the instrument of government adopted by that body.
- (9) Regulations may make provision for applying to foundation special schools, with or without modifications—
- (a) any of the provisions of subsections (3) to (8); or
 - (b) any provision of Schedule 21 to this Act (transfers of land on appointed day).

Textual Amendments

- F1** Words in s. 21(6)(a) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(3)(a)(i)**; S.I. 2013/1800, art. 3(j)
- F2** Words in s. 21(6)(a) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(a)**; S.I. 2007/935, art. 7(o)
- F3** Words in s. 21(6)(a) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(3)(a)(ii)**; S.I. 2013/1800, art. 3(j)
- F4** Words in s. 21(6)(f)(i) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(3)(b)(i)**; S.I. 2013/1800, art. 3(j)
- F5** Words in s. 21(6)(f)(i) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(b)(i)**; S.I. 2007/935, art. 7(o)
- F6** Words in s. 21(6)(f)(i) inserted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(3)(b)(i)**; S.I. 2013/1800, art. 3(j)
- F7** Words in s. 21(6)(f)(ii) substituted (W.) (1.10.2013) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(3)(b)(ii)**; S.I. 2013/1800, art. 3(j)
- F8** S. 21(6)(f)(iii) omitted (W.) (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 19(3)(a)(iii)**; S.I. 2013/1800, art. 3(j)
- F9** Words in s. 21(6)(h) inserted (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 3 para. 14(c)**; S.I. 2007/935, art. 7(o)
- F10** Words in s. 21(6)(i) repealed (25.5.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 3 para. 14(d), **Sch. 18 Pt. 3**; S.I. 2007/935, art. 7(o)(q)

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Modifications etc. (not altering text)

- C1** S. 21(3) applied (with modifications) (E.) (25.5.2007) by [The School Organisation \(Foundation Special Schools\) \(Application of Provisions Relating to Foundations\) \(England\) Regulations 2007 \(S.I. 2007/1329\)](#), regs. 1(1), **2**

Marginal Citations

- M1** 1996 c. 56.

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

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

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)