

## SCHEDULES

### SCHEDULE 7

Section 71

#### AMENDMENTS RELATING TO SCHOOLS CAUSING CONCERN

##### PART 1

##### PRINCIPAL AMENDMENTS

*Statement to be prepared by LEA following adverse report on maintained school*

- 1 (1) Section 15 of EA 2005 (measures to be taken by local education authority following inspection report stating that school requires special measures or significant improvement) is amended as follows.
- (2) In subsection (1), for “This section” substitute “Subsection (2)”.
- (3) For subsection (2) substitute—
- “(2) The local education authority must—
- (a) consider what action to take in the light of the report,
  - (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,
  - (c) consider whether those arrangements are to include the appointment of a specified person for that purpose,
  - (d) prepare a written statement—
    - (i) of the action they propose to take, and the period within which they propose to take that action, or, if they do not propose to take such action, of their reasons for not doing so, and
    - (ii) of the arrangements they propose to make for the purpose mentioned in paragraph (b), and
  - (e) send a copy of the statement prepared under paragraph (d) to—
    - (i) the Chief Inspector,
    - (ii) in the case of a voluntary aided school, the person who appoints the foundation governors and (if different) the appropriate appointing authority, and
    - (iii) such other persons as the Secretary of State may specify.
- (2A) Subsection (2B) applies where—
- (a) the local education authority have prepared a statement under subsection (2) in relation to a school,

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- (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
  - (c) no subsequent inspection of the school has been made under section 5.
- (2B) The Secretary of State may by notice require the local education authority to—
- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (2)(b),
  - (b) prepare a written statement—
    - (i) of the action they propose to take, and the period within which they propose to take that action, or, if they do not propose to take such action, of their reasons for not doing so, and
    - (ii) of the arrangements they propose to make for the purpose mentioned in subsection (2)(b), and
  - (c) send a copy of the statement to the Secretary of State and to the persons mentioned in subsection (2)(e)(i) to (iii).
- (2C) For the purposes of subsections (2A) and (2B) an “interim inspection” is an inspection under section 8 in respect of which no election under section 9 is made.”
- (4) In subsection (3) for “the statement” substitute “a statement under subsection (2) or (2B)”.
- (5) After subsection (3) insert—
- “(4) In performing their functions under subsections (2)(a), (b), (c) and (d) and (2B)(a) and (b), the local education authority must have regard to any guidance given from time to time by the Secretary of State.”

*Statement to be prepared by proprietor following adverse report on non-maintained school*

- 2 (1) Section 17 of EA 2005 (statement to be prepared by proprietor of school other than maintained school) is amended as follows.
- (2) In subsection (1)—
- (a) at the beginning insert “Subsection (1A) applies”, and
  - (b) omit all the words following paragraph (b).
- (3) After subsection (1) insert—
- “(1A) The proprietor must—
- (a) consider what action to take in the light of the report,
  - (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,
  - (c) consider whether those arrangements are to include the appointment of a specified person for that purpose, and
  - (d) prepare a written statement—

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- (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
- (ii) of the arrangements he proposes to make for the purpose mentioned in paragraph (b).

(1B) Subsection (1C) applies where—

- (a) the proprietor of a school has prepared a statement under subsection (1A) in relation to the school,
- (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
- (c) no subsequent inspection of the school has been made under section 5.

(1C) The Secretary of State may by notice require the proprietor to—

- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (1A)(b), and
- (b) prepare a written statement—
  - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
  - (ii) of the arrangements the proprietor proposes to make for the purpose mentioned in subsection (1A)(b)."

(1D) For the purposes of subsections (1B) and (1C) an “interim inspection” is an inspection under section 8 in respect of which no election under section 9 is made.”

(4) In subsection (3)—

- (a) for “such a statement” substitute “a statement under subsection (1A) or (1C)”, and
- (b) before the word “and” at the end of paragraph (a) insert—
  - “(aa) in the case of a statement under subsection (1C), to the Secretary of State.”.

(5) After subsection (4) insert—

“(5) In performing his functions under subsections (1A)(a), (b), (c) and (d) and (1C)(a) and (b), the proprietor must have regard to any guidance given from time to time by the Secretary of State.”

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## PART 2

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *School Standards and Framework Act 1998 (c. 31)*

- 3 In the heading to Chapter 4 of Part 1 of SSFA 1998 after “SCHOOLS” insert “IN WALES”.
- 4 (1) Section 14 of SSFA 1998 (powers of intervention exercisable by LEAs) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Assembly”.
- (3) Omit subsection (1A).
- (4) In subsection (3)—
- (a) in paragraph (a), for “Secretary of State” and “he” substitute respectively “Assembly” and “its”, and
- (b) in paragraph (b), for “he” and “his” substitute respectively “the Assembly” and “its”.
- (5) After subsection (3) insert—
- “(3A) In this Chapter “maintained school” means any school in Wales that is—
- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school.”
- (6) In subsection (4)—
- (a) for paragraph (a) substitute—
- “(a) “Chief Inspector” means Her Majesty’s Chief Inspector of Education and Training in Wales,”; and
- (b) omit paragraph (b).
- 5 (1) Section 15 of SSFA 1998 (cases where LEA may exercise powers of intervention) is amended as follows.
- (2) For subsection (4) substitute—
- “(4) This section applies to a maintained school by virtue of this subsection if—
- (a) following an inspection of the school under Chapter 3 of Part 1 of the Education Act 2005, the Chief Inspector has given the Assembly a notice under subsection (2) of section 37 of that Act in a case falling within subsection (1)(a)(ii) or (b)(ii) of that section (school requiring significant improvement), and
- (b) where any subsequent inspection of the school has been made under that Chapter, the notice has not been superseded by—
- (i) the person making the subsequent inspection making a report stating that in his opinion the school no longer requires significant improvement, or
- (ii) the Chief Inspector giving the Assembly a notice under subsection (2) of section 37 of that Act in case falling

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within subsection (1)(a)(i) or (1)(b)(i) of that section (school requiring special measures).”

(3) For subsection (6) substitute—

“(6) This section applies to a maintained school by virtue of this subsection if—

- (a) following an inspection of the school under Chapter 3 of Part 1 of the Education Act 2005, the Chief Inspector has given the Assembly a notice under subsection (2) of section 37 of that Act in a case falling within subsection (1)(a)(i) or (b)(i) of that section (school requiring special measures), and
- (b) where any subsequent inspection of the school has been made under that Chapter, the notice has not been superseded by the person making the subsequent inspection making a report stating that in his opinion the school no longer requires special measures.”

(4) Omit subsection (7).

6 (1) Section 16 of SSFA 1998 (power of LEA to appoint additional governors) is amended as follows.

(2) In subsection (3)(a), omit “13(3)(a) or”.

(3) In subsection (9)—

- (a) for “Secretary of State” (in both places) substitute “Assembly”, and
- (b) in paragraph (a)—
  - (i) for “he” substitute “it”, and
  - (ii) omit “13(3)(a) or”.

(4) In subsection (12)(b) for “Secretary of State” substitute “Assembly”.

(5) In subsection (12A)—

- (a) for “Secretary of State” substitute “Assembly”, and
- (b) for “he” substitute “the Assembly”.

7 (1) Section 16A of SSFA 1998 (power of LEA to provide for governing body to consist of interim executive members) is amended as follows.

(2) In subsection (1), for “Secretary of State” substitute “Assembly”.

(3) In subsection (2)(a), omit “13(3)(a) or”.

(4) In subsection (3)—

- (a) for “Secretary of State” substitute “Assembly”, and
- (b) for “he” substitute “the Assembly”.

8 (1) Section 17 of SSFA 1998 (power of LEA to suspend right to delegated budget) is amended as follows.

(2) In subsection (3), omit “13(3)(a) or”.

(3) In subsection (4)—

- (a) for “Secretary of State” substitute “Assembly”, and
- (b) for “he” substitute “the Assembly”.

9 In the italic heading immediately preceding section 18 of SSFA 1998, for “Secretary of State” substitute “Assembly”.

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- 10 (1) Section 18 of SSFA 1998 (power of Secretary of State to appoint additional governors) is amended as follows.
- (2) For “the Secretary of State” and “he”, wherever occurring, substitute “the Assembly”.
- (3) In subsection (6), for “his” substitute “the Assembly's”.
- (4) In the heading, for “Secretary of State” substitute “Assembly”.
- 11 In section 18A of SSFA 1998 (power of Secretary of State to provide for governing body to consist of interim executive members) for “Secretary of State”, wherever occurring (in the section and its heading), substitute “Assembly”.
- 12 (1) Section 19 of SSFA 1998 (power of Secretary of State to direct closure of school) is amended as follows.
- (2) For “Secretary of State”, wherever occurring (in the section and its heading) substitute “Assembly”.
- (3) In subsection (2), omit paragraph (ca).
- 13 In section 19A of SSFA 1998 (governing bodies consisting of interim executive members), in paragraph (b), for “Secretary of State” substitute “Assembly”.
- 14 (1) Section 62 of SSFA 1998 (LEA’s reserve power to prevent a breakdown of discipline) is amended as follows.
- (2) In subsection (1), for “subsection (3)” substitute “subsection (2A) or (3)”.
- (3) After subsection (2) insert—
- “(2A) This subsection applies where, in the case of a school in England—
- (a) a warning notice has been given in accordance with section 60(2) of the Education and Inspections Act 2006 (“the 2006 Act”) referring to the safety of pupils or staff at the school being threatened by a breakdown of discipline at the school,
- (b) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction within the compliance period, and
- (c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under subsection (1) of this section (whether or not in conjunction with exercising their powers under any one or more of sections 63 to 66 of the 2006 Act);
- and a notice under paragraph (c) of this subsection may be combined with a notice under section 60(2) of the 2006 Act.”
- (4) In subsection (3) after “applies where” insert “in the case of school in Wales”.
- 15 In section 142 of SSFA 1998 (interpretation), in subsection (4)—
- (a) after “this Act” insert “(or Part 4 of the Education and Inspections Act 2006)”, and
- (b) in paragraph (b), after “section 16(6) or (8)” insert “or of section 64(4) or (6) of the Education and Inspections Act 2006”.
- 16 In section 143 of SSFA 1998 (index) in the entry beginning “maintained school”, after the line beginning “(generally)” insert—

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“(in Chapter 4 of Part 1) section 14(3A).”

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- 17 In Schedule 1A to SSFA 1998, for “Secretary of State” (wherever occurring) substitute “Assembly”.

*Learning and Skills Act 2000 (c. 21)*

- 18 (1) Schedule 7 to the Learning and Skills Act 2000 (sixth forms requiring significant improvement) is amended as follows.
- (2) In paragraph 6(3)(a)(iii) for “section 15(2) and (3)” substitute “section 15(2) to (4)”.
- (3) Omit paragraph 13.

*Education Act 2002 (c. 32)*

- 19 In section 25 of EA 2002 (federations: supplementary provisions), in subsection (1)
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- (a) before paragraph (a) insert—
- “(za) Part 4 of the Education and Inspections Act 2006 (schools causing concern: England),”, and
- (b) in paragraph (a), for “(intervention in schools causing concern)” substitute “(intervention in schools causing concern: Wales)”.
- 20 After section 62 of EA 2002 insert—

**“62A Power to require LEA in England to obtain advisory services**

- (1) This section applies where—
- (a) one or more schools maintained by a local education authority in England are for the purposes of Part 4 of the Education and Inspections Act 2006 (schools causing concern: England) eligible for intervention by virtue of either of the following provisions of that Act—
- (i) section 61 (school requiring significant improvement), or
- (ii) section 62 (school requiring special measures), and
- (b) it appears to the Secretary of State that the local education authority—
- (i) have not been effective or are unlikely to be effective in eliminating deficiencies in the conduct of that school or those schools,
- (ii) are unlikely to be effective in eliminating deficiencies in the conduct of other schools which may in the future fall within paragraph (a), or
- (iii) maintain a disproportionate number of schools falling within that paragraph.
- (2) The Secretary of State may direct the local education authority to enter into a contract or other arrangement with a person specified in the direction, or a person falling within a class so specified, for the provision to the authority or the governing body of any school maintained by them (or both) of specified services of an advisory nature.

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- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
  - (4) In this section “school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.
  - (5) Any direction given under this section shall be enforceable, on an application made on behalf of the Secretary of State, by a mandatory order.”
- 21 (1) Section 63 of EA 2002 (power to require LEA to obtain advisory services) is amended as follows.
- (2) In subsection (1)—
    - (a) in paragraph (a), after “by a local education authority” insert “in Wales”, and
    - (b) in paragraph (b), for the words from “Secretary” to “Wales)” substitute “National Assembly for Wales”.
  - (3) In subsection (2), for the words from the beginning to “Wales)” substitute “The National Assembly for Wales”.
  - (4) In subsection (5), omit “of the Secretary of State or, as the case may be,”.
  - (5) In the heading, after “LEA” insert “in Wales”
- 22 (1) Section 64 (provisions supplementary to section 63) is amended as follows.
- (2) In subsections (1) and (2), for “section 63” substitute “section 62A or 63”.
  - (3) In subsection (7)—
    - (a) in the definition of “the advisory services” for “section 63” substitute “section 62A or 63”, and
    - (b) in the definition of “the relevant person”, in paragraph (a) for “section 63(2)” substitute “section 62A(2) or 63(2)”.
  - (4) In the heading, for “section 63” substitute “sections 62A and 63”.

*Education Act 2005 (c. 18)*

- 23 In section 5 of EA 2005 (duty to inspect schools at prescribed intervals), in subsection (4)(c), for “section 19 or 32 of that Act” substitute “section 17 or 68 of the Education and Inspections Act 2006”.
- 24 In section 18 of EA 2005 (interpretation of Chapter 2 of Part 1), in paragraph (a) of the definition of “appropriate appointing authority”, omit “, a Church in Wales school”.