



Education Act 2002

2002 CHAPTER 32

PART 4

POWERS OF INTERVENTION

Schools causing concern

54 Duty to notify where inspection shows school causing concern

After section 16 of the School Inspections Act 1996 (c. 57) there is inserted—

“16A Duty to notify where inspection shows school causing concern

- (1) Subsection (2) applies in relation to a school falling within section 11(2) where—
 - (a) following an inspection of the school under Part 1 by a member of the Inspectorate, that member has informed the Chief Inspector of his opinion—
 - (i) that the school has serious weaknesses, or
 - (ii) that special measures are required to be taken in relation to the school,
 - (b) following an inspection of the school under Part 1 by a registered inspector, the Chief Inspector has been notified in writing by the inspector of the inspector’s opinion that the school has serious weaknesses, or
 - (c) the Chief Inspector agrees with the opinion of a registered inspector, expressed in a draft report submitted to the Chief Inspector under section 13(2), that special measures are required to be taken in relation to the school.
- (2) Where this subsection applies, the Chief Inspector shall without delay give the Secretary of State a notice in writing stating that the case falls within paragraph (a), (b) or (c) of subsection (1).

Status: This is the original version (as it was originally enacted).

- (3) On receiving a notice under subsection (2), the Secretary of State shall without delay give the local education authority a notice in writing stating that he has been informed by the Chief Inspector that the case falls within paragraph (a), (b) or (c) of subsection (1).
- (4) For the purposes of this section a school has serious weaknesses if, although giving its pupils in general an acceptable standard of education, it has significant weaknesses in one or more areas of its activities.”

55 Cases in which powers of intervention exercisable

- (1) In section 15 of the School Standards and Framework Act 1998 (c. 31) (cases in which LEA may exercise powers of intervention) for subsection (4) there is substituted—

- “(4) This section applies to a maintained school by virtue of this subsection if—
- (a) following an inspection of the school under Part 1 of the School Inspections Act 1996, the Chief Inspector has given the Secretary of State a notice under subsection (2) of section 16A of that Act in a case falling within subsection (1)(a) or (b) of that section (schools having serious weaknesses), and
 - (b) where any subsequent inspection of the school has been made under Part 1 of that Act, 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 has serious weaknesses, or
 - (ii) the Chief Inspector giving the Secretary of State a notice under subsection (2) of section 16A of that Act in a case falling within subsection (1)(c) of that section (schools requiring special measures).”

- (2) For subsection (6) of that section there is substituted—

- “(6) This section applies to a maintained school by virtue of this subsection if—
- (a) following an inspection of the school under Part 1 of the School Inspections Act 1996, the Chief Inspector has given the Secretary of State a notice under subsection (2) of section 16A of that Act in a case falling within subsection (1)(c) of that section (schools requiring special measures), and
 - (b) where any subsequent report of an inspection of the school has been made under Part 1 of that Act, the person making it did not state that in his opinion special measures were not required to be taken in relation to the school.”

56 Power of Secretary of State to appoint additional governors or direct closure

- (1) In section 18 of the School Standards and Framework Act 1998 (c. 31) (power of Secretary of State to appoint additional governors) for subsection (1) there is substituted—

- “(1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4) (school with serious weaknesses), or

- (b) subsection (6) (school requiring special measures),
the Secretary of State may appoint such number of additional governors as he thinks fit; and he may nominate one of those governors to be the chairman of the governing body in place of any person who has been elected as chairman of that body.”
- (2) In section 19 of that Act (power of Secretary of State to direct closure of school) for subsection (1) there is substituted—
- “(1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4) (school with serious weaknesses), or
- (b) subsection (6) (school requiring special measures),
- the Secretary of State may give a direction to the local education authority requiring the school to be discontinued on a date specified in the direction.”
- (3) Schedule 5 (which contains amendments consequential on the provisions of section 55 and this section) shall have effect.

57 Power of LEA to provide for governing body to consist of interim executive members

- (1) In section 14(2) of the School Standards and Framework Act 1998 (which lists the intervention powers of local education authorities), before the “and” at the end of paragraph (a) there is inserted—
- “(aa) section 16A (power to provide for governing body to consist of interim executive members);”.
- (2) After section 16 of that Act there is inserted—

“16A Power of LEA to provide for governing body to consist of interim executive members

- (1) If at any time this section applies to a maintained school in accordance with section 14(1), then (subject to subsections (2) and (3)) the local education authority may, with the consent of the Secretary of State, give the governing body a notice in writing stating that, as from a date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).
- (2) Where this section so applies in the case of a school falling within section 15(4) (school with serious weaknesses) or section 15(6) (school requiring special measures), the power conferred by subsection (1) above is exercisable only if the following conditions are satisfied, namely—
- (a) the Secretary of State has given the local education authority a notice under section 16A(3) of the School Inspections Act 1996, and
- (b) a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(b) shall have effect as if the reference to ten days were to such shorter period as he may determine.

Status: This is the original version (as it was originally enacted).

- (4) Before exercising the power conferred by subsection (1), the local education authority shall consult—
- (a) the governing body of the school,
 - (b) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (c) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.”

58 Power of Secretary of State to provide for governing body to consist of interim executive members

After section 18 of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“18A Power of Secretary of State to provide for governing body to consist of interim executive members

- (1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4) (school with serious weaknesses), or
 - (b) subsection (6) (school requiring special measures),
- the Secretary of State may give the governing body a notice in writing stating that, as from the date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).
- (2) Before exercising the power conferred by subsection (1), the Secretary of State shall consult—
- (a) the local education authority,
 - (b) the governing body of the school,
 - (c) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (3) The Secretary of State is not obliged to consult the persons mentioned in subsection (2)(b), (c) and (d) if the local education authority have consulted them under subsection (4) of section 16A in relation to a proposed notice under subsection (1) of that section.”

59 Governing bodies consisting of interim executive members

- (1) After section 19 of the School Standards and Framework Act 1998 (c. 31) there is inserted—

“Governing bodies consisting of interim executive members

19A Governing bodies consisting of interim executive members

The provisions of Schedule 1A shall have effect in relation to any school in respect of which a notice has been given—

- (a) under section 16A(1), by the local education authority, or
- (b) under section 18A(1), by the Secretary of State.”

- (2) After Schedule 1 to that Act there is inserted, as Schedule 1A, the Schedule set out as Schedule 6 to this Act.