

SCHEDULES

SCHEDULE 5

Section 46

SIXTH FORMS REQUIRING SIGNIFICANT IMPROVEMENT

- 1 In this Schedule “the 2000 Act” means the Learning and Skills Act 2000 (c. 21).
- 2 (1) Section 113 of the 2000 Act (inadequate sixth-forms) is amended as follows.
- (2) In subsection (1), and in the heading to the section, for “inadequate sixth-forms” substitute “sixth forms requiring significant improvement”.
- (3) For subsection (2) substitute—
- “(2) Expressions used in that Schedule and in Chapter 2 or 4 of Part 1 of the Education Act 2005 have—
- (a) in relation to schools in England, the same meaning as in Chapter 2 of that Part, and
- (b) in relation to schools in Wales, the same meaning as in Chapter 4 of that Part.”
- 3 (1) Schedule 7 to the 2000 Act (inadequate sixth forms) is amended as follows.
- (2) For the heading to the Schedule, substitute “Sixth forms requiring significant improvement”.
- (3) In paragraph 1, for sub-paragraph (2) substitute—
- “(2) For the purposes of those paragraphs a school requires significant improvement in relation to its sixth form if—
- (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
- (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.”
- (4) For paragraph 2 substitute—
- “2 If a person who inspects a school—
- (a) states in his report an opinion, in accordance with section 13(4), 34(7) or 35 (2) or (5) of the Education Act 2005 (school no longer requiring special measures), that special measures are not required to be taken in relation to the school, but
- (b) is of the opinion that the school requires significant improvement in relation to its sixth form,
- he shall state that opinion in his report.”
- (5) In paragraph 3—
- (a) in sub-paragraph (1) for “has an inadequate sixth-form” substitute “requires significant improvement in relation to its sixth form”, and

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(b) for sub-paragraph (3) substitute—

“(3) The report shall be treated for all purposes of this Schedule and Part 1 of the Education Act 2005 (inspections) as if it were a report of an inspection of a school under section 5 or 28 of that Act.”

(6) In paragraph 4—

(a) in sub-paragraph (1)—

- (i) in paragraph (a), for “has an inadequate sixth form” substitute “requires significant improvement in relation to its sixth form”, and
- (ii) in paragraph (b), after “where” insert “the report relates to a school in Wales and”,

(b) in sub-paragraph (2)—

(i) for paragraph (a) substitute—

“(a) a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 states the opinion that the school requires significant improvement in relation to its sixth form,”, and

(ii) at the beginning of paragraph (c) insert “in the case of a school in Wales”.

(7) In paragraph 5—

(a) in sub-paragraph (1)—

- (i) for “Part I of the Schools Inspection Act 1996” substitute “Chapter 1 or 3 of Part 1 of the Education Act 2005”, and
- (ii) in paragraph (b), for “have an inadequate sixth-form” substitute “require significant improvement in relation to its sixth form”, and

(b) in sub-paragraph (2), after “Where” insert “, in the case of a school in Wales,”.

(8) In paragraph 6—

(a) for sub-paragraph (1) substitute—

“(1) This paragraph applies to a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 which—

- (a) states an opinion that a school requires significant improvement in relation to its sixth form, and
- (b) in the case of a school in Wales, is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).”.

(b) in sub-paragraph (2), for paragraph (b) substitute—

“(b) if either—

- (i) the school is in England, or
- (ii) the school is in Wales and the person making the report is a member of the Inspectorate,

to the appropriate authority for the school.”

(c) for sub-paragraph (3) substitute—

“(3) The following provisions of the Education Act 2005 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—

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- (a) in the case of a school in England—
 - (i) section 14(2) (additional copies),
 - (ii) section 14(4) (publication by appropriate authority), and
 - (iii) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 15(2) and (3) (measures by local education authority), and
- (b) in the case of a school in Wales—
 - (i) section 38(2) (additional copies),
 - (ii) section 38(4) (publication by appropriate authority),
 - (iii) section 39 (action plan by appropriate authority), and
 - (iv) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local education authority).”

(9) For paragraph 7 substitute—

“7 (1) Where a person who inspects a school is of the opinion that a school requires significant improvement in relation to its sixth form, the provisions specified in sub-paragraph (2) shall apply, with the necessary modifications, as they apply where he is of the opinion that special measures are required to be taken in relation to the school.

(2) Those provisions are—

- (a) in the case of a school in England, section 13(1) to (3) of the Education Act 2005 (duty of Chief Inspector to send draft report to governing body or proprietor, to consider their comments and to state opinion in report), and
- (b) in the case of a school in Wales, section 34(1) to (6) of that Act (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).”

(10) Omit paragraph 9.

(11) In paragraph 10—

- (a) in sub-paragraph (1)(b), for “has significant weaknesses in one or more area of its activities” substitute “requires significant improvement”, and
- (b) in sub-paragraph (3)—
 - (i) for “the School Inspections Act 1996” substitute “Part 1 of the Education Act 2005”, and
 - (ii) for “section 10” substitute “section 5 or 28”.

(12) In paragraph 11—

- (a) for sub-paragraph (1) substitute—

“(1) Parts 2 and 3 of this Schedule shall apply—

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- (a) in relation to a school in England, if a report of an inspection of the school made under Chapter 1 of Part 1 of the Education Act 2005 states—
 - (i) in accordance with subsection (4) of section 13, an opinion that special measures are not required to be taken in relation to the school, and
 - (ii) in accordance with subsection (3)(b) of that section, an opinion that the school requires significant improvement,
- (b) in relation to a school in Wales, if—
 - (i) a report of an inspection of the school made under Chapter 3 of Part 1 of the Education Act 2005 states in accordance with section 34(7) or 35(5) an opinion that special measures are not required to be taken in relation to the school,
 - (ii) the report also states in accordance with section 34(6) or 35(4) an opinion that the school requires significant improvement, and
 - (iii) where the person making the report is not a member of the Inspectorate, the report also states that the Chief Inspector agrees with his opinion.”
- (b) in sub-paragraph (2)—
 - (i) for paragraph (a) substitute—
 - “(a) a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 states that special measures are required to be taken in relation to the school or that the school requires significant improvement,” and
 - (ii) at the beginning of paragraph (c) insert “in the case of a school in Wales”.
- (13) In paragraph 12—
 - (a) in sub-paragraph (1)—
 - (i) for “Part I of the School Inspections Act 1996” substitute “Chapter 1 or 3 of Part 1 of the Education Act 2005”, and
 - (ii) in paragraph (b), for “have significant weaknesses in one or more areas of its activities” substitute “require significant improvement”, and
 - (b) in sub-paragraph (2), after “Where” insert “, in the case of a school in Wales,”.
- (14) In paragraph 13—
 - (a) for sub-paragraph (1) substitute—
 - “(1) This paragraph applies to a report of an inspection under Chapter 1 or 3 of Part 1 of the Education Act 2005 which—
 - (a) states an opinion that a school requires significant improvement, and
 - (b) in the case of a school in Wales, is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion mentioned in paragraph (a).”.

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- (b) in sub-paragraph (2), for paragraph (b) substitute—
 - “(b) if either—
 - (i) the school is in England, or
 - (ii) the school is in Wales and the person making the report is a member of the Inspectorate,to the appropriate authority for the school.”
- (c) for sub-paragraph (3) substitute—
 - “(3) The following provisions of the Education Act 2005 shall apply (with the necessary modifications) in relation to a report to which this paragraph applies—
 - (a) in the case of a school in England—
 - (i) section 14(2) (additional copies),
 - (ii) section 14(4) (publication by appropriate authority), and
 - (iii) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 15(2) and (3) (measures by local education authority), and
 - (b) in the case of a school in Wales—
 - (i) section 38(2) (additional copies),
 - (ii) section 38(4) (publication by appropriate authority),
 - (iii) section 39 (action plan by appropriate authority), and
 - (iv) where the local education authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local education authority).”

(15) Omit paragraph 14.