

SCHEDULES

SCHEDULE 16

POWERS TO FACILITATE INNOVATION

PART 1

AMENDMENTS OF CHAPTER 1 OF PART 1 OF EA 2002

- 1 (1) Section 1 of EA 2002 (purpose and interpretation of Chapter 1 of Part 1) is amended as follows.
- (2) In subsection (1)(a) and (b), for “the educational standards achieved by children” substitute “educational standards”.
- (3) In subsection (2)—
- (a) for “the educational standards achieved by children” substitute “educational standards”, and
 - (b) in paragraph (b), for “children” substitute “pupils or students”.
- (4) In subsection (3)—
- (a) after the definition of “education legislation” insert—
 - ““maintained school” means—
 - (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school, or
 - (c) a maintained nursery school;”,
 - (b) for the definition of “qualifying body” substitute—
 - ““qualifying body” means—
 - (a) a local education authority,
 - (b) an Education Action Forum,
 - (c) a qualifying foundation,
 - (d) the governing body of a maintained school,
 - (e) the head teacher of a maintained school,
 - (f) the proprietor of an Academy, a city technology college or a city college for the technology of the arts,
 - (g) the proprietor of any special school that is not maintained by a local education authority but is for the time being approved by the Secretary of State or the National Assembly for Wales under section 342 of the Education Act 1996, or
 - (h) the governing body of an institution within the further education sector;”, and
 - (c) after the definition of “qualifying body” insert—

Status: This is the original version (as it was originally enacted).

““qualifying foundation” means the foundation, as defined by subsection (3)(a) of section 21 of the School Standards and Framework Act 1998, of any foundation or foundation special school that for the purposes of that section has a foundation established otherwise than under that Act;”, and

(d) omit the definition of “qualifying school”.

2 (1) Section 2 of EA 2002 (power to suspend statutory requirements etc.) is amended as follows.

(2) After subsection (1) insert—

“(1A) Where the applicant is or includes a qualifying foundation, references in paragraphs (a) to (d) of subsection (1) to the applicant (so far as they would otherwise be read as references to the qualifying foundation) are to be read as references to the governing bodies of all or any of the foundation or foundation special schools in respect of which the applicant is the foundation.”

(3) Omit subsections (7) and (8).

3 (1) Section 4 of EA 2002 (applications for orders under section 2) is amended as follows.

(2) In subsection (1) after “section 2” insert “(“an application for an order”)”.

(3) After subsection (1) insert—

“(1A) No application for an order may be made by the head teacher of a maintained school without the consent of the governing body of the school.”

(4) In subsection (2)—

(a) for “such an application” substitute “an application for an order”,

(b) after paragraph (a) insert—

“(aa) in the case of a qualifying foundation, consult the governing body of each foundation or foundation special school to which the application relates and the local education authority who maintain the school;”, and

(c) for paragraph (b) substitute—

“(b) in the case of the governing body of a maintained school, consult—

(i) the local education authority who maintain the school, and

(ii) where the school is a foundation school with a qualifying foundation, that foundation, and”.