

SCHEDULES

SCHEDULE 14

Section 205

POWERS IN RELATION TO SCHOOLS CAUSING CONCERN: WALES

- 1 Chapter 4 of Part 1 of the [School Standards and Framework Act 1998 \(c. 31\)](#) (measures to raise standards of school education in Wales: intervention powers) is amended as follows.
- 2 In section 14(4) (intervention powers: interpretation), in paragraph (c) for “that Act” substitute “the Education Act 2005”.
- 3 In section 15 (cases where LEA may exercise powers of intervention), in subsection (2)(a), after “(whether by a breakdown of discipline or otherwise)” insert “, or—
 - (iv) that the governing body have failed to comply with a provision of an order under section 122 of the Education Act 2002 (teachers’ pay and conditions) that applies to a teacher at the school, or
 - (v) that the governing body have failed to secure that the head teacher of the school complies with such a provision”.
- 4 In section 18 (power of Welsh Ministers to appoint additional governors), in subsection (1)—
 - (a) in the opening words for “either” substitute “any”;
 - (b) before paragraph (a) insert—
 - “(za) subsection (1), in a case within subsection (2)(a)(iv) or (v) (school subject to teachers’ pay and conditions warning),”.
- 5 In section 18A (power of Welsh Ministers to provide for governing body to consist of interim executive members), in subsection (1)—
 - (a) in the opening words for “either” substitute “any”;
 - (b) before paragraph (a) insert—
 - “(za) subsection (1), in a case within subsection (2)(a)(iv) or (v) (school subject to teachers’ pay and conditions warning),”.
- 6 After section 19 insert—

“19ZA Power of Welsh Ministers to direct LEA to give warning notice: teachers’ pay and conditions

- (1) This section applies if the Welsh Ministers think that the conditions in subsections (2) and (3) are met.
- (2) The condition is that there are reasonable grounds for a local education authority to give a warning notice to the governing body of a maintained school under section 15(2)(a)(iv) or (v) (teachers’ pay and conditions warning notice).

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- (3) The condition is that one of the following applies in relation to those grounds—
- (a) the authority have not given a warning notice to the governing body under section 15 on those grounds, or have not given a copy to the head teacher at the same time;
 - (b) the authority have given a warning notice to the governing body under section 15, but in inadequate terms;
 - (c) section 15 applies to the school on those grounds by virtue of subsection (1) of that section, but the period of two months following the end of the compliance period (as defined by section 15(3)(c)) has ended.
- (4) The Welsh Ministers may direct the local education authority to consider giving a warning notice to the governing body under section 15(2)(a)(iv) or (v) in the terms specified in the direction.
- (5) If the Welsh Ministers give a direction under subsection (4) to a local education authority in respect of a governing body, the authority must—
- (a) give a copy of the direction to the governing body before the end of the period of 2 working days beginning with the day on which the direction is given,
 - (b) when it does so, invite the governing body to give the authority a written response before the end of the period of 7 working days beginning with the day on which the direction is given, and
 - (c) give the Welsh Ministers the authority's written response, and any response received from the governing body in accordance with paragraph (b), before the end of the period of 10 working days beginning with the day on which the direction is given.
- (6) The local education authority's response to the direction must do one of the following—
- (a) state that the authority have decided to give a warning notice to the governing body in the specified terms;
 - (b) state that the authority have decided not to give a warning notice to the governing body in those terms.
- (7) If the response states that the authority have decided to give a warning notice to the governing body in the specified terms, the authority must—
- (a) give the warning notice to the governing body in those terms before the end of the period of 5 working days beginning with the day on which the response is given (and withdraw any previous warning notice given to the governing body under section 15(2)(a)(iv) or (v)), and
 - (b) on the same day as they do so, give the Welsh Ministers a copy of the notice.
- (8) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms—
- (a) the response must set out the authority's reasons for the decision, and
 - (b) the Welsh Ministers may direct the authority to give the warning notice to the governing body in those terms (and to withdraw

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any previous warning notice given to the governing body under section 15(2)(a)(iv) or (v)).

- (9) If the Welsh Ministers direct the authority under subsection (8)(b) to give a warning notice to the governing body in the specified terms, the authority must—
- (a) comply with the direction under subsection (8)(b) before the end of the period of 5 working days beginning with the day on which that direction is given, and
 - (b) on the same day as they do so, give the Welsh Ministers a copy of the notice.
- (10) Subsections (7)(b) and (9)(b) apply in addition to section 15(1)(a)(ii).
- (11) A direction under this section must be in writing.
- (12) In this section “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in Wales.”