
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings section 44 of the Education Act 2011 into force on 17th November 2011 (“the 2011 Act”). Section 44 amends sections 68 and 69A (in Part 4) of the Education and Inspections Act 2006 (“the 2006 Act”). Part 4 of the 2006 Act sets out the legal framework for maintained schools causing concern in England.

Section 68 of the 2006 Act enables the Secretary of State to direct a local authority to discontinue (cease to maintain) a school where the school has been judged by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) to require special measures (as defined by section 62 of the 2006 Act). Section 44(2) of the 2011 Act extends the Secretary of State’s powers so that a direction to a local authority to discontinue a school may also be given where a school has failed to comply with a performance standards and safety warning notice (as defined by section 60 of the 2006 Act), and where a school has been judged by the Chief Inspector to require significant improvement (as defined by section 61 of the 2006 Act).

Section 44(3) of the 2011 Act amends section 69A of the 2006 Act so that the Secretary of State may direct a local authority to give a performance standards and safety warning notice in specified terms where the Secretary of State has directed a local authority to consider giving such a warning notice, and they have decided not to do so.