



# Education (Wales) Measure 2011

2011 nawm 7

## PART 2

### SCHOOL GOVERNANCE

#### CHAPTER 1

##### FEDERATION OF MAINTAINED SCHOOLS

#### **16 Federation of schools causing concern by direction of the Welsh Ministers**

- (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 14(3), after paragraph (a) insert—
  - “(aa) the Welsh Ministers have exercised in relation to the school their powers under section 18B (power to direct federation of schools); or”.
- (3) After section 18A insert—

#### **“18B Power of Welsh Ministers to direct federation of schools**

- (1) A maintained school is a “school causing concern” for the purpose of this section if, at any time—
  - (a) section 15 applies to the school by virtue of subsection (4) or (6) of that section, or
  - (b) the Welsh Ministers are satisfied that—
    - (i) the standards of performance of pupils at the school are unacceptably low and are likely to remain so unless they exercise their powers under this section, or
    - (ii) that there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or

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- (iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise), or
  - (iv) that the governing body has 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 has failed to secure that the head teacher of the school complies with such a provision.
- (2) For the purposes of subsection (1)(b) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following—
  - (a) the standards that the pupils might in all the circumstances reasonably be expected to attain,
  - (b) where relevant, the standards previously attained by them, or
  - (c) the standards attained by pupils at comparable schools.
- (3) The Welsh Ministers may direct any one or more of the following persons, as appropriate, to provide for one or more of the arrangements set out in subsection (4)—
  - (a) a local authority;
  - (b) a governing body of a maintained school;
  - (c) a governing body of a federation.
- (4) The arrangements are—
  - (a) the federation of the school causing concern and one or more maintained schools;
  - (b) the federation of the school causing concern and an existing federation;
  - (c) the federation of the school causing concern and an existing federation and one or more maintained schools;
  - (d) where the school causing concern is part of a federation, the federation of that federation and one or more maintained schools;
  - (e) where the school causing concern is part of a federation, the federation of that federation and another existing federation;
  - (f) where the school causing concern is part of a federation, the federation of that federation and an existing federation and one or more maintained schools;
  - (g) where the school causing concern is part of a federation, for the school to leave that federation.
- (5) Before giving a direction under subsection (3), the Welsh Ministers must consult—
  - (a) the local authority,
  - (b) the governing bodies concerned,
  - (c) in the case of 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.
- (6) A person subject to a direction under this section must comply with it.

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- (7) A direction under this section—
- (a) must be in writing,
  - (b) must be published,
  - (c) may be varied or revoked by further direction, and
  - (d) is enforceable by mandatory order on application by the Welsh Ministers to the High Court.
- (8) In this section “federation” has the meaning given by section 21(1) of the Education (Wales) Measure 2011.”