



# Education Act 1993

## 1993 CHAPTER 35

### PART V

#### SCHOOLS FAILING TO GIVE AN ACCEPTABLE STANDARD OF EDUCATION

### CHAPTER I

#### IDENTIFICATION OF SCHOOLS REQUIRING SPECIAL MEASURES

#### *Introductory*

#### **204 Extension of the Education (Schools) Act 1992**

- (1) This Chapter, in its application to inspections under section 9 of the Education (Schools) Act 1992 or by any member of the Inspectorate, applies to the inspection of any county, voluntary, maintained special, grant-maintained or grant-maintained special school.
- (2) In this Part of this Act—
- “appropriate appointing authority” means, in relation to any aided or special agreement school—
    - (a) the appropriate diocesan authority, if it is a Church of England school, Church in Wales school or Roman Catholic Church school, and
    - (b) in any other case, the person who appoints the foundation governors,
  - “appropriate authority”, in relation to any county, voluntary or maintained special school, means the school’s governing body or, if the governing body do not have a delegated budget, the local education authority and, in relation to a grant-maintained or grant-maintained special school, means the school’s governing body,
  - “inspection by a member of the Inspectorate” means a section 9 inspection carried out by a member of the Inspectorate or an inspection under section 2(2)(b), 3(1), 6(2)(b) or 7(1) of that Act,

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“member of the Inspectorate” means the Chief Inspector, any of Her Majesty’s Inspectors of Schools in England or, as the case may be, Wales and any additional inspector, and

“section 9 inspection” means an inspection under section 9 of that Act; and other expressions used in this Part and that Act have the same meaning in this Part as in that Act.

- (3) For the purposes of this Part of this Act, special measures are required to be taken in relation to a school if the school is failing or likely to fail to give its pupils an acceptable standard of education.
- (4) Paragraphs 9 to 12 of Schedule 2 to that Act shall cease to have effect in relation to county, voluntary, maintained special, grant-maintained and grant-maintained special schools.

### *Inspections and reports*

#### **205 Section 9 inspections by members of the Inspectorate**

- (1) Where an inspection of a school is required under section 9 of the Education (Schools) Act 1992 but the Chief Inspector is satisfied that it is not reasonably practicable to secure that the school is inspected by a suitable registered inspector, he shall secure that it is inspected by a member of the Inspectorate.
- (2) Where an inspection is conducted by a member of the Inspectorate by virtue of this section, that Act shall have effect (unless the context otherwise requires) in relation to the inspection as if the member of the Inspectorate were a registered inspector.
- (3) If the Chief Inspector so elects in the case of any inspection of a school by a member of the Inspectorate under section 2(2)(b), 3(1), 6(2)(b) or 7(1) of that Act, that inspection shall be treated for the purposes of section 9(1) and (2) of that Act and sections 209 to 212 of this Act as if it were an inspection under section 9 of that Act and the member of the Inspectorate were a registered inspector.

#### **206 Section 9 inspections by registered inspectors**

- (1) Where a section 9 inspection by a registered inspector has been completed, the inspector shall make in writing a report of the inspection and a summary of the report.
- (2) Where the inspector is of the opinion that special measures are required to be taken in relation to the school he shall submit a draft of the report of the inspection to the Chief Inspector.
- (3) If the Chief Inspector so requests, an inspector who has submitted a draft under subsection (2) above shall provide the Chief Inspector with such further information as the Chief Inspector may specify.
- (4) The Chief Inspector shall inform an inspector who has submitted a draft under subsection (2) above whether he agrees or disagrees with the inspector’s opinion.
- (5) Where—
  - (a) the Chief Inspector informs the inspector that he disagrees with the inspector’s opinion, but

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- (b) the inspector remains of the opinion that special measures are required to be taken in relation to the school,  
the inspector may not make a report expressing that opinion unless the terms in which he makes the report are substantially the same (except as to the statement required by subsection (7)(b) below) as the draft or as a subsequent draft submitted to the Chief Inspector under this subsection.
- (6) Where a subsequent draft is submitted under subsection (5) above, the Chief Inspector shall inform the inspector whether he agrees or disagrees with the inspector's opinion.
- (7) A report made by a registered inspector who is of the opinion that special measures are required to be taken in relation to the school shall—
  - (a) state his opinion, and
  - (b) state whether the Chief Inspector agrees or disagrees with his opinion.
- (8) If a report of an inspection of a school by a registered inspector is made in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,the person making the report shall state his opinion in the report.

## **207 Reports of inspections by members of the Inspectorate**

- (1) Where on the completion of any inspection of a school under section 2(2)(b), 3(1), 6(2)(b) or 7(1) of the Education (Schools) Act 1992 by a member of the Inspectorate, he is of the opinion that special measures are required to be taken in relation to the school, he shall—
  - (a) prepare in writing a report of the inspection and a summary of the report, and
  - (b) state his opinion in the report.
- (2) If on the completion of any such inspection of a school by a member of the Inspectorate in circumstances where—
  - (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,the member of the Inspectorate shall prepare in writing a report of the inspection and a summary of the report and state his opinion in the report.
- (3) A report of a section 9 inspection of a school by a member of the Inspectorate shall, if he is of the opinion that special measures are required to be taken in relation to the school, state his opinion.
- (4) If a report of a section 9 inspection of a school by a member of the Inspectorate is made in circumstances where—

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- (a) he is of the opinion that special measures are not required to be taken in relation to the school, but
  - (b) in the latest report of an inspection of the school, the person making the report stated that in his opinion such measures were required to be taken and either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
- the member of the Inspectorate shall state his opinion in the report.

## **208 Timing of section 9 inspections by registered inspectors**

- (1) The carrying out of a section 9 inspection shall be completed by the time allowed under subsection (2) below and the making of the report required by section 206 of this Act shall be completed within the period allowed under subsection (2) below.
- (2) The time, and the period, allowed shall be such as may be prescribed, subject to any such extension of the period as the Chief Inspector may consider necessary to make; but the total period allowed must not exceed the prescribed period extended by three months.
- (3) The Chief Inspector shall give notice in writing of any extension under subsection (2) above to—
  - (a) the inspector,
  - (b) the local education authority in the case of a county, voluntary or maintained special school, and
  - (c) the governing body.
- (4) This section does not apply to a section 9 inspection carried out by a member of the Inspectorate.

## **209 Destination of reports**

- (1) In the case of a report of a section 9 inspection of a school, the person making it shall without delay—
  - (a) send a copy of the report together with the summary of it to the appropriate authority for the school and, if it is a grant-maintained or grant-maintained special school, to the Secretary of State, and
  - (b) if in the case of a county, voluntary or maintained special school it states that he is of the opinion that special measures are required to be taken in relation to the school, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, send a copy of the report and summary to the Secretary of State.
- (2) In the case of a report of an inspection of a school made by a member of the Inspectorate which is required by section 207(1)(b) of this Act to state that he is of the opinion that special measures are required to be taken in relation to the school, the member of the Inspectorate shall send a copy of the report together with the summary of it to the appropriate authority for the school and the Secretary of State.
- (3) In any case, copies of the report and summary shall be sent by the person who made the report—
  - (a) to the Chief Inspector (unless the report was made by a member of the Inspectorate),

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- (b) to the head teacher of the school,
  - (c) in the case of a county, voluntary or maintained special school, to whichever of the local education authority and the governing body are not the appropriate authority,
  - (d) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority,
  - (e) to any person named as a sponsor of the school in the instrument of government, and
  - (f) in the case of any school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 8 to this Act, to that person.
- (4) The appropriate authority shall—
- (a) make a copy of any report and summary sent to the authority under subsection (1) or (2) above available for inspection by members of the public at such times and at such place as may be reasonable,
  - (b) provide a copy of the report and summary, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), to any person who asks for one, and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the summary as soon as is reasonably practicable.

### *Special measures*

## **210 Special measures by appropriate authority**

- (1) Where—
- (a) a report of a section 9 inspection of a school, or
  - (b) a report of an inspection of a school made by a member of the Inspectorate which is required by section 207(1)(b) of this Act to state that he is of the opinion that special measures are required to be taken in relation to the school,
- is sent to the appropriate authority they shall prepare a written statement of the action which they propose to take in the light of the report and the period within which they propose to take it.
- (2) It is the duty of the appropriate authority to prepare the statement within the period allowed by this subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if, in the case of any report where the person making it states that he is of the opinion that special measures are required to be taken in relation to the school, and either that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion, the Secretary of State is of the opinion that the urgency of the case requires a shorter period, such period as the Secretary of State may direct,
- but this subsection does not relieve the appropriate authority of any duty to prepare a statement which has not been performed within that period.
- (3) Where such a statement has been prepared by the appropriate authority they shall, before the end of the prescribed period, send copies of it—

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- (a) to the Chief Inspector,
  - (b) in the case of a county, voluntary or maintained special school, to whichever of the governing body and the local education authority are not the appropriate authority,
  - (c) in the case of a grant-maintained or grant-maintained special school, to the Secretary of State, and
  - (d) in such circumstances as may be prescribed, to such other persons (if any) as may be prescribed.
- (4) If in the case of a county, voluntary or maintained special school—
- (a) the statement is prepared in response to a report of an inspection of the school in which the person who made the report expresses the opinion that special measures are required to be taken in relation to the school, and
  - (b) that person is a member of the Inspectorate or the report states that the Chief Inspector agrees with his opinion,
- the appropriate authority shall, before the end of the prescribed period, send a copy of the statement to the Secretary of State.
- (5) The appropriate authority shall also send a copy of the statement—
- (a) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority,
  - (b) to any person named as a sponsor of the school in the instrument of government, and
  - (c) in the case of any school in a group of grant-maintained schools in respect of which any person has power to appoint an externally appointed core governor under a provision of the instrument of government made in pursuance of Schedule 8 to this Act, to that person.
- (6) The appropriate authority shall—
- (a) make any statement prepared by them under this section available for inspection by members of the public, at such times and at such place as may be reasonable,
  - (b) provide a copy of the statement, free of charge or in prescribed cases on payment of such fee as they think fit (not exceeding the cost of supply), and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement as soon as is reasonably practicable.
- (7) Where the governing body of a school have prepared a statement under this section, they shall in the report referred to in section 30 of the Education (No. 2) Act 1986 or, as the case may be, in paragraph 8 of Schedule 6 to this Act state the extent to which the proposals set out in the statement (or if there is more than one, the most recent statement) have been carried into effect.

## **211 Additional special measures by local education authority**

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a county, voluntary or maintained special school the governing body of which have a delegated budget the person who made the report expressed the opinion that special measures were required to be taken in relation to the school,

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- (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion, and
  - (c) the local education authority receive a copy of a statement prepared under section 210 of this Act in response to the report or the period prescribed for the purposes of subsection (3) of that section expires.
- (2) The local education authority shall—
- (a) prepare a written statement of any action they propose to take in the light of the report, and the period within which they propose to take such action, or, if they do not propose to take any such action, of their reasons for not doing so, and
  - (b) send a copy of the statement prepared under paragraph (a) above, together with their comments on any statement prepared under section 210 of this Act of which they have received a copy, to the Secretary of State and the Chief Inspector and, in the case of an aided or special agreement school, to the person who appoints the foundation governors and (if different) to the appropriate appointing authority.
- (3) It is the duty of the local education authority to prepare the statement within the period allowed by this subsection, that is—
- (a) such period as may be prescribed, or
  - (b) if in the case of any report the Secretary of State is of the opinion that the urgency of the case requires a shorter period, such period as the Secretary of State may direct,
- but this subsection does not relieve the local education authority of any duty to prepare a statement which has not been performed within that period.

## **212 Monitoring special measures and further inspections**

- (1) This section applies in circumstances where—
- (a) in a report of an inspection of a school the person who made it expressed the opinion that special measures were required to be taken in relation to the school,
  - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion,
  - (c) a statement has been prepared under section 210 of this Act or the period prescribed for the purposes of subsection (3) of that section has expired, and
  - (d) if any registered inspector or member of the Inspectorate has made a later report of an inspection of the school, he did not express the opinion in the report that special measures were not required to be taken in relation to the school.
- (2) Regulations may make provision with a view to securing that any measures taken by the appropriate authority and, in the case of a school which has a delegated budget, the local education authority for improving the standard of education at the school are monitored in accordance with the regulations by such persons as may be prescribed.
- (3) The regulations may, in particular, provide for reports to be made, by such persons and at such intervals as may be prescribed.

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- (4) The regulations may authorise the Secretary of State to require the Chief Inspector to conduct further inspections of the school and prepare further reports of such inspections.
- (5) In respect of cases where any report prepared in pursuance of a requirement imposed by virtue of subsection (4) above—
- (a) states that, in the opinion of the person who prepared the report, special measures are required to be taken in relation to the school, but the grounds for that opinion are substantially different from the grounds for the opinion in any preceding report by a registered inspector or member of the Inspectorate, or
  - (b) states that, in the opinion of that person, special measures are not required to be taken in relation to the school,

the regulations may make provision corresponding to any of the provisions made by this Chapter.