



Education Act 2002

2002 CHAPTER 32

PART 4

POWERS OF INTERVENTION

Schools causing concern

57 Power of LEA to provide for governing body to consist of interim executive members

(1) In section 14(2) of the School Standards and Framework Act 1998 (which lists the intervention powers of local education authorities), before the “and” at the end of paragraph (a) there is inserted—

“(aa) section 16A (power to provide for governing body to consist of interim executive members);”.

(2) After section 16 of that Act there is inserted—

“16A Power of LEA to provide for governing body to consist of interim executive members

(1) If at any time this section applies to a maintained school in accordance with section 14(1), then (subject to subsections (2) and (3)) the local education authority may, with the consent of the Secretary of State, give the governing body a notice in writing stating that, as from a date specified in the notice, the governing body are to be constituted in accordance with Schedule 1A (governing bodies consisting of interim executive members).

(2) Where this section so applies in the case of a school falling within section 15(4) (school with serious weaknesses) or section 15(6) (school requiring special measures), the power conferred by subsection (1) above is exercisable only if the following conditions are satisfied, namely—

(a) the Secretary of State has given the local education authority a notice under section 16A(3) of the School Inspections Act 1996, and

Status: This is the original version (as it was originally enacted).

- (b) a period of not less than ten days has elapsed since the date of the notice.
- (3) The Secretary of State may in respect of any particular school determine that subsection (2)(b) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (4) Before exercising the power conferred by subsection (1), the local education authority shall consult—
 - (a) the governing body of the school,
 - (b) in the case of a foundation or voluntary school which is a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (c) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.”