

Status: Point in time view as at 05/05/2010.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Cross Heading: School Standards and Framework Act 1998 (c. 31). (See end of Document for details)

SCHEDULES

SCHEDULE 9

FURTHER AMENDMENTS RELATING TO SCHOOL INSPECTION

School Standards and Framework Act 1998 (c. 31)

- 14 (1) Section 14 of the School Standards and Framework Act 1998 (powers of intervention exercisable by [^{F1}local authorities]) is amended as follows.
- (2) In subsections (1)(b) and (3), for “with serious weaknesses” substitute “ requiring significant improvement ”.
- (3) For subsection (4) substitute—
- “ (4) In this Chapter—
- (a) “Chief Inspector” means—
- (i) in relation to a school in England, Her Majesty's Chief Inspector of Schools in England, and
- (ii) in relation to a school in Wales, Her Majesty's Chief Inspector of Education and Training in Wales,
- (b) “member of the Inspectorate”, in relation to an inspection of a school in Wales, has the meaning given by section 43 of the Education Act 2005,
- (c) references to special measures being, or not being, required to be taken in relation to a school are to be read in accordance with section 44(1) of that Act, and
- (d) references to a school requiring, or not requiring, significant improvement are to be read in accordance with section 44(2) of that Act.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(3)**

Commencement Information

- II** Sch. 9 para. 14 wholly in force at 1.9.2006; Sch. 9 para. 14 not in force at Royal Assent see s. 125; Sch. 9 para. 14 in force for E. at 1.9.2005 by [S.I. 2005/2034](#), **art. 4**; Sch. 9 para. 14 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), **art. 3**, **Sch. 1**

- 15 (1) Section 15 of the School Standards and Framework Act 1998 (cases where [^{F2}local authority] may exercise powers of intervention) is amended as follows.
- (2) For subsection (4) substitute—
- “ (4) This section applies to a maintained school by virtue of this subsection if—

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- (a) following an inspection of the school under Chapter 1 or 3 of Part 1 of the Education Act 2005, the Chief Inspector—
 - (i) in the case of a school in England, has given the Secretary of State a notice under subsection (3)(a) of section 13 of that Act in a case falling within subsection (1)(b) of that section (school requiring significant improvement), or
 - (ii) in the case of a school in Wales, has given the National Assembly for Wales a notice under subsection (2) of section 37 of that Act in a case falling within subsection (1)(a)(ii) or (b)(ii) of that section (school requiring significant improvement), and
- (b) where any subsequent inspection of the school has been made under Chapter 1 or 3 of Part 1 of that Act, the notice has not been superseded by—
 - (i) the person making the subsequent inspection making a report stating that in his opinion the school no longer requires significant improvement, or
 - (ii) the Chief Inspector giving the Secretary of State or the Assembly a notice under section 13(3)(a) or 37(2) of that Act in a case falling within section 13(1)(a) or 37(1)(a)(i) or (1)(b)(i) (school requiring special measures).”

(3) Omit subsection (5).

(4) For subsection (6) substitute—

“(6) This section applies to a maintained school by virtue of this subsection if—

- (a) following an inspection of the school under Chapter 1 or 3 of Part 1 of the Education Act 2005, the Chief Inspector—
 - (i) in the case of a school in England, has given the Secretary of State a notice under subsection (3)(a) of section 13 of that Act in a case falling within subsection (1)(a) of that section (school requiring special measures), or
 - (ii) in the case of a school in Wales, has given the National Assembly for Wales a notice under subsection (2) of section 37 of that Act in a case falling with subsection (1)(a)(i) or (b)(i) of that section (school requiring special measures), and
- (b) where any subsequent inspection of the school has been made under Chapter 1 or 3 of Part 1 of that Act, the person making it did not state that in his opinion special measures were not required to be taken in relation to the school.”

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

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Commencement Information

I2 Sch. 9 para. 15 partly in force; Sch. 9 para. 15 not in force at Royal Assent see s. 125; Sch. 9 para. 15(1)(3) in force at 1. 9. 2005 for E. and Sch. 9 para. 15(2)(4) in force at 1.9.2005 for E. for certain purposes by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 15 in force at 1. 9. 2006 for W. by [S.I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

16 (1) Section 16 of the School Standards and Framework Act 1998 (power of [F²local authority] to appoint additional governors) is amended as follows.

(2) In subsection (3)—

(a) for “with serious weaknesses” substitute “ requiring significant improvement ”, and

(b) for paragraph (a) substitute—

“(a) the Chief Inspector has given the [F²local authority] a notice under section 13(3)(a) or 37(2) of the Education Act 2005”.

(3) In subsection (9)(a), for “section 16A(2) of the School Inspections Act 1996” substitute “ section 13(3)(a) or 37(2) of the Education Act 2005 ”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 13\(2\)](#)

Commencement Information

I3 Sch. 9 para. 16 wholly in force at 1.9.2006; Sch. 9 para. 16 not in force at Royal Assent see s. 125; Sch. 9 para. 16 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 16 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

17 In section 16A of the School Standards and Framework Act 1998 (power of [F²local authority] to provide for governing body to consist of interim executive members), in subsection (2)—

(a) for “with serious weaknesses” substitute “ requiring significant improvement ”, and

(b) for paragraph (a) substitute—

“(a) the Chief Inspector has given the [F²local authority] a notice under section 13(3)(a) or 37(2) of the Education Act 2005, and”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 13\(2\)](#)

Commencement Information

I4 Sch. 9 para. 17 wholly in force at 1.9.2006; Sch. 9 para. 17 not in force at Royal Assent see s. 125; Sch. 9 para. 17 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 17 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

18 In section 17 of the School Standards and Framework Act 1998 (power of [F²local authority] to suspend right to delegated budget), in subsection (3)—

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- (a) for “with serious weaknesses” substitute “ requiring significant improvement ”, and
- (b) for paragraph (a) substitute—
- “(a) the Chief Inspector has given the [^{F2}local authority] a notice under section 13(3)(a) or 37(2) of the Education Act 2005, and”.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 13\(2\)](#)

Commencement Information

I5 Sch. 9 para. 18 wholly in force at 1.9.2006; Sch. 9 para. 18 not in force at Royal Assent see s. 125; Sch. 9 para. 18 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 18 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

- 19 In section 18 of the School Standards and Framework Act 1998 (power of Secretary of State to appoint additional governors), in subsection (1)(a), for “with serious weaknesses” substitute “ requiring significant improvement ”.

Commencement Information

I6 Sch. 9 para. 19 wholly in force at 1.9.2006; Sch. 9 para. 19 not in force at Royal Assent see s. 125; Sch. 9 para. 19 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 19 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

- 20 In section 18A of the School Standards and Framework Act 1998 (power of Secretary of State to provide for governing body to consist of interim executive members), in subsection (1)(a), for “with serious weaknesses” substitute “ requiring significant improvement ”.

Commencement Information

I7 Sch. 9 para. 20 wholly in force at 1.9.2006; Sch. 9 para. 20 not in force at Royal Assent see s. 125; Sch. 9 para. 20 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 20 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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Textual Amendments

F3 Sch. 9 para. 21 repealed (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188(2), [Sch. 18 Pt. 2](#)

Commencement Information

I8 Sch. 9 para. 21 wholly in force at 1.9.2006; Sch. 9 para. 21 not in force at Royal Assent see s. 125; Sch. 9 para. 21 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 9 para. 21 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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