

2022 No. 720

EDUCATION, ENGLAND

The Coasting Schools (England) Regulations 2022

Made - - - - 28th June 2022

Laid before Parliament 30th June 2022

Coming into force - - 1st September 2022

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by paragraph 3 of Schedule 1 to the Education Act 1996(a) and sections 60B(2) and (3) and 181(2)(a) of the Education and Inspections Act 2006(b).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Coasting Schools (England) Regulations 2022 and come into force on 1st September 2022.

(2) These Regulations extend to England and Wales and apply in relation to schools and units in England.

Interpretation

2. In these Regulations—

- (a) “school” has the meaning given in section 4 of the Education Act 1996(c);
- (b) “unit” means a pupil referral unit within the meaning given in section 19 of that Act(d).

(a) 1996 c. 56. Paragraph 3 of Schedule 1 was amended by S.I. 2010/1158.

(b) 2006 c. 40. Section 60B was inserted by section 1(3) of the Education and Adoption Act 2016 (c. 6).

(c) Section 4(1) was substituted by section 51 of the Education Act 1997 (c. 44) (“the 1997 Act”), and further amended by Schedule 22 to the Education Act 2002 (c. 32), section 95(2) of the Childcare Act 2006 (c. 21) (“the 2006 Act”), Schedule 13, paragraph 9(2)(a) of the Education Act 2011 (c. 21) (“the 2011 Act”) and S.I. 2019/1027. Section 4(1A) was inserted by section 95(3) of the 2006 Act. Sections 4(1B) and (1C) were inserted by paragraph 9(2)(b) of Schedule 13 to the 2011 Act. Section 4(2) was amended by paragraph 1 of Schedule 8 to the 1997 Act and paragraph 10 of Schedule 7 to that Act and further amended by paragraph 2 of Schedule 2 to the Curriculum and Assessment (Wales) Act 2021 (asc 4) (“the CA(W)A 2021”). Section 4(3) was amended by S.I. 2010/1080. Section 4(4) was substituted by S.I. 2019/1027.

(d) Sections 19(1) and (4) were amended by Schedule 8 to the 1997 Act. Section 19(1) was also amended by paragraph 3(2) and (3) of Schedule 2 to the CA(W)A 2021. Section 19(1A) was inserted by section 3(2) of the Children, Schools and Families Act 2010 (c. 26) (“the 2010 Act”) and amended by paragraph 3(4) of Schedule 2 to the CA(W)A 2021. Section 19(2A) and (2B) were inserted by S.I. 2007/1507, subsection (2B) having been amended by S.I. 2010/1158 and para 3(6) of Schedule 2 to the CA(W)A 2021. Section 3 was amended by para 3(7) of Schedule 2 to the CA(W)A 2021 and S.I. 2010/1158. Sections 19(3A) and (3B) were inserted by section 101(2) of the 2006 Act, subsection (3A) was subsequently substituted by section 3(3) of the 2010 Act and amended by para 3(8) of Schedule 2 to the CA(W)A 2021 and subsection (3B) was amended by section 3(4) of the 2010 Act. Section 19(3AA) was inserted by section 3(3) of the 2010 Act. Section 19(4) was amended by paragraph 3(9) of Schedule 2 to the CA(W)A 2021. Section 19(4A) was inserted by section 47(4) of the 1997 Act and amended by S.I. 2010/1158. Section 19(6) was substituted by section 101(3) of the Inspections Act 2006 and amended by para 4(7)(b) of Schedule 1 to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2). Subsection 7 was amended by paragraph 3(10) of Schedule 2 to the CA(W)A 2021.

Disapplication of coasting schools regime for certain descriptions of school

3. Section 60B of the Education and Inspections Act 2006 does not apply to a maintained nursery school(a).

Coasting schools

4.—(1) A school is coasting(b) for the purposes of section 60B(1) of the Education and Inspections Act 2006 where paragraph (2), (3), (4) or (5) applies in relation to the school.

(2) This paragraph applies in relation to a school (“school A”) where school A—

- (a) has had two or more section 5 inspections;
- (b) at its most recent section 5 inspection, was awarded by the Chief Inspector a grade of “requires improvement” for the quality of education provided in that school; and
- (c) in the section 5 inspection that took place before the inspection referred to in subparagraph (b), was awarded by the Chief Inspector a grade of “requires improvement”, “satisfactory” or “inadequate” for the quality of education provided in that school.

(3) This paragraph applies in relation to a school (“school B”) where school B—

- (a) has had only one section 5 inspection;
- (b) in that inspection was awarded by the Chief Inspector a grade of “requires improvement” for the quality of education provided in that school;
- (c) has one predecessor school; and
- (d) in the last section 5 inspection of the predecessor school, the predecessor school was awarded by the Chief Inspector a grade of “requires improvement”, “satisfactory” or “inadequate” for the quality of education provided in that school.

(4) This paragraph applies in relation to a school (“school C”) where school C—

- (a) has had only one section 5 inspection;
- (b) in that inspection was awarded by the Chief Inspector a grade of “requires improvement” for the quality of education provided in that school;
- (c) has two or more predecessor schools; and
- (d) in the most recent section 5 inspection of each of those predecessor schools, each predecessor school was awarded by the Chief Inspector a grade of “requires improvement”, “satisfactory” or “inadequate” for the quality of education provided in that school.

(5) This paragraph applies in relation to a school (“school D”)—

- (a) where school D is in a chain;
- (b) where school D has had only one section 5 inspection;
- (c) in that inspection was awarded by the Chief Inspector a grade of “requires improvement” for the quality of education provided in that school;
- (d) where its predecessor school has not been subject to a section 5 inspection; and
- (e) in the most recent section 5 inspection of a relevant school, that school was awarded by the Chief Inspector a grade of “requires improvement”, “satisfactory” or “inadequate” for the quality of education provided in the school.

(6) For the purposes of this regulation, a predecessor school is a school that—

- (a) has been discontinued; and

(a) The expression “maintained nursery school” is defined in section 579(1) of the Education Act 1996 as having the meaning given by section 22(9) of the School Standards and Framework Act 1998 (c. 31). By virtue of section 187(2) of the Education and Inspections Act 2006, Part 4 (schools causing concern: England) of that Act is to be read as though it were contained in the Education Act 1996.

(b) By virtue of section 2B(6) of the Academies Act 2010 (c. 32), the definition of “coasting” applies in respect of academies as it does in respect of maintained schools.

(b) upon discontinuation was replaced by school B, school C or school D.

(7) For the purposes of paragraph (5), school D is in a chain since—

(a) it has one predecessor school; and

(b) the predecessor school replaced at least one relevant school.

(8) For the purpose of construing paragraph (7), “relevant school” means a school in the chain other than school D or its predecessor school.

(9) In this regulation a “section 5 inspection” means an inspection under section 5 of the Education Act 2005(a).

Amendment of Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007

5.—(1) The Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007(b) are amended as follows.

(2) In regulation 2(1), (interpretation) in the definition of “eligible for intervention”, before subparagraph (a) insert—

“(za) the circumstances set out in section 60B of the Education and Inspections Act 2006 apply in relation to the unit;”.

Amendment of the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007

6.—(1) The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007(c) are amended as follows.

(2) In Schedule 1—

(a) before paragraph 23 insert—

“**22A.**—(1) Section 60B of the Education and Inspections Act 2006 applies in relation to units as it applies in relation to maintained schools with the following modifications.

(2) Section 60B has effect as if—

(a) for subsection (1) there were substituted—

“(1) A unit is by virtue of this section eligible for intervention if—

(a) the unit is coasting, and

(b) the Secretary of State has notified the management committee that it is coasting.”.

(b) subsections (2) and (3) were omitted.”;

(b) in paragraph 23C (application of section 4 of the Academies Act 2010 to units), for subparagraph (2) substitute—

“(2) Subsection (1) has effect as for it there were substituted—

“(1) The Secretary of State may make an Academy order in respect of a unit in England if—

(a) an application in respect of the unit is made under section 3; or

(b) the unit is eligible for intervention, within the meaning of Part 4 of the Education and Inspections Act 2006, by virtue of section 60B of that Act (coasting schools).”.”;

(a) 2005 c. 18. Section 5 has been amended by paragraph 23 of Schedule 7 to the Education and Inspections Act 2006, paragraph 17 of Schedule 2 to the Academies Act 2010 (c. 32), and sections 40(2) and 41(1) of, and paragraph 15(2) of Schedule 13 to, the 2011 Act.

(b) S.I. 2007/2978, as amended by S.I. 2012/1825. There are other amendments but none is relevant.

(c) S.I. 2007/2979, as amended by S.I. 2016/608. There are other amendments but none is relevant.

- (c) omit paragraph 23D(3)(a) (application of section 5 of the Academies Act 2010 to units);
- (d) omit paragraph 23DA(2)(a) (application of section 5B of the Academies Act 2010 to units);
- (e) omit paragraph 23DB(2)(a) (application of section 5C of the Academies Act 2010 to units);
- (f) in paragraph 23DC (application of section 5D of the Academies Act 2010 to units), omit the words after “maintained schools”;
- (g) in paragraph 23DD (application of section 5E of the Academies Act 2010 to units), in the modification made by paragraph (3)(b), after “set out in” insert “section 60B,”;
- (h) after paragraph 30 insert—

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31. Regulation 4 of the Coasting Schools (England) Regulations 2022 applies in relation to a unit as if for—

- (a) “school” in each place there were substituted “unit”; and
- (b) “schools” in each place there were substituted “units”.

Revocation

7. The Coasting Schools (England) Regulations 2017(a) are revoked.

Barran
Parliamentary Under Secretary of State
Department for Education

28th June 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of coasting schools. Regulation 3 provides that the regulations do not apply in relation to maintained nursery school.

Regulation 4 provides, for the purposes of section 60B of the Education and Inspections Act 2006 (c. 40), a new definition of the circumstances in a which a school to which that section applies is deemed to be coasting.

Regulations 5 and 6 respectively provide for the application, with modifications, of this new definition of coasting school to pupil referral units, by way of amendments to the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007 (S.I. 2007/2978) and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979).

Regulation 7 revokes the Coasting Schools (England) Regulations 2017 (S.I. 2017/9).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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(a) S.I. 2017/9.

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