



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 4

#### SCHOOLS CAUSING CONCERN: ENGLAND

##### *Schools that are eligible for intervention*

#### **60 Warning notice by local education authority**

- (1) A maintained school is by virtue of this section eligible for intervention if—
  - (a) the local education authority have given the governing body a warning notice in accordance with subsection (2),
  - (b) the period beginning with the day on which the warning notice is given and ending with the fifteenth working day following that day (“the initial period”) has expired,
  - (c) either the governing body made no representations under subsection (7) to the Chief Inspector against the warning notice during the initial period or the Chief Inspector has confirmed the warning notice under subsection (8),
  - (d) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction by the end of the compliance period (as defined by subsection (10)), and
  - (e) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under any one or more of sections 63 to 66 (whether or not the notice is combined with a notice under section 62(2A)(c) of SSFA 1998).
- (2) A local education authority may give a warning notice to the governing body of a maintained school where the authority are satisfied—
  - (a) that the standards of performance of pupils at the school are unacceptably low, and are likely to remain so unless the authority exercise their powers under this Part, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) 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
  - (c) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).
- (3) For the purposes of subsection (2)(a) 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.
- (4) For the purposes of this section a “warning notice” is a notice in writing by the local education authority setting out—
  - (a) the matters on which the conclusion mentioned in subsection (2) is based,
  - (b) the action which they require the governing body to take in order to remedy those matters,
  - (c) the initial period applying under subsection (1)(b), and
  - (d) the action which the local education authority are minded to take (under one or more of sections 63 to 66 or otherwise) if the governing body fail to take the required action.
- (5) The warning notice must also inform the governing body of their right to make representations under subsection (7) during the initial period.
- (6) The local education authority must, at the same time as giving the governing body the warning notice, give a copy of the notice to each of the following persons—
  - (a) the Chief Inspector,
  - (b) the head teacher of the school,
  - (c) in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and
  - (d) in the case of a foundation or voluntary school, the person who appoints the foundation governors.
- (7) Before the end of the initial period, the governing body may make representations in writing to the Chief Inspector against the warning notice, and must send a copy of any such representations to the local education authority.
- (8) The Chief Inspector must consider any representations made to him under subsection (7) and may, if he thinks fit, confirm the warning notice.
- (9) The Chief Inspector must give notice in writing of his decision whether or not to confirm the warning notice to the local education authority, the governing body and such other persons as the Secretary of State may require.
- (10) In this section—
  - “the compliance period”, in relation to a warning notice, means—
    - (a) in a case where the governing body does not make representations under subsection (7), the initial period mentioned in subsection (1)(b), and
    - (b) in a case where the Chief Inspector confirms the warning notice under subsection (8), the period beginning with the day on which he does so and ending with the fifteenth working day following that day;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in England.

## **61 School requiring significant improvement**

A maintained school is by virtue of this section eligible for intervention if—

- (a) following an inspection of the school under Chapter 1 of Part 1 of EA 2005, the Chief Inspector has given notice under section 13(3)(a) of that Act in a case falling within section 13(1)(b) of that Act (school requiring significant improvement), and
- (b) where any subsequent inspection of the school has been made under Chapter 1 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 a notice under section 13(3)(a) of that Act in a case falling within section 13(1)(a) of that Act (school requiring special measures).

## **62 School requiring special measures**

A maintained school is by virtue of this section eligible for intervention if—

- (a) following an inspection of the school under Chapter 1 of Part 1 of EA 2005, the Chief Inspector has given notice under section 13(3)(a) of that Act in a case falling within section 13(1)(a) of that Act (school requiring special measures), and
- (b) where any subsequent inspection of the school has been made under Chapter 1 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.