



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

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,

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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—
- (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—

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- (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,
 - (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.

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- (3) The regulations may, in particular, provide for reports to be made, by such persons and at such intervals as may be prescribed.
- (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.