



School Standards and Framework Act 1998

1998 CHAPTER 31

PART I

MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

CHAPTER I

LIMIT ON INFANT CLASS SIZES

1 Duty to set limit on infant class sizes.

- (1) The Secretary of State shall by regulations—
 - (a) impose a limit on class sizes for infant classes at maintained schools; and
 - (b) specify the school years in relation to which any such limit is to have effect.
- (2) Any limit imposed under this section shall specify the maximum number of pupils that a class to which the limit applies may contain while an ordinary teaching session is conducted by a single [F1school teacher].
- (3) Subject to subsections (4) and (5), regulations under this section shall be so framed that—
 - (a) the maximum number specified in pursuance of subsection (2) is 30, and
 - (b) that limit has effect in relation to the 2001-02 school year and any subsequent year.
- (4) Regulations under this section may—
 - (a) provide for any limit imposed under this section to take effect—
 - (i) at the same time in the case of each of the age groups into which the pupils in infant classes fall, or

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- (ii) at different times (which may be earlier than the beginning of the school year mentioned in subsection (3)) in the case of different such age groups;
 - (b) provide that, in any circumstances specified in the regulations, any such limit either is not to apply or is to operate in such manner as is so specified.
- (5) The Secretary of State may by order amend subsection (3)—
- (a) by substituting for “30” such other number as is specified in the order; or
 - (b) by substituting for the reference to the 2001-02 school year a reference to such other school year as is so specified.
- (6) Where any limit imposed under this section applies to an infant class at a maintained school, the local education authority and the governing body shall exercise their functions with a view to securing that that limit is complied with in relation to that class.

Textual Amendments

F1 Words in s. 1 substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 87](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/3185, art. 4, Sch. Pt. 1](#); [S.I. 2003/1667, art. 3](#)

Modifications etc. (not altering text)

C1 S. 1 applied (with modifications) (18.10.1999) by [S.I. 1999/2666, reg. 8, Sch. paras. 1\(c\), 2-8](#).
S. 1 applied (with modifications) (1.9.1999) by [S.I. 1999/2800, reg. 7, Sch. paras. 1, 2-8](#).

C2 S. 1 applied (with modifications) (E.) (8.5.2003) by [The New School \(Admissions\) \(England\) Regulations 2003 \(S.I. 2003/1041\), regs. 1\(1\), 9, Sch. para. 1\(b\)](#)

C3 S. 1 applied (with modifications) (1.2.2006) by [The New School \(Admissions\) \(Wales\) Regulations 2006 \(S.I. 2006/175\), regs. 1\(1\), 9, Sch. \(with reg. 2\(2\)\)](#)

F2 **Plans by LEAs for reducing infant class sizes.**

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Textual Amendments

F2 S. 2 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\), Sch. 5 Pt. 1](#); [S.I. 2005/394, art. 2\(1\)\(f\)](#); [S.I. 2006/885, art. 2\(3\)\(b\)](#)

3 **Payment of grant in connection with reductions in infant class sizes.**

- [^{F3}(1) Regulations shall make provision for the payment by the Secretary of State of grants to local education authorities in respect of expenditure incurred or to be incurred by them for the purpose of securing that any limit imposed under section 1 is complied with in relation to infant classes at schools maintained by them.
- (2) Regulations under this section shall provide for the Secretary of State—
- (a) to withhold grants under the regulations from a local education authority where no proposed arrangements by that authority have been approved by him under section 2; and

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- (b) when determining whether any grant (and, if so, what amount) should be paid by him under the regulations to a local education authority, to have regard to their proposed arrangements as so approved.
- (3) Regulations under this section may provide—
- (a) for the payment of grant under the regulations to be dependent on the fulfilment of such conditions as may be determined by or in accordance with the regulations, and
 - (b) for requiring local education authorities to whom payments have been made under the regulations to comply with such requirements as may be so determined.]

Textual Amendments

F3 S. 3 repealed (1.4.2003 for E., 2.1.2008 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 18(1)(i), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4; S.I. 2007/3611, art. 4(1), Sch. Pt. 1

Modifications etc. (not altering text)

C4 S. 3 modified (1.9.1998) (*temp.*) by [S.I. 1998/1968](#), [reg.2](#)

4 Interpretation of Chapter I.

In this Chapter—

“class” means a group in which pupils are taught in an ordinary teaching session;

“infant class” means a class containing pupils the majority of whom will attain the age of five, six or seven during the course of the school year;

“ordinary teaching session” does not include a school assembly or other school activity usually conducted with large groups of pupils;

[^{F4}“school teacher” means a person who is a school teacher for the purposes of section 122 of the Education Act 2002 (determination of school teachers’ pay and conditions)]

Textual Amendments

F4 Words in s. 4 substituted (19.12.2002 for W., 1.8.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 88](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 4, Sch. Pt. 1; S.I. 2003/1667, art. 3

CHAPTER II

GENERAL RESPONSIBILITIES OF LOCAL EDUCATION AUTHORITIES

Duty to promote high standards of education

5 Duty of LEAs to promote high standards in primary and secondary education.

After section 13 of the ^{M1}Education Act 1996, there shall be inserted—

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“13A Duty to promote high standards in primary and secondary education.

- (1) A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards.
- (2) This section applies to education for—
 - (a) persons of compulsory school age (whether at school or otherwise); and
 - (b) persons of any age above or below that age who are registered as pupils at schools maintained by the authority;
 and in subsection (1) “functions” means functions of whatever nature.”

Marginal Citations

M1 1996 c. 56.

Education development plans

F5 6 Preparation of education development plans.

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Textual Amendments

F5 S. 6 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); S.I. 2005/394, [art. 2\(1\)\(i\)](#); S.I. 2006/885, [art. 2\(3\)\(b\)](#)

F6 7 Approval, modification and review of statement of proposals.

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Textual Amendments

F6 S. 7 repealed (1.3.2005 for E., 1.9.2006 for W.) by [Children Act 2004 \(c. 31\)](#), [Sch. 5 Pt. 1](#); S.I. 2005/394, [art. 2\(1\)\(i\)](#); S.I. 2006/885, [art. 2\(3\)\(b\)](#)

Intervention by Secretary of State

8 Reserve power of Secretary of State to secure proper performance of LEA’s functions.

After section 497 of the ^{M2}Education Act 1996 there shall be inserted—

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“497A Power to secure proper performance of LEA’s functions.

- (1) This section applies to a local education authority’s functions (of whatever nature) which relate to the provision of education—
 - (a) for persons of compulsory school age (whether at school or otherwise), or
 - (b) for persons of any age above or below that age who are registered as pupils at schools maintained by the authority.
- (2) If the Secretary of State is satisfied (either on a complaint by any person interested or otherwise) that a local education authority are failing in any respect to perform any function to which this section applies to an adequate standard (or at all), he may exercise his powers under subsection (3) or (4).
- (3) The Secretary of State may under this subsection direct an officer of the authority to secure that that function is performed in such a way as to achieve such objectives as are specified in the direction.
- (4) The Secretary of State may under this subsection give an officer of the authority such directions as the Secretary of State thinks expedient for the purpose of securing that the function—
 - (a) is performed, on behalf of the authority and at their expense, by such person as is specified in the direction, and
 - (b) is so performed in such a way as to achieve such objectives as are so specified;and such directions may require that any contract or other arrangement made by the authority with that person contains such terms and conditions as may be so specified.
- (5) Where the Secretary of State considers it expedient that the person specified in directions under subsection (4) should perform other functions to which this section applies in addition to the function to which subsection (2) applies, the directions under subsection (4) may relate to the performance of those other functions as well; and in considering whether it is expedient that that person should perform any such additional functions, the Secretary of State may have regard to financial considerations.
- (6) Any direction under this section may either—
 - (a) have effect for an indefinite period until revoked by the Secretary of State, or
 - (b) have effect until any objectives specified in the direction have been achieved (as determined in accordance with the direction).
- (7) Any direction given under subsection (3) or (4) shall be enforceable, on an application made on behalf of the Secretary of State, by an order of mandamus.

497B Power to secure proper performance: further provisions.

- (1) Where the Secretary of State gives directions under section 497A(4) to an officer of a local education authority, the person specified in those directions shall, in the performance of the function or functions specified in the directions, be entitled to exercise the powers conferred by this section.

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- (2) The specified person shall have at all reasonable times—
- (a) a right of entry to the premises of the authority, and
 - (b) a right to inspect, and take copies of, any records or other documents kept by the authority, and any other documents containing information relating to the authority, which he considers relevant to the performance of the specified function or functions.
- (3) In exercising the right to inspect records or other documents under subsection (2), the specified person—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records or other documents in question, and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used, or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
 to afford him such assistance as he may reasonably require (including, in particular, the making of information available for inspection or copying in a legible form).
- (4) Without prejudice to subsection (2), the authority shall give the specified person all assistance in connection with the performance of the specified function or functions which they are reasonably able to give.
- (5) Subsection (2) shall apply in relation to any school maintained by the authority as it applies in relation to the authority; and without prejudice to that subsection (as it so applies)—
- (a) the governing body of any such school shall give the specified person all assistance in connection with the exercise of his functions which they are reasonably able to give; and
 - (b) the governing body of any such school and the authority shall secure that all such assistance is also given by persons who work at the school.
- (6) Any reference in this section to the specified person includes a reference to any person assisting him in the performance of the specified function or functions.
- (7) In this section “document” and “records” each include information recorded in any form.”

Marginal Citations

M2 1996 c. 56.

Parent governor representatives on education committees

9 Education committees to include representatives of parent governors.

At the end of section 499 of the ^{M3}Education Act 1996 (power of Secretary of State to direct appointment of members of education committees) there shall be added—

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- “(6) Regulations may require—
- (a) any such committee as is mentioned in subsection (1) or (3), and
 - (b) any sub-committee appointed by any authorities within subsection (1) or (3), or by any committee within paragraph (a) of this subsection, for the purpose mentioned in subsection (5)(b),
- to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools in relation to which the committee or sub-committee acts.
- (7) Regulations may make provision for—
- (a) the number of persons who are to be elected for the purposes of subsection (6) in the case of any local education authority;
 - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election;
 - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected;
 - (d) the term of office of persons so elected and their voting rights;
 - (e) the application to any such committee or sub-committee, with or without any modification, of any provision made by or under any other enactment and relating to committees or (as the case may be) sub-committees of a local authority;
 - (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (8) Regulations may also make provision—
- (a) enabling the Secretary of State to determine, where he considers it expedient to do so in view of the small number of maintained schools in relation to which a committee or sub-committee acts, that the requirement imposed on the committee or sub-committee by virtue of subsection (6) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools;
 - (b) for any regulations under subsection (7) to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.
- (9) In subsections (6) and (8) “maintained school” and “parent governor” have the same meaning as in the School Standards and Framework Act 1998.”

Marginal Citations

M3 1996 c. 56.

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CHAPTER III

EDUCATION ACTION ZONES

10 Establishment of education action zones.

- (1) If the Secretary of State considers that it is expedient to do so with a view to improving standards in the provision of education at any particular [^{F7}eligible schools], he may by order provide for those schools to constitute collectively an education action zone for the purposes of this Chapter.

[^{F8}(1A) For the purposes of subsection (1) “eligible school” means—

- (a) a maintained school;
- (b) a nursery school;
- (c) a pupil referral unit; or
- (d) an independent school.]

- (2) An education action zone shall be established in the first instance for three years; but the Secretary of State may, by an order made before the end of that period, provide for the zone to continue in existence for a further two years.

- (3) [^{F9}At any time when an education action zone is in existence, the Secretary of State may by order vary the order establishing the zone by adding to the schools for the time being included in that order—

- (a) any school in relation to which section 15 applies by virtue of subsection (1), (4) or (6) of that section; or
- (b) with a view to enabling it to achieve improving standards in the provision of education once it becomes a maintained school, any new school which has a temporary governing body.]

- (4) No order shall be made by the Secretary of State under subsection (1) [^{F10}or (2)] except on an application made for the purpose with the consent of the governing body of every school which it is proposed should be a participating school.

- (5) Any school which ceases to be a participating school by virtue of subsection (2) may nevertheless be included in a further order under subsection (1).

- (6) In this Chapter—

[^{F11}(a) references to a governing body—

- (i) in relation to an independent school (other than an Academy, city technology college or city college for the technology of the arts), are to the proprietor of the school, and
- (ii) in relation to a new school, include the temporary governing body of the school;

- (b) “participating school”, in relation to an education action zone, means one of the schools that—

- (i) for the time being is included in the order under subsection (1), or
- (ii) has been added to the zone by virtue of section 11B,

other than a school that has been removed from the zone in accordance with section 11C;

- (c) “pupil referral unit” has the same meaning as in section 19 of the Education Act 1996 (c. 56);

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- (d) “new school” has the meaning given in section 72(3).]
- (7) [F12]In this section “new school” has the meaning given by section 72(3).]
- (8) Unless the Secretary of State by order otherwise provides, nothing in this Chapter applies in relation to Wales.

Textual Amendments

- F7** Words in s. 10(1) substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 2\(1\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)
- F8** S. 10(1A) inserted (1.10.2002 for E. for specified purposes, 1.9.2003 for E. so far as not already in force) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 15 para. 2\(2\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#); [S.I. 2003/1667](#), [art. 4](#)
- F9** S. 10(3) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 2\(3\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)
- F10** Words in s. 10(4) substituted (1.10.2002 for E otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 2\(4\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)
- F11** S. 10(6)(a)-(d) substituted for s. 10(6)(a)(b) (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 2\(5\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)
- F12** S. 10(7) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 2\(6\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

Modifications etc. (not altering text)

- C5** s. 10(1) modified (*temp.*) (4.8.1998) by [S.I. 1998/1878](#), [reg. 2](#)
- C6** S. 10(6)(a)(i) modified (*temp.*) (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 8\(3\)](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#) (with Sch.)

11 Establishment of Education Action Forum for zone.

- (1) An order establishing an education action zone under section 10(1) shall provide for the establishment of an Education Action Forum for the zone.
- (2) An Education Action Forum shall be a body corporate [F13]and shall be constituted in accordance with the order under section 10(1) by which it is established] .
- (3) [F14]The order shall require the members of an Education Action Forum to include—
- (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment; and
- (b) either one or two persons appointed by the Secretary of State.]
- (4) Schedule 1 has effect in relation to an Education Action Forum.
- (5) The Forum established for an education action zone shall be dissolved by order of the Secretary of State with effect from the time when the zone ceases to exist in accordance with section 10(2).
- (6) An order under subsection (5) may make provision for the transfer of property, staff, rights and liabilities of the Forum and for the preparation of a final statement of accounts.

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Textual Amendments

- F13** Words in s. 11(2) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 3\(a\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with [Sch.](#))
- F14** S. 11(3) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 215(2), 216, [Sch. 15 para. 3\(b\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with [Sch.](#))

Modifications etc. (not altering text)

- C7** S. 11 extended (10.3.1999) by S.I. 1999/362, [reg. 2\(4\)](#).

[^{F15}**11A Constitution of Education Action Forum**

- (1) The members of an Education Action Forum must include—
- (a) one person appointed by the governing body of each of the participating schools, unless the governing body of any such school choose not to make such an appointment, and
 - (b) one or two persons appointed by the Secretary of State, unless he chooses not to make such appointments.
- (2) Subject to that, an Education Action Forum—
- (a) shall initially be constituted in accordance with the order under section 10(1), and
 - (b) may subsequently alter its membership (as set out in that order or as previously altered under this paragraph).
- (3) In subsection (2) the references to altering the Forum’s membership include—
- (a) altering the number of members, and
 - (b) altering who may appoint members.
- (4) An alteration may be made under subsection (2)(b) only if it is made—
- (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
 - (b) with the consent of the Secretary of State.]

Textual Amendments

- F15** S. 11A inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#) ss. 187, 216, {[Sch. 15 para. 4](#)} (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with [Sch.](#))

Modifications etc. (not altering text)

- C8** S. 11A modified (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 8\(4\)](#) (with ss.210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with [Sch.](#))

[^{F16}**11B Expansion of zone**

- (1) An Education Action Forum established for an education action zone may add—
- (a) any eligible school (within the meaning of section 10(1A)), or
 - (b) any new school which has a temporary governing body,

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to the zone.

- (2) But a school may be added under this section only if it is added—
 - (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
 - (b) with the consent of the governing body of the school and of the Secretary of State.
- (3) For the purposes of this section references to a school being added to an education action zone are to it becoming one of the schools which constitute collectively the zone.

Textual Amendments

F16 Ss. 11B, 11C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 5](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

11C Removal from zone

- (1) An Education Action Forum established for an education action zone may remove a participating school from the zone.
- (2) But a school may be removed under this section only if it is removed—
 - (a) in accordance with any procedural requirements specified for the purposes of this section in regulations under Schedule 1, and
 - (b) with the consent of the Secretary of State.
- (3) For the purposes of this section references to a school being removed from an education action zone are to it ceasing to be one of the schools which constitute collectively the zone.]

Textual Amendments

F16 Ss. 11B, 11C inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 5](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

[^{F17}11D Information relating to a Forum and its zone

- (1) An Education Action Forum established for an education action zone must provide the Secretary of State with details of—
 - (a) any alteration made to its constitution under section 11A(2)(b),
 - (b) any addition of a school to the zone under section 11B, and
 - (c) any removal of a school from the zone under section 11C.
- (2) The Forum must also, on a request being made by any person, provide him with—
 - (a) the name of each member of the Forum and of the person or body that appointed him,
 - (b) the name of any other person or body entitled to appoint a member, and
 - (c) the name of each participating school in relation to the zone.

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- (3) But the duty under subsection (2) is subject, in such circumstances as the Forum may determine, to the payment by the person concerned of a reasonable fee determined by the Forum.]

Textual Amendments

F17 S. 11D inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 187, 216, [Sch. 15 para. 6](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#) (with Sch.)

12 Functions of Education Action Forum.

- (1) An Education Action Forum shall have as its main object the improvement of standards in the provision of education at each of the participating schools.

[^{F18}(1A) With the consent of the Secretary of State, a Forum may also carry on any other activities which it considers will promote the provision of, or access to, education whether in a participating school or otherwise.]

- (2) A Forum may, under arrangements made by the governing body of a participating school in respect of any prescribed function of that body relating to the conduct of the school, either—
- (a) discharge that function on behalf of the governing body until such time as they may specify in a request to the Forum to cease discharging the function on their behalf; or
 - (b) assume full responsibility for the discharge of that function during the whole of the period for which the Forum remains in existence.
- (3) Regulations may make provision—
- (a) as to the circumstances in which the governing body of a participating school may make arrangements under subsection (2);
 - (b) for the procedure to be followed by such a governing body in connection with the making of any such arrangements;
 - (c) for the procedure to be followed by an Education Action Forum when discharging any function by virtue of that subsection;
 - (d) for statutory provisions relating to governing bodies of maintained schools to apply, with any prescribed modifications, to an Education Action Forum when discharging any function by virtue of paragraph (b) of that subsection.
- (4) Regulations may, in relation to the discharge by an Education Action Forum of any function of a governing body [^{F19}under sections 54 and 57(1) to (3), Schedule 16 or paragraph 27 of Schedule 17,][^{F19}under sections 35 to 37 of, or Schedule 2 to, the Education Act 2002 or under regulations made under those sections,] make any such provision as may be made by an order under section 81 (application of employment law during financial delegation).
- (5) The Secretary of State may by a direction provide for any scheme under Chapter IV of Part II of this Act which relates to a participating school to have effect with such modifications as he considers appropriate in a case where an Education Action Forum is discharging any function in relation to the school by virtue of subsection (2)(b).
- (6) Before giving a direction under subsection (5) the Secretary of State shall consult the local education authority.

Status: Point in time view as at 23/04/2007.

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Textual Amendments

- F18** S. 12(1A) inserted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), 187, 216, {Sch. 15 para. 7} (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)
- F19** Words in s. 12(4) substituted (1.9.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 90](#) (with ss. 210(8), 214(4)); [S.I. 2003/1667, art. 4](#)

13 Disapplication of pay and conditions order in relation to teachers at participating schools.

[^{F20}For section 3 of the ^{M4}School Teachers' Pay and Conditions Act 1991 there shall be substituted—

“ Special provisions as to schools in education action zones.

- (1) A pay and conditions order shall not apply to the statutory conditions of employment of the school teachers in a participating school the governing body of which—
 - (a) have, by notice to the Secretary of State, made an application for exemption; and
 - (b) pursuant to that application are for the time being exempted from subsections (6) and (7) of section 2 above by virtue of an order under subsection (4) below.
- (2) Before making an application under subsection (1) above, the governing body of the participating school concerned shall consult the school teachers employed at the school with respect to the proposed application.
- (3) A notice of application under subsection (1) above shall specify a date, at least three months after the date of the notice, with effect from which the governing body of the participating school concerned intend to make their own provision as to the statutory conditions of employment of the school teachers employed at the school.
- (4) On receipt of a notice of application under subsection (1) above the Secretary of State may, by statutory instrument, make an order—
 - (a) naming the school; and
 - (b) specifying, as the date with effect from which, by virtue of the order, subsections (6) and (7) of section 2 above are not to apply, the date specified in the notice of application or such other date as may be agreed between the governing body and the Secretary of State.
- (5) Where by virtue of an order under subsection (4) above a pay and conditions order ceases to apply in relation to any school, the statutory conditions of employment of the school teachers employed at the school shall be—
 - (a) such as may be determined by the governing body, or
 - (b) so far as the governing body have not made any determination with respect to any such conditions of employment, those having effect under the order immediately before it ceased to apply;and (so far as necessary) the local education authority shall give effect to any such determination of the governing body.

Status: Point in time view as at 23/04/2007.

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- (6) In this section “participating school” means one of the schools for the time being included in an order under section 10(1) of the School Standards and Framework Act 1998 establishing an education action zone.”]

Textual Amendments

- F20** S. 13 ceased to have effect (1.10.2002 for E. and otherwise prosp.) by virtue of [Education Act 2002 \(c. 32\)](#), [ss. 215\(1\), 216](#), [Sch. 21 para. 91](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#)); S. 13 repealed (prosp) by [Education Act 2002 \(c. 32\)](#), [ss. 215\(2\), 216](#), [Sch. 22 Pt. 1](#) (with [ss. 210\(8\), 214\(4\)](#))

Modifications etc. (not altering text)

- C9** S. 13 excluded (1.9.1998) (*temp.*) by [S.I. 1998/2115](#), [reg.3](#)

Marginal Citations

- M4** 1991 c. 49.

CHAPTER IV

INTERVENTION IN SCHOOLS [^{F21}IN WALES] CAUSING CONCERN

Textual Amendments

- F21** Words in [Pt. 1 Ch. 4](#) heading inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [s. 188\(3\)](#), [Sch. 7 para. 3](#); [S.I. 2007/935](#), [art. 5\(cc\)](#)

Modifications etc. (not altering text)

- C10** Pt. 1 Chapter 4: Power to modify conferred (prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 25, 216](#) (with [ss. 210\(8\), 214\(4\)](#))
- C11** Pt. 1 Ch. 4: power to modify conferred (1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 25\(1\)\(a\), 216\(4\)](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2003/124](#), [art. 4](#)

Intervention by LEAs

14 Powers of intervention exercisable by LEAs.

- (1) If at any time section 15 applies to a maintained school by virtue of any of the following provisions of that section, namely—

- (a) subsection (1) (school subject to formal warning),
- (b) subsection (4) (school [^{F22}requiring significant improvement]), or
- (c) subsection (6) (school requiring special measures),

the provisions mentioned in subsection (2) below (which confer powers of intervention on local education authorities) shall also apply to the school at that time unless excluded by subsection (3) below (intervention by [^{F23}Assembly]).

^{F24}(1A)

- (2) Those provisions are—

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- (a) section 16 (power to appoint additional governors);
 - [^{F25}(aa) section 16A (power to provide for governing body to consist of interim executive members);] and
 - (b) section 17 (power to suspend right to delegated budget).
- [^{F26}(3) Those provisions shall not apply to a school to which section 15 applies by virtue of subsection (4) or (6) of that section (school [^{F27}requiring significant improvement] or requiring special measures) if, in connection with the same inspection falling within subsection (4)(a) or (6)(a) of that section—
- (a) the [^{F28}Assembly] has exercised in relation to the school [^{F28}its] power under section 18 (power to appoint additional governors) and any additional governors appointed in the exercise of that power remain in office; or
 - (b) [^{F29}the Assembly] has exercised in relation to the school [^{F29}its] power under section 19 (power to direct closure of school).]
- [^{F30}(3A) In this Chapter “maintained school” means any school in Wales that is—
- (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school, or
 - (c) a maintained nursery school.]
- [^{F31}(4) In this Chapter—
- [^{F32}(a) “Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales,]
 - ^{F33}(b)
 - (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

- F22** Words in s. 14(1)(b) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 14(2)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F23** Word in s. 14(1) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 4(2)**; S.I. 2007/935, art. 5(cc)
- F24** S. 14(1A) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 7 para. 4(3), **Sch. 18 Pt. 4**; S.I. 2007/935, art. 5(cc)(ii)
- F25** S. 14(2)(aa) inserted (2.9.2002 for E.) by Education Act 2002 (c. 32), **ss. 57(1)**, 216 (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**
- F26** S. 14(3) substituted (2.9.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, **Sch. 5 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F27** Words in s. 14(3) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 14(2)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F28** Words in s. 14(3)(a) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 4(4)(a)**; S.I. 2007/935, art. 5(cc)
- F29** Words in s. 14(3)(b) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 4(4)(b)**; S.I. 2007/935, art. 5(cc)
- F30** S. 14(3A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 4(5)**; S.I. 2007/935, art. 5(cc)
- F31** S. 14(4) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 14(3)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1

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- F32** S. 14(4)(a) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 4(6)(a)**; S.I. 2007/935, art. 5(cc)
- F33** S. 14(4)(b) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 7 para. 4(6)(b), **Sch. 18 Pt. 4**; S.I. 2007/935, art. 5(cc)(ii)

Modifications etc. (not altering text)

- C12** S. 14(2) modified (E.) (2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), **reg. 4(c)**
- C13** S. 14(2)(a) modified (W.) (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 3(c)**
- C14** S. 14(2)(b) modified (W.) (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 3(c)**

15 Cases where LEA may exercise powers of intervention.

- (1) This section applies to a maintained school by virtue of this subsection if—
- (a) the local education authority have—
 - (i) given the governing body a warning notice in accordance with subsection (2), and
 - (ii) given the head teacher of the school a copy of the notice at the same time as the notice was given to the governing body;
 - (b) the governing body have failed to comply, or secure compliance, with the notice to the authority’s satisfaction within the compliance period; and
 - (c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under either or both of sections 16 and 17 (whether or not the notice is combined with a notice under section 62(3) (c)).
- (2) A local education authority may give a warning notice to the governing body of a maintained school where—
- (a) the authority are satisfied—
 - (i) 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 either or both of sections 16 and 17, or
 - (ii) 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
 - (iii) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise); and
 - (b) the authority have previously informed the governing body and the head teacher of the matters on which that conclusion is based; and
 - (c) those matters have not been remedied to the authority’s satisfaction within a reasonable period.
- (3) For the purposes of subsections (1) and (2) a “warning notice” is a notice in writing by the local education authority setting out—
- (a) the matters referred to in subsection (2)(b);
 - (b) the action which they require the governing body to take in order to remedy those matters; and

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- (c) the period within which that action is to be taken by the governing body (“the compliance period”).

[^{F34}(4) This section applies to a maintained school by virtue of this subsection if—

- (a) following an inspection of the school under Chapter 3 of Part 1 of the Education Act 2005, the Chief Inspector has given the Assembly 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 that Chapter, 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 Assembly a notice under subsection (2) of section 37 of that Act in case falling within subsection (1)(a)(i) or (1)(b)(i) of that section (school requiring special measures).]

^{F35}(5)

[^{F36}(6) This section applies to a maintained school by virtue of this subsection if—

- (a) following an inspection of the school under Chapter 3 of Part 1 of the Education Act 2005, the Chief Inspector has given the Assembly a notice under subsection (2) of section 37 of that Act in a case falling within 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 that Chapter, the notice has not been superseded by the person making the subsequent inspection making a report stating that in his opinion the school no longer requires special measures.]

^{F37}(7)

Textual Amendments

- F34** S. 15(4) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 5(2)**; S.I. 2007/935, art. 5(cc) (with art. 8(1))
- F35** S. 15(5) repealed (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), Sch. 9 para. 15(3), **Sch. 19 Pt. 1**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F36** S. 15(6) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 5(3)**; S.I. 2007/935, art. 5(cc) (with art. 8(1))
- F37** S. 15(7) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 7 para. 5(4), **Sch. 18 Pt. 4**; S.I. 2007/935, **art. 5(ii)** (with art. 8(1))

Modifications etc. (not altering text)

- C15** S. 15(4) modified (E.) (2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), {reg. 4(a)}
S. 15(4) modified (W.) (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 3(a)**
- C16** S. 15(6) modified (E.) (2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), **reg. 4(a)**

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S. 15(6) modified (W.) (19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), [reg. 3\(a\)](#)

16 Power of LEA to appoint additional governors.

- (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 appoint such number of additional governors as they think fit.
- (2) Where this section so applies in the case of a school falling within section 15(1) (school subject to formal warning), the power conferred by subsection (1) above is only exercisable within the period of two months following the end of the compliance period.
- ^{F38}(3) Where this section so applies in the case of a school falling within section 15(4) (school ^{F39}requiring significant improvement] 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—
 - ^{F40}(a) the Chief Inspector has given the local education authority a notice under section ^{F41}... 37(2) of the Education Act 2005]
 - (b) a period of not less than ten days has elapsed since the date of the notice.]
- (4) ^{F42}.....
- (5) In relation to any appointment made by the local education authority by virtue of subsection (1) to the governing body of a school, the instrument of government for the school shall have effect as if ^{F43}(despite anything in regulations under section 19 of the Education Act 2002)] it provided for the local education authority to appoint such number of additional governors as they think fit.
- (6) If at any time—
 - (a) this section applies to a voluntary aided school other than one falling within ^{F44}section 15(4) or (6)] , and
 - (b) the local education authority have exercised their power to appoint additional governors under subsection (1),
 the appropriate appointing authority may appoint such number of additional foundation governors as is equal to the number of additional governors appointed by the authority.
- (7) Any additional foundation governors appointed under subsection (6)—
 - (a) shall cease to hold office at the time when the additional governors appointed by the authority cease to do so; and
 - (b) shall not be eligible for re-appointment except where, and to the extent that, those governors are re-appointed.
- (8) If—
 - (a) at any time this section applies to a voluntary aided school falling within ^{F45}section 15(4) or (6)] , and
 - ^{F46}(b) paragraph (a) of section 14(3) does not apply in connection with the same inspection falling within subsection (4)(a) or (6)(a) of section 15,]
 the appropriate appointing authority may (subject to subsection (9)) appoint such number of additional foundation governors as they think fit.

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- [^{F47}(9) The power conferred by subsection (8) is only exercisable if the following conditions are satisfied, namely—
- (a) the appropriate appointing authority have received a notice in writing from the [^{F48}Assembly] informing them that [^{F49}it] has received from the Chief Inspector a notice under [^{F50}section ^{F51}... 37(2) of the Education Act 2005], and
 - (b) a period of not less than ten days has elapsed since the date of the notice from the [^{F41}Assembly].]
- (10) In the case of any appointment made by virtue of subsection (6) or (8) to the governing body of a school, the instrument of government for the school shall have effect as if [^{F52}(despite anything in regulations under section 19 of the Education Act 2002)] the instrument provided for the appropriate appointing authority to appoint such number of additional foundation governors as they are authorised to appoint under subsection (6) or (8) (as the case may be).
- (11) Subject to subsection (12), references in this section to the appropriate appointing authority in relation to any voluntary aided school are references—
- (a) to the appropriate diocesan authority, if it is a Church of England school, Church in Wales school or Roman Catholic Church school; or
 - (b) in any other case, to the person or persons by whom the foundation governors are appointed.
- (12) Where, in the case of any voluntary aided school not falling within subsection (11)(a), there are different powers to appoint foundation governors, references in this section to the appropriate appointing authority are references—
- (a) to all those persons who have any such power acting jointly, or
 - (b) if they are unable to agree, to such of them acting jointly, or such one of them, as the [^{F53}Assembly] may, after consulting all those persons, determine.
- [^{F54}(12A) The [^{F55}Assembly] may in respect of any particular school determine that subsections (3)(b) and (9)(b) shall have effect as if the reference to ten days were to such shorter period as [^{F56}the Assembly] may determine.]
- (13) ^{F57}.....

Textual Amendments

- F38** S. 16(3) substituted (2.9.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\), ss. 56\(3\), 216, Sch. 5 para. 2\(2\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1
- F39** Words in s. 16(3) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 16\(2\)\(a\)](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), Sch. 1
- F40** S. 16(3)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 16\(2\)\(b\)](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), Sch. 1
- F41** Words in s. 16(3)(a) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 6\(2\), Sch. 18 Pt. 4](#); S.I. 2007/935, [art. 5\(cc\)\(ii\)](#) (with [art. 8\(2\)](#))
- F42** S. 16(4) repealed (2.9.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\), ss. 56\(3\), 215\(2\), 216, Sch. 5 para. 2\(3\), Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1
- F43** Words in s. 16(5) substituted (1.9.2003 for E., 31.10.2005 for W.) by [Education Act 2002 \(c. 32\), s. 216\(4\), Sch. 21 para. 93\(2\)](#) (with ss. 210(8), 214(4)); S.I. 2003/1667, [art. 4](#); S.I. 2005/2910, [art. 4](#), Sch.

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- F44** Words in s. 16(6)(a) substituted (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, **Sch. 5 para. 2(4)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F45** Words in s. 16(8)(a) substituted (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, **Sch. 5 para. 2(5)(a)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F46** S. 16(8)(b) substituted (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, **Sch. 5 para. 2(5)(b)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F47** S. 16(9) substituted (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, **Sch. 5 para. 2(6)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F48** Word in s. 16(9) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 6(3)(a)**; S.I. 2007/935, art. 5(cc) (with art. 8(2))
- F49** Word in s. 16(9)(a) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 6(3)(b)(i)**; S.I. 2007/935, art. 5(cc) (with art. 8(2))
- F50** Words in s. 16(9)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 16(3)**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F51** Words in s. 16(9)(a) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), Sch. 7 para. 6(3)(b)(ii), **Sch. 18 Pt. 4**; S.I. 2007/935, art. 5(cc)(ii) (with art. 8(2))
- F52** Words in s. 16(10) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 93(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F53** Word in s. 16(12)(b) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 6(4)**; S.I. 2007/935, art. 5(cc) (with art. 8(2))
- F54** S. 16(12A) inserted (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, **Sch. 5 para. 2(7)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F55** Word in s. 16(12A) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 6(5)(a)**; S.I. 2007/935, art. 5(cc) (with art. 8(2))
- F56** Words in s. 16(12A) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 6(5)(b)**; S.I. 2007/935, art. 5(cc) (with art. 8(2))
- F57** S. 16(13) repealed (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 56(3), 216, 215(2), Sch. 5 para. 2(8), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1

Modifications etc. (not altering text)

- C17** S. 16 modified (E.) (2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), **reg. 4(c)**
 S. 16 modified (W.) (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 3(c)**

Commencement Information

- II** S. 16 wholly in force at 1.9.1999; s. 16 not in force at Royal Assent see s. 145(3); s. 16(1)-(5) and (13) in force at 1.10.1998 by S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**; s. 16 in force at 1.9.1999 in so far as not already in force by S.I. 1999/2323, art. 2(1), **Sch. 1** (with arts. 3-5, Schs. 5-7).

^{F58} 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

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may, with the consent of the [^{F59}Assembly], 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 [^{F60}requiring significant improvement]) 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—

- [the Chief Inspector has given the local education authority a notice under ^{F61}(a) section ^{F62}... 37(2) of the Education Act 2005, and]
- (b) a period of not less than ten days has elapsed since the date of the notice.

(3) The [^{F63}Assembly] 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 [^{F64}the Assembly] 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.]

Textual Amendments

- F58** S. 16A inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\), ss. 57\(2\)](#), 216 (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#)
- F59** Word in s. 16A(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 7\(2\)](#); S.I. 2007/935, [art. 5\(cc\)](#) (with [art. 8\(3\)](#))
- F60** Words in s. 16A(2) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 17\(a\)](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), [Sch. 1](#)
- F61** S. 16A(2)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), [Sch. 9 para. 17\(b\)](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), [Sch. 1](#)
- F62** Words in s. 16A(2)(a) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 7\(3\)](#), [Sch. 18 Pt. 4](#); S.I. 2007/935, [art. 5\(cc\)\(ii\)](#) (with [art. 8\(3\)](#))
- F63** Word in s. 16A(3) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 7\(4\)\(a\)](#); S.I. 2007/935, [art. 5\(cc\)](#) (with [art. 8\(3\)](#))
- F64** Words in s. 16A(3) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 7\(4\)\(b\)](#); S.I. 2007/935, [art. 5\(cc\)](#) (with [art. 8\(3\)](#))

Modifications etc. (not altering text)

- C18** S. 16A modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [reg. 4\(c\)](#)

17 Power of LEA to suspend right to delegated budget.

(1) If at any time—

- (a) this section applies to a maintained school in accordance with section 14(1), and

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- (b) the school has a delegated budget within the meaning of Part II of this Act, then (subject to subsections (2) and (3)) the local education authority may, by giving the governing body of the school notice in writing of the suspension, suspend the governing body's right to a delegated budget with effect from the receipt of the notice by the governing body.
- (2) Where this section so applies in the case of a school falling within section 15(1) (school subject to formal warning), the power conferred by subsection (1) above is only exercisable within the period of two months following the end of the compliance period.
- [^{F65}(3) Where this section so applies in the case of a school falling within section 15(4) (school [^{F66}requiring significant improvement]) 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—
- [^{F67}(a) the Chief Inspector has given the local education authority a notice under section ^{F68}... 37(2) of the Education Act 2005, and]
- (b) a period of not less than ten days has elapsed since the date on which the copy was given.]
- (4) The [^{F69}Assembly] may in respect of any particular school determine that [^{F70}subsection (3)(b)] shall have effect as if the reference to ten days were to such shorter period as [^{F71}the Assembly] may determine.
- (5) A copy of a notice given under subsection (1) shall be given to the head teacher of the school at the same time as the notice is given to the governing body.
- (6) A suspension imposed under this section shall have effect for the purposes of Chapter IV of Part II of this Act as if made under paragraph 1 of Schedule 15 to this Act, [^{F72}but there shall be no right of appeal under paragraph 3 of that Schedule against such a suspension].

Textual Amendments

- F65** S. 17(3) substituted (2.9.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\), ss. 56\(3\), 216, Sch. 5 para. 3\(2\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1
- F66** Words in s. 17(3) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 18\(a\)](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), Sch. 1
- F67** S. 17(3)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\), s. 125\(4\), Sch. 9 para. 18\(b\)](#); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), Sch. 1
- F68** Words in s. 17(3) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 8\(2\), Sch. 18 Pt. 4](#); S.I. 2007/935, [art. 5\(cc\)\(ii\)](#) (with [art. 8\(4\)](#))
- F69** Word in s. 17(4) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 8\(3\)\(a\)](#); S.I. 2007/935, [art. 5\(cc\)](#) (with [art. 8\(4\)](#))
- F70** Words in s. 17(4) substituted (2.9.2002 for E. and 19.12.2002 for W.) by [Education Act 2002 \(c. 32\), ss. 56\(3\), 216, Sch. 5 para. 3\(3\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, [art. 4](#); S.I. 2002/3185, [art. 4](#), Sch. Pt. 1
- F71** Words in s. 17(4) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 7 para. 8\(3\)\(b\)](#); S.I. 2007/935, [art. 5\(cc\)](#) (with [art. 8\(4\)](#))
- F72** Words in s. 17(6) repealed (8.2.2007 for E., 2.4.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 5 para. 1, Sch. 18 Pt. 6](#); S.I. 2006/3400, [art. 4\(c\)\(d\)](#); S.I. 2010/736, [art. 3\(c\)\(d\)](#)

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Modifications etc. (not altering text)

- C19** S. 17 modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [reg. 4\(c\)](#)
S. 17 modified (W.) (19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), [reg. 3\(c\)](#)

Intervention by ^{F73}Assembly]

Textual Amendments

- F73** Word in [s. 18 cross-heading](#) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [s. 188\(3\)](#), [Sch. 7 para. 9](#); [S.I. 2007/935](#), [art. 5\(cc\)](#)

18 Power of ^{F74}Assembly] to appoint additional governors.

- ^{F75}(1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- subsection (4)(school ^{F76}requiring significant improvement]), or
 - subsection (6)(school requiring special measures),
- ^{F77}the Assembly] may appoint such number of additional governors as he thinks fit; and he may nominate one of those governors to be the chairman of the governing body in place of any person who has been elected as chairman of that body.]
- (2) Before making any such appointment in relation to a voluntary aided school, ^{F77}the Assembly] shall consult—
- in the case of a Church of England school, a Church in Wales school or a Roman Catholic Church school, the appropriate diocesan authority; or
 - in any other case, the person who appoints the foundation governors.
- (3) A governor appointed under this section—
- shall hold office as governor for such term, and
 - if nominated as chairman of the governing body, shall be chairman of that body for such period,
- as ^{F77}the Assembly] may determine.
- (4) ^{F77}The Assembly] may pay to any governor appointed under this section such remuneration and allowances as ^{F77}the Assembly] may determine.
- (5) In relation to any appointment made by ^{F77}the Assembly] by virtue of subsection (1) to the governing body of a school, the instrument of government for the school shall have effect as if ^{F78}(despite anything in regulations under section 19 of the Education Act 2002)] it provided for ^{F77}the Assembly] to appoint such number of additional governors as he thinks fit.
- (6) Where ^{F77}the Assembly] has exercised ^{F79}the Assembly's] power under this section in relation to a school, then—
- in any such case—
 - the local education authority may not exercise their power under paragraph 1 of Schedule 15 to suspend the governing body's right to a delegated budget, and

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- (ii) if they have already exercised that power or their power under section 17(1), [^{F77}the Assembly] shall, if requested to do so by the governing body, revoke the suspension; and
 - (b) in the case of a voluntary aided school, nothing in [^{F80}regulations under section 19 of the Education Act 2002] shall be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by [^{F77}the Assembly] under this section.
- (7) The revocation of a suspension under subsection (6)(a) shall—
- (a) be notified to the local education authority in writing; and
 - (b) take effect from such date as is specified in that notification.

Textual Amendments

- F74** Word in s. 18 heading substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 10(4)**; S.I. 2007/935, art. 5(cc)
- F75** S. 18(1) substituted (2.9.2002 for E. and 19.12.2002 for W.) by Education Act 2002 (c. 32), **ss. 56(1), 216** (with **ss. 210(8), 214(4)**); S.I. 2002/2002, **art. 4**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F76** Words in s. 18(1)(a) substituted (1.9.2005 for E., 1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 9 para. 19**; S.I. 2005/2034, art. 4; S.I. 2006/1338, art. 3, Sch. 1
- F77** Words in s. 18 substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 10(2)**; S.I. 2007/935, art. 5(cc)
- F78** Words in s. 18(5) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 94(2)** (with **ss. 210(8), 214(4)**); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.
- F79** Words in s. 18(6) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 7 para. 10(3)**; S.I. 2007/935, art. 5(cc)
- F80** Words in s. 18(6)(b) substituted (1.9.2003 for E., 31.10.2005 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 94(3)** (with **ss. 210(8), 214(4)**); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

Modifications etc. (not altering text)

- C20** S. 18(1) modified (E.) (2.9.2002) by The Education Act 2002 (Transitional Provisions etc.) (England) Regulations 2002 (S.I. 2002/2113), **reg. 4(b)**
- S. 18(1) modified (W.) (19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 3(b)**

[^{F81}18A Power of [^{F82}Assembly] to provide for governing body to consist of interim executive members

- (1) If at any time section 15 applies to a maintained school by virtue of either of the following provisions of that section, namely—
- (a) subsection (4)(school [^{F83}requiring significant improvement]), or
 - (b) subsection (6)(school requiring special measures),
- the [^{F82}Assembly] may give the governing body a notice in writing stating that, as from the 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) Before exercising the power conferred by subsection (1), the [^{F82}Assembly] shall consult—

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- (a) the local education authority,
 - (b) the governing body of the school,
 - (c) 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
 - (d) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (3) The [^{F82}Assembly] is not obliged to consult the persons mentioned in subsection (2)(b), (c) and (d) if the local education authority have consulted them under subsection (4) of section 16A in relation to a proposed notice under subsection (1) of that section.]

Textual Amendments

- F81** S. 18A inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), **ss. 58, 216** (with **ss. 210(8), 214(4)**); [S.I. 2002/2002](#), **art. 4**
- F82** Word in [s. 18A](#) and heading substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), [s. 188\(3\)](#), **Sch. 7 para. 11**; [S.I. 2007/935](#), [art. 5\(cc\)](#)
- F83** Words in [s. 18A\(1\)\(a\)](#) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), [s. 125\(4\)](#), **Sch. 9 para. 20**; [S.I. 2005/2034](#), [art. 4](#); [S.I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

Modifications etc. (not altering text)

- C21** [S. 18A](#) modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), **reg. 4(b)**

19 Power of [^{F84}Assembly] to direct closure of school.

- [^{F85}(1) If at any time section 15 applies to a maintained school by virtue of subsection (6) of that section (school requiring special measures), the [^{F84}Assembly] may give a direction to the local education authority requiring the school to be discontinued on a date specified in the direction.]
- (2) Before giving a direction under subsection (1), the [^{F84}Assembly] shall consult—
- (a) the local education authority and 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;
 - (c) in the case of any other foundation or voluntary school, the person who appoints the foundation governors;
 - ^{F86}(ca)
 - (d) such other persons as the [^{F84}Assembly] considers appropriate.
- (3) On giving a direction under subsection (1) the [^{F84}Assembly] shall give notice in writing of the direction to the governing body of the school and its head teacher.
- (4) Where the local education authority are given a direction under subsection (1), they shall discontinue the school in question on the date specified in the direction; and nothing in sections 29 to 33 shall apply to their discontinuance of the school under this section.
- (5) In this section any reference to the discontinuance of a maintained school is to the local education authority ceasing to maintain it.

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Textual Amendments

- F84** Word in s. 19 and heading substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 12\(2\)](#); S.I. 2007/935, art. 5(cc)
- F85** S. 19(1) substituted (1.9.2005 for E., 1.9.2006 for W.) by [Education Act 2005 \(c. 18\)](#), [ss. 45](#), 125(4) (with s. 119); S.I. 2005/2034, [art. 4](#); S.I. 2006/1338, [art. 3](#), [Sch. 1](#)
- F86** S. 19(2)(ca) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 12\(3\)](#), [Sch. 18 Pt. 4](#); S.I. 2007/935, art. 5(cc)(ii)

Modifications etc. (not altering text)

- C22** S. 19 applied (with modifications) (E.) (1.9.2005) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2005 \(S.I. 2005/2039\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 4](#)
- C23** S. 19 applied (with modifications) (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 4](#)
- C24** S. 19(1) modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [reg. 4\(b\)](#)
 S. 19(1) modified (W.) (19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), [reg. 3\(b\)](#)

[^{F87}Governing bodies consisting of interim executive members

Textual Amendments

- F87** S. 19A and cross-heading inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 59\(1\)](#), 216 (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2002/2002, [art. 4](#)

^{F88}19A **Governing bodies consisting of interim executive members**

The provisions of Schedule 1A shall have effect in relation to any school in respect of which a notice has been given—

- (a) under section 16A(1), by the local education authority, or
- (b) under section 18A(1), by the [^{F89}Assembly].]]

Textual Amendments

- F88** S. 19A and cross-heading inserted (2.9.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 59\(1\)](#), 216 (with [ss. 210\(8\)](#), [214\(4\)](#)); S.I. 2002/2002, [art. 4](#)
- F89** Word in s. 19A(b) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 7 para. 13](#); S.I. 2007/935, art. 5(cc)

Modifications etc. (not altering text)

- C25** S. 19A modified (E.) (2.9.2002) by [The Education Act 2002 \(Transitional Provisions etc.\) \(England\) Regulations 2002 \(S.I. 2002/2113\)](#), [reg. 4\(b\)](#)

Status:

Point in time view as at 23/04/2007.

Changes to legislation:

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