



School Standards and Framework Act 1998

1998 CHAPTER 31

PART I

MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

CHAPTER IV

INTERVENTION IN SCHOOLS [^{F1}IN WALES] CAUSING CONCERN

Textual Amendments

- F1** 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)

- C1** Pt. 1 Chapter 4: Power to modify conferred (prosp.) by [Education Act 2002 \(c. 32\)](#), [ss. 25, 216](#) (with [ss. 210\(8\), 214\(4\)](#))
- C2** 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 [^{F2}requiring significant improvement]), or
 - (c) subsection (6) (school requiring special measures),

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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 [^{F3}Assembly]).

^{F4}(1A)

(2) Those provisions are—

(a) section 16 (power to appoint additional governors);

[^{F5}(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).

[^{F6}(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 [^{F7}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 [^{F8}Assembly] has exercised in relation to the school [^{F8}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) [^{F9}the Assembly] has exercised in relation to the school [^{F9}its] power under section 19 (power to direct closure of school).]

[^{F10}(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.]

[^{F11}(4) In this Chapter—

[^{F12}(a) “Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales,]

^{F13}(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

F2 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

F3 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)

F4 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)

F5 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](#)

F6 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

F7 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

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- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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
- F12** 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)
- F13** 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)

- C3** 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)**
- C4** 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)**
- C5** 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.

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

[^{F14}(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).]

^{F15}(5)

[^{F16}(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.]

^{F17}(7)

Textual Amendments

- F14** 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))
- F15** 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**
- F16** 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))
- F17** 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)

- C6** 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)}

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	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)
C7	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)
	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.

[^{F18}(3) Where this section so applies in the case of a school falling within section 15(4) (school [^{F19}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—

[^{F20}(a) the Chief Inspector has given the local education authority a notice under section ^{F21}... 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) ^{F22}.....

(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 [^{F23}(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 [^{F24}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 [^{F25}section 15(4) or (6)] , and

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- [^{F26}(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.
- [^{F27}(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 [^{F28}Assembly] informing them that [^{F29}it] has received from the Chief Inspector a notice under [^{F30}section ^{F31}... 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 [^{F21}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 [^{F32}(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 [^{F33}Assembly] may, after consulting all those persons, determine.
- [^{F34}(12A) The [^{F35}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 [^{F36}the Assembly] may determine.]
- (13) ^{F37}.....

Textual Amendments

- F18** 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
- F19** 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
- F20** 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
- F21** 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\(2\)](#))

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- F22** 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
- F23** 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.
- F24** 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
- F25** 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
- F26** 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
- F27** 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
- F28** 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))
- F29** 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))
- F30** 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
- F31** 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))
- F32** 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.
- F33** 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))
- F34** 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
- F35** 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))
- F36** 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))
- F37** 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)

- C8** 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).

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[^{F38}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 may, with the consent of the [^{F39}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 [^{F40}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 ^{F41}(a) section ^{F42}... 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 [^{F43}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 [^{F44}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

- F38** 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**
- F39** 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\(3\)](#))
- F40** 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**
- F41** 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**
- F42** 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\(3\)](#))
- F43** 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\(3\)](#))
- F44** 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)

- C9** 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)**

Status: Point in time view as at 25/05/2007.

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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
 - (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.
- [^{F45}(3) Where this section so applies in the case of a school falling within section 15(4) (school [^{F46}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—
- [^{F47}(a) the Chief Inspector has given the local education authority a notice under section ^{F48}... 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 [^{F49}Assembly] may in respect of any particular school determine that [^{F50}subsection (3)(b)] shall have effect as if the reference to ten days were to such shorter period as [^{F51}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, [^{F52}but there shall be no right of appeal under paragraph 3 of that Schedule against such a suspension].

Textual Amendments

- F45** 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
- F46** 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
- F47** 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
- F48** 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\(4\)](#))
- F49** 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\(4\)](#))
- F50** 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

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F51 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))

F52 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\(c\)\(d\)](#)

Modifications etc. (not altering text)

C10 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 ^{F53}Assembly]

Textual Amendments

F53 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 ^{F54}Assembly] to appoint additional governors.

^{F55}(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 ^{F56}requiring significant improvement]), or
- (b) subsection (6)(school requiring special measures),

^{F57}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, ^{F57}the Assembly] shall consult—

- (a) 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
- (b) in any other case, the person who appoints the foundation governors.

(3) A governor appointed under this section—

- (a) shall hold office as governor for such term, and
- (b) if nominated as chairman of the governing body, shall be chairman of that body for such period,

as ^{F57}the Assembly] may determine.

(4) ^{F57}The Assembly] may pay to any governor appointed under this section such remuneration and allowances as ^{F57}the Assembly] may determine.

(5) In relation to any appointment made by ^{F57}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 ^{F58}(despite anything in regulations under section 19 of the Education Act 2002)] it provided for ^{F57}the Assembly] to appoint such number of additional governors as he thinks fit.

(6) Where ^{F57}the Assembly] has exercised ^{F59}the Assembly's] power under this section in relation to a school, then—

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- (a) in any such case—
 - (i) 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
 - (ii) if they have already exercised that power or their power under section 17(1), [^{F57}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 [^{F60}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 [^{F57}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

- F54** 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)
- F55** 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
- F56** 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
- F57** 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)
- F58** 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.
- F59** 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)
- F60** 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)

- C11** 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\(b\)](#)

[^{F61}18A Power of [^{F62}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 [^{F63}requiring significant improvement]), or
 - (b) subsection (6)(school requiring special measures),

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the [^{F62}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 [^{F62}Assembly] shall consult—
- (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 [^{F62}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

- F61** 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**
- F62** 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)**
- F63** 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)

- C12** 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 [^{F64}Assembly] to direct closure of school.

[^{F65}(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 [^{F64}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 [^{F64}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;
 - ^{F66}(ca)
 - (d) such other persons as the [^{F64}Assembly] considers appropriate.
- (3) On giving a direction under subsection (1) the [^{F64}Assembly] shall give notice in writing of the direction to the governing body of the school and its head teacher.

Status: Point in time view as at 25/05/2007.

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- (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.

Textual Amendments

- F64** 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)
- F65** 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
- F66** 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)

- C13** 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**
- C14** 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**
- C15** 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)**

[^{F67}Governing bodies consisting of interim executive members

Textual Amendments

- F67** 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**

^{F68}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 [^{F69}Assembly].]

Textual Amendments

- F68** 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**
- F69** 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)

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Modifications etc. (not altering text)

C16 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 25/05/2007.

Changes to legislation:

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