



School Standards and Framework Act 1998

1998 CHAPTER 31

PART I

MEASURES TO RAISE STANDARDS OF SCHOOL EDUCATION

CHAPTER IV

INTERVENTION IN SCHOOLS CAUSING CONCERN

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 with serious weaknesses), 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 Secretary of State).
- (2) Those provisions are—
 - (a) section 16 (power to appoint additional governors); and
 - (b) section 17 (power to suspend right to delegated budget).
- (3) Those provisions shall not apply to a school to which section 15 applies by virtue of subsection (6) of that section (school requiring special measures) if, in connection with the same report falling within paragraph (a) of that subsection—

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- (a) the Secretary of State has exercised in relation to the school his 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) he has exercised in relation to the school his power under section 19 (power to direct closure of school).
- (4) In this Chapter—
- (a) “Chief Inspector” and “member of the Inspectorate”, and
 - (b) references to special measures being, or not being, required to be taken in relation to a school,
- have the same meaning as in the School Inspections Act 1996.

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

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- (4) This section applies to a maintained school by virtue of this subsection if—
- (a) a report of an inspection of the school has been made under Part I of the School Inspections Act 1996 in which the person making it stated that in his opinion the school had serious weaknesses; and
 - (b) where any subsequent report of an inspection of the school has been made under Part I of that Act, that opinion has not been superseded by the person making the report stating that in his opinion—
 - (i) the school no longer has serious weaknesses, or
 - (ii) special measures are required to be taken in relation to the school.
- (5) For the purposes of subsection (4) a school has serious weaknesses if, although giving its pupils in general an acceptable standard of education, it has significant weaknesses in one or more areas of its activities.
- (6) This section applies to a maintained school by virtue of this subsection if—
- (a) a report of an inspection of the school has been made under Part I of the School Inspections Act 1996 in which the person making it stated that in his opinion special measures were required to be taken in relation to the school;
 - (b) either that person was a member of the Inspectorate or the report stated that the Chief Inspector agreed with his opinion; and
 - (c) where any subsequent report of an inspection of the school has been made under Part I of that Act, the person making it did not state that in his opinion special measures were not required to be taken in relation to the school.

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.
- (3) Where this section so applies in the case of a school falling within section 15(6) (school requiring special measures), the power conferred by subsection (1) above is only exercisable if the following conditions are satisfied, namely—
- (a) the relevant document has been sent to the Secretary of State;
 - (b) the authority have received a notice in writing from the Secretary of State in which he acknowledges receipt of that document; and
 - (c) a period of not less than ten days has elapsed since the date of the notice.
- (4) The Secretary of State may in respect of any particular school determine that subsection (3)(c) shall have effect as if the reference to ten days were to such shorter period as he may determine.
- (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 (despite anything in Part II of Schedule 9) it provided for the local education authority to appoint such number of additional governors as they think fit.

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- (6) If at any time—
- (a) this section applies to a voluntary aided school other than one falling within section 15(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 section 15(6), and
 - (b) neither of paragraphs (a) and (b) of section 14(3) for the time being applies in connection with the same report falling within section 15(6)(a),
- the appropriate appointing authority may (subject to subsection (9)) appoint such number of additional foundation governors as they think fit.
- (9) The power conferred by subsection (8) is only exercisable if the following conditions are satisfied, namely—
- (a) the relevant document has been sent to the Secretary of State;
 - (b) the appropriate appointing authority have received a notice in writing from the Secretary of State informing them that he has received that document; and
 - (c) a period of not less than ten days has elapsed since the date of the notice.
- (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 (despite paragraph 14 of Schedule 9) 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 Secretary of State may, after consulting all those persons, determine.
- (13) In this section “the relevant document” means a copy of a statement prepared—
- (a) under section 18 of the School Inspections Act 1996, or

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- (b) under section 17 of that Act, if the school does not have a delegated budget within the meaning of Part II of this Act.

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.
- (3) Where this section so applies in the case of a school falling within section 15(6) (school requiring special measures), the power conferred by subsection (1) above is only exercisable if the following conditions are satisfied, namely—
 - (a) a copy of a statement prepared under section 18 of the School Inspections Act 1996 has been sent to the Secretary of State;
 - (b) the authority have received a notice in writing from the Secretary of State in which he acknowledges receipt of that document; and
 - (c) a period of not less than ten days has elapsed since the date of the notice.
- (4) The Secretary of State may in respect of any particular school determine that subsection (3)(c) shall have effect as if the reference to ten days were to such shorter period as he 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, but there shall be no right of appeal under paragraph 3 of that Schedule against such a suspension.

Intervention by Secretary of State

18 Power of Secretary of State to appoint additional governors

- (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 Secretary of State 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, the Secretary of State shall consult—

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- (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 the Secretary of State may determine.
- (4) The Secretary of State may pay to any governor appointed under this section such remuneration and allowances as the Secretary of State may determine.
- (5) In relation to any appointment made by the Secretary of State by virtue of subsection (1) to the governing body of a school, the instrument of government for the school shall have effect as if (despite anything in Part II of Schedule 9) it provided for the Secretary of State to appoint such number of additional governors as he thinks fit.
- (6) Where the Secretary of State has exercised his power under this section in relation to a school, then—
- (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), the Secretary of State 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 paragraph 14 of Schedule 9 shall be read as authorising the appointment of foundation governors for the purpose of outnumbering the other governors as augmented by those appointed by the Secretary of State 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.

19 Power of Secretary of State to direct closure of school

- (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 Secretary of State 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 Secretary of State 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; and
 - (d) such other persons as the Secretary of State considers appropriate.

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- (3) On giving a direction under subsection (1) the Secretary of State 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.