



Education and Adoption Act 2016

2016 CHAPTER 6

Maintained schools causing concern: eligibility for intervention

1 Coasting schools

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 59 (meaning of “maintained school” and “eligible for intervention”), in subsection (2), at the appropriate place insert—
“section 60B (coasting schools).”
- (3) After section 60A insert—

“60B Coasting schools

- (1) A maintained school is by virtue of this section eligible for intervention if—
 - (a) the school is coasting, and
 - (b) the Secretary of State has notified the governing body that it is coasting.
- (2) The Secretary of State may by regulations provide that this section does not apply in relation to a school of a description specified in the regulations.
- (3) The Secretary of State must by regulations define what “coasting” means in relation to a school to which this section applies.”
- (4) In section 182 (Parliamentary control of orders and regulations), in subsection (3), after paragraph (a) insert—
“(aza) the first regulations to be made under section 60B(3) (regulations defining “coasting” in relation to a school).”

2 Performance standards and safety warning notices

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 60 (performance standards and safety warning notice)—

Status: This is the original version (as it was originally enacted).

- (a) for “local authority”, in each place it occurs, substitute “relevant authority”;
 - (b) for subsection (1) substitute—
 - “(1) A maintained school is by virtue of this section eligible for intervention if—
 - (a) a relevant authority have given the governing body a warning notice in accordance with subsection (2),
 - (b) the period for compliance specified in the notice (“the compliance period”) has expired,
 - (c) the governing body have failed to comply, or secure compliance, with the notice to the relevant authority’s satisfaction by the end of the compliance period, and
 - (d) the relevant authority have given reasonable notice in writing to the governing body that the authority proposes to exercise the authority’s powers under any one or more of sections 63 to 69 (whether or not the notice is combined with a notice under section 62(2A)(c) of SSFA 1998).”;
 - (c) in subsection (4), for paragraph (c) (but not the “and” at the end) substitute—
 - “(c) the compliance period for the purposes of subsection (1)(c),”;
 - (d) in subsection (4)(d), for “66” substitute “69”;
 - (e) after subsection (4) insert—
 - “(4A) If a local authority are notified that the Secretary of State has given a warning notice to the governing body of a maintained school the local authority may not give a warning notice unless or until the Secretary of State informs them that they may.
 - (4B) If the Secretary of State gives a warning notice to the governing body of a maintained school, any earlier warning notice given to the maintained school by the local authority ceases to have effect from that time.”;
 - (f) omit subsection (5);
 - (g) after subsection (6) insert—
 - “(6A) If a local authority give a warning notice to the governing body of a maintained school they must, at the same time, give a copy of it to the Secretary of State.
 - (6B) If the Secretary of State gives a warning notice to the governing body of a maintained school the Secretary of State must, at the same time, give a copy of it to the local authority.”;
 - (h) omit subsections (7) to (9);
 - (i) for subsection (10) substitute—
 - “(10) In this section “relevant authority” means—
 - (a) the local authority, or
 - (b) the Secretary of State.”
- (3) In section 63 (power of local authority to require governing body to enter into arrangements), in subsection (3), for “section 60(10)” substitute “section 60(1)(b)”.
 - (4) In section 64 (power of local authority etc to appoint additional governors), in subsection (2), for “section 60(10)” substitute “section 60(1)(b)”.

- (5) In section 66 (power of local authority to suspend right to delegated budget), in subsection (2), for “section 60(10)” substitute “section 60(1)(b)”.
- (6) Omit section 69A (power of Secretary of State to direct local authority to give performance standards and safety warning notice).
- (7) In section 73 (interpretation), omit the definition of “working day”.

3 Other warning notices

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 60A (teachers’ pay and conditions warning notice)—
 - (a) for subsection (1) substitute—
 - “(1) A maintained school is by virtue of this section eligible for intervention if—
 - (a) the local authority have given the governing body a warning notice in accordance with subsection (2),
 - (b) the period for compliance specified in the notice (“the compliance period”) has expired,
 - (c) the governing body have failed to comply, or secure compliance, with the notice to the local authority’s satisfaction by the end of the compliance period, and
 - (d) the local authority have given reasonable notice in writing to the governing body that the authority proposes to exercise the authority’s powers under any one or more of sections 64 to 66.”;
 - (b) in subsection (4), for paragraph (c) (but not the “and” at the end) substitute—
 - “(c) the compliance period for the purposes of subsection (1)(c),”;
 - (c) omit subsection (5);
 - (d) in subsection (6), before paragraph (a) insert—
 - “(za) the Secretary of State,”;
 - (e) omit subsections (7) to (10).
- (3) In section 64 (power of local authority etc to appoint additional governors), in subsection (2), for “section 60A(10)” substitute “section 60A(1)(b)”.
- (4) In section 66 (power of local authority to suspend right to delegated budget), in subsection (2), for “section 60A(10)” substitute “section 60A(1)(b)”.
- (5) In section 69B (power of Secretary of State to direct local authority), in subsection (3)
 - (a) omit paragraph (c);
 - (b) in paragraph (d), for “60A(10)” substitute “60A(1)(b)”.