



Education and Inspections Act 2006

2006 CHAPTER 40

PART 4

SCHOOLS CAUSING CONCERN: ENGLAND

Intervention by [^{F1}local authority]

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

63 Power of [^{F2}local authority] to require governing body to enter into arrangements

- (1) If at any time a maintained school is eligible for intervention [^{F3}other than by virtue of section 60A], then (subject to subsection (3)) the [^{F1}local authority] may, with a view to improving the performance of the school, give the governing body of the school a notice requiring the governing body—
- (a) to enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature,
 - (b) to make specified arrangements authorised by section 26 of EA 2002 (collaboration between schools) with the governing body of such other school as may be specified,
 - (c) to make specified arrangements authorised by regulations under section 166 of this Act (collaboration arrangements: maintained schools and further education bodies) with a further education body within the meaning of that section, or
 - (d) to take specified steps for the purpose of creating or joining a federation, as defined by section 24(2) of EA 2002.

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- (2) Before exercising the power conferred by subsection (1), the [F1local authority] must 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 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.
- (3) Where the school is eligible for intervention by virtue of section 60 (school subject to [F4performance standards and safety warning]), the power conferred by subsection (1) is only exercisable within the period of two months following the end of the compliance period (as defined by [F5section 60(1)(b)]).
- (4) A notice under subsection (1)(a) may require the contract or other arrangement to contain specified terms and conditions.

Textual Amendments

F2 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 14(3)**

F3 Words in s. 63(1) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 13 para. 5(2)**; S.I. 2009/3317, art. 2, Sch.

F4 Words in s. 63(3) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 13 para. 5(3)**; S.I. 2009/3317, art. 2, Sch.

F5 Words in s. 63(3) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 2(3), 19(2)**; S.I. 2016/466, reg. 2 (with reg. 4(1))

Commencement Information

I1 S. 63 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(j)**

64 Power of [F2local authority]etc. to appoint additional governors

- (1) If at any time a maintained school is eligible for intervention, then (subject to [F6subsection (2)]) the [F1local authority] may appoint such number of additional governors as they think fit.
- F7(1A)
- (2) Where the school is eligible for intervention by virtue of section 60 (school subject to [F8performance standards and safety warning] or 60A (school subject to teachers' pay and conditions warning]), the power conferred by subsection (1) is only exercisable within the period of two months following the end of the compliance period (as defined by [F9section 60(1)(b)][F10or as the case may be [F11section 60A(1)(b)]]).
 - (3) In relation to any appointment made by the [F1local authority] by virtue of subsection (1) to the governing body of a school, the instrument of government for the school has effect as if (despite anything in regulations under section 19 of EA 2002) it provided for the [F1local authority] to appoint such number of additional governors as they think fit.
 - (4) If at any time—

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- (a) a voluntary aided school other than one falling within section 61 or 62 is eligible for intervention by virtue of section 60 (school subject to ^{F12}performance standards and safety warning) or 60A (school subject to teachers' pay and conditions warning)], and
 - (b) the ^{F1}local authority] have exercised their power to appoint additional governors under subsection (1),^{F13}and]
 - ^{F13}(c) the Secretary of State has not exercised the power under section 67 in connection with the same warning notice,]
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.
- (5) Any additional foundation governors appointed under subsection (4)—
- (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.
- (6) If at any time—
- (a) a voluntary aided school is eligible for intervention by virtue of section 61 (school requiring significant improvement) or section 62 (school requiring special measures),
 - (b) the Secretary of State has not exercised his power under section 67 (power to appoint additional governors) in connection with the same inspection falling within section 61(a) or 62(a),
 - (c) the Secretary of State has not exercised his power under section 68 (power to direct closure of school), and
 - (d) the appropriate appointing authority have received a notice in writing from the Secretary of State informing them that he has received a notice under section 13(3)(a) of EA 2005 from the Chief Inspector,
the appropriate appointing authority may appoint such number of additional foundation governors as they think fit.
- (7) In the case of any appointment made by virtue of subsection (4) or (6) to the governing body of a school, the instrument of government for the school has effect as if (despite anything in regulations under section 19 of EA 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 (4) or (6) (as the case may be).
- (8) Subject to subsection (9), 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 or a Roman Catholic Church school; or
 - (b) in any other case, to the person or persons by whom the foundation governors are appointed.
- (9) Where, in the case of any voluntary aided school not falling within subsection (8)(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

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- (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.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 14(3)**
- F6** Words in s. 64(1) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 6(2)(a), 19(2)**; S.I. 2016/466, [reg. 2](#)
- F7** S. 64(1A) omitted (18.4.2016) by virtue of [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 6(2)(b), 19(2)**; S.I. 2016/466, [reg. 2](#)
- F8** Words in s. 64(2) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 13 para. 6(4)(a)**; S.I. 2009/3317, art. 2, Sch.
- F9** Words in s. 64(2) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 2(4), 19(2)**; S.I. 2016/466, [reg. 2 \(with reg. 4\(1\)\)](#)
- F10** Words in s. 64(2) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 13 para. 6(4)(b)**; S.I. 2009/3317, art. 2, Sch.
- F11** Words in s. 64(2) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), **ss. 3(3), 19(2)**; S.I. 2016/466, [reg. 2 \(with reg. 4\(2\)\)](#)
- F12** Words in s. 64(4)(a) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 13 para. 6(5)(a)**; S.I. 2009/3317, art. 2, Sch.
- F13** S. 64(4)(c) and word inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 13 para. 6(5)(b)**; S.I. 2009/3317, art. 2, Sch.

Commencement Information

- I2** S. 64 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(j\)](#)

65 Power of ^{F2}local authority] to provide for governing body to consist of interim executive members

- (1) If at any time a maintained school is eligible for intervention, the ^{F1}local authority] may, with the consent of the Secretary of State, 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 6 (governing bodies consisting of interim executive members).
- (2) Before exercising the power conferred by subsection (1), the ^{F1}local authority] must consult—
- the governing body of the school,
 - in the case of a foundation or voluntary school which is a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 14(3)**

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Commencement Information

I3 S. 65 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(j\)](#)

66 Power of ^{F2}[local authority] to suspend right to delegated budget

- (1) If at any time—
- a maintained school is eligible for intervention, and
 - the school has a delegated budget within the meaning of Part 2 of SSFA 1998, then (subject to subsection (2)) the ^{F1}[local 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 the school is eligible for intervention by virtue of section 60 (school subject to ^{F14}performance standards and safety warning) or 60A (school subject to teachers' pay and conditions warning)], the power conferred by subsection (1) is only exercisable within the period of two months following the end of the compliance period (as defined by ^{F15}section 60(1)(b)]^{F16}or as the case may be ^{F17}section 60A(1)(b)]).
- (3) A copy of a notice given under subsection (1) must be given to the head teacher of the school at the same time as the notice is given to the governing body.
- (4) A suspension imposed under this section shall have effect for the purposes of Chapter 4 of Part 2 of SSFA 1998 as if made under paragraph 1 of Schedule 15 to that Act.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 14\(3\)](#)
- F14** Words in s. 66(2) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 13 para. 7\(a\)](#); [S.I. 2009/3317](#), art. 2, Sch.
- F15** Words in s. 66(2) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 2\(5\)](#), 19(2); [S.I. 2016/466](#), [reg. 2](#) (with [reg. 4\(1\)](#))
- F16** Words in s. 66(2) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 13 para. 7\(b\)](#); [S.I. 2009/3317](#), art. 2, Sch.
- F17** Words in s. 66(2) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 3\(4\)](#), 19(2); [S.I. 2016/466](#), [reg. 2](#) (with [reg. 4\(2\)](#))

Commencement Information

I4 S. 66 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(j\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)