

Changes to legislation: Education and Inspections Act 2006, SCHEDULE 7 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

Section 71

AMENDMENTS RELATING TO SCHOOLS CAUSING CONCERN

PART 1

PRINCIPAL AMENDMENTS

Statement to be prepared by [F1 local authority] following adverse report on maintained school

Textual Amendments

F1 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\(3\)](#)

- 1 (1) Section 15 of EA 2005 (measures to be taken by local education authority following inspection report stating that school requires special measures or significant improvement) is amended as follows.
- (2) In subsection (1), for “This section” substitute “ Subsection (2) ”.
- (3) For subsection (2) substitute—
- “(2) The local education authority must—
- (a) consider what action to take in the light of the report,
 - (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,
 - (c) consider whether those arrangements are to include the appointment of a specified person for that purpose,
 - (d) prepare a written statement—
 - (i) of the action they propose to take, and the period within which they propose to take that action, or, if they do not propose to take such action, of their reasons for not doing so, and
 - (ii) of the arrangements they propose to make for the purpose mentioned in paragraph (b), and
 - (e) send a copy of the statement prepared under paragraph (d) to—
 - (i) the Chief Inspector,
 - (ii) in the case of a voluntary aided school, the person who appoints the foundation governors and (if different) the appropriate appointing authority, and
 - (iii) such other persons as the Secretary of State may specify.

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(2A) Subsection (2B) applies where—

- (a) the local education authority have prepared a statement under subsection (2) in relation to a school,
- (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
- (c) no subsequent inspection of the school has been made under section 5.

(2B) The Secretary of State may by notice require the local education authority to—

- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (2)(b),
- (b) prepare a written statement—
 - (i) of the action they propose to take, and the period within which they propose to take that action, or, if they do not propose to take such action, of their reasons for not doing so, and
 - (ii) of the arrangements they propose to make for the purpose mentioned in subsection (2)(b), and
- (c) send a copy of the statement to the Secretary of State and to the persons mentioned in subsection (2)(e)(i) to (iii).

(2C) For the purposes of subsections (2A) and (2B) an “interim inspection” is an inspection under section 8 in respect of which no election under section 9 is made.”

(4) In subsection (3) for “the statement” substitute “ a statement under subsection (2) or (2B) ”.

(5) After subsection (3) insert—

“(4) In performing their functions under subsections (2)(a), (b), (c) and (d) and (2B)(a) and (b), the local education authority must have regard to any guidance given from time to time by the Secretary of State.”

Commencement Information

II Sch. 7 para. 1 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

Statement to be prepared by proprietor following adverse report on non-maintained school

2 (1) Section 17 of EA 2005 (statement to be prepared by proprietor of school other than maintained school) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning insert “ Subsection (1A) applies ”, and
- (b) omit all the words following paragraph (b).

(3) After subsection (1) insert—

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“(1A) The proprietor must—

- (a) consider what action to take in the light of the report,
- (b) consider what arrangements to make for the purpose of informing registered parents of the proposed action, ascertaining their views on the proposed action and taking account of those views,
- (c) consider whether those arrangements are to include the appointment of a specified person for that purpose, and
- (d) prepare a written statement—
 - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
 - (ii) of the arrangements he proposes to make for the purpose mentioned in paragraph (b).

(1B) Subsection (1C) applies where—

- (a) the proprietor of a school has prepared a statement under subsection (1A) in relation to the school,
- (b) it appears to the Secretary of State, on the basis of a report of an interim inspection of the school by the Chief Inspector, that the case has become urgent, and
- (c) no subsequent inspection of the school has been made under section 5.

(1C) The Secretary of State may by notice require the proprietor to—

- (a) consider the action to be taken in the light of the report of the interim inspection and the arrangements to be made for the purpose mentioned in subsection (1A)(b), and
- (b) prepare a written statement—
 - (i) of the action the proprietor proposes to take, and the period within which he proposes to take that action, or, if he does not propose to take such action, of his reasons for not doing so, and
 - (ii) of the arrangements the proprietor proposes to make for the purpose mentioned in subsection (1A)(b)”.

(1D) For the purposes of subsections (1B) and (1C) an “interim inspection” is an inspection under section 8 in respect of which no election under section 9 is made.”

(4) In subsection (3)—

- (a) for “such a statement” substitute “a statement under subsection (1A) or (1C)”, and
- (b) before the word “and” at the end of paragraph (a) insert—
 - “(aa) in the case of a statement under subsection (1C), to the Secretary of State,”.

(5) After subsection (4) insert—

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“(5) In performing his functions under subsections (1A)(a), (b), (c) and (d) and (1C)(a) and (b), the proprietor must have regard to any guidance given from time to time by the Secretary of State.”

Commencement Information

I2 Sch. 7 para. 2 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS

School Standards and Framework Act 1998 (c. 31)

F23

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

F24

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

F25

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

F26

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); [S.I. 2014/178](#), [art. 2\(f\)](#) (with [art. 3](#))

F27

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Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F28

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F29

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F210

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F211

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F212

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F213

Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 9(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F214

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Textual Amendments

F2 Sch. 7 paras. 3-14 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

- 15 In section 142 of SSFA 1998 (interpretation), in subsection (4)—
 - (a) after “this Act” insert “ (or Part 4 of the Education and Inspections Act 2006) ”, and
 - (b) in paragraph (b), after “section 16(6) or (8)” insert “ or of section 64(4) or (6) of the Education and Inspections Act 2006 ”.

Commencement Information

I3 Sch. 7 para. 15 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

^{F3}16

Textual Amendments

F3 Sch. 7 para. 16 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

^{F4}17

Textual Amendments

F4 Sch. 7 para. 17 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

Learning and Skills Act 2000 (c. 21)

^{F5}18

Textual Amendments

F5 Sch. 7 para. 18 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 9\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

Education Act 2002 (c. 32)

- 19 In section 25 of EA 2002 (federations: supplementary provisions), in subsection (1)
 - (a) before paragraph (a) insert—
 - “(za) Part 4 of the Education and Inspections Act 2006 (schools causing concern: England),” and

^{F6}(b)

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Textual Amendments

- F6** Sch. 7 para. 19(b) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), [Sch. 5 para. 9\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

20 After section 62 of EA 2002 insert—

“62A Power to require [^{F1}local authority] in England to obtain advisory services

- (1) This section applies where—
- (a) one or more schools maintained by a local education authority in England are for the purposes of Part 4 of the Education and Inspections Act 2006 (schools causing concern: England) eligible for intervention by virtue of either of the following provisions of that Act—
 - (i) section 61 (school requiring significant improvement), or
 - (ii) section 62 (school requiring special measures), and
 - (b) it appears to the Secretary of State that the local education authority—
 - (i) have not been effective or are unlikely to be effective in eliminating deficiencies in the conduct of that school or those schools,
 - (ii) are unlikely to be effective in eliminating deficiencies in the conduct of other schools which may in the future fall within paragraph (a), or
 - (iii) maintain a disproportionate number of schools falling within that paragraph.
- (2) The Secretary of State may direct the local education authority to enter into a contract or other arrangement with a person specified in the direction, or a person falling within a class so specified, for the provision to the authority or the governing body of any school maintained by them (or both) of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section “school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.
- (5) Any direction given under this section shall be enforceable, on an application made on behalf of the Secretary of State, by a mandatory order.”

Textual Amendments

- F1** 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\(3\)](#)

Commencement Information

- I4** Sch. 7 para. 20 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

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F721

Textual Amendments

F7 Sch. 7 para. 21 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), [Sch. 5 para. 9\(2\)](#); S.I. 2014/178, art. 2(f) (with art. 3)

- 22 (1) Section 64 (provisions supplementary to section 63) is amended as follows.
- (2) In subsections (1) and (2), for “section 63” substitute “ section 62A or 63 ”.
- (3) In subsection (7)—
- (a) in the definition of “the advisory services” for “section 63” substitute “ section 62A or 63 ”, and
- (b) in the definition of “the relevant person”, in paragraph (a) for “section 63(2)” substitute “ section 62A(2) or 63(2) ”.
- (4) In the heading, for “section 63” substitute “ sections 62A and 63 ”.

Commencement Information

I5 Sch. 7 para. 22 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

Education Act 2005 (c. 18)

- 23 In section 5 of EA 2005 (duty to inspect schools at prescribed intervals), in subsection (4)(c), for “section 19 or 32 of that Act” substitute “ section 17 or 68 of the Education and Inspections Act 2006 ”.

Commencement Information

I6 Sch. 7 para. 23 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

- 24 In section 18 of EA 2005 (interpretation of Chapter 2 of Part 1), in paragraph (a) of the definition of “appropriate appointing authority”, omit “, a Church in Wales school”.

Commencement Information

I7 Sch. 7 para. 24 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

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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\(a\)](#)