



Education Act 2005

2005 CHAPTER 18

PART 1

SCHOOL INSPECTIONS AND OTHER INSPECTIONS BY SCHOOL INSPECTORS

CHAPTER 5

SCHOOLS CAUSING CONCERN

44 Categories of schools causing concern

- (1) For the purposes of this Part, special measures are required to be taken in relation to a school if—
 - (a) the school is failing to give its pupils an acceptable standard of education, and
 - (b) the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement in the school.
- (2) For the purposes of this Part, a school requires significant improvement if, although not falling within subsection (1), it is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

Commencement Information

- II** S.44 wholly in force at 1.9.2006; s. 44 not in force at Royal Assent see s. 125; s. 44 in force for E. at 1.9.2005 by [S.I. 2005/2034, art. 4](#); S. 44 in force for W. at 1.9.2006 by [S. I. 2006/1338, art. 3, Sch. 1](#)

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Chapter 5. (See end of Document for details)

^{F1}Sixth forms requiring significant improvement in Wales

Textual Amendments

F1 Ss. 44A-44F and cross-heading inserted (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), ss. 77, 100(4); S.I. 2013/1800, art. 3(d)

44A Schools with sixth forms

- (1) Sections 44B to 44D apply to a maintained school in Wales which—
 - (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) provides full-time education suitable to the requirements of pupils of compulsory school age.
- (2) For the purposes of those sections a school requires significant improvement in relation to its sixth form if—
 - (a) the school is failing to give its pupils over compulsory school age an acceptable standard of education, or
 - (b) in relation to its provision for pupils over compulsory school age, the school is performing significantly less well than it might in all the circumstances reasonably be expected to perform.

44B Inspection reports on schools with sixth forms requiring significant improvement

- (1) Where a person inspecting a school under Chapter 3 is of the opinion that the school requires significant improvement in relation to its sixth form, the provisions specified in subsection (2) apply (with the necessary modifications) as they apply where the person is of the opinion that special measures are required to be taken in relation to the school.
- (2) Those provisions are section 34(1) to (6) (registered inspectors) or, as the case requires, section 35(1) of that Act (members of the Inspectorate).

44C Report after area inspection on schools with sixth forms requiring significant improvement

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that a school requires significant improvement in relation to its sixth form.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purposes of this Part as if it were a report of an inspection of the school under section 28.

44D Copies of report and action plan

- (1) This section applies to a report of an inspection under Chapter 3 which—
 - (a) states an opinion that a school requires significant improvement in relation to its sixth form, and

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- (b) is made by a member of the Inspectorate or states that the Chief Inspector agrees with the opinion.
- (2) The person making the report must send a copy (together with a copy of the summary, if there is one)—
- (a) to the Welsh Ministers, and
 - (b) if the person making the report is a member of the Inspectorate, to the appropriate authority for the school.
- (3) The following provisions apply (with the necessary modifications) in relation to a report to which this paragraph applies—
- (a) section 38(2) (additional copies),
 - (b) section 38(4) (publication by appropriate authority),
 - (c) section 39 (action plan by appropriate authority), and
 - (d) where the local authority receives a copy of a report about a school the governing body of which have a delegated budget, section 40(2) and (3) (measures by local authority).
- (4) In the application of those provisions—
- (a) a reference to a report and summary is to be taken as a reference to a report and, if there is one, its summary, and
 - (b) a reference to a summary alone is to be taken, in a case where there is no summary, as a reference to the report.

44E Report on sixth form schools causing concern after area inspection

- (1) This section applies if in the course of an area inspection under section 83 of the Learning and Skills Act 2000 the Chief Inspector forms the opinion that—
- (a) special measures are required to be taken in relation to a sixth form school, or
 - (b) that a sixth form school requires significant improvement.
- (2) The Chief Inspector must make a report about the school stating that opinion.
- (3) The report is to be treated for the purpose of this Part as if it were a report of an inspection of the school under section 28.
- (4) A “sixth form school” is a maintained school which—
- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
 - (b) does not provide full-time education suitable to the requirements of pupils of compulsory school age.

44F Interpretation of sections 44A to 44E

In sections 44A to 44E—

“the appropriate authority”, in relation to a maintained school, means the school's governing body or, if the school does not have a delegated budget, the local authority;

“the Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales;

“maintained school” means a community, foundation or voluntary school or a community special school;

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“member of the Inspectorate” means the Chief Inspector, any of Her Majesty's Inspectors of Education and Training in Wales and any additional inspector appointed under paragraph 2 of Schedule 2.]

F²45 Cases where Secretary of State or Assembly may direct closure of school

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Textual Amendments

F2 S. 45 omitted (20.2.2014) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 8(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

F³46 Sixth forms requiring significant improvement

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Textual Amendments

F3 S. 46 omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 22(7)(a)**; S.I. 2013/1800, art. 3(j)

Changes to legislation:

There are currently no known outstanding effects for the Education Act 2005, Chapter 5.