



Education and Inspections Act 2006

2006 CHAPTER 40

PART 4

SCHOOLS CAUSING CONCERN: ENGLAND

Schools that are eligible for intervention

60 [F¹Performance standards and safety warning notice]

- [F²(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).]
- (2) A [F³relevant authority] may give a warning notice to the governing body of a maintained school where the authority are satisfied—
- (a) 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 this Part, or
 - (b) 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
 - (c) that the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

Changes to legislation: Education and Inspections Act 2006, Cross Heading: Schools that are eligible for intervention is up to date with all changes known to be in force on or before 19 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

- (3) For the purposes of subsection (2)(a) the standards of performance of pupils at a school are low if they are low by reference to any one or more of the following—
 - (a) the standards that the pupils might in all the circumstances reasonably be expected to attain,
 - (b) where relevant, the standards previously attained by them, or
 - (c) the standards attained by pupils at comparable schools.

- (4) For the purposes of this section a “warning notice” is a notice in writing by the [^{F3}relevant authority] setting out—
 - (a) the matters on which the conclusion mentioned in subsection (2) is based,
 - (b) the action which they require the governing body to take in order to remedy those matters,
 - (c) [^{F4}the compliance period for the purposes of subsection (1)(c),] and
 - (d) the action which the [^{F3}relevant authority] are minded to take (under one or more of sections 63 to [^{F5}69] or otherwise) if the governing body fail to take the required action.

[^{F6}(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.]

[^{F7}(5)

- (6) The [^{F3}relevant authority] must, at the same time as giving the governing body the warning notice, give a copy of the notice to each of the following persons—
 - (a) the Chief Inspector,
 - (b) the head teacher of the school,
 - (c) in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and
 - (d) in the case of a foundation or voluntary school, the person who appoints the foundation governors.

[^{F8}(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.]

[^{F9}(7)

[^{F9}(8)

[^{F9}(9)

- [^{F10}(10) In this section “relevant authority” means—
 - (a) the local authority, or
 - (b) the Secretary of State.]

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Textual Amendments

- F1** S. 60 title substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 13 para. 3**; S.I. 2009/3317, art. 2, Sch.
- F2** S. 60(1) substituted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(b)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F3** Words in s. 60 substituted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(a)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F4** S. 60(4)(c) substituted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(c)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F5** Word in s. 60(4)(d) substituted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(d)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F6** S. 60(4A)(4B) inserted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(e)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F7** S. 60(5) omitted (18.4.2016) by virtue of Education and Adoption Act 2016 (c. 6), **ss. 2(2)(f)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F8** S. 60(6A)(6B) inserted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(g)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F9** S. 60(7)-(9) omitted (18.4.2016) by virtue of Education and Adoption Act 2016 (c. 6), **ss. 2(2)(h)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))
- F10** S. 60(10) substituted (18.4.2016) by Education and Adoption Act 2016 (c. 6), **ss. 2(2)(i)**, 19(2); S.I. 2016/466, reg. 2 (with reg. 4(1))

Commencement Information

- I1** S. 60 in force at 1.4.2007 by S.I. 2007/935, **art. 5(j)**

[^{F11}60A Teachers' pay and conditions warning notice

- [^{F12}(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.]
- (2) A [local authority] may give a warning notice to the governing body of a maintained school where the authority are satisfied that—
- (a) the governing body have failed to comply with a provision of an order under section 122 of EA 2002 (teachers' pay and conditions) that applies to a teacher at the school, or
 - (b) the governing body have failed to secure that the head teacher of the school complies with such a provision.
- (3) In subsection (2) references to an order under section 122 of EA 2002 include a document by reference to which provision is made in such an order.

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- (4) For the purposes of this section a “warning notice” is a notice in writing by the [local authority] setting out—
- (a) the matters on which the conclusion mentioned in subsection (2) is based,
 - (b) the action which they require the governing body to take in order to remedy those matters,
 - (c) ^{F13}the compliance period for the purposes of subsection (1)(c),] and
 - (d) the action which the [local authority] are minded to take (under one or more of sections 64 to 66 or otherwise) if the governing body fail to take the required action.

^{F14}(5)

- (6) The [local authority] must, at the same time as giving the governing body the warning notice, give a copy of the notice to each of the following persons—

[the Secretary of State,]
^{F15}(za)

- (a) the head teacher of the school,
- (b) in the case of a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and
- (c) in the case of a foundation or voluntary school, the person who appoints the foundation governors.

^{F16}(7)

^{F16}(8)

^{F16}(9)

^{F16}(10)]

Textual Amendments

- F11** S. 60A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), [Sch. 13 para. 4](#); S.I. 2009/3317, art. 2, Sch.
- F12** S. 60A(1) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 3\(2\)\(a\)](#), 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 4\(2\)](#))
- F13** S. 60A(4)(c) substituted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 3\(2\)\(b\)](#), 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 4\(2\)](#))
- F14** S. 60A(5) omitted (18.4.2016) by virtue of [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 3\(2\)\(c\)](#), 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 4\(2\)](#))
- F15** S. 60A(6)(za) inserted (18.4.2016) by [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 3\(2\)\(d\)](#), 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 4\(2\)](#))
- F16** Ss. 60A(7)-(10) omitted (18.4.2016) by virtue of [Education and Adoption Act 2016 \(c. 6\)](#), [ss. 3\(2\)\(e\)](#), 19(2); S.I. 2016/466, [reg. 2](#) (with [reg. 4\(2\)](#))

^{F17}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.

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- (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.]

Textual Amendments

F17 S. 60B inserted (5.9.2016 for specified purposes, 11.1.2017 in so far as not already in force) by Education and Adoption Act 2016 (c. 6), ss. 1(3), 19(2); S.I. 2016/866, reg. 2; S.I. 2017/6, reg. 2(a)

Modifications etc. (not altering text)

C1 S. 60B excluded (11.1.2017) by The Coasting Schools (England) Regulations 2017 (S.I. 2017/9), regs. 1, 3(1)

C2 S. 60B excluded (1.9.2022) by The Coasting Schools (England) Regulations 2022 (S.I. 2022/720), regs. 1(1), 3

C3 S. 60B applied (with modifications) (1.9.2022) by S.I. 2007/2979, Sch. 1 para. 22A (as inserted by The Coasting Schools (England) Regulations 2022 (S.I. 2022/720), regs. 1(1), 6(2)(a))

61 School requiring significant improvement

A maintained school is by virtue of this section eligible for intervention if—

- (a) following an inspection of the school under Chapter 1 of Part 1 of EA 2005, the Chief Inspector has given notice under section 13(3)(a) of that Act in a case falling within section 13(1)(b) of that Act (school requiring significant improvement), and
- (b) where any subsequent inspection of the school has been made under Chapter 1 of Part 1 of that Act, the notice has not been superseded by—
 - (i) the person making the subsequent inspection making a report stating that in his opinion the school no longer requires significant improvement, or
 - (ii) the Chief Inspector giving the Secretary of State a notice under section 13(3)(a) of that Act in a case falling within section 13(1)(a) of that Act (school requiring special measures).

Modifications etc. (not altering text)

C4 Ss. 61, 62 applied by S.I. 2007/2979, Sch. 1 para. 23C(1A) (as inserted (27.6.2016) by The Education (Pupil Referral Units) (Application of Enactments) (England) (Amendment) Regulations 2016 (S.I. 2016/608), regs. 1, 3(a))

Commencement Information

I2 S. 61 in force at 1.4.2007 by S.I. 2007/935, art. 5(j)

62 School requiring special measures

A maintained school is by virtue of this section eligible for intervention if—

- (a) following an inspection of the school under Chapter 1 of Part 1 of EA 2005, the Chief Inspector has given notice under section 13(3)(a) of that Act in a case

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falling within section 13(1)(a) of that Act (school requiring special measures),
and

- (b) where any subsequent inspection of the school has been made under Chapter 1 of Part 1 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.

Modifications etc. (not altering text)

- C4** Ss. 61, 62 applied by S.I. 2007/2979, Sch. 1 para. 23C(1A) (as inserted (27.6.2016) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) \(Amendment\) Regulations 2016](#) (S.I. 2016/608), regs. 1, **3(a)**)
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Commencement Information

- I3** S. 62 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\(a\)](#)