

*Status: Point in time view as at 05/05/2010.*

**Changes to legislation:** Education and Inspections Act 2006, Cross Heading: School Standards and Framework Act 1998 (c. 31) is up to date with all changes known to be in force on or before 26 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)

## SCHEDULES

### SCHEDULE 7

#### AMENDMENTS RELATING TO SCHOOLS CAUSING CONCERN

#### PART 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *School Standards and Framework Act 1998 (c. 31)*

- 3 In the heading to Chapter 4 of Part 1 of SSFA 1998 after “SCHOOLS” insert “ IN WALES ”.

#### Commencement Information

- II Sch. 7 para. 3 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

- 4 (1) Section 14 of SSFA 1998 (powers of intervention exercisable by <sup>[F1]</sup>local authorities) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “ Assembly ”.
- (3) Omit subsection (1A).
- (4) In subsection (3)—
- (a) in paragraph (a), for “Secretary of State” and “he” substitute respectively “ Assembly ” and “ its ”, and
- (b) in paragraph (b), for “he” and “his” substitute respectively “ the Assembly ” and “ its ”.
- (5) After subsection (3) insert—
- “(3A) In this Chapter “maintained school” means any school in Wales that is—
- (a) a community, foundation or voluntary school,
- (b) a community or foundation special school, or
- (c) a maintained nursery school.”
- (6) In subsection (4)—
- (a) for paragraph (a) substitute—
- “(a) “Chief Inspector” means Her Majesty's Chief Inspector of Education and Training in Wales,”, and
- (b) omit paragraph (b).

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#### 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

**I2** Sch. 7 para. 4 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

5 (1) Section 15 of SSFA 1998 (cases where [<sup>F1</sup>local authority] may exercise powers of intervention) is amended as follows.

(2) For subsection (4) substitute—

“(4) This section applies to a maintained school by virtue of this subsection if—

- (a) following an inspection of the school under Chapter 3 of Part 1 of the Education Act 2005, the Chief Inspector has given the Assembly a notice under subsection (2) of section 37 of that Act in a case falling within subsection (1)(a)(ii) or (b)(ii) of that section (school requiring significant improvement), and
- (b) where any subsequent inspection of the school has been made under that Chapter, 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 Assembly a notice under subsection (2) of section 37 of that Act in case falling within subsection (1)(a)(i) or (1)(b)(i) of that section (school requiring special measures).”

(3) For subsection (6) substitute—

“(6) This section applies to a maintained school by virtue of this subsection if—

- (a) following an inspection of the school under Chapter 3 of Part 1 of the Education Act 2005, the Chief Inspector has given the Assembly a notice under subsection (2) of section 37 of that Act in a case falling within subsection (1)(a)(i) or (b)(i) of that section (school requiring special measures), and
- (b) where any subsequent inspection of the school has been made under that Chapter, the notice has not been superseded by the person making the subsequent inspection making a report stating that in his opinion the school no longer requires special measures.”

(4) Omit subsection (7).

#### 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

**I3** Sch. 7 para. 5 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)** (with [art. 8\(1\)](#))

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- 6 (1) Section 16 of SSFA 1998 (power of <sup>F1</sup>local authority] to appoint additional governors) is amended as follows.
- (2) In subsection (3)(a), omit “13(3)(a) or”.
- (3) In subsection (9)—
- (a) for “Secretary of State” (in both places) substitute “ Assembly ”, and
- (b) in paragraph (a)—
- (i) for “he” substitute “ it ”, and
- (ii) omit “13(3)(a) or”.
- (4) In subsection (12)(b) for “Secretary of State” substitute “ Assembly ”.
- (5) In subsection (12A)—
- (a) for “Secretary of State” substitute “ Assembly ”, and
- (b) for “he” substitute “ the Assembly ”.

#### 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. 6 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)** (with [art. 8\(2\)](#))

- 7 (1) Section 16A of SSFA 1998 (power of <sup>F1</sup>local authority] to provide for governing body to consist of interim executive members) is amended as follows.
- (2) In subsection (1), for “Secretary of State” substitute “ Assembly ”.
- (3) In subsection (2)(a), omit “13(3)(a) or”.
- (4) In subsection (3)—
- (a) for “Secretary of State” substitute “ Assembly ”, and
- (b) for “he” substitute “ the Assembly ”.

#### 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

**I5** Sch. 7 para. 7 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)** (with [art. 8\(3\)](#))

- 8 (1) Section 17 of SSFA 1998 (power of <sup>F1</sup>local authority] to suspend right to delegated budget) is amended as follows.
- (2) In subsection (3), omit “13(3)(a) or”.
- (3) In subsection (4)—
- (a) for “Secretary of State” substitute “ Assembly ”, and
- (b) for “he” substitute “ the Assembly ”.

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**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**

**I6** Sch. 7 para. 8 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)** (with [art. 8\(4\)](#))

9 In the italic heading immediately preceding section 18 of SSFA 1998, for “Secretary of State” substitute “ Assembly ”.

**Commencement Information**

**I7** Sch. 7 para. 9 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

10 (1) Section 18 of SSFA 1998 (power of Secretary of State to appoint additional governors) is amended as follows.

(2) For “the Secretary of State” and “he”, wherever occurring, substitute “ the Assembly ”.

(3) In subsection (6), for “his” substitute “ the Assembly's ”.

(4) In the heading, for “Secretary of State” substitute “ Assembly ”.

**Commencement Information**

**I8** Sch. 7 para. 10 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

11 In section 18A of SSFA 1998 (power of Secretary of State to provide for governing body to consist of interim executive members) for “Secretary of State”, wherever occurring (in the section and its heading), substitute “ Assembly ”.

**Commencement Information**

**I9** Sch. 7 para. 11 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

12 (1) Section 19 of SSFA 1998 (power of Secretary of State to direct closure of school) is amended as follows.

(2) For “Secretary of State”, wherever occurring (in the section and its heading) substitute “ Assembly ”.

(3) In subsection (2), omit paragraph (ca).

**Commencement Information**

**I10** Sch. 7 para. 12 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

13 In section 19A of SSFA 1998 (governing bodies consisting of interim executive members), in paragraph (b), for “Secretary of State” substitute “ Assembly ”.

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**III** Sch. 7 para. 13 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

14 (1) Section 62 of SSFA 1998 (<sup>F1</sup>local authority]'s reserve power to prevent a breakdown of discipline) is amended as follows.

(2) In subsection (1), for “subsection (3)” substitute “ subsection (2A) or (3) ”.

(3) After subsection (2) insert—

“(2A) This subsection applies where, in the case of a school in England—

- (a) a warning notice has been given in accordance with section 60(2) of the Education and Inspections Act 2006 (“the 2006 Act”) referring to the safety of pupils or staff at the school being threatened by a breakdown of discipline at the school,
- (b) the governing body have failed to comply, or secure compliance, with the notice to the authority's satisfaction within the compliance period, and
- (c) the authority have given reasonable notice in writing to the governing body that they propose to exercise their powers under subsection (1) of this section (whether or not in conjunction with exercising their powers under any one or more of sections 63 to 66 of the 2006 Act);

and a notice under paragraph (c) of this subsection may be combined with a notice under section 60(2) of the 2006 Act.”

(4) In subsection (3) after “applies where” insert “ in the case of school in Wales ”.

#### 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

**III2** Sch. 7 para. 14 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

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

**III3** Sch. 7 para. 15 in force at 1.4.2007 by [S.I. 2007/935](#), [art. 5\(cc\)](#)

16 In section 143 of SSFA 1998 (index) in the entry beginning “maintained school”, after the line beginning “(generally)” insert—

“(in Chapter 4 of Part 1)

section 14(3A).”

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**Commencement Information**

**I14** Sch. 7 para. 16 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

17 In Schedule 1A to SSFA 1998, for “Secretary of State” (wherever occurring) substitute “ Assembly ”.

**Commencement Information**

**I15** Sch. 7 para. 17 in force at 1.4.2007 by [S.I. 2007/935](#), **art. 5(cc)**

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