



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 10

#### SCHOOLS

#### CHAPTER 1

#### SCHOOLS CAUSING CONCERN

#### *Schools causing concern: England*

### 203 Powers in relation to schools causing concern: England

Schedule 13 makes provision in relation to schools causing concern in England.

#### Commencement Information

II S. 203 in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch.

### 204 Power to require [<sup>F1</sup>local authorities] in England to obtain advisory services

(1) Section 62A of the Education Act 2002 (power of Secretary of State to require [<sup>F1</sup>local authorities] in England to obtain advisory services) is amended as follows.

(2) After subsection (1) insert—

“(1A) This section also applies where it appears to the Secretary of State that—

(a) a [<sup>F2</sup>local authority] in England maintain a disproportionate number of low-performing schools, and

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- (b) the authority—
  - (i) have not been effective or are unlikely to be effective in securing an improvement in the standards of performance of pupils at those schools, or
  - (ii) are unlikely to be effective in securing an improvement in the standards of performance of pupils at other schools which may in the future be low-performing schools.

(1B) In subsection (1A) “low-performing school” means a school at which the standards of performance of pupils are unacceptably low.

(1C) For the purposes of subsection (1B) 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;
- (c) the standards attained by pupils at comparable schools.”

(3) In subsection (4) after “section” insert—  
““pupil” has the same meaning as in the Education Act 1996 (see sections 3 and 19(5) of that Act);”.

**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. 16(3)**
- 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. 16(2)**

**Commencement Information**

- I2** S. 204 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.**

*Schools causing concern: Wales*

**F3 205 Powers in relation to schools causing concern: Wales**

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**Textual Amendments**

- F3** S. 205 omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 12**; [S.I. 2014/178](#), art. 2(f) (with art. 3)

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## CHAPTER 2

### COMPLAINTS: ENGLAND

#### **F<sup>4</sup>206 Complaints to which this Chapter applies**

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##### **Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

#### **F<sup>4</sup>207 Power of Local Commissioner to investigate complaint**

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##### **Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

#### **F<sup>4</sup>208 Time-limit etc for making complaint**

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##### **Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

#### **F<sup>4</sup>209 Procedure in respect of investigations**

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##### **Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

#### **F<sup>4</sup>210 Investigations: further provisions**

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##### **Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

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**F<sup>4</sup>211 Statements about investigations**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with [art. 6](#))

**F<sup>4</sup>212 Adverse findings notices**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with [art. 6](#))

**F<sup>4</sup>213 Publication of statements etc. by Local Commissioner**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with [art. 6](#))

**F<sup>4</sup>214 Disclosure of information**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with [art. 6](#))

**F<sup>4</sup>215 Permitted disclosures of information by Local Commissioner**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with [art. 6](#))

**F<sup>4</sup>216 Law of defamation**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

**F<sup>4</sup>217 Consultation with Parliamentary Commissioner for Administration**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

**F<sup>4</sup>218 Arrangements etc. to be made by Commission**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

**F<sup>4</sup>219 Annual reports**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

**F<sup>4</sup>220 Secretary of State's power of direction**

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**Textual Amendments**

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

**F<sup>4</sup>221 Disapplication of certain powers of Secretary of State**

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#### Textual Amendments

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

### **F<sup>4</sup>222 Power to amend meaning of “qualifying school”**

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#### Textual Amendments

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

### **F<sup>4</sup>223 Amendments consequential on Chapter 2**

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#### Textual Amendments

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

### **F<sup>4</sup>224 Interpretation of Chapter 2**

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#### Textual Amendments

**F4** Ss. 206-224 repealed (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 45(1)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

## CHAPTER 3

### INSPECTIONS

#### **225 Interim statements**

- (1) The Education Act 2005 (c. 18) is amended as follows.
- (2) After section 10 insert—

##### **“10A Interim statements between inspections**

- (1) The Chief Inspector may make a statement (an “interim statement”) about a school in England to which section 5 applies.
- (2) An interim statement is a statement—

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- (a) that the Chief Inspector is of the opinion that it is not necessary for the school to be inspected under section 5 for at least a year after the date on which the statement is made,
  - (b) setting out the Chief Inspector's reasons for forming that opinion, and
  - (c) containing such other information (if any) as the Chief Inspector considers appropriate.
- (3) The Chief Inspector may arrange for an interim statement to be published in such manner as the Chief Inspector considers appropriate.
- (4) Section 151 of the Education and Inspections Act 2006 (publication of inspection reports: privilege and electronic publication) applies in relation to an interim statement as it applies in relation to a report.”
- (3) In the italic heading before section 14 after “reports” insert “ and interim statements ”.
- (4) After section 14 insert—

**“14A Destination of interim statements: maintained schools**

- (1) The Chief Inspector must ensure that a copy of any interim statement about a maintained school is sent without delay to the appropriate authority for the school.
  - (2) The Chief Inspector must ensure that copies of the statement are sent—
    - (a) to the head teacher of the school,
    - (b) to whichever of the [F2]local authority] and the governing body are not the appropriate authority, and
    - (c) in the case of a school having foundation governors, to the person who appoints them and (if different) to the appropriate appointing authority.
  - (3) If the school provides full-time education suitable to the requirements of pupils over compulsory school age, the Chief Inspector must ensure that a copy of the statement is also sent to the Young People's Learning Agency for England.
  - (4) The appropriate authority must—
    - (a) make a copy of any statement sent to the authority under subsection (1) available for inspection by members of the public at such times and at such places as may be reasonable,
    - (b) provide one copy of the statement free of charge to any person who asks for one, and
    - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement within such period following receipt of the statement by the authority as may be prescribed.”
- (5) In the italic heading before section 16 after “reports” insert “ and interim statements ”.
- (6) After section 16 insert—

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### “16A Destination of interim statements: non-maintained schools

- (1) The Chief Inspector must ensure that a copy of any interim statement about a school other than a maintained school is sent without delay to the proprietor of the school.
- (2) In the case of a special school which is not a community or foundation special school, the proprietor must without delay send a copy of any interim statement sent to the proprietor under subsection (1) to any [<sup>F2</sup>local authority] that are paying fees in respect of the attendance of a registered pupil at the school.
- (3) The proprietor of the school must—
  - (a) make any statement sent to the proprietor under subsection (1) available for inspection by members of the public at such times and at such place as may be reasonable,
  - (b) provide one copy of the statement free of charge to any person who asks for one, and
  - (c) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives a copy of the statement within such period following receipt of the statement by the proprietor as may be prescribed.”
- (7) In section 18 (interpretation of Chapter) after the definition of “the Chief Inspector” insert—

““interim statement” means an interim statement under section 10A;”.

#### 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. 16\(2\)](#)

#### Commencement Information

**I3** S. 225 in force at 12.1.2010 for specified purposes by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

**I4** S. 225 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

## 226 Powers of persons providing administrative support in connection with inspections

- (1) Part 2 of Schedule 12 to the Education and Inspections Act 2006 (c. 40) (inspectors etc acting on behalf of Chief Inspector) is amended as follows.
- (2) In paragraph 9(1) (delegation of functions), after paragraph (c) insert “or
  - (d) any inspection administrator,” (and omit “or” at the end of paragraph (b)).
- (3) In paragraph 9(2)(a) for “and 11(4)” substitute “ , 11(4) and 11A(3) ”.
- (4) In paragraph 10(1) (inspectors etc to have necessary qualifications, experience and skills), after paragraph (c) insert “or



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(d) an inspection administrator,” (and omit “or” at the end of paragraph (b)).

(5) After paragraph 11 insert—

**11A “Inspection administrators**

- (1) The Chief Inspector may enter into arrangements with inspection service providers under which they provide the services of persons to provide administrative support in connection with the carrying out of inspections.
- (2) A person providing administrative support in pursuance of arrangements under sub-paragraph (1) is to be known as an inspection administrator.
- (3) The Chief Inspector may not authorise an inspection administrator to conduct an inspection.”

**Commencement Information**

**I5** S. 226 in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch.

**CHAPTER 4**

SCHOOL SUPPORT STAFF PAY AND CONDITIONS: ENGLAND

*The SSSNB*

**F5227 The School Support Staff Negotiating Body**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by Education Act 2011 (c. 21), ss. 18(1), 82(3); S.I. 2012/84, art. 3

**F5228 Matters within SSSNB's remit**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by Education Act 2011 (c. 21), ss. 18(1), 82(3); S.I. 2012/84, art. 3

*Consideration of matter by SSSNB*

**F5229 Referral of matter to SSSNB for consideration**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**F5 230 Consideration of other matters by SSSNB**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

*Powers of Secretary of State on submission of SSSNB agreement*

**F5 231 Agreement submitted by SSSNB under section 229 or 230**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

*Reconsideration by SSSNB*

**F5 232 Reconsideration of agreement by SSSNB**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**F5 233 SSSNB's submission of agreement following reconsideration: powers of Secretary of State**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

*Powers of Secretary of State in absence of SSSNB agreement*

**F5 234 Powers of Secretary of State in absence of SSSNB agreement**

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*Status: Point in time view as at 20/02/2014.*

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

*Orders*

**F5 235 Effect of order ratifying SSSNB agreement**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**F5 236 Effect of order making provision otherwise than in terms of SSSNB agreement**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**F5 237 Orders: supplementary**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

*Guidance*

**F5 238 Guidance**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

*General*

**F5 239 Non-statutory School Support Staff Negotiating Body**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**F5 240 “School support staff”**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**F5 241 General interpretation**

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**Textual Amendments**

**F5** Ss. 227-241 repealed (1.2.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 18(1)**, 82(3); S.I. 2012/84, art. 3

**Status:**

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