



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 ^[F1]local authorities] in England to obtain advisory services

(1) Section 62A of the Education Act 2002 (power of Secretary of State to require ^[F1]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 ^[F2]local authority] in England maintain a disproportionate number of low-performing schools, and

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Schools causing concern: England is up to date with all changes known to be in force on or before 29 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

- (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.**

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Schools causing concern: England is up to date with all changes known to be in force on or before 29 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.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6