



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, Chapter 1 is up to date with all changes known to be in force on or before 18 March 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.**

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)

Changes to legislation:

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[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