

## SCHEDULES

### SCHEDULE 13

#### POWERS IN RELATION TO SCHOOLS CAUSING CONCERN: ENGLAND

10 After section 69 insert—

#### **“69A Power of Secretary of State to direct LEA to consider giving performance standards and safety warning notice**

- (1) This section applies if the Secretary of State thinks that the conditions in subsections (2) and (3) are met.
- (2) The condition is that there are reasonable grounds for a local education authority to give a warning notice to the governing body of a maintained school under section 60 (performance standards and safety warning notice).
- (3) The condition is that one of the following applies—
  - (a) the authority have not given a warning notice to the governing body under section 60 on those grounds;
  - (b) the authority have done so, but in inadequate terms;
  - (c) the authority have given a warning notice to the governing body under section 60 on those grounds, but the Chief Inspector has failed or declined to confirm it;
  - (d) the school has become eligible for intervention on those grounds by virtue of section 60, but the period of two months following the end of the compliance period (as defined by section 60(10)) has ended.
- (4) The Secretary of State may direct the local education authority to consider giving a warning notice to the governing body under section 60 in the terms specified in the direction.
- (5) A direction under subsection (4) must be in writing.
- (6) If the Secretary of State gives a direction under subsection (4) to a local education authority in respect of a governing body, the authority must—
  - (a) give the Secretary of State a written response to the direction before the end of the period of 10 working days beginning with the day on which the direction is given, and
  - (b) on the same day as they do so, give the Chief Inspector a copy of the response.
- (7) The local education authority’s response to the direction must do one of the following—
  - (a) state that the authority have decided to give a warning notice to the governing body in the specified terms;
  - (b) state that the authority have decided not to give a warning notice to the governing body in those terms.

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*Status: This is the original version (as it was originally enacted).*

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- (8) If the response states that the authority have decided to give a warning notice to the governing body in the specified terms, the authority must—
  - (a) give the warning notice to the governing body in those terms before the end of the period of 5 working days beginning with the day on which the response is given (and withdraw any previous warning notice given to the governing body under section 60), and
  - (b) on the same day as they do so, give the Secretary of State a copy of the notice.
- (9) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms, it must set out the authority’s reasons for the decision.
- (10) Subsection (8)(b) applies in addition to section 60(6).

**69B Power of Secretary of State to direct LEA to give teachers’ pay and conditions warning notice**

- (1) This section applies if the Secretary of State thinks that the conditions in subsections (2) and (3) are met.
- (2) The condition is that there are reasonable grounds for a local education authority to give a warning notice to the governing body of a maintained school under section 60A (teachers’ pay and conditions warning notice).
- (3) The condition is that one of the following applies—
  - (a) the authority have not given a warning notice to the governing body under section 60A on those grounds;
  - (b) the authority have done so, but in inadequate terms;
  - (c) the authority have given a warning notice to the governing body under section 60A on those grounds, but have declined or failed to confirm it;
  - (d) the school has become eligible for intervention on those grounds by virtue of section 60A, but the period of two months following the end of the compliance period (as defined by section 60A(10)) has ended.
- (4) The Secretary of State may direct the local education authority to consider giving a warning notice to the governing body under section 60A in the terms specified in the direction.
- (5) If the Secretary of State gives a direction under subsection (4) to a local education authority in respect of a governing body, the authority must—
  - (a) give a copy of the direction to the governing body before the end of the period of 2 working days beginning with the day on which the direction is given,
  - (b) when it does so, invite the governing body to give the authority a written response before the end of the period of 7 working days beginning with the day on which the direction is given, and
  - (c) give the Secretary of State the authority’s written response, and any response received from the governing body in accordance with paragraph (b), before the end of the period of 10 working days beginning with the day on which the direction is given.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The local education authority's response to the direction must do one of the following—
  - (a) state that the authority have decided to give a warning notice to the governing body in the specified terms;
  - (b) state that the authority have decided not to give a warning notice to the governing body in those terms.
- (7) If the response states that the authority have decided to give a warning notice to the governing body in the specified terms, the authority must—
  - (a) give the warning notice to the governing body in those terms before the end of the period of 5 working days beginning with the day on which the response is given (and withdraw any previous warning notice given to the governing body under section 60A), and
  - (b) on the same day as they do so, give the Secretary of State a copy of the notice.
- (8) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms—
  - (a) the response must set out the authority's reasons for the decision, and
  - (b) the Secretary of State may direct the authority to give the warning notice to the governing body in those terms (and to withdraw any previous warning notice given to the governing body under section 60A).
- (9) If the Secretary of State directs the authority under subsection (8)(b) to give a warning notice to the governing body in the specified terms, the authority must—
  - (a) comply with the direction under subsection (8)(b) before the end of the period of 5 working days beginning with the day on which that direction is given, and
  - (b) on the same day as they do so, give the Secretary of State a copy of the notice.
- (10) Subsections (7)(b) and (9)(b) apply in addition to section 60A(6).
- (11) A direction under this section must be in writing.”