



Education and Adoption Act 2016

2016 CHAPTER 6

Maintained schools causing concern: intervention powers

4 Power to require governing body to enter into arrangements

Before section 67 of the Education and Inspections Act 2006 insert—

“66A Power of Secretary of State to require governing body to enter into arrangements

- (1) If at any time a maintained school is eligible for intervention other than by virtue of section 60A, then (subject to subsection (3)) the Secretary of State may, with a view to improving the performance of the school, give the governing body of the school a notice requiring the governing body—
 - (a) to enter into a contract or other arrangement with a specified person (who may be the governing body of another school) for the provision to the governing body of specified services of an advisory nature,
 - (b) to make specified arrangements authorised by section 26 of EA 2002 (collaboration between schools) with the governing body of such other school as may be specified,
 - (c) to make specified arrangements authorised by regulations under section 166 of this Act (collaboration arrangements: maintained schools and further education bodies) with a further education body within the meaning of that section, or
 - (d) to take specified steps for the purpose of creating or joining a federation, as defined by section 24(2) of EA 2002.
- (2) Before exercising the power conferred by subsection (1), the Secretary of State must consult—
 - (a) the governing body of the school,
 - (b) in the case of a foundation or voluntary school which is a Church of England school or a Roman Catholic Church school, the appropriate diocesan authority, and

- (c) in the case of any other foundation or voluntary school, the person or persons by whom the foundation governors are appointed.
- (3) Where the school is eligible for intervention by virtue of section 60 (school subject to performance standards and safety warning), the power conferred by subsection (1) is only exercisable within the period of two months following the end of the compliance period (as defined by section 60(1)(b)).
- (4) A notice under subsection (1)(a) may require the contract or other arrangement to contain specified terms and conditions.”

5 Appointment of interim executive members

In Schedule 6 to the Education and Inspections Act 2006 (governing bodies consisting of interim executive members), after paragraph 5 insert—

- “5A Where the appropriate authority is a local authority the Secretary of State may give the local authority directions about—
- (a) who to appoint as interim executive members;
 - (b) how many people to appoint as interim executive members;
 - (c) the terms of appointment of interim executive members;
 - (d) the termination of any appointment in accordance with provision made under paragraph 5.”

6 Interaction between intervention powers

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 64 (power of local authority etc to appoint additional governors)—
 - (a) in subsection (1), for “subsections (1A) and (2)” substitute “subsection (2)”;
 - (b) omit subsection (1A).
- (3) After section 70 insert—

“Interaction between different intervention powers etc

70A Duties for local authorities and Secretary of State to notify each other

- (1) A local authority must notify the Secretary of State before exercising a power under section 63, 64 or 66 in relation to a maintained school.
- (2) The Secretary of State must notify the local authority before exercising a power under any of sections 66A to 69 in relation to a maintained school.

70B Restriction on use of local authority intervention powers

- (1) This section applies where a local authority are notified that the Secretary of State intends to exercise a power under any of sections 66A to 69 in relation to a maintained school.

- (2) The local authority may not use any of their powers under section 63, 64 or 66 in relation to the school unless or until the Secretary of State notifies them that they may.

70C Secretary of State’s power to take over responsibility for interim executive members

- (1) This section applies where a local authority have given the governing body of a maintained school a notice under section 65 (governing body to consist of interim executive members).
- (2) The Secretary of State may take over responsibility for arrangements in connection with the interim executive members by giving notice to the local authority and, where the Secretary of State does so—
- (a) the notice given by the local authority in accordance with section 65 is to be treated as having been given by the Secretary of State in accordance with section 69, and
 - (b) anything done by or in relation to the local authority under Schedule 6 is to be treated as having been done by or in relation to the Secretary of State.”