



Education and Adoption Act 2016

2016 CHAPTER 6

An Act to make provision about schools in England that are causing concern, including provision about their conversion into Academies and about intervention powers; and to make provision about joint arrangements for carrying out local authority adoption functions in England. [16th March 2016]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Maintained schools causing concern: eligibility for intervention

1 Coasting schools

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 59 (meaning of “maintained school” and “eligible for intervention”), in subsection (2), at the appropriate place insert— “ section 60B (coasting schools), ”.
- (3) After section 60A insert—

“60B Coasting schools

- (1) A maintained school is by virtue of this section eligible for intervention if—
 - (a) the school is coasting, and
 - (b) the Secretary of State has notified the governing body that it is coasting.
- (2) The Secretary of State may by regulations provide that this section does not apply in relation to a school of a description specified in the regulations.
- (3) The Secretary of State must by regulations define what “coasting” means in relation to a school to which this section applies.”

Changes to legislation: There are currently no known outstanding effects for the Education and Adoption Act 2016. (See end of Document for details)

- (4) In section 182 (Parliamentary control of orders and regulations), in subsection (3), after paragraph (a) insert—

“(aza) the first regulations to be made under section 60B(3) (regulations defining “coasting” in relation to a school),”.

Commencement Information

I1 S. 1 in force at 5.9.2016 for specified purposes by S.I. 2016/866, reg. 2

I2 S. 1 in force at 11.1.2017 in so far as not already in force by S.I. 2017/6, reg. 2(a)

2 Performance standards and safety warning notices

- (1) The Education and Inspections Act 2006 is amended as follows.

- (2) In section 60 (performance standards and safety warning notice)—

- (a) for “local authority”, in each place it occurs, substitute “relevant authority”;
- (b) for subsection (1) substitute—

“(1) A maintained school is by virtue of this section eligible for intervention if—

- (a) a relevant authority have given the governing body a warning notice in accordance with subsection (2),
 - (b) the period for compliance specified in the notice (“the compliance period”) has expired,
 - (c) the governing body have failed to comply, or secure compliance, with the notice to the relevant authority's satisfaction by the end of the compliance period, and
 - (d) the relevant authority have given reasonable notice in writing to the governing body that the authority proposes to exercise the authority's powers under any one or more of sections 63 to 69 (whether or not the notice is combined with a notice under section 62(2A)(c) of SSFA 1998).”;
- (c) in subsection (4), for paragraph (c) (but not the “and” at the end) substitute—
- “(c) the compliance period for the purposes of subsection (1)(c),”;
- (d) in subsection (4)(d), for “66” substitute “69”;
- (e) after subsection (4) insert—

“(4A) If a local authority are notified that the Secretary of State has given a warning notice to the governing body of a maintained school the local authority may not give a warning notice unless or until the Secretary of State informs them that they may.

(4B) If the Secretary of State gives a warning notice to the governing body of a maintained school, any earlier warning notice given to the maintained school by the local authority ceases to have effect from that time.”;

- (f) omit subsection (5);
- (g) after subsection (6) insert—

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“(6A) If a local authority give a warning notice to the governing body of a maintained school they must, at the same time, give a copy of it to the Secretary of State.

(6B) If the Secretary of State gives a warning notice to the governing body of a maintained school the Secretary of State must, at the same time, give a copy of it to the local authority.”;

- (h) omit subsections (7) to (9);
- (i) for subsection (10) substitute—

“(10) In this section “relevant authority” means—

- (a) the local authority, or
- (b) the Secretary of State.”

- (3) In section 63 (power of local authority to require governing body to enter into arrangements), in subsection (3), for “section 60(10)” substitute “ section 60(1)(b) ”.
- (4) In section 64 (power of local authority etc to appoint additional governors), in subsection (2), for “section 60(10)” substitute “ section 60(1)(b) ”.
- (5) In section 66 (power of local authority to suspend right to delegated budget), in subsection (2), for “section 60(10)” substitute “ section 60(1)(b) ”.
- (6) Omit section 69A (power of Secretary of State to direct local authority to give performance standards and safety warning notice).
- (7) In section 73 (interpretation), omit the definition of “working day”.

Commencement Information

I3 S. 2 in force at 18.4.2016 by S.I. 2016/466, reg. 2 (with reg. 4(1))

3 Other warning notices

(1) The Education and Inspections Act 2006 is amended as follows.

(2) In section 60A (teachers' pay and conditions warning notice)—

- (a) for subsection (1) substitute—

“(1) A maintained school is by virtue of this section eligible for intervention if—

- (a) the local authority have given the governing body a warning notice in accordance with subsection (2),
- (b) the period for compliance specified in the notice (“the compliance period”) has expired,
- (c) the governing body have failed to comply, or secure compliance, with the notice to the local authority's satisfaction by the end of the compliance period, and
- (d) the local authority have given reasonable notice in writing to the governing body that the authority proposes to exercise the authority's powers under any one or more of sections 64 to 66.”;

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- (b) in subsection (4), for paragraph (c) (but not the “and” at the end) substitute—
“(c) the compliance period for the purposes of subsection (1)(c),”;
 - (c) omit subsection (5);
 - (d) in subsection (6), before paragraph (a) insert—
“(za) the Secretary of State,”;
 - (e) omit subsections (7) to (10).
- (3) In section 64 (power of local authority etc to appoint additional governors), in subsection (2), for “section 60A(10)” substitute “section 60A(1)(b)”.
- (4) In section 66 (power of local authority to suspend right to delegated budget), in subsection (2), for “section 60A(10)” substitute “section 60A(1)(b)”.
- (5) In section 69B (power of Secretary of State to direct local authority), in subsection (3) —
- (a) omit paragraph (c);
 - (b) in paragraph (d), for “60A(10)” substitute “60A(1)(b)”.

Commencement Information

I4 S. 3 in force at 18.4.2016 by S.I. 2016/466, reg. 2 (with reg. 4(2))

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—

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- (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.”

Commencement Information

I5 [S. 4](#) in force at 18.4.2016 by [S.I. 2016/466](#), [reg. 2](#)

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.”

Commencement Information

I6 [S. 5](#) in force at 18.4.2016 by [S.I. 2016/466](#), [reg. 2](#)

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—