



School Standards and Organisation (Wales) Act 2013

2013 anaw 1

PART 2

STANDARDS

CHAPTER 2

INTERVENTION IN LOCAL AUTHORITIES

Powers of intervention

23 Power of Welsh Ministers to intervene

- (1) The Welsh Ministers have the power to intervene under this Chapter in the exercise of education functions by a local authority if subsection (2) or (3) applies.
- (2) This subsection applies if—
 - (a) the Welsh Ministers have given a warning notice, and
 - (b) the local authority has failed to comply, or secure compliance, with the notice to the Welsh Ministers' satisfaction within the compliance period.
- (3) This subsection applies if the Welsh Ministers are satisfied that one or more of grounds 1 to 3 exist in relation to the local authority and they have reason to believe that—
 - (a) there is a related risk to the health or safety of any person that calls for urgent intervention under this Chapter, or
 - (b) the local authority is unlikely to be able to comply, or secure compliance, with a warning notice.
- (4) Where the Welsh Ministers have the power to intervene, they must keep the circumstances giving rise to the power under review.

Changes to legislation: School Standards and Organisation (Wales) Act 2013, Cross Heading: Powers of intervention is up to date with all changes known to be in force on or before 19 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

- (5) If the Welsh Ministers conclude that the grounds for intervention have been dealt with to their satisfaction or that exercise of their powers under this Chapter would not be appropriate for any other reason, they must notify the local authority of their conclusion in writing.
- (6) The Welsh Ministers' power to intervene continues in effect until they give notice under subsection (5).
- (7) Where the Welsh Ministers have the power to intervene, they are not limited to taking the action they said they were minded to take in a warning notice.

Modifications etc. (not altering text)

- C1** Pt. 2 Ch. 2 modified by 1998 c. 30, s. 19(13) (as substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 3**; S.I. 2014/178, art. 2(f) (with art. 3))
- C2** Pt. 2 Ch. 2 modified by 2005 c. 18, s. 114(8)(c) (as inserted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 8(3)(c)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C3** Pt. 2 Ch. 2 applied (with modifications) by 2006 c. 21, s. 29 (as substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 10**; S.I. 2014/178, art. 2(f) (with art. 3))
- C4** Pt. 2 Ch. 2 excluded by 2010 c. 15, s. 87(4) (as inserted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 11(3)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C5** Pt. 2 Ch. 2 excluded by 1996 c. 56, s. 560(6) (as amended) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 2(7)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C6** Pt. 2 Ch. 2 modified by 2004 c. 31, s. 50A(3) (as inserted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 7(3)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C7** Pt. 2 Ch. 2 applied (with modifications) by 2004 c. 31, s. 50A(1)(2) (as inserted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 7(3)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C8** Pt. 2 Ch. 2 applied (with modifications) by 2010 c. 15, s. 87(3)(b) (as inserted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 11(3)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C9** Pt. 2 Ch. 2 excluded by 1996 c. 56, Sch. 1 para. 6(4) (as amended) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 2(8)**; S.I. 2014/178, art. 2(f) (with art. 3))
- C10** Pt. 2 Ch. 2 excluded by 1996 c. 56, s. 484(7) (as amended) (W.) (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 2(3)**; S.I. 2014/178, art. 2(f) (with art. 3))

Commencement Information

- I1** S. 23 in force at 20.2.2014 by S.I. 2014/178, **art. 2(b)** (with art. 3)

24 Power to require local authority to obtain advisory services

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.

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- (2) The Welsh Ministers may direct the local authority to enter into a contract or other arrangement with a specified person, or a person falling within a specified class for the provision to the authority or the governing body of a school maintained by it (or both), of specified services of an advisory nature.
- (3) The direction may require the contract or other arrangement to contain specified terms and conditions.
- (4) In this section “specified” means specified in a direction under this section.

Commencement Information

I2 S. 24 in force at 20.2.2014 by [S.I. 2014/178](#), [art. 2\(b\)](#) (with [art. 3](#))

25 Power to require performance of functions by other persons on behalf of authority

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may give such directions to the local authority or any of its officers as they think are appropriate for securing that the functions to which the grounds for intervention relate are performed on behalf of the authority by a person specified in the direction.
- (3) A direction under subsection (2) may require that any contract or other arrangement made by the authority with the specified person contains terms and conditions specified in the direction.
- [^{F1}(4) If a direction under subsection (2) is in force, the functions of the local authority to which it relates are to be treated for all purposes as being exercisable by the specified person.]

Textual Amendments

F1 S. 25(4) inserted (14.7.2014) by [Education \(Wales\) Act 2014 \(anaw 5\)](#), [ss. 44\(2\)](#), [50\(4\)](#); [S.I. 2014/1605](#), [art. 2\(b\)](#)

Commencement Information

I3 S. 25 in force at 20.2.2014 by [S.I. 2014/178](#), [art. 2\(b\)](#) (with [art. 3](#))

26 Power to require performance of functions by Welsh Ministers or nominee

- (1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.
- (2) The Welsh Ministers may direct that the functions to which the grounds for intervention relate are to be exercised by the Welsh Ministers or a person nominated by them.

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(3) If a direction is made under subsection (2), the local authority must comply with the instructions of the Welsh Ministers or their nominee in relation to the exercise of the functions.

[^{F2}(4) If a direction under subsection (2) is in force, the functions of the local authority to which it relates are to be treated for all purposes as being exercisable by the Welsh Ministers or their nominee.]

Textual Amendments

F2 S. 26(4) inserted (14.7.2014) by Education (Wales) Act 2014 (anaw 5), ss. 44(3), 50(4); S.I. 2014/1605, art. 2(b)

Commencement Information

I4 S. 26 in force at 20.2.2014 by S.I. 2014/178, art. 2(b) (with art. 3)

27 Power to direct exercise of other education functions

(1) If the Welsh Ministers think it is expedient, a direction under section 25 or 26 may relate to the performance of education functions in addition to the functions to which the grounds for intervention relate.

(2) The Welsh Ministers may have regard (among other things) to financial considerations in deciding whether it is expedient that a direction should relate to education functions other than functions relating to the grounds for intervention.

Commencement Information

I5 S. 27 in force at 20.2.2014 by S.I. 2014/178, art. 2(b) (with art. 3)

28 General power to give directions and take steps

(1) This section applies if the Welsh Ministers have the power to intervene in the exercise of education functions by a local authority.

(2) If the Welsh Ministers think it is appropriate in order to deal with the grounds for intervention, the Welsh Ministers may—

- (a) give directions to the local authority or any of its officers, or
- (b) take any other steps.

Commencement Information

I6 S. 28 in force at 20.2.2014 by S.I. 2014/178, art. 2(b) (with art. 3)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 3A inserted by [2022 asc 1 Sch. 4 para. 29\(7\)](#)
- s. 1(9A) inserted by [2022 asc 1 Sch. 4 para. 29\(2\)\(a\)](#)
- s. 38(2)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(a\)](#)
- s. 38(5)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(b\)](#)
- s. 39(1)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(4\)](#)
- Sch. 2 para. 19(2)(c)(i) word inserted by [2022 asc 1 Sch. 4 para. 29\(12\)\(b\)](#)