

*These notes refer to the Education Act 2002 (c.32)
which received Royal Assent on 24 July 2002*

EDUCATION ACT 2002

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

Territorial Coverage

Part 11: Miscellaneous and General

30. This Part imposes a duty on LEAs, the governing bodies of both maintained schools and FE institutions to make arrangements in regard to the welfare of children. It also places a duty on LEAs and the governing bodies of maintained schools to have regard to any guidance from the Secretary of State or the NAW about consultation with pupils in decisions affecting them.
31. This Part contains provisions relating to education outside schools for 14-16 year olds.
32. Provision is made to enable the Secretary of State to repay the student loans of those defined by regulations as being eligible.
33. A number of minor amendments are made to Education Action Zones (EAZs), including an extension to the range of schools eligible to participate and a broadening of the objects of the Zones.
34. Amendments to inspection provisions include a broadening of the duties of inspectors to report on the management and leadership of schools and a power to enable a member of the Inspectorate to carry out inspections currently only deliverable by a registered inspector.
35. The powers of the Qualifications and Curriculum Authority (QCA) and the Qualifications, Curriculum and Assessment Authority for Wales (ACCAC) are extended. The powers of LEAs to award qualifications are clarified.
36. Provision is made to enable regional provision to be made in Wales in respect of children with SEN. A Special Educational Needs Tribunal for Wales is established.
37. The NAW is given powers to require publication of certain information by schools and LEAs, and to make regulations requiring LEAs in Wales to enter into partnership agreements with schools maintained by them. Provision is also made for the NAW to require the governing bodies of primary and secondary schools to draw up plans together to facilitate the transition of pupils from one to the other.
38. Amendments are made to the provisions for transport for persons over compulsory school age, to ensure that LEAs develop, publish and implement policies meeting certain criteria. Changes are made to the provisions concerning school meals and milk, to ensure that children not yet of school age receiving funded nursery education may be eligible for free school meals and milk and that regulations can restrict entitlement to free school meals to children in attendance over the lunch period.

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39. Provision is made making it an offence to create or permit nuisance or disturbance on the premises of a non-maintained special school, an independent school or certain LEA-maintained facilities, and any institution within the further education sector.
40. The role of the Secretary of State in settling recoupment disputes is ended (although it is retained for the NAW). A power is introduced for the Secretary of State to make payment to the chairmen of local learning and skills councils.