

Changes to legislation: Education Act 2005, SCHEDULE 18 is up to date with all changes known to be in force on or before 16 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

SCHEDULES

SCHEDULE 18 **E+W**

Section 117

FURTHER AMENDMENTS RELATED TO PROVISIONS OF PART 4

Children Act 1989 (c. 41)

- 1 In section 36 of the Children Act 1989 (education supervision orders), in subsection (5) for paragraph (b) substitute—
- “(b) is not attending regularly within the meaning of section 444 of that Act—
- (i) a school at which he is a registered pupil,
 - (ii) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA of that Act, or
 - (iii) any place which he is required to attend in the circumstances mentioned in subsection (2) of that section.”.

Commencement Information

- II** Sch. 18 para. 1 wholly in force at 1.9.2006; Sch. 18 para. 1 not in force at Royal Assent see s. 125; Sch. 18 para. 1 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 18 para. 1 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

Education Act 1996 (c. 56)

- 2 In section 317 of the Education Act 1996 (duties of governing body or [F¹local authority] in relation to pupils with special educational needs), for subsections (5) to (7A) substitute—
- “(5) The governing body of a community, foundation or voluntary school, a maintained nursery school, or a community or foundation special school shall—
- (a) in the case of a school in England, prepare a report containing special needs information, and
 - (b) in the case of a school in Wales, include special needs information in the report prepared under section 30(1) of the Education Act 2002 (governors' report).
- (6) In subsection (5) “special needs information” means—
- (a) such information as may be prescribed about the implementation of the governing body's policy for pupils with special educational needs, and
 - (b) information as to—

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- (i) the arrangements for the admission of disabled persons as pupils at the school,
- (ii) the steps taken to prevent disabled pupils from being treated less favourably than other pupils,
- (iii) the facilities provided to assist access to the school by disabled pupils, and
- (iv) the plan prepared by the governing body under section 28D of the Disability Discrimination Act 1995 (“the 1995 Act”).

(6A) In subsection (6)(b) “disabled person” means a person who is a disabled person for the purposes of the 1995 Act; and section 28Q of the 1995 Act (interpretation) applies for the purposes of subsection (6)(b) as it applies for the purposes of Chapter 1 of Part 4 of that Act.”

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

Modifications etc. (not altering text)

C1 Sch. 18 para. 2 restricted (E.) (1.9.2005) by [The Education Act 2005 \(Commencement No.1 and Savings and Transitional Provisions\) Order 2005 \(S. I. 2005/2034\)](#), art. 10, **Sch. para. 2**

3 In section 444A of the Education Act 1996 (penalty notice in respect of failure to secure attendance at school of registered pupil), in subsection (1), for paragraph (b) substitute—

- “(b) that the offence relates—
- (i) to a relevant school in England,
 - (ii) in a case falling within subsection (1) of section 444ZA, to a place at which education is provided by a [^{F1}local authority] in England, or
 - (iii) in a case falling within subsection (2) of that section, to a place at which a child is required to attend by the appropriate authority (within the meaning of that section) for a relevant school in England.”.

Textual Amendments

F1 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 13(2)**

4 The references in section 23(9) and (10) of the Anti-social Behaviour Act 2003 (c. 38) to section 444A of the Education Act 1996 are to be read as references to that section as amended by paragraph 3 of this Schedule.

5 (1) Section 494 of the Education Act 1996 (recoupment: excluded pupils) is amended as follows.

(2) In subsections (1), (2) and (3), for “financial year” substitute “ funding period ”.

(3) After subsection (5) insert—

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“(6) In this section “funding period” has the meaning given by section 45(1B) of the School Standards and Framework Act 1998.”

Commencement Information

- I2** Sch. 18 para. 5 partly in force; Sch.18 para. 5 not in force at Royal Assent see s. 125; Sch. 18 para. 5 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), [art. 8](#)
- I3** Sch. 18 para. 5 in force at 1.4.2010 for W. by [S.I. 2010/735](#), [art. 2\(e\)](#)

6 In section 566 of the Education Act 1996 (evidence: documents), after subsection (2) insert—

“(3) Where a child of compulsory school age is required to attend at—

(a) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA, or

(b) any place in the circumstances mentioned in subsection (2) of that section,

subsection (1)(c) has effect as if the place in question were a school and the person in charge of the provision of education or training at that place were its head teacher (and subsection (2) has effect accordingly).”

Commencement Information

- I4** Sch. 18 para. 6 wholly in force at 1.9.2006; Sch. 18 para. 6 not in force at Royal Assent see s. 125; Sch. 18 para. 6 in force for E. at 1. 9. 2005 by [S.I. 2005/2034](#), [art. 4](#); Sch. 18 para. 6 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

School Standards and Framework Act 1998 (c. 31)

7 In section 48 of the School Standards and Framework Act 1998 ([^{F2}local authorities]’ financial schemes) in subsection (2)(a) for “financial year” substitute “ funding period ”.

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [Sch. 2 para. 13\(3\)](#)

Commencement Information

- I5** Sch. 18 para. 7 partly in force; Sch.18 para. 7 not in force at Royal Assent see s. 125; Sch. 18 para. 7 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), [art. 8](#);
- I6** Sch. 18 para. 7 in force at 1.4.2010 for W. by [S.I. 2010/735](#), [art. 2\(e\)](#)

8 In section 50 of the School Standards and Framework Act 1998 (effect of financial delegation) in subsection (1)—

- (a) for “financial year” substitute “ funding period ”,
- (b) for “that year” substitute “ that period ”, and
- (c) in paragraphs (a) and (b) for “year”, wherever occurring, substitute “ period ”.

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Commencement Information

- I7** Sch. 18 para. 8 partly in force; Sch.18 para. 8 not in force at Royal Assent see s. 125; Sch. 18 para. 8 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), **art. 8**
- I8** Sch. 18 para. 8 in force at 1.4.2010 for W. by [S.I. 2010/735](#), **art. 2(e)**

- 9 In section 51A of the School Standards and Framework Act 1998 (expenditure incurred for community purposes) in subsection (2) for “financial year” substitute “ funding period ”.

Commencement Information

- I9** Sch. 18 para. 9 partly in force; Sch.18 para. 9 not in force at Royal Assent see s. 125; Sch. 18 para. 9 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), **art. 8**
- I10** Sch. 18 para. 9 in force at 1.4.2010 for W. by [S.I. 2010/735](#), **art. 2(e)**

- 10 (1) Section 52 of the School Standards and Framework Act 1998 (financial statements) is amended as follows.

- (2) In subsection (1)—

- (a) for “financial year” substitute “ prescribed period ”, and
 (b) for “that year” substitute “ that period ”.

- (3) After subsection (1) insert—

“(1A) The periods prescribed for the purposes of subsection (1)—

- (a) must consist of one or more funding periods, and
 (b) may include funding periods in respect of which (by virtue of their inclusion in one or more earlier periods prescribed for the purposes of that subsection) information relating to planned expenditure has previously been required under that subsection.”

- (4) In subsection (2)—

- (a) for “financial year” substitute “ prescribed period ”, and
 (b) in paragraphs (a) to (d), for “year” substitute “ period ”.

- (5) After subsection (2A) insert—

“(2B) The periods prescribed for the purposes of subsection (2) must consist of one or more funding periods.”

Commencement Information

- I11** Sch. 18 para. 10 partly in force; Sch.18 para. 10 not in force at Royal Assent see s. 125; Sch. 18 para. 10 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), **art. 8**

- 11 (1) In Schedule 15 to the School Standards and Framework Act 1998 (suspension of financial delegation), paragraph 2 is amended as follows.

- (2) In sub-paragraph (1)(a)—

- (a) for “financial year” substitute “ funding period ”, and
 (b) for “that year” substitute “ that period ”.

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- (3) In sub-paragraph (3), for “financial year”, in both places where it occurs, substitute “funding period”.

Commencement Information

- I12** Sch. 18 para. 11 partly in force; Sch.18 para. 11 not in force at Royal Assent see s. 125; Sch. 18 para. 11 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), [art. 8](#);
I13 Sch. 18 para. 11 in force at 1.4.2010 for W. by [S.I. 2010/735](#), [art. 2\(e\)](#)

Learning and Skills Act 2000 (c. 21)

- 12 (1) Section 7 of the Learning and Skills Act 2000 (funding of school sixth-forms: England) is amended as follows.

(2) In subsection (1)(a), for “financial year” substitute “funding period”.

(3) For subsection (3) substitute—

“(3) In this section—

“funding period” means a financial year or, if some other period is prescribed in relation to England under subsection (1B) of section 45 of the School Standards and Framework Act 1998 (maintained schools to have budget shares), that other period;

“schools budget” has the same meaning as in Part 2 of that Act (framework for maintained schools).”

Commencement Information

- I14** Sch.18 para. 12 not in force at Royal Assent see s. 125; Sch. 18 para. 12 in force for E. at 1.11.2005 by [S.I. 2005/2034](#), [art. 8](#);

- 13 (1) Section 36 of the Learning and Skills Act 2000 (funding of school sixth-forms: Wales) is amended as follows.

(2) In subsection (1)(a), for “financial year” substitute “funding period”.

(3) For subsection (3) substitute—

“(3) In this section—

“funding period” means a financial year or, if some other period is prescribed in relation to Wales under subsection (1B) of section 45 of the School Standards and Framework Act 1998 (maintained schools to have budget shares), that other period;

“schools budget” has the same meaning as in Part 2 of that Act (framework for maintained schools).”

Commencement Information

- I15** Sch. 18 para. 13 in force at 1.4.2010 for W. by [S.I. 2010/735](#), [art. 2\(e\)](#)

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Education Act 2002 (c. 32)

- 14 (1) Section 37 of the 2002 Act (payments in respect of dismissal etc.) is amended as follows.
- (2) In subsection (4), for “financial years” substitute “funding periods”.
- (3) In subsections (5) and (8), for “financial year” substitute “funding period”.
- (4) For subsection (12) substitute—
- “(12) In this section—
- “community purposes” means the purposes of the provision of facilities or services under section 27;
- “funding period” has the meaning given by section 45(1B) of the School Standards and Framework Act 1998.”

Commencement Information

- I16** Sch. 18 para. 14 partly in force; Sch.18 para. 14 not in force at Royal Assent see s. 125; Sch. 14 para. 8 in force for E. at 1.11.2005 by [S.I. 2005/2034, art. 8](#)
- I17** Sch. 18 para. 14 in force at 1.4.2010 for W. by [S.I. 2010/735, art. 2\(e\)](#)

Anti-social Behaviour Act 2003 (c. 38)

- 15 In section 19 of the Anti-social Behaviour Act 2003 (parenting contracts in cases of exclusion from school or truancy), in subsection (2), for the words from “a relevant” to the end substitute—
- “(a) a relevant school at which he is a registered pupil,
- (b) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA of the Education Act 1996, and
- (c) any place at which he is required to attend in the circumstances mentioned in subsection (2) of that section.”

Commencement Information

- I18** Sch. 18 para. 15 wholly in force at 1.9.2006; Sch. 18 para. 15 not in force at Royal Assent see s. 125; Sch. 18 para. 15 in force for E. at 1. 9. 2005 by [S.I. 2005/2034, art. 4](#); Sch. 18 para. 15 in force for W. at 1.9.2006 by [S. I. 2006/1338, art. 3, Sch. 1](#)

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Changes and effects yet to be applied to :

- Sch. 18 para. 2 omitted by [2018 anaw 2 Sch. 1 para. 6\(h\)](#)
- Sch. 18 para. 13 omitted by [2022 asc 1 Sch. 4 para. 18\(15\)](#)