



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 10

SCHOOLS

CHAPTER 2

COMPLAINTS: ENGLAND

221 Disapplication of certain powers of Secretary of State

- (1) In section 496 of the [Education Act 1996 \(c. 56\)](#) (power of Secretary of State to prevent unreasonable exercise of functions), after subsection (2) insert—
 - “(3) The Secretary of State may not make a direction under this section in respect of a matter that—
 - (a) has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or
 - (b) in the Secretary of State’s opinion, could have been so complained about.
 - (4) Regulations may disapply subsection (3) in relation to cases where a complaint about the matter has been made to the Secretary of State by—
 - (a) a prescribed person, or
 - (b) a person of a prescribed description.”
- (2) In section 497 of that Act (general default powers of Secretary of State), after subsection (3) insert—

Status: This is the original version (as it was originally enacted).

- “(4) The Secretary of State may not make an order under this section in respect of a matter that—
- (a) has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or
 - (b) in the Secretary of State’s opinion, could have been so complained about.
- (5) Regulations may disapply subsection (4) in relation to cases where a complaint about the matter has been made to the Secretary of State by—
- (a) a prescribed person, or
 - (b) a person of a prescribed description.”

(3) In section 28M of the [Disability Discrimination Act 1995 \(c. 50\)](#) (directions by Secretary of State and Welsh Ministers) after subsection (7) insert—

“(7A) The Secretary of State may not, unless subsection (7B) applies, give a direction under this section to a responsible body in England in respect of a matter that—

 - (a) has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or
 - (b) in the Secretary of State’s opinion, could have been so complained about.

(7B) This subsection applies if—

 - (a) the Local Commissioner has made a recommendation to the responsible body under section 211(4) of the Apprenticeships, Skills, Children and Learning Act 2009 (statement following investigation) in respect of the matter, and
 - (b) the responsible body has not complied with the recommendation.”