

Children, Schools and Families Act 2010

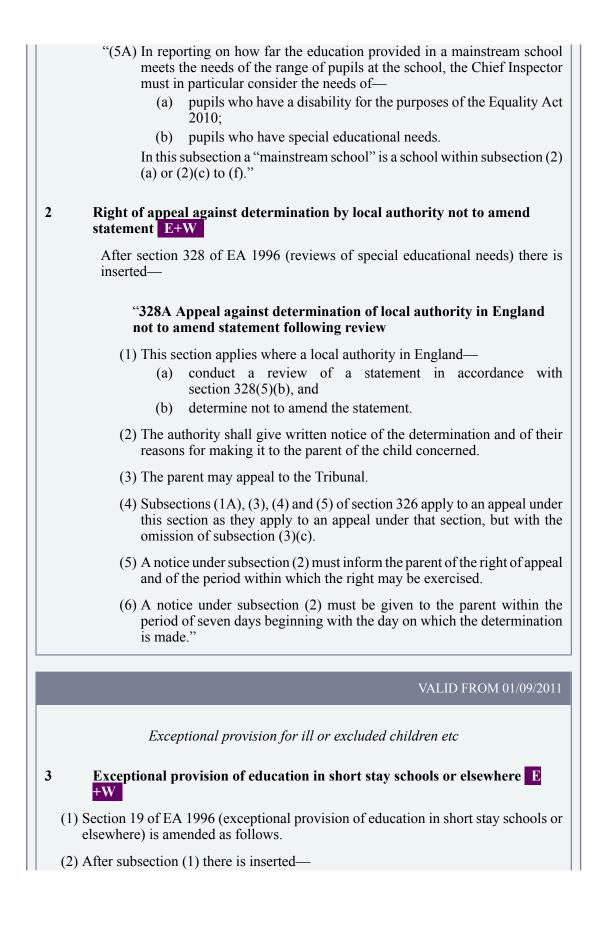
2010 CHAPTER 26

E+W

An Act to make provision about children with disabilities or special educational needs, school and other education, and governing bodies' powers; to make provision amending the Education Acts; to make provision about Local Safeguarding Children Boards; and to make provision about publication of information relating to family proceedings. [8th April 2010]

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:—

	VALID FROM 19/07/2010	
	PART 1 E+W CHILDREN AND SCHOOLS	
	VALID FROM 01/09/2010	
Children with special educational needs etc		
1	School inspections: pupils with disabilities or special educational needs E +W	
	In section 5 of EA 2005 (duty to inspect certain schools in England at prescribed intervals), after subsection (5) there is inserted—	



(a) wh we (b) doe In paragrap	to England, subsection (1) does not apply in the case of a child— to will cease to be of compulsory school age within the next six eks, and es not have any relevant examinations to complete. bh (b) "relevant examinations" means any public examinations sessments for which the child has been entered."			
(3) For subsection (3A) there is substituted—				
of arrangen (a) ful (b) in t par	to England, the education to be provided for a child in pursuance nents made by a local authority under subsection (1) shall be— l-time education, or the case of a child within subsection (3AA), education on such tt-time basis as the authority consider to be in the child's best erests.			
(3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child."				
Regulation pursuance subsection	ducation referred to in subsection (3A)" there is substituted " s may provide that the education to be provided for a child in of arrangements made by a local authority in England under			
(0) 101 109444				
	Powers of governing bodies			
	VALID FROM 01/04/2011			
4 Power to provide	e community facilities etc E+W			
(1) In section 27 of EA 2002 (power of governing body to provide community facilities etc), after subsection (1) there is inserted—				
school in l	the in every school year the governing body of a maintained England shall consider whether, and if so how, they should a power under subsection (1)."			
 (2) In section 50 of SSFA 1998 (effect of financial delegation), after subsection (3) there is inserted— 				
(a) sub has und boo	of a school in England— oject to regulations under paragraph (b) below, subsection (3)(a) s effect as if amounts spent on providing facilities or services der section 27 of the Education Act 2002 (power of governing dy to provide community facilities etc) were spent for purposes the school;			

- (b) regulations may impose restrictions as to the matters on which amounts may be spent under subsection (3)(a)."
- (3) In subsection (4) of that section, for "In subsection (3) "purposes of the school" there is substituted " In the case of a school in Wales, "purposes of the school" in subsection (3)".
- (4) In section 51A of SSFA 1998 (expenditure incurred for community purposes), in subsections (1) and (2), after "a maintained school" there is inserted " in Wales ".

5 Power to form company to establish Academy, etc E+W

- (1) The governing body of a maintained school in England may-
 - (a) form, or participate in forming, a company to enter into an agreement under section 482 of EA 1996 (agreement with Secretary of State to establish etc an Academy), and
 - (b) do anything which appears to them to be necessary or expedient in connection with a proposal that an agreement under that section be entered into with a company formed (or proposed to be formed) by them under paragraph (a).

References in this subsection to a company are to a company registered under the Companies Act 2006 as a company limited by guarantee.

(2) The governing body of a maintained school in England—

- (a) may be a member of a company which they have formed, or participated in forming, under subsection (1)(a), and
- (b) may be a member of a company which is not within paragraph (a) but which is party to an agreement under section 482 of EA 1996.
- (3) The power conferred by subsection (1)(b) includes, in particular, power—
 - (a) to incur expenditure;
 - (b) to enter into arrangements or agreements with any person.
- (4) This section is not to be read as limiting any powers that the governing body of a maintained school have otherwise than by virtue of this section.
- (5) In this section "maintained school" means a community, foundation or voluntary school or a community or foundation special school.

6 Powers to assist etc proprietor of Academy and be a member of a foundation E+W

- (1) Paragraph 3 of Schedule 1 to EA 2002 (powers of governing body) is amended as follows.
- (2) After sub-paragraph (2) there is inserted—
 - "(2A) The governing body of a maintained school in England (other than the governing body of a maintained nursery school) may provide advice and assistance to the proprietor of an Academy.
 - (2B) The governing body of a maintained school in England may be a member of the foundation of another maintained school in England.

In this sub-paragraph "foundation" has the meaning given by section 21(3) of the 1998 Act, except that it does not include a foundation established under that Act."

(3) In sub-paragraph (3)—

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- (a) in the words before paragraph (a), for "and (2)" there is substituted ", (2) and (2A) ";
- (b) in paragraph (f), after "sub-paragraph (2)" there is inserted " or (2A) ".

PROSPECTIVE

7 Power to propose new schools **E+W**

After section 11 of EIA 2006 there is inserted—

"11A Restriction on power of governing body to make proposals

- (1) The governing body of a maintained school may make proposals pursuant to a notice under section 7 or publish proposals under section 11(2) only if the governing body are for the time being designated for the purposes of this section—
 - (a) by the Secretary of State, or
 - (b) by a person authorised by the Secretary of State to designate governing bodies for those purposes.
- (2) The governing body of a maintained nursery school may not be designated for the purposes of this section."

VALID FROM 15/04/2013

Local Safeguarding Children Boards

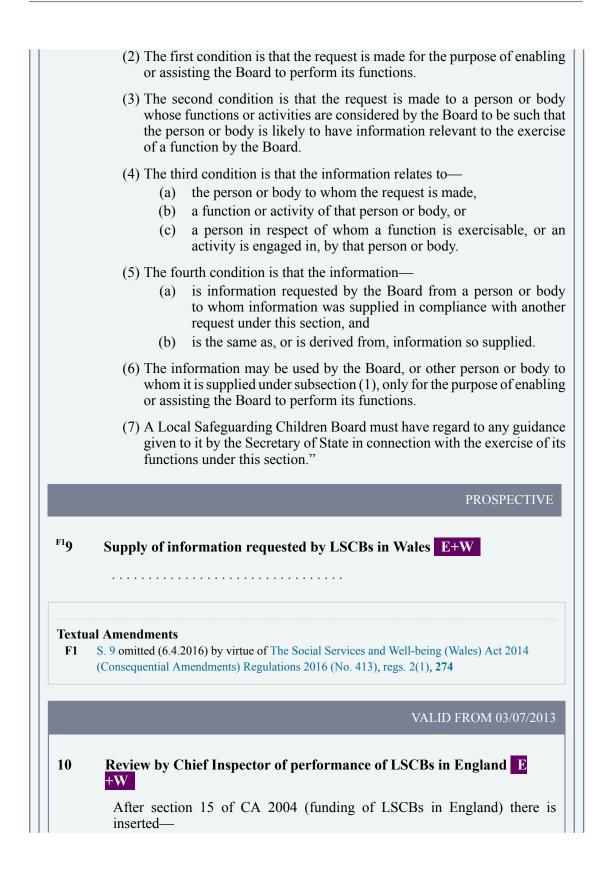
Supply of information requested by LSCBs in England E+W

After section 14A of CA 2004 (LSCBs in England: annual reports) there is inserted—

"14B Supply of information requested by LSCBs

- (1) If a Local Safeguarding Children Board established under section 13 requests a person or body to supply information specified in the request to—
 - (a) the Board, or
 - (b) another person or body specified in the request,

the request must be complied with if the first and second conditions are met and either the third or the fourth condition is met.

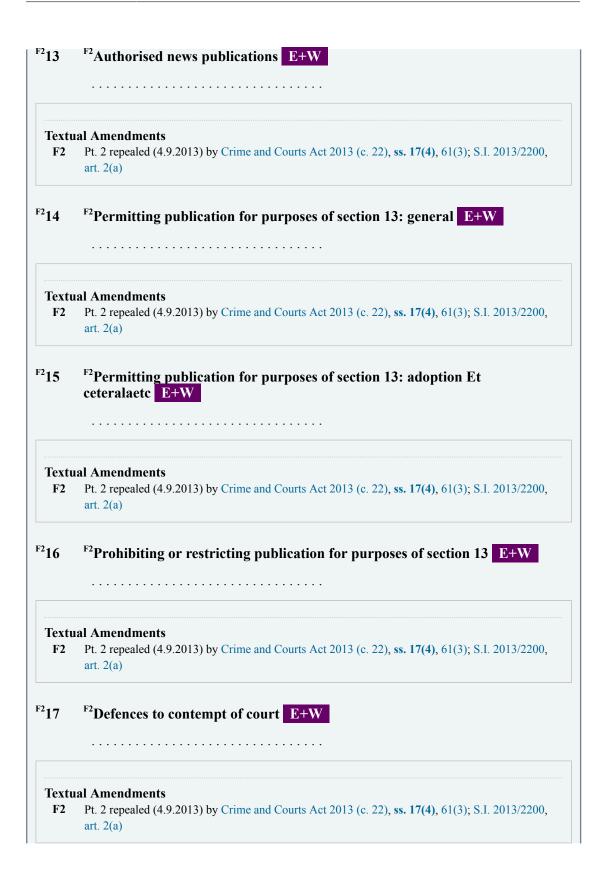


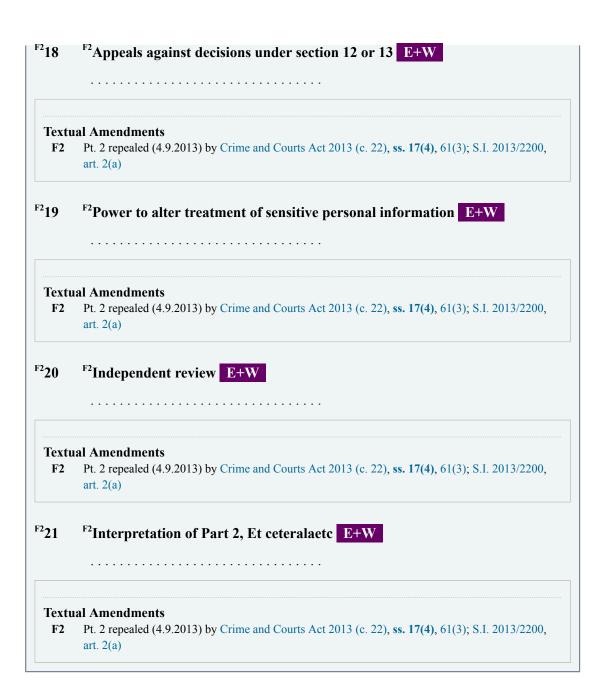
"15A Review of LSCBs' performance of functions

- (1) The Secretary of State may by regulations make provision for the Chief Inspector to conduct a review of the performance of specified functions by a Local Safeguarding Children Board established under section 13.
- (2) The regulations may allow or require the Chief Inspector to conduct a review, or may require the Chief Inspector to do so in specified circumstances.
- (3) They may in particular make provision—
 - (a) about reports to be made on completion of a review;
 - (b) requiring or facilitating the sharing or production of information for the purposes of a review.
- (4) In this section—
 - "the Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

"specified" means specified in regulations under this section."

	VALID FROM 04/09/2013
	PART 2 E+W
	FAMILY PROCEEDINGS
^{F2} 11	^{F2} Restriction on publication of information relating to family proceedings E +W
Textu	al Amendments
F2	Pt. 2 repealed (4.9.2013) by Crime and Courts Act 2013 (c. 22), ss. 17(4), 61(3); S.I. 2013/2200, art. 2(a)
^{F2} 12	^{F2} Authorised publication of court orders and judgments E+W
Textu	al Amendments
F2	Pt. 2 repealed (4.9.2013) by Crime and Courts Act 2013 (c. 22), ss. 17(4), 61(3); S.I. 2013/2200, art. 2(a)





PROSPECTIVE

Status: Point in time view as at 08/06/2010. This version of this Act contains provisions that are not valid for this point in time. Changes to legislation: There are currently no known outstanding effects for the Children, Schools and Families Act 2010. (See end of Document for details)



MISCELLANEOUS AND FINAL PROVISIONS

Miscellaneous

F³22 Amendments of provisions about complaints in ASCLA 2009 E+W

Textual Amendments

F3 S. 22 repealed (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(h)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

23 Fees for pre-registration inspections of independent educational institutions E +W

In section 111 of ESA 2008 (fees for inspections of independent educational institutions by Chief Inspector), in subsection (6) (institutions to which the section applies), for "any registered independent educational institution that is not" there is substituted " any independent educational institution that is registered, or is the subject of an application to be registered, other than ".

Final provisions

24 Interpretation of Act E+W

(1) In this Act—

"EA 1996" means the Education Act 1996;

"SSFA 1998" means the School Standards and Framework Act 1998;

"EA 2002" means the Education Act 2002;

"CA 2004" means the Children Act 2004;

"EA 2005" means the Education Act 2005;

"EIA 2006" means the Education and Inspections Act 2006;

"ESA 2008" means the Education and Skills Act 2008;

"ASCLA 2009" means the Apprenticeships, Skills, Children and Learning Act 2009.

(2) EA 1996 and section 5 of this Act are to be read as if that section were contained in that Act.

VALID FROM 19/07/2010

25 Amendments and repeals E+W

Schedules 3 (minor and consequential amendments) and 4 (repeals) have effect.

26 Financial provisions E+W

(1) There is to be paid out of money provided by Parliament—

- (a) any expenditure under this Act of a Minister of the Crown;
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.

27 Transitional provision E+W

- (1) Until a section 162(1)(a) order comes into force, a reference to a local authority in any provision of this Act (including any provision inserted by this Act in another Act) is to be read as a reference to a local education authority.
- (2) In subsection (1) "section 162(1)(a) order" means an order under subsection (1) of section 162 of EIA 2006 containing provision made by virtue of paragraph (a) of that subsection (power to replace statutory references to local education authorities with references to local authorities).

28 Extent E+W

- (1) This Act does not extend to Scotland or (subject to subsection (2)) to Northern Ireland.
- (2) An amendment or repeal by this Act of a provision that extends to Northern Ireland has the same extent as the provision amended or repealed.

29 Commencement E+W

- (1) Sections 24 and 26 to 30 come into force on the day on which this Act is passed.
- (2) Section 23 comes into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) Section 9 comes into force on whatever day the Welsh Ministers appoint by order made by statutory instrument.
- (4) The following provisions come into force on whatever day or days the Lord Chancellor appoints by order made by statutory instrument—
 - (a) Part 2;
 - (b) Part 2 of Schedule 3 and Part 2 of Schedule 4 (and section 25 so far as relating to those Parts).
- (5) The other provisions of this Act come into force on whatever day or days the Secretary of State appoints by order made by statutory instrument.

(6) An order under subsection (3), (4) or (5)—

- (a) may make different provision for different purposes or different areas;
- (b) may make incidental, consequential, supplemental, transitional or transitory provision or savings.

30 Short title etc **E+W**

- (1) This Act may be cited as the Children, Schools and Families Act 2010.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of EA 1996.

	VALID FROM 19/07/2010		
SCHEDULES			
	VALID FROM 04/09/2013		
SCHEDULE 1 E+W	Section 19		
	VALID FROM 04/09/2013		
SCHEDULE 2 E+W	Section 21		
SCHEDULE 3 E+W	Section 25		
MINOR AND CONSEQUENTIAL AMENDMENTS			
	VALID FROM 04/09/2013		
SCHEDULE 4 E+W	Section 25		
Repeals			

Status:

Point in time view as at 08/06/2010. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Children, Schools and Families Act 2010.