

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 16: Schools: reduction of burdens

Responsibility for discipline

782. *Paragraph 1* amends sections 88 and 89 of the Education and Inspections Act 2006 (the “EIA 2006”). Sections 88 and 89 of the EIA 2006 set out the requirements for governing bodies and head teachers in relation to discipline.
783. The effect of these amendments is to limit to Wales the application of the requirement on governing bodies of relevant schools¹ to make and review a statement of general principles that the head teacher is to have regard to when formulating the behaviour policy. Governing bodies of relevant schools in Wales will remain required to ensure that a behaviour policy is pursued at the school.
784. *Paragraph 1* provides that governing bodies of relevant schools in England will be under a duty to ensure that the head teacher determines the behaviour policy under section 89(1). Section 89 is amended consequentially so that head teachers of relevant schools in England will not be required to act in accordance with the governing bodies’ written statement of general principles.
785. Sections 88 and 89 of the EIA 2006 form part of the law of, and apply to, England and Wales. The amendments made by paragraph 1 preserve the current position for Wales and alter the position for relevant schools in England. They come into force on a day to be appointed by the Secretary of State in a commencement order.

Home-school agreements

786. Section 110 of the School Standards and Framework Act 1998 requires the governing body of maintained schools, city technology colleges, city colleges for the technology of the arts and Academy schools in England and Wales to adopt a home school agreement (“HSA”) and a parental declaration. A HSA is a statement which sets out the school’s aims and values, its expectations of pupils and the responsibilities of the school and parents with regard to their child’s education. A parental agreement is the document used by parents to record that they acknowledge their responsibilities.
787. *Paragraph 2* repeals section 110 and makes consequential repeals and other amendments. It comes into force on a day to be appointed by the Secretary of State in a commencement order.

Determining school terms

788. *Paragraph 3* transfers responsibility for determining term dates in community, voluntary controlled and community special schools and maintained nursery schools

¹ Section 88(5) defines “relevant school” as a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school, a pupil referral unit or a non-maintained special school.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

from local authorities in England to governing bodies. The governing body of all such maintained schools will be responsible for determining their school's term and holiday dates each year. This change applies to England only.

789. Section 32 of the Education Act 2002 sets out who has responsibility for determining the dates when school terms and holidays shall begin and end. Currently the local authority is responsible for determining the term dates of a community, voluntary controlled or community special school or a maintained nursery school. The governing body is responsible for determining the term dates of a foundation, voluntary aided or foundation special school.
790. Section 32 of the Education Act 2002 forms part of the law of England and Wales but amendments made by the Education (Wales) Act 2014 confine its application to England. The amendments made by the paragraph will not therefore apply to Wales.
791. This provision comes into force on a day to be appointed by the Secretary of State in a commencement order.

Staffing matters

792. Sections 35 and 36 of the Education Act 2002 form part of the law of England and Wales and make provision about staffing in maintained schools in England and Wales. [Paragraphs 4 and 5](#) remove the duty in sections 35(8) and 36(8) of the Education Act 2002 that requires the governing bodies and head teachers of maintained schools in England (community, voluntary controlled and community special schools, maintained nursery schools and foundation, voluntary aided and foundation special schools) and local authorities in England to have regard to guidance issued by the Secretary of State relating to the appointment, discipline, suspension and dismissal of school staff (teachers and other school employees). The position is preserved for governing bodies and local authorities in Wales who will continue to be required to have regard to guidance issued by the National Assembly for Wales. Consequently the current statutory guidance, which supplements the provisions and duties set out in the [School Staffing \(England\) Regulations 2009 \(S.I. 2009/2680\)](#) and describes in detail the processes and procedures that must be followed, will be removed. This provision comes into force on a day to be appointed by the Secretary of State in a commencement order.

Publication of reports

793. [Paragraph 6](#) removes a number of duties of governing bodies relating to the dissemination of Ofsted reports and reports of religious inspections. The provisions amended by this paragraph form part of the law of England and Wales but apply to England only. The amendments come into force on a day to be appointed by the Secretary of State in a commencement order.
794. [Paragraph 6\(2\)\(a\)](#) repeals the duty of the governing body to provide a copy of a report about the investigation of a complaint about a school to registered parents of registered pupils at the school to which the complaint relates. [Paragraph 6\(2\)\(b\)](#) repeals the duty of the governing body to make a copy of any interim statement available for inspection by members of the public, to provide one copy of the statement free of charge to any person who asks for one, and to secure that every registered parent of a registered pupil at the school receives a copy of the statement.
795. [Paragraph 6\(3\)](#) replaces the duty of the governing body to make a copy of all inspection reports it receives available for public inspection, to provide a copy to anyone who asks for one, and to make arrangements for parents of pupils at the school to receive a copy of the report with a new duty to secure that every registered parent of a registered pupil at the school is informed of the overall assessment contained in the report of the quality of education provided in the school.

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

796. **Paragraph 6(4)** replaces the duty of the governing body to ensure that any report on outcomes from a religious inspection is made available for inspection by members of the public, that a copy is sent to every parent of pupils who receive denominational education at the school (or who take part in acts of collective worship to which the inspection relates) and that a copy is provided to anyone else who asks. Instead, it requires governing bodies to secure that every registered parent of a registered pupil at the school is informed of the overall assessment contained in the report of the quality of the denominational education provided by the school and the content of the school's collective worship.
797. **Paragraph 6(5)**. From September 2012 schools have been required, under the School Information (England) Regulations 2008 (the "2008 Regulations"), as amended, to publish on their website information as to where and by what means parents may access the most recent Ofsted report about the school. These regulations also ensure that schools provide a paper copy of any information to parents on request and free of charge. Paragraph 6(5) amends the 2008 Regulations to require a voluntary or foundation school which has been designated as having a religious character, to provide information as to where and by what means parents may access the most recent report about the denominational education and content of the school's collective worship as sent to the governing body.