
STATUTORY INSTRUMENTS

1997 No. 1142

DEREGULATION

**The Deregulation (Provision of
School Action Plans) Order 1997**

Made - - - - - *21st March 1997*

Coming into force - - - - - *4th April 1997*

Whereas:

- (a) the Secretary of State for Education and Employment and the Secretary of State for Wales (“the Secretaries of State”) are of the opinion that certain provisions of the School Inspections Act 1996⁽¹⁾ and which are the subject of this Order impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned it is possible to remove or reduce the burdens so imposed without removing any necessary protection;
- (b) the Secretaries of State have consulted such organisations as appear to them to be representative of interests substantially affected by their proposals and such other persons as they consider appropriate;
- (c) it appears to the Secretaries of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out their proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994⁽²⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) a draft of this Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State for Education and Employment, in respect of England, and the Secretary of State for Wales, in respect of Wales, in exercise of the powers conferred by section 1 of the Deregulation and Contracting Out Act 1994⁽³⁾, hereby make the following Order:

(1) 1996 c. 57. The provisions of the 1996 Act consolidate provisions of the Education (Schools) Act 1992 (c. 38) and the Education Act 1993 (c. 35).
(2) 1994 c. 40.
(3) Section 1 applies to the School Inspections Act 1996 by virtue of paragraph 1(5) of Schedule 8 to that Act.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Deregulation (Provision of School Action Plans) Order 1997 and shall come into force fourteen days after the day on which it is made.

(2) This Order does not extend to Scotland or Northern Ireland.

(3) In this Order “the Act” means the School Inspections Act 1996.

Provision of school action plans

2. In section 17 of the Act (duty of appropriate authority for county, voluntary, maintained special, grant-maintained or grant-maintained special school to provide copies of statement of action following school inspection), after subsection (6) there shall be inserted—

“(6A) The duty under subsection (6)(c) shall be taken to be satisfied by the appropriate authority if they—

(a) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by them which—

(i) summarises the statement, and

(ii) contains a statement of the right to request a copy of it under paragraph (b) below, and

(b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.”

3. In section 21 of the Act (corresponding duty in relation to other schools), at the end there shall be inserted—

“(6) The duty under subsection (5)(c) shall be taken to be satisfied by the appropriate authority if they—

(a) take such steps as are reasonably practicable to secure that every registered parent of a registered pupil at the school receives, as soon as is reasonably practicable, a copy of a document prepared by them which—

(i) summarises the statement, and

(ii) contains a statement of the right to request a copy of it under paragraph (b) below, and

(b) provide a copy of the statement to every registered parent of a registered pupil at the school who asks for one.”.

18th March 1997

Robin Squire,
Parliamentary Under Secretary of State,
Department for Education and Employment

21st March 1997

William Hague,
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends sections 17 and 21 of the School Inspections Act 1996 so as to reduce a burden on the appropriate authority for a school to take reasonably practicable steps to secure that every parent of a pupil at the school receives a copy of the authority's statement of action following an inspection of the school under that Act. The Act consolidates provisions of the Education (Schools) Act 1992 and Part V of the Education Act 1993. The provisions of the 1996 Act amended by this Order re-enact section 210(6)(c) of the 1993 Act and paragraph 10(5) of Schedule 2 to the Education (Schools) Act 1992 (as amended by the 1993 Act).

By virtue of section 17(1) of the 1996 Act the governing bodies of county, voluntary and maintained special schools which have delegated budgets and the governing bodies of grant-maintained and grant-maintained special schools are required to prepare a statement of action which they propose to take in the light of either any report of an inspection of the school by a registered inspector under section 10 of that Act or a report of an inspection of the school by OFSTED (or in Wales, Her Majesty's Chief Inspector) which states that special measures are required in relation to the school. In the case of a county, voluntary or maintained special school without a delegated budget this duty falls on the local education authority. Under section 17(6)(c) the appropriate authority is required to take reasonably practicable steps to secure that every parent of a registered pupil at the school receives a copy of the statement of proposed action as soon as is reasonably practicable. The Order amends section 17 by inserting a new subsection (6A). This provides that the appropriate authority may satisfy the duty in section 17(6)(c) by taking such steps as are reasonably practicable to secure that such parents receive a copy of a summary of the statement. The summary must state that a parent has the right to ask for a copy of the statement of proposed action.

Similar changes are made to section 21 of the 1996 Act in respect of other schools.