

2010 No. 2920

EDUCATION, ENGLAND

**The Education (Independent Educational Provision in England)
(Unsuitable Persons) (Amendment) Regulations 2010**

<i>Made</i>	- - - -	<i>7th December 2010</i>
<i>Laid before Parliament</i>		<i>10th December 2010</i>
<i>Coming into force</i>	- -	<i>1st January 2011</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by section 119(1)(a) of the Education and Skills Act 2008(a).

Citation and commencement

1. These Regulations may be cited as the Education (Independent Educational Provision in England) (Unsuitable Persons) (Amendment) Regulations 2010 and come into force on 1st January 2011.

Amendment to the Education (Independent Educational Provision in England) (Unsuitable Persons) Regulations 2009

2. For regulation 2 of the Education (Independent Educational Provision in England) (Unsuitable Persons) Regulations 2009(b) (unsuitable persons: prescribed kind of work) substitute—

“2. The kind of work prescribed for the purposes of section 119(1)(a) of the 2008 Act is any form of work (whether or not for gain) which gives the person the opportunity, in consequence of anything the person is permitted or required to do in connection with the work, to have contact with a student at the institution who is a child or vulnerable adult within the meanings in the Safeguarding Vulnerable Groups Act 2006(c).”.

7th December 2010

Nick Gibb
Minister of State
Department for Education

(a) 2008 c. 25. See section 168(1) of the Education and Skills Act 2008 for the definitions of “prescribed” and “regulations”.
(b) S.I. 2009/1633.
(c) 2006 c.47. See section 59(1) of the Safeguarding Vulnerable Groups Act 2006 for how to construe “vulnerable adult” and section 60(1) for the definition of “child”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace regulation 2 of the Education (Independent Educational Provision in England) (Unsuitable Persons) Regulations 2009 (“the 2009 Regulations”), which sets out the kind of work which is prescribed for the purposes of section 119(1)(a) of the Education and Skills Act 2008. The kind of work prescribed is amended so as to omit the requirement for a person to carry out the work regularly. This will enable the Secretary of State, if satisfied that a person is subject to a direction, order or decision set out in regulation 3 of the 2009 Regulations, to remove an institution from the register of independent schools if that person carries out any work of a prescribed kind rather than only if such work is carried out regularly.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The impact on the public sector is minimal.

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