Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Complaints and enforcement

409 [F1Complaints and enforcement: maintained schools [F2in Wales].]

[F3(1) A local education authority **[F4**in Wales**]** shall, F5... after consultation with governing bodies **[F6**of foundation and voluntary aided schools **[F4**in Wales**],]** make arrangements for the consideration and disposal of any complaint to which subsection (2) applies.

(2) This subsection applies to any complaint which is to the effect that the authority, or the governing body of **[F7**any community, foundation or voluntary school maintained by the authority **[F8**, any maintained nursery school so maintained**]** or any community **[F9**or foundation special**]** school**]** so maintained which is not established in a hospital—

(a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred on them by or under a relevant enactment, or

(b) have acted or are proposing to act unreasonably in relation to the performance of, or have failed to discharge, a duty imposed on them by or under a relevant enactment.

(3) In subsection (2) "relevant enactment" means—

(a) any provision which by virtue of section 408(4) is a relevant provision of this Part for the purposes of section 408(1),

[F10(aa) **[F11**any provision which by virtue of section 408(4A) is a relevant provision of the Education Act 2002 for the purposes of section 408(1),**]]** and

(b) any other enactment (whether contained in this Part **[**[F12]or the Curriculum and Assessment (Wales) Act 2021**]** or otherwise) so far as relating to the curriculum for, or religious worship in, maintained schools [F13]....

(4) The **[**[F14]Welsh Ministers**]** shall not entertain under **[**[F15]section 496 (power to prevent unreasonable exercise of functions) or 497 (powers where a local education authority or governing body fail to discharge their duties)**][**[F15]Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)**]** any complaint to which subsection (2) applies, unless a complaint concerning the same matter has been made and disposed of in accordance with arrangements made under subsection (1).**]**

Textual Amendments

F1 S. 409 sidenote substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F2 Words in s. 409 heading inserted (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(a)(iii)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

F3 S. 409 repealed (19.4.2010 for specified purposes, 1.9.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 223(1)(b), 269(4), **Sch. 16 Pt. 7**; S.I. 2010/303, art. 5, **Sch. 4**; S.I. 2010/1151, art. 4, **Sch. 2**

F4 Words in s. 409(1) inserted (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(a)(i)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

F5 Words in s. 409(1) repealed (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 47(2)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I

F6 Words in s. 409(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F7 Words in s. 409(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F8 Words in s. 409(2) inserted (1.9.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 47(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4

F9 Words in s. 409(2) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 17(4)**; S.I. 2013/1800, art. 3(j)

F10 S. 409(3)(aa) inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 47(4)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I

F11 S. 409(3)(aa) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(7)(a)**

F12 Words in s. 409(3)(b) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(7)(b)**

F13 Words in s. 409(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F14 Words in s. 409(4) substituted (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(a)(ii)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)

F15 Words in s. 409(4) substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 2(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

Changes to legislation:
Education Act 1996, Cross Heading: Complaints and enforcement is up to date with all changes known to be in force on or before 18 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by 2022 asc 1 Sch. 4 para. 8(2)
- s. 17A functions made exercisable concurrently by S.I. 2014/1012 art. 12(1)Sch. 2 para. 3
- s. 17A functions made exercisable concurrently by S.I. 2014/863 Sch. 2 para. 4
- s. 17A functions made exercisable concurrently by S.I. 2014/865 Sch. 2 para. 3
- s. 17A functions made exercisable concurrently by S.I. 2016/653 Sch. 3 para. 3
- s. 17A-17D inserted by 2009 c. 22 s. 45
- s. 17B-17D applied by 2009 c. 22 s. 86(8)
- s. 457(4)(i)-(iia) repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 457(4)(iii) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 537AA inserted by 2008 c. 25 Sch. 1 para. 8
- s. 548(7A)(7B) inserted by 2008 c. 25 Sch. 1 para. 9(5)
- s. 578(1) words repealed by 2005 c. 18 Sch. 19 Pt. 1