Education and Skills Act 2008

2008 CHAPTER 25

PART 4

REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

CHAPTER 1

INDEPENDENT EDUCATIONAL INSTITUTIONS IN ENGLAND

Prohibition on participation in management of independent educational institutions

128 Prohibition on participation in management

(1) The appropriate authority may direct that a person—

(a) may not take part in the management of an independent educational institution;

(b) may take part in the management of such an institution only in circumstances specified in the direction;

(c) may take part in the management of such an institution only if conditions specified in the direction are satisfied.

(2) A direction under this section may be given in respect of a person only on one or more prescribed grounds connected with the suitability of persons to take part in the management of an independent educational institution.

(3) Regulations may prescribe the procedure for giving a direction under this section (including provision about notification of persons who are subject to directions).

(4) The appropriate authority may vary or revoke a direction under this section in prescribed cases.

(5) Regulations may prescribe the grounds on which a person subject to a direction under this section may seek to have it varied or revoked under subsection (4).

Changes to legislation: *There are currently no known outstanding effects for the Education and Skills Act 2008, Cross Heading: Prohibition on participation in management of independent educational institutions. (See end of Document for details)*

(6) In this section and sections 129 to 131, "the appropriate authority" means—
- (a) the Secretary of State, or
- (b) such other public authority as may be prescribed.

Commencement Information

I1 S. 128 in force at 19.6.2009 for specified purposes by S.I. 2009/1513, **art. 2(2)**

I2 S. 128 in force at 8.9.2014 in so far as not already in force by S.I. 2014/2379, **art. 2(c)** (with art. 3(1)) (which transitional provisions in art. 3 are revoked (22.12.2014) by S.I. 2014/3364, art. 3(3), Sch.)

129 Directions under section 128: appeals

(1) A person in respect of whom a direction has been given under section 128 may appeal to the Tribunal—
- (a) against the decision to give the direction;
- (b) against a decision not to vary or revoke the direction.

(2) Regulations may—
- (a) provide that the Tribunal may not entertain an appeal under this section insofar as the appellant's case is inconsistent with the appellant having been convicted of an offence;
- (b) prescribe circumstances in which the Tribunal must allow an appeal under this section;
- (c) prescribe the powers available to the Tribunal on allowing an appeal under this section.

Commencement Information

I3 S. 129 in force at 19.6.2009 for specified purposes by S.I. 2009/1513, **art. 2(2)**

I4 S. 129 in force at 8.9.2014 in so far as not already in force by S.I. 2014/2379, **art. 2(d)**

130 Directions under section 128: information

(1) Where the appropriate authority is a public authority other than the Secretary of State, the Secretary of State may provide to that authority any information relating to a person which appears to the Secretary of State to be relevant to the exercise of the appropriate authority's functions under section 128 or by virtue of section 129.

(2) The Welsh Ministers may provide to the appropriate authority any information relating to a person which is held by them in connection with their functions under Chapter 1 of Part 10 of the Education Act 2002 (c. 32).

(3) The Chief Inspector may provide to the appropriate authority any information relating to a person which appears to the Chief Inspector to be relevant to the exercise of the appropriate authority's functions under section 128 or by virtue of section 129.

(4) The **[**[F1]Disclosure and Barring Service**]** may provide to the appropriate authority any information relating to a person which is held by **[**[F1]the Service**]** in connection with its functions and which appears to it to be relevant to the exercise of the appropriate authority's functions under section 128 or by virtue of section 129.

(5) The appropriate authority may provide to the **[**[F1]Disclosure and Barring Service**]**, [F2]... the General Teaching Council for Wales, the Chief Inspector, the Welsh Ministers or, where the appropriate authority is a public authority other than the Secretary of State, the Secretary of State, any information relating to a person which is held by the appropriate authority in connection with its functions under section 128.

Textual Amendments

F1 Words in s. 130(4)(5) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **13(1)**(2)(g) (with Pt. 4)

F2 Words in s. 130(5) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 2 para. 20(a)**; S.I. 2012/924, art. 2

Commencement Information

I5 S. 130 in force at 8.9.2014 by S.I. 2014/2379, **art. 2(e)**

131 Directions under section 128: notification

Where the appropriate authority gives a direction under section 128(1), or varies or revokes any such direction, it must notify—

(a) the Secretary of State (unless the appropriate authority is the Secretary of State), and

(b) the Welsh Ministers and (if different) the appropriate authority for the purposes of sections 167A to 167D of the Education Act 2002 (c. 32) (prohibition on participation in management of independent schools in Wales).

Commencement Information

I6 S. 131 in force at 8.9.2014 by S.I. 2014/2379, **art. 2(f)**

Changes to legislation:
There are currently no known outstanding effects for the Education and Skills Act 2008, Cross Heading: Prohibition on participation in management of independent educational institutions.