

*Status: Point in time view as at 04/04/2011.*

*Changes to legislation: Equality Act 2010, Cross Heading: Power of direction is up to date with all changes known to be in force on or before 18 May 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. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

#### ACCESSIBILITY FOR DISABLED PUPILS

##### *Power of direction*

- 5 (1) This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body—
- (a) has acted or is proposing to act unreasonably in the discharge of a duty under this Schedule, or
  - (b) has failed to discharge such a duty.
- (2) This sub-paragraph applies if the appropriate authority is satisfied (whether or not on a complaint) that a responsible body of a school specified in sub-paragraph (3)—
- (a) has acted or is proposing to act unreasonably in the discharge of a duty the body has in relation to the provision to the authority of copies of the body's accessibility plan or the inspection of that plan, or
  - (b) has failed to discharge the duty.
- (3) The schools are—
- (a) schools approved under section 342 of the Education Act 1996 (non-maintained special schools);
  - (b) Academies.
- (4) This sub-paragraph applies if a Tribunal has made an order under paragraph 5 of Schedule 17 and the appropriate authority is satisfied (whether or not on a complaint) that the responsible body concerned—
- (a) has acted or is proposing to act unreasonably in complying with the order, or
  - (b) has failed to comply with the order.
- (5) If sub-paragraph (1), (2) or (4) applies, the appropriate authority may give a responsible body such directions as the authority thinks expedient as to—
- (a) the discharge by the body of the duty, or
  - (b) compliance by the body with the order.
- (6) A direction may be given in relation to sub-paragraph (1) or (2) even if the performance of the duty is contingent on the opinion of the responsible body.
- (7) A direction may not, unless sub-paragraph (8) applies, be given to the responsible body of a school in England in respect of a matter—
- (a) that has been complained about to a Local Commissioner in accordance with Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009 (parental complaints against governing bodies etc.), or
  - (b) that the appropriate authority thinks could have been so complained about.

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- (8) This sub-paragraph applies if—
- (a) the Local Commissioner has made a recommendation to the responsible body under section 211(4) of the Apprenticeships, Skills, Children and Learning Act 2009 (statement following investigation) in respect of the matter, and
  - (b) the responsible body has not complied with the recommendation.
- (9) A direction—
- (a) may be varied or revoked by the appropriate authority;
  - (b) may be enforced, on the application of the appropriate authority, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.
- (10) The appropriate authority is—
- (a) in relation to the responsible body of a school in England, the Secretary of State;
  - (b) in relation to the responsible body of a school in Wales, the Welsh Ministers.

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