

*Status: Point in time view as at 03/12/2021.*

*Changes to legislation: Equality Act 2010, Paragraph 5 is up to date with all changes known to be in force on or before 25 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);
  - [<sup>F1</sup>(b) Academy schools;
  - (c) alternative provision 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.

#### Textual Amendments

- F1** Sch. 10 para. 5(3)(b)(c) substituted (1.4.2012) for para. 5(3)(b) by [Education Act 2011 \(c. 21\), s. 54\(1\)](#), [Sch. 13 para. 20\(3\)](#); S.I. 2012/924, [art. 2](#)

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