

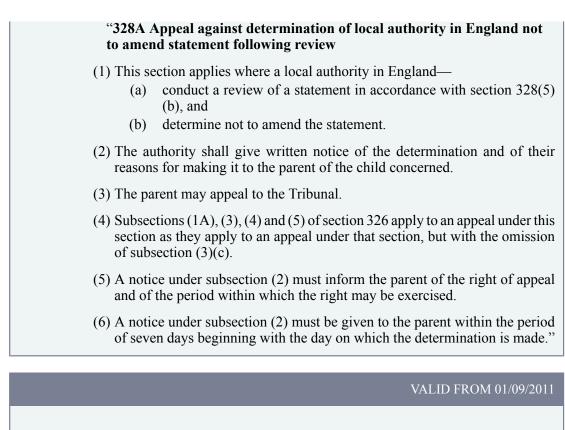
Children, Schools and Families Act 2010

2010 CHAPTER 26

PART 1 E+W

CHILDREN AND SCHOOLS

	VALID FROM 01/09/2010
	Children with special educational needs etc
1	School inspections: pupils with disabilities or special educational needs E +W
	In section 5 of EA 2005 (duty to inspect certain schools in England at prescribed intervals), after subsection (5) there is inserted—
	"(5A) In reporting on how far the education provided in a mainstream school meets the needs of the range of pupils at the school, the Chief Inspector must in particular consider the needs of—
	 (a) pupils who have a disability for the purposes of the Equality Act 2010;
	(b) pupils who have special educational needs.
	In this subsection a "mainstream school" is a school within subsection (2) (a) or (2)(c) to (f)."
2	Right of appeal against determination by local authority not to amend statement E+W
	After section 328 of EA 1996 (reviews of special educational needs) there is inserted-



Exceptional provision for ill or excluded children etc

3 Exceptional provision of education in short stay schools or elsewhere **E+W**

- (1) Section 19 of EA 1996 (exceptional provision of education in short stay schools or elsewhere) is amended as follows.
- (2) After subsection (1) there is inserted—
 - "(1A) In relation to England, subsection (1) does not apply in the case of a child—
 - (a) who will cease to be of compulsory school age within the next six weeks, and
 - (b) does not have any relevant examinations to complete.

In paragraph (b) "relevant examinations" means any public examinations or other assessments for which the child has been entered."

(3) For subsection (3A) there is substituted—

"(3A) In relation to England, the education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be—

- (a) full-time education, or
- (b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child's best interests.

- (3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child's best interests for full-time education to be provided for the child."
- (4) In subsection (3B)—
 - (a) for "The education referred to in subsection (3A)" there is substituted "Regulations may provide that the education to be provided for a child in pursuance of arrangements made by a local authority in England under subsection (1)";
 - (b) for "regulations" there is substituted " the regulations ".

Powers of governing bodies

VALID FROM 01/04/2011 4 Power to provide community facilities etc E+W (1) In section 27 of EA 2002 (power of governing body to provide community facilities etc), after subsection (1) there is inserted-"(1A) At least once in every school year the governing body of a maintained school in England shall consider whether, and if so how, they should exercise the power under subsection (1)." (2) In section 50 of SSFA 1998 (effect of financial delegation), after subsection (3) there is inserted— "(3A) In the case of a school in England subject to regulations under paragraph (b) below, subsection (3)(a) (a) has effect as if amounts spent on providing facilities or services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc) were spent for purposes of the school; regulations may impose restrictions as to the matters on which (b) amounts may be spent under subsection (3)(a)." (3) In subsection (4) of that section, for "In subsection (3) "purposes of the school"" there is substituted "In the case of a school in Wales, "purposes of the school" in subsection (3) ". (4) In section 51A of SSFA 1998 (expenditure incurred for community purposes), in

5 Power to form company to establish Academy, etc E+W

- (1) The governing body of a maintained school in England may-
 - (a) form, or participate in forming, a company to enter into an agreement under section 482 of EA 1996 (agreement with Secretary of State to establish etc an Academy), and

subsections (1) and (2), after "a maintained school" there is inserted " in Wales "

(b) do anything which appears to them to be necessary or expedient in connection with a proposal that an agreement under that section be entered into with a company formed (or proposed to be formed) by them under paragraph (a).

References in this subsection to a company are to a company registered under the Companies Act 2006 as a company limited by guarantee.

- (2) The governing body of a maintained school in England—
 - (a) may be a member of a company which they have formed, or participated in forming, under subsection (1)(a), and
 - (b) may be a member of a company which is not within paragraph (a) but which is party to an agreement under section 482 of EA 1996.
- (3) The power conferred by subsection (1)(b) includes, in particular, power—
 - (a) to incur expenditure;
 - (b) to enter into arrangements or agreements with any person.
- (4) This section is not to be read as limiting any powers that the governing body of a maintained school have otherwise than by virtue of this section.
- (5) In this section "maintained school" means a community, foundation or voluntary school or a community or foundation special school.

Commencement Information

I1 S. 5 in force at 19.7.2010 by S.I. 2010/1817, art. 2

6 Powers to assist etc proprietor of Academy and be a member of a foundation **E** +W

- (1) Paragraph 3 of Schedule 1 to EA 2002 (powers of governing body) is amended as follows.
- (2) After sub-paragraph (2) there is inserted—
 - "(2A) The governing body of a maintained school in England (other than the governing body of a maintained nursery school) may provide advice and assistance to the proprietor of an Academy.
 - (2B) The governing body of a maintained school in England may be a member of the foundation of another maintained school in England.

In this sub-paragraph "foundation" has the meaning given by section 21(3) of the 1998 Act, except that it does not include a foundation established under that Act."

- (3) In sub-paragraph (3)—
 - (a) in the words before paragraph (a), for "and (2)" there is substituted ", (2) and (2A) ";
 - (b) in paragraph (f), after "sub-paragraph (2)" there is inserted " or (2A) ".

Commencement Information

I2 S. 6 in force at 19.7.2010 by S.I. 2010/1817, art. 2



7 Power to propose new schools **E+W**

After section 11 of EIA 2006 there is inserted-

"11A Restriction on power of governing body to make proposals

- (1) The governing body of a maintained school may make proposals pursuant to a notice under section 7 or publish proposals under section 11(2) only if the governing body are for the time being designated for the purposes of this section—
 - (a) by the Secretary of State, or
 - (b) by a person authorised by the Secretary of State to designate governing bodies for those purposes.
- (2) The governing body of a maintained nursery school may not be designated for the purposes of this section."

VALID FROM 15/04/2013

Local Safeguarding Children Boards

8

Supply of information requested by LSCBs in England **E+W**

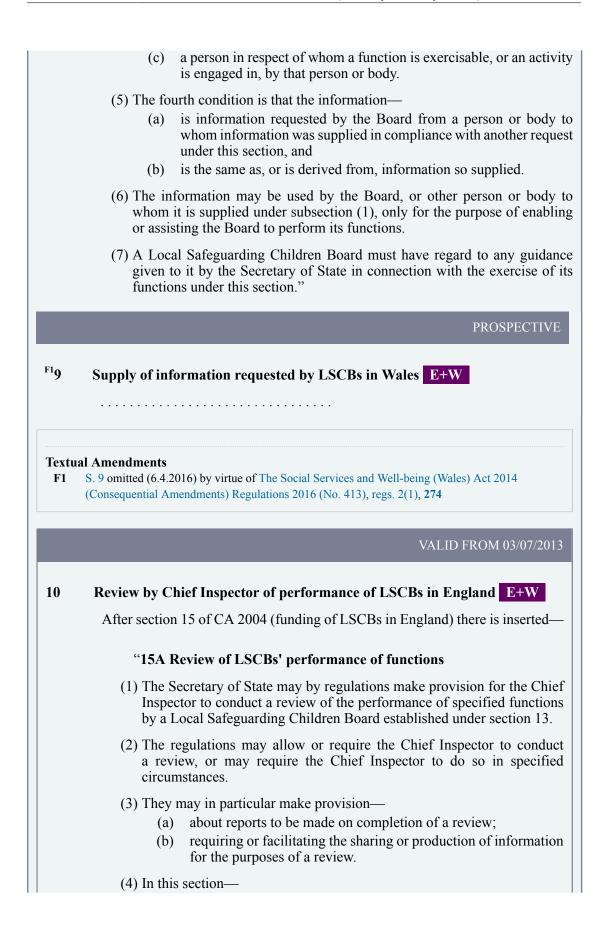
After section 14A of CA 2004 (LSCBs in England: annual reports) there is inserted—

"14B Supply of information requested by LSCBs

- (1) If a Local Safeguarding Children Board established under section 13 requests a person or body to supply information specified in the request to—
 - (a) the Board, or
 - (b) another person or body specified in the request,

the request must be complied with if the first and second conditions are met and either the third or the fourth condition is met.

- (2) The first condition is that the request is made for the purpose of enabling or assisting the Board to perform its functions.
- (3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.
- (4) The third condition is that the information relates to—
 - (a) the person or body to whom the request is made,
 - (b) a function or activity of that person or body, or



> "the Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills; "specified" means specified in regulations under this section."

Status:

Point in time view as at 19/07/2010. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Children, Schools and Families Act 2010, Part 1.