

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGULATION AND INSPECTION

Disability Discrimination Act 1995 (c. 50)

- 1 The Disability Discrimination Act 1995 is amended as follows.
- 2 (1) Section 28D (accessibility strategies and plans) is amended as follows.
 - (2) In subsection (7) for paragraph (c) substitute—
 - “(c) schools approved under section 342 of the Education Act 1996 (non-maintained special schools).”
 - (3) In subsection (13) after “Education Act 2005” insert “or Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent educational provision in England)”.
- 3 For section 28M(2)(a) substitute—
 - “(a) schools approved under section 342 of the Education Act 1996 (non-maintained special schools); and”.
- 4 For section 28Q(4)(d) substitute—
 - “(d) a school approved under section 342 of the Education Act 1996 (non-maintained special schools);”.

Education Act 1996 (c. 56)

- 5 The Education Act 1996 is amended as follows.
- 6 For section 6(2) (reference to definition of special school) substitute—
 - “(2) A school is a special school if—
 - (a) it is specially organised, and
 - (b) in the case of a school that is not maintained by a local education authority, it is approved,as mentioned in section 337.”
- 7 In section 313(5) (codes of practice) for “Part” substitute “Chapter”.
- 8 After section 537A insert—

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“537AA Application of sections 537 and 537A to certain part-time educational institutions in England

- (1) Sections 537 and 537A (powers of the Secretary of State to require information from governing bodies etc) apply in relation to a relevant part-time educational institution as they apply in relation to an independent school.
 - (2) In the application of sections 537 and 537A by virtue of this section—
 - (a) references to a pupil at an independent school are to be read as references to a student at a relevant part-time educational institution;
 - (b) references to the proprietor of an independent school are to be read as references to the person or body of persons responsible for the management of a relevant part-time educational institution.
 - (3) In this section—
 - (a) “relevant part-time educational institution” means an independent educational institution in England that is not an independent school;
 - (b) “independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008 (see section 92 of that Act);
 - (c) “student” has the same meaning as in that Chapter (see section 138 of that Act).”
- 9 (1) Section 548 (no right to give corporal punishment) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), for “school” substitute “relevant educational institution”;
 - (b) in paragraphs (b) and (c), for “school” substitute “a relevant educational institution”.
 - (3) In subsection (2) for “school” substitute “relevant educational institution”.
 - (4) In subsection (6)—
 - (a) in paragraph (a) for “school” substitute “relevant educational institution”;
 - (b) in paragraph (b)(i) for “school” substitute “institution”.
 - (5) After subsection (7) insert—
 - “(7A) “Relevant educational institution” means—
 - (a) a school, or
 - (b) an independent educational institution in England other than a school.
 - (7B) In subsection (7A)(b) “independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008 (see section 92 of that Act).”
- 10 In the table in section 580 (index), in the entry for “the Tribunal” for “(in Part IV)” substitute “(in Chapter 1 of Part 4).
- 11 In that table insert the following entries at the appropriate places—

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“the appropriate national authority (in section 337A”
Chapter 2 of Part 4)

“a non-maintained special school (in section 337A”.
Chapter 2 of Part 4)

Police Act 1997 (c. 50)

- 12 In section 113BA of the Police Act 1997 (suitability information relating to children), in subsection (2)(e)—
- (a) after “under” insert “section 128 of the Education and Skills Act 2008 (prohibition on participation in management of independent educational institution in England) or”;
 - (b) after “school” insert “in Wales”.

Education Act 2002 (c. 32)

- 13 The Education Act 2002 is amended as follows.
- 14 In the definition of “qualifying body” in section 1(3) (interpretation) for paragraph (g) substitute—
- “(g) the proprietor of a school approved under section 342 of the Education Act 1996 (non-maintained special schools).”
- 15 Before section 157 insert—

“156A Application of Chapter to schools in Wales only

- (1) References in this Chapter to an independent school are to an independent school in Wales.
 - (2) For provision regulating independent schools in England, see Chapter 1 of Part 4 of the Education and Skills Act 2008.”
- 16 In section 157 (independent school standards) omit subsections (1A) and (2)(b).
- 17 In section 158 (the registers)—
- (a) omit subsections (1)(a) and (2);
 - (b) in subsection (3), for “the National Assembly for Wales” substitute “the Welsh Ministers”.
- 18 Omit sections 162A and 162B (inspection of registered schools in England).
- 19 In section 163 (power to inspect registered schools in Wales)—
- (a) in the title, omit “in Wales”;
 - (b) in subsection (1)(a), omit “for Wales” and “in Wales”;
 - (c) in subsection (5), omit the definition of “the Chief Inspector for Wales”.
- 20 In section 164 (inspections under section 163: supplementary) omit “for Wales” in subsections (1), (2)(a) (in both places), (3), (4), (9), (11) and (12).
- 21 In section 165(1)(a) (failure to meet standards) omit “162A or”.

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- 22 In section 167A (prohibition on participation in management of independent schools)
 —
- (a) omit subsection (6)(a);
 - (b) in subsection (6)(b) omit “in relation to Wales,”.
- 23 For sections 167C and 167D (information and notification in relation to directions under section 167A) substitute—

“167C Directions under section 167A: information

- (1) Where the appropriate authority is a public authority other than the Welsh Ministers, the Welsh Ministers may provide to that authority any information relating to a person which is held by the Welsh Ministers in connection with the Welsh Ministers' functions under this Chapter.
- (2) The Secretary of State may provide to the appropriate authority any information relating to a person which is held by the Secretary of State and which appears to the Secretary of State to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (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 167A or by virtue of section 167B.
- (4) The Independent Barring Board may provide to the appropriate authority any information relating to a person which is held by the Board in connection with its functions and which appears to it to be relevant to the exercise of the appropriate authority's functions under section 167A or by virtue of section 167B.
- (5) The appropriate authority may provide to the Independent Barring Board, the General Teaching Council for England, the General Teaching Council for Wales, the Chief Inspector, the Secretary of State or, where the appropriate authority is a public authority other than the Welsh Ministers, the Welsh Ministers, any information relating to a person which is held by the appropriate authority in connection with its functions under section 167A.

167D Directions under section 167A: notification

Where the appropriate authority gives a direction under section 167A(1), or varies or revokes any such direction, it must notify—

- (a) the registration authority (unless the appropriate authority is the registration authority), and
 - (b) the Secretary of State and (if different) the appropriate authority for the purposes of sections 128 to 131 of the Education and Skills Act 2008 (prohibition on participation in management of independent educational institutions in England).”
- 24 (1) Section 171 is amended as follows.
- (2) In the definition of “Chief Inspector”—
- (a) omit paragraph (a);

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- (b) in paragraph (b) omit “in relation to a school in Wales,”.
- (3) Omit the definition of “early years provision”.
- (4) In the definition of “the register”—
 - (a) omit paragraph (a);
 - (b) in paragraph (b) omit “in relation to a school in Wales,”.
- (5) In the definition of “registration authority” for paragraphs (a) and (b) substitute “the Welsh Ministers”.

Education Act 2005 (c. 18)

- 25 The Education Act 2005 is amended as follows.
- 26 For section 5(2)(g) (duty to inspect certain schools) substitute—
 - “(g) schools approved under section 342 of the Education Act 1996 (non-maintained special schools).”
- 27 For section 28(2)(d) (duty to arrange inspections of certain schools) substitute—
 - “(d) schools approved under section 342 of the Education Act 1996 (non-maintained special schools).”
- 28 (1) Section 59 (combined reports) is amended as follows.
 - (2) In subsection (1)(d), after “independent schools” insert “in Wales”.
 - (3) After subsection (1)(e) (inserted by paragraph 44(d) of Schedule 2 to the Childcare Act 2006 (c. 21)) insert “, and
 - (f) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational provision in England).”
- 29 In section 62(4)(a) (power of Welsh Ministers to change inspection framework for Wales) for sub-paragraph (iv) substitute—
 - “(iv) sections 106 to 113 of the Education and Skills Act 2008 (independent educational institutions in England),”.

Childcare Act 2006 (c. 21)

- 30 The Childcare Act 2006 is amended as follows.
- 31 (1) Section 13 (duty to provide information, advice and training to childcare providers) is amended as follows.
 - (2) In subsection (1)(c)—
 - (a) in the opening words, for “schools” substitute “institutions”;
 - (b) in sub-paragraph (ii), for “approved by the Secretary of State” substitute “approved”;
 - (c) in sub-paragraph (iii), for “an independent school” substitute “an independent educational institution”.
 - (3) In subsection (1)(d) for “school” substitute “institution”.
- 32 (1) Section 34(2) (requirement to register: other early years providers) is amended as follows.
 - (2) In paragraph (a)—

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- (a) in the opening words for “schools” substitute “institutions” and for “school's” substitute “institution's”;
 - (b) in sub-paragraph (ii) for “approved by the Secretary of State” substitute “approved”;
 - (c) in sub-paragraph (iii) for “an independent school” substitute “an independent educational institution”.
- (3) In paragraph (b) for “school” in both places substitute “institution”.
- (4) For paragraph (c) substitute—
- “(c) where the provision is made at a school (including a school that is an independent educational institution)—
 - (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.”
- 33 In section 49 (inspections) in subsection (4) for “independent school” substitute “independent educational institution”.
- 34 (1) Section 53(2) (requirement to register: other later years providers for children under eight) is amended as follows.
- (2) In paragraph (a)—
- (a) in the opening words for “schools” substitute “institutions” and for “school's” substitute “institution's”;
 - (b) in sub-paragraph (ii) for “approved by the Secretary of State” substitute “approved”;
 - (c) in sub-paragraph (iii) for “an independent school” substitute “an independent educational institution”.
- (3) In paragraph (b) for “school” in both places substitute “institution”.
- (4) For paragraph (c) substitute—
- “(c) where the provision is made at a school (including a school that is an independent educational institution)—
 - (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.”
- 35 (1) Section 63(3) (applications for registration on the general register: other childcare providers) is amended as follows.
- (2) In paragraph (a)—
- (a) in the opening words for “schools” substitute “institutions” and for “school's” substitute “institution's”;
 - (b) in sub-paragraph (ii) for “approved by the Secretary of State” substitute “approved”;
 - (c) in sub-paragraph (iii) for “an independent school” substitute “an independent educational institution”.
- (3) In paragraph (b) for “school” in both places substitute “institution”.
- (4) For paragraph (c) substitute—

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- “(c) where the provision is made at a school (including a school that is an independent educational institution)—
- (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.”
- 36 In section 106 (general interpretation) for the definition of “independent school” substitute—
- ““independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008;”.

Education and Inspections Act 2006 (c. 40)

- 37 The Education and Inspections Act 2006 is amended as follows.
- 38 (1) Section 11 (publication of proposals to establish maintained schools: special cases) is amended as follows.
- (2) In subsection (3)(a) for “Chapter 1 of Part 10 of EA 2002 (regulation of independent schools)” substitute “Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation of independent educational institutions in England)”.
 - (3) In subsection (9) for “approved by the Secretary of State” substitute “approved”.
- 39 In the following provisions for “approved by the Secretary of State or the Assembly” substitute “approved”—
- (a) paragraph (e) of the definition of “relevant school” in section 88(5);
 - (b) the definition of “governing body” in that provision.
- 40 (1) Section 171 (prohibition on participation in management: transitional provision) is amended as follows.
- (2) In subsection (5), in the definition of “regulations”, for paragraphs (a) and (b) substitute “by the Welsh Ministers;”.

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 41 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In Schedule 4 (regulated activity), paragraph 1(10) is amended as follows.
 - (3) After paragraph (b) insert—
 - “(ba) a body approved under section 106 of the Education and Skills Act 2008 (bodies approved to inspect registered independent educational institutions in England);”.
 - (4) In paragraph (c) after “school” insert “in Wales”.