



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 10

SCHOOLS

CHAPTER 2

COMPLAINTS: ENGLAND

210 Investigations: further provisions

- (1) For the purposes of an investigation under this Chapter a Local Commissioner may require the following persons to provide information or produce documents relevant to the investigation—
 - (a) the respondent;
 - (b) any other person who in the Local Commissioner's opinion is able to provide any such information or produce any such documents.
- (2) For the purposes of an investigation under this Chapter a Local Commissioner has the same powers as the High Court in respect of—
 - (a) the attendance and examination of witnesses; and
 - (b) the production of documents.
- (3) To assist in any investigation, a Local Commissioner may obtain advice from any person who in the Local Commissioner's opinion is qualified to give it.
- (4) A Local Commissioner may pay to a person giving advice such fees or allowances as the Local Commissioner may determine.
- (5) A Local Commissioner may appoint and pay a mediator or other appropriate person to assist in the conduct of an investigation under this Chapter.

Status: This is the original version (as it was originally enacted).

- (6) Any person appointed under subsection (5) is deemed to be an officer of the Commission for Local Administration in England in carrying out functions under that appointment.
- (7) No person may be compelled for the purposes of an investigation under this Chapter to give any evidence or produce any document which the person could not be compelled to give or produce in civil proceedings before the High Court.
- (8) If any person, without lawful excuse—
- (a) obstructs a Local Commissioner in the performance of the Local Commissioner’s functions under this Chapter;
 - (b) obstructs a person discharging or assisting in the discharge of those functions; or
 - (c) is guilty of an act in relation to an investigation under this Chapter which, if that investigation were a proceeding in the High Court, would constitute contempt of court,
- the Local Commissioner may certify the offence to the High Court.
- (9) Where an offence is certified under subsection (8), the High Court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person charged (“D”), and after hearing any statement that may be offered in D’s defence, deal with D in any manner in which the High Court could deal with a person who had committed the offence in relation to the High Court.