
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second commencement order made under the Education and Inspections Act 2006. Articles 2 to 7 contain the provisions of the Act to be commenced. Articles 2, 4 and 6 list those provisions which are commenced in relation to England only.

Section 4 sets out a new duty for local education authorities to make arrangements to enable them to identify children not receiving education and is commenced in relation to England only.

Section 5 sets out a new duty for local education authorities in England to appoint a school improvement partner in relation to each maintained school which they maintain. It is commenced in relation to all secondary schools in all authorities. In relation to primary schools it is commenced only in relation to certain authorities listed in the Schedule.

Sections 41 to 51, 53 to 54 and 163 make amendments to the SSFA 1998 in respect of school admissions. Section 39 re-states the restriction on selection by ability.

Section 57 and Schedule 5 to the Act make amendments to Chapter 4 of Part 2 of the SSFA 1998 (financing of maintained schools). The effect of these amendments together with the repeals in Schedule 18 (Part 6) is as follows: the right of appeal to the Secretary of State against suspension of a maintained school's right to a delegated budget is repealed; there is provision for regulations to specify the date upon which new schools must have a delegated budget, and for a schools forum or the Secretary of State to vary that date; regulations may enable a school's forum to approve a local education authority's revisions to their financial scheme, with recourse to the Secretary of State only where agreement cannot be reached locally; and the Secretary of State may no longer remove non-schools members from school forums.

Section 173 imposes a new duty on governing bodies to designate a staff member as the special educational needs co-ordinator.