

Children, Schools and Families Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Children, Schools and Families, are published separately as HL Bill 36 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Morgan of Drefelin has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Children, Schools and Families Bill are compatible with the Convention rights.

Children, Schools and Families Bill

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Make provision about pupil and parent guarantees, home-school agreements, parental satisfaction surveys, children with disabilities or special educational needs, school and other education, governing bodies' powers and school teachers' qualifications; to make provision amending the Education Acts; to make provision about Local Safeguarding Children Boards and youth justice; and to make provision about publication of information relating to family proceedings.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

CHILDREN AND SCHOOLS

Pupil and parent involvement

1 Pupil and parent guarantees

- | | |
|--|----|
| (1) The Secretary of State must issue, and may from time to time revise— | 5 |
| (a) a document setting out what a pupil at a school to which this section applies is entitled to expect with regard to the school (the “pupil guarantee”); | |
| (b) a document setting out what a parent of a pupil at such a school is entitled to expect with regard to the school (the “parent guarantee”). | 10 |
| (2) The pupil and parent guarantees may impose requirements on— | |
| (a) local authorities in England, | |
| (b) governing bodies, and proprietors (other than governing bodies), of schools to which this section applies, and | |
| (c) head teachers of schools to which this section applies, | 15 |

- and may include guidelines setting out aims, objectives and other matters to which those authorities, bodies, proprietors and teachers must have regard in carrying out their functions.
- (3) The pupil guarantee and the parent guarantee must be framed with a view to realising the pupil ambitions and the parent ambitions respectively. 5
- (4) The pupil ambitions are –
- (a) for all pupils to go to schools where there is good behaviour, strong discipline, order and safety;
 - (b) for all pupils to go to schools where they are taught a broad, balanced and flexible curriculum and where they acquire skills for learning and life; 10
 - (c) for all pupils to go to schools where they are taught in ways that meet their needs, where their progress is regularly checked and where particular needs are identified early and quickly addressed;
 - (d) for all pupils to go to schools where they take part in sporting and cultural activities; 15
 - (e) for all pupils to go to schools where their health and well-being are promoted, where they are able to express their views and where both they and their families are welcomed and valued.
- (5) The parent ambitions are – 20
- (a) for all parents to have opportunities to exercise choice with and on behalf of their children, and to have the information and support they need to help them do so;
 - (b) for there to be, for all parents, home-school agreements outlining their responsibilities, and those of the school, for their children’s schooling; 25
 - (c) for all parents to have opportunities to be engaged in their children’s learning and development, and to have the information and support they need to help them do so;
 - (d) for all parents to have access to a variety of activities, facilities and services, including support and advice with regard to parenting. 30
- (6) In subsection (4) “pupils” means pupils at schools to which this section applies, and in subsection (5) “parents” means parents of such pupils.
- (7) The pupil and parent guarantees may make different provision for schools or pupils of different descriptions.
- (8) No liability in tort can arise on the basis of the inclusion of any matter in the pupil guarantee or the parent guarantee. 35
- (9) The schools to which this section applies are –
- (a) community, foundation and voluntary schools in England;
 - (b) community and foundation special schools in England;
 - (c) nursery schools that are maintained by a local authority in England and are not special schools; 40
 - (d) Academies, city technology colleges and city colleges for the technology of the arts.
- But in relation to nursery schools, subsection (3) applies only to the extent that the Secretary of State thinks appropriate. 45
- (10) The Secretary of State may by order made by statutory instrument –
- (a) amend subsection (2) so as to add or remove a body or person;

- (b) amend subsection (9).
- (11) A statutory instrument containing an order under subsection (10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- 2 Procedure for issuing and revising pupil and parent guarantees** 5
- (1) Where the Secretary of State proposes to issue or revise a pupil guarantee or a parent guarantee under section 1, he or she must prepare a draft of the guarantee or the revisions.
- (2) The Secretary of State must consult whatever persons he or she thinks appropriate about the draft and must consider any representations made by them. 10
- (3) If the Secretary of State decides to proceed with the draft (either in its original form or with modifications) he or she must lay a copy of the draft before each House of Parliament.
- (4) If the draft is not approved by a resolution of each House, the Secretary of State must take no further steps in relation to the proposed guarantee or the proposed revisions. 15
- (5) If the draft is approved by a resolution of each House –
- (a) the Secretary of State must issue the guarantee or the revisions in the form of the draft, and 20
- (b) the guarantee comes into force, or the revisions come into force, on whatever date the Secretary of State appoints by order.
- (6) Subsection (4) does not prevent a new draft of a proposed guarantee or proposed revisions from being laid before Parliament.
- (7) The requirement in subsection (2) to consult about a draft of a pupil guarantee or a parent guarantee may be satisfied by consultation undertaken before the commencement of this section or the passing of this Act. 25
- 3 Complaints relating to pupil and parent guarantees**
- (1) In Chapter 2 of Part 10 of ASCLA 2009 (complaints about schools in England), in section 206 (complaints to which that Chapter applies), after paragraph (a) of subsection (2) there is inserted – 30
- “(aa) a failure by the head teacher of the school to comply with any requirement (including a requirement to have regard to guidance) imposed on the head teacher by virtue of subsection (2) of section 1 of the Children, Schools and Families Act 2010 (pupil and parent guarantees); or”. 35
- (2) In Schedule 5 to the Local Government Act 1974 (matters not subject to investigation by a Local Commissioner), after sub-paragraph (2) of paragraph 5 there is inserted –
- “(3) Sub-paragraph (2) does not include action that is alleged to have or appears to have resulted in – 40
- (a) the parent of a pupil at a school to which section 1 of the Children, Schools and Families Act 2010 applies (pupil and parent guarantees) being denied anything that the parent is

- entitled to expect with regard to the school by virtue of the parent guarantee issued under that section, or
- (b) a pupil at a school to which that section applies being denied anything that the pupil is entitled to expect with regard to the school by virtue of the pupil guarantee issued under that section.” 5
- (3) In section 496 of EA 1996 (power of Secretary of State to prevent unreasonable exercise of functions), after subsection (4) there is inserted –
- “(4A) The Secretary of State may not give a direction under this section to a local authority on the basis that there has been a breach of a relevant guarantee unless – 10
- (a) a complaint about the alleged breach has been made and disposed of under Part 3 of the Local Government Act 1974, or
- (b) the circumstances are such that, in the opinion of the Secretary of State, it is appropriate to give a direction without such a complaint having been made and disposed of under that Part. 15
- (4B) For the purposes of subsection (4A) there is a breach of a relevant guarantee where –
- (a) the parent of a pupil at a school to which section 1 of the Children, Schools and Families Act 2010 applies (pupil and parent guarantees) is denied anything that the parent is entitled to expect with regard to the school by virtue of the parent guarantee issued under that section, or 20
- (b) a pupil at a school to which that section applies is denied anything that the pupil is entitled to expect with regard to the school by virtue of the pupil guarantee issued under that section.” 25
- (4) In section 497 of that Act (general default powers of Secretary of State), after subsection (5) there is inserted –
- “(5A) The Secretary of State may not make an order under this section directed to a local authority on the basis that there has been a breach of a relevant guarantee unless – 30
- (a) a complaint about the alleged breach has been made and disposed of under Part 3 of the Local Government Act 1974, or
- (b) the circumstances are such that, in the opinion of the Secretary of State, it is appropriate to make an order without such a complaint having been made and disposed of under that Part. 35
- (5B) For the purposes of subsection (5A) there is a breach of a relevant guarantee where –
- (a) the parent of a pupil at a school to which section 1 of the Children, Schools and Families Act 2010 applies (pupil and parent guarantees) is denied anything that the parent is entitled to expect with regard to the school by virtue of the parent guarantee issued under that section, or 40
- (b) a pupil at a school to which that section applies is denied anything that the pupil is entitled to expect with regard to the school by virtue of the pupil guarantee issued under that section.” 45
- (5) In section 497A of that Act (powers of Secretary of State to secure proper

performance of local authority’s functions), after subsection (4B) there is inserted –

- “(4C) The Secretary of State may not give a direction under subsection (4), (4A) or (4B) on the basis that there has been a breach of a relevant guarantee unless – 5
- (a) a complaint about the alleged breach has been made and disposed of under Part 3 of the Local Government Act 1974, or
 - (b) the circumstances are such that, in the opinion of the Secretary of State, it is appropriate to make an order without such a complaint having been made and disposed of under that Part. 10
- (4D) For the purposes of subsection (4C) there is a breach of a relevant guarantee where –
- (a) the parent of a pupil at a school to which section 1 of the Children, Schools and Families Act 2010 applies (pupil and parent guarantees) is denied anything that the parent is entitled to expect with regard to the school by virtue of the parent guarantee issued under that section, or 15
 - (b) a pupil at a school to which that section applies is denied anything that the pupil is entitled to expect with regard to the school by virtue of the pupil guarantee issued under that section.” 20

4 Home-school agreements for each pupil

Before section 110 of SSFA 1998 (home-school agreements) there is inserted –

“109A Home-school agreements: England

- (1) The head teacher of a school in England which is – 25
- (a) a maintained school, or
 - (b) a city technology college, a city college for the technology of the arts or an Academy,
- shall, in respect of each registered pupil at the school who is of compulsory school age (“the pupil”), provide each registered parent of the pupil (“the parent”) with a home-school agreement and a parental declaration. 30
- (2) Subsection (1) has effect subject to subsection (6).
- (3) Where the head teacher considers it appropriate to do so, the head teacher may provide different parents of the same pupil with different home-school agreements. 35
- (4) For the purposes of this section and section 111 a “home-school agreement” is a statement specifying –
- (a) the school’s aims and values;
 - (b) the school’s responsibilities, namely the responsibilities which the school intends to discharge in connection with the conduct, education and well-being of the pupil while of compulsory school age; 40
 - (c) the parental responsibilities, namely the responsibilities which the parent is expected to discharge in connection with the conduct, education and well-being of the pupil while a registered pupil at the school; and 45

- (d) the school’s expectations of the pupil, namely the expectations of the school as regards the conduct, education and well-being of the pupil while a registered pupil there;
and “parental declaration” means a declaration to be used by the parent for recording that the parent takes note of the school’s aims and values and its responsibilities and that the parent acknowledges and accepts the parental responsibilities and the school’s expectations of the pupil. 5
- (5) Subject to subsection (6), the head teacher shall take reasonable steps to secure that the parental declaration is signed by the parent.
- (6) The head teacher is not required by subsection (1) to provide a parent with a home-school agreement and parental declaration, or by subsection (5) to seek the signature of a parent, where the head teacher considers that it would be inappropriate to do so having regard to any special circumstances relating to the parent or the pupil in question. 10
- (7) Where the head teacher considers that the pupil has a sufficient understanding of a home-school agreement as it relates to the pupil, the head teacher may invite the pupil to sign the parental declaration as an indication that the pupil acknowledges and accepts the school’s expectations of the pupil. 15
- (8) The head teacher – 20
- (a) may review a home-school agreement from time to time, and shall review each home-school agreement at least once in every school year after the one in which it was first provided;
- (b) may revise an agreement following a review.
- (9) Consultation with the parent must form part of any review under subsection (8). 25
- (10) Subsections (1) and (5) to (7) shall apply each time a review under subsection (8) has been completed (with any reference to a home-school agreement being read, where appropriate, as a reference to the agreement as revised following the review). 30
- (11) A home-school agreement lapses when the pupil to whom it relates –
- (a) ceases to be a registered pupil at the school in question, or
- (b) ceases to be of compulsory school age.”

5 Home-school agreements: parenting contracts and parenting orders

- (1) Part 3 of the Anti-social Behaviour Act 2003 (parental responsibilities) is amended as follows. 35
- (2) In section 19 (parenting contracts in cases of misbehaviour at school or truancy), after subsection (6) there is inserted –
- “(6A) In the case of a parenting contract entered into with a parent who has been provided with a home-school agreement (which has not lapsed) under section 109A of the School Standards and Framework Act 1998, the document setting out the contract must also contain – 40
- (a) a statement by the parent that the parent agrees to discharge the responsibilities that the parent is expected to discharge under the terms of the home-school agreement, and 45

- (b) a statement by the local authority or governing body that it agrees to provide support to the parent for the purpose of discharging those responsibilities.”
- (3) In section 21 (parenting orders: supplemental), after subsection (1A) there is inserted – 5
- “(1B) In deciding whether to make a parenting order under section 20 in the case of a parent who has been provided with a home-school agreement (which has not lapsed) in respect of the pupil under section 109A of the School Standards and Framework Act 1998, a court must also take into account any failure by the parent to discharge the responsibilities that the parent is expected to discharge under the terms of the agreement.” 10
- 6 Parental satisfaction surveys**
- (1) In Chapter 3 of Part 1 of EA 1996 (local authorities), after section 19I (inserted by Schedule 1 to this Act) there is inserted –
- “Parental satisfaction surveys”* 15
- 19J Duty to carry out parental satisfaction surveys**
- (1) Each calendar year, a local authority in England shall carry out a survey of the views of each prescribed description of parents in their area about the provision of relevant schools in their area. This is subject to any provision under subsection (7) and to any exemption applying to the authority by virtue of subsection (8). 20
- (2) “Relevant schools”, in subsection (1), means schools providing education of such description as may be prescribed.
- (3) Regulations may make provision about arrangements to be made by an authority for the purposes of this section. 25
- (4) The regulations may, in particular –
- (a) specify matters relating to the provision of schools in respect of which parents’ views are to be sought;
 - (b) make provision for supplementary information to be requested from parents; 30
 - (c) specify the manner and form in which parents’ views are to be sought, or in which supplementary information is to be requested.
- (5) In sections 19K to 19N a “parental satisfaction survey” means a survey carried out under this section. 35
- (6) A description of parent may be prescribed, for the purposes of this section and sections 19K and 19L, by reference to –
- (a) children of a specified age;
 - (b) children in a specified age group.
- (7) Regulations may provide that, where prescribed circumstances apply in relation to an authority, they are exempt from the requirement imposed by subsection (1). 40
- The regulations may, in particular, make provision about the extent to which and the period during which any exemption is to apply.

- (8) The Secretary of State may, at the request of a local authority, exempt the authority, to an extent and during a period specified in relation to them by the Secretary of State, from the requirement imposed by subsection (1).
- 19K Results of parental satisfaction surveys, and response plans** 5
- (1) Having carried out a parental satisfaction survey, a local authority in England shall –
- (a) assess its results, and
 - (b) publish a summary of them.
- (2) If those results demonstrate material parental dissatisfaction with the provision of relevant schools in their area, the authority shall prepare and publish a plan (a “response plan”) setting out their proposals for –
- (a) responding to that dissatisfaction, and
 - (b) dealing with any particular issues, about which views were expressed in response to the survey, that the authority consider need to be dealt with. 10
- (3) Whether the results of a parental satisfaction survey demonstrate material parental dissatisfaction with the provision of relevant schools in an authority’s area is to be determined in accordance with regulations. 15
- (4) In preparing a response plan an authority shall consult parents of a prescribed description in their area. 20
- (5) If it appears to the authority that proposals in a response plan are likely to be of particular interest to parents in the area of another local authority, the authority shall also consult that authority in preparing the plan. 25
- (6) Regulations may make provision about –
- (a) an authority’s assessment of the results of a parental satisfaction survey;
 - (b) when and how a summary of those results is to be published; 30
 - (c) arrangements to be made by an authority in connection with the requirements imposed by subsections (4) and (5);
 - (d) matters to be dealt with in a response plan;
 - (e) when and how a response plan is to be published.
- 19L Response plans: reference to the adjudicator** 35
- (1) Where a local authority in England have prepared a response plan under section 19K, they shall give eligible parents in their area the opportunity to make representations to them about the plan.
- (2) If those representations are not sufficiently favourable to the plan, the authority shall refer to the adjudicator –
- (a) the plan, and
 - (b) the results of the parental satisfaction survey to which the plan relates. 40
- (3) Whether representations are sufficiently favourable to a response plan is to be determined in accordance with regulations. 45

- (4) Regulations may make provision about –
 - (a) arrangements to be made by an authority for the purposes of subsection (1);
 - (b) steps to be taken by an authority in connection with the reference of a plan to the adjudicator. 5
- (5) The regulations may, in particular, require an authority to provide to the adjudicator information of a prescribed description that is required by the adjudicator.
- (6) “Eligible parents”, for the purposes of this section, are parents of a prescribed description. 10
- (7) “Adjudicator”, in this section and sections 19M and 19N, is to be read in accordance with section 25(3) of the School Standards and Framework Act 1998.

19M Response plans: determination by adjudicator

- (1) Where a response plan is referred to the adjudicator under section 19L(2) the adjudicator shall, having considered the plan and the results of the parental satisfaction survey to which it relates, make a determination in respect of the plan. 15
- (2) The determination may be –
 - (a) to approve the plan, 20
 - (b) to approve the plan subject to specified modifications, or
 - (c) to reject the plan.
- (3) Regulations may –
 - (a) make provision about procedures to be followed, and persons to be consulted, by the adjudicator for the purpose of making a determination under this section; 25
 - (b) make provision about criteria to be taken into account by the adjudicator in making a determination under this section.
- (4) In exercising functions under or by virtue of this section, the adjudicator shall have regard to any guidance given by the Secretary of State from time to time. 30

19N Determination by adjudicator: action to be taken by local authority

- (1) If the adjudicator makes a determination within section 19M(2)(b) in respect of a response plan relating to a parental satisfaction survey, the local authority in question shall make the modifications to the plan specified in the determination. 35
- (2) If the adjudicator makes a determination within section 19M(2)(c) in respect of a response plan relating to a parental satisfaction survey, the local authority in question shall –
 - (a) withdraw the plan, and 40
 - (b) prepare and publish a further plan (a “further response plan”) setting out their proposals for responding to the material parental dissatisfaction demonstrated by the survey and for dealing with any particular issues as mentioned in section 19K(2)(b). 45

- (3) In preparing a further response plan, the authority shall have regard to the adjudicator’s determination within section 19M(2)(c).
- (4) Regulations may make provision about –
- (a) steps to be taken by an authority in connection with the modification under this section of a response plan; 5
 - (b) steps to be taken by an authority in connection with the withdrawal under this section of a response plan, or the preparation of a further response plan;
 - (c) matters to be dealt with in a further response plan;
 - (d) when and how a response plan to which modifications have been made under this section, or a further response plan, is to be published. 10

19O Duty to implement proposals in response plan

- (1) A local authority in England shall implement the proposals in their response plan, except to the extent that they consider – 15
- (a) that doing so would be unreasonably difficult, or
 - (b) that an alteration in circumstances has made it inappropriate to do so.
- (2) The reference in subsection (1) to an authority’s response plan is, where appropriate, to the authority’s response plan as modified under section 19N, or their further response plan. 20

19P Statutory guidance

In exercising their functions under or by virtue of sections 19J to 19O a local authority shall have regard to any guidance given from time to time by the Secretary of State.” 25

- (2) In section 25 of SSFA 1998 (adjudicators), in subsection (2), for the words from “or Part 2” to “2006” there is substituted “, Part 2 of the Education and Inspections Act 2006 or section 19L of the Education Act 1996”.
- (3) In Schedule 5 to that Act (adjudicators), in paragraph 5(1), after “2006” there is inserted “or section 19L of the Education Act 1996”. 30

Children with special educational needs etc

7 School inspections: pupils with disabilities or special educational needs

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 – 35
- (a) pupils who have a disability for the purposes of the Equality Act 2010;
 - (b) pupils who have special educational needs. 40
- In this subsection a “mainstream school” is a school within subsection (2)(a) or (2)(c) to (f).”

8 Right of appeal against determination by local authority not to amend statement

After section 328 of EA 1996 (reviews of special educational needs) there is inserted –

“328A Appeal against determination of local authority in England not to amend statement following review 5

- (1) This section applies where a local authority in England –
 - (a) conduct a review of a statement in accordance with section 328(5)(b), and
 - (b) determine not to amend the statement. 10
- (2) The authority shall give written notice of the determination and of their reasons for making it to the parent of the child concerned.
- (3) The parent may appeal to the Tribunal.
- (4) Subsections (1A), (3), (4) and (5) of section 326 apply to an appeal under this section as they apply to an appeal under that section, but with the omission of subsection (3)(c). 15
- (5) A notice under subsection (2) must inform the parent of the right of appeal and of the period within which the right may be exercised.
- (6) A notice under subsection (2) must be given to the parent within the period of seven days beginning with the day on which the determination is made.” 20

Exceptional provision for ill or excluded children etc

9 Exceptional provision of education in short stay schools or elsewhere

- (1) Section 19 of EA 1996 (exceptional provision of education in short stay schools or elsewhere) is amended as follows. 25
- (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. 30

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 – 35

“(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. 40

- (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) – 5
- (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”. 10

The curriculum

10 Areas of learning

- (1) In Part 6 of EA 2002 (the curriculum in England), before section 84 there is inserted –
- “83A Curriculum requirements for first and second key stages 15**
- (1) For the first and second key stages, the National Curriculum for England shall comprise the areas of learning set out in subsection (3).
- (2) The National Curriculum for England –
- (a) shall specify programmes of study, and
- (b) may specify attainment targets and assessment arrangements, 20
in relation to each of those areas of learning for those stages.
- (3) The following are the areas of learning for the first and second key stages –
- (a) understanding English, communication and languages,
- (b) mathematical understanding, 25
- (c) scientific and technological understanding,
- (d) historical, geographical and social understanding,
- (e) understanding the arts, and
- (f) understanding physical development, health and well-being.
- (4) For the purposes of subsection (3)(a) “language” means a modern foreign language specified in an order made by the Secretary of State or, if the order so provides, any modern foreign language. 30
- (5) An order under subsection (4) may provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language. 35
- (6) The Secretary of State may by order amend subsections (3) to (5).”
- (2) In section 87 of EA 2002 (establishment of National Curriculum for England by order), before subsection (3) there is inserted –
- “(2A) In respect of the first and second key stages, the Secretary of State may by order specify in relation to the areas of learning set out in section 83A(3) – 40
- (a) such attainment targets,
- (b) such programmes of study, and

(c) such assessment arrangements,
as the Secretary of State considers appropriate.

(2B) Attainment targets or assessment arrangements specified under subsection (2A) need not relate to everything that each area of learning comprises.”

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11 PSHE in maintained schools

(1) In section 84 of EA 2002 (which, as amended by this Act, relates to curriculum requirements for the third key stage only), in subsection (3) (foundation subjects), for paragraph (h) there is substituted –

“(h) citizenship,

10

(i) personal, social, health and economic education, and

(j) a modern foreign language.”

(2) In section 85 of EA 2002 (curriculum requirements for the fourth key stage), in subsection (4) (foundation subjects), at the end there is inserted “, and

(d) personal, social, health and economic education.”

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(3) In section 74(1) of EIA 2006, which (when brought into force) will substitute a new section 85 in EA 2002, in subsection (4) of that substituted section (foundation subjects), at the end there is inserted “, and

(d) personal, social, health and economic education.”

(4) Before section 86 of EA 2002 there is inserted –

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“85B Personal, social, health and economic education

(1) For the purposes of this Part, personal, social, health and economic education (“PSHE”) shall comprise –

(a) education about alcohol, tobacco and other drugs,

(b) education about emotional health and well-being,

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(c) sex and relationships education,

(d) education about nutrition and physical activity,

(e) education about personal finance,

(f) education about individual safety, and

(g) careers, business and economic education.

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(2) The Secretary of State may by order amend subsection (1).

(3) The National Curriculum for England is not required to specify attainment targets or assessment arrangements for PSHE (and section 84(1) has effect accordingly).

(4) It is the duty of the governing body and head teacher of any school in which PSHE is provided in pursuance of this Part to secure that the principles set out in subsections (5) to (7) are complied with.

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(5) The first principle is that information presented in the course of providing PSHE should be accurate and balanced.

(6) The second principle is that PSHE should be taught in a way that –

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(a) is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and also

- (b) reflects a reasonable range of religious, cultural and other perspectives.
- (7) The third principle is that PSHE should be taught in a way that –
- (a) endeavours to promote equality,
 - (b) encourages acceptance of diversity, and
 - (c) emphasises the importance of both rights and responsibilities.
- (8) Subsections (4) to (7) are not to be read as preventing the governing body or head teacher of a school within subsection (9) from causing or allowing PSHE to be taught in a way that reflects the school’s religious character.
- (9) A school is within this subsection if it is designated as a school having a religious character by an order made by the Secretary of State under section 69(3) of the School Standards and Framework Act 1998.
- (10) In the exercise of their functions under this Part so far as relating to PSHE, a local authority, governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State.”

12 PSHE in Academies etc

In Chapter 4 of Part 7 of EA 1996 (city colleges), after section 483A there is inserted –

“483B Personal, social, health and economic education

- (1) For the third and fourth key stages, the curriculum for a school to which this section applies shall include personal, social, health and economic education (“PSHE”), comprising the matters set out in section 85B(1) of the Education Act 2002.
- (2) Any attainment targets, programmes of study or assessment arrangements specified in relation to PSHE under Part 6 of the Education Act 2002 shall have effect for the purposes of this section as they have effect for the purposes of that Part.
- (3) It is the duty of the proprietor and head teacher of a school in which PSHE is provided in pursuance of this section to secure that the principles set out in section 85B(5) to (7) of the Education Act 2002 are complied with.
- (4) In carrying out functions exercisable by virtue of this section, the proprietor and head teacher of a school to which the section applies shall have regard to any guidance issued from time to time –
- (a) by the Secretary of State, or
 - (b) by a person nominated by the Secretary of State.
- (5) The schools to which this section applies are city technology colleges, city colleges for the technology of the arts and Academies.
- (6) In this section “third and fourth key stages” has the meaning given by section 82(1)(c) and (d) of the Education Act 2002.”

13 Sex and relationships education: manner of provision

- (1) Section 403 of EA 1996 (sex education: manner of provision) is amended as set out in subsections (2) to (8).
- (2) In subsection (1), for the words from the beginning to “at a maintained school” there is substituted “The governing body or other proprietor of any school to which this section applies, and its head teacher, shall take such steps as are reasonably practicable to secure that, where sex and relationships education or (in Wales) sex education is given to any registered pupils at the school”. 5
- (3) After that subsection there is inserted –
 - “(1ZA) The schools to which this section applies are – 10
 - (a) maintained schools;
 - (b) city technology colleges;
 - (c) city colleges for the technology of the arts;
 - (d) Academies.A reference in this section or section 404 to the governing body of a school, in relation to a school within paragraph (b), (c) or (d), shall be read as a reference to the proprietor of the school.” 15
- (4) After subsection (1ZA) (inserted by subsection (3) above) there is inserted –
 - “(1ZB) The Secretary of State must issue guidance designed to secure that where sex and relationships education is given to registered pupils at schools in England to which this section applies, they learn – 20
 - (a) the nature of marriage and its importance for family life and the bringing up of children,
 - (b) the nature of civil partnership, and
 - (c) the importance of strong and stable relationships.” 25
- (5) In subsection (1A) –
 - (a) for “The Secretary of State” there is substituted “The Welsh Ministers”;
 - (b) after “maintained schools” there is inserted “in Wales”.
- (6) In subsection (1B), for “the Secretary of State’s guidance” there is substituted “the guidance under subsection (1ZB) or, in the case of schools in Wales, subsection (1A)”. 30
- (7) In subsection (1C) –
 - (a) for “subsection (1A)” there is substituted “subsection (1ZB) or (1A)”; 35
 - (b) for “sex education” there is substituted “sex and relationships education, or (in Wales) sex education,”.
- (8) In subsection (1D), for “subsection (1A)” there is substituted “subsection (1ZB), and the Welsh Ministers may at any time revise their guidance under subsection (1A)”.
- (9) In section 579 of that Act (general interpretation), in subsection (1), before the definition of “sex education” there is inserted – 40
 - “sex and relationships education” includes education about –
 - (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus, and
 - (b) any other sexually transmitted disease,

but does not include education about human reproduction provided as part of any science teaching;”.

14 Exemption from sex and relationships education

In section 405 of EA 1996 (exemption from sex education), for “If the parent of any pupil in attendance at a maintained school requests” there is substituted – 5

- “(1) If the parent of a pupil under the age of 15 in attendance at a school in England to which section 403 applies requests that the pupil may be wholly or partly excused from receiving sex and relationships education at the school, the pupil shall be so excused accordingly until – 10
- (a) the request is withdrawn, or
 - (b) the pupil attains the age of 15.
- (2) If the parent of any pupil in attendance at a maintained school in Wales requests”.

Powers of governing bodies 15

15 Power to provide community facilities etc

- (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).” 20
- (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 – 25
- (a) subject to regulations under paragraph (b) below, subsection (3)(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; 25
 - (b) regulations may impose restrictions as to the matters on which amounts may be spent under subsection (3)(a).” 30
- (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)”. 30
- (4) In section 51A of SSFA 1998 (expenditure incurred for community purposes), in subsections (1) and (2), after “a maintained school” there is inserted “in Wales”. 35

16 Power to form company to establish Academy, etc

- (1) The governing body of a maintained school in England may – 40
- (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 40

- (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. 5
- (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. 10
- (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. 15
- (5) In this section “maintained school” means a community, foundation or voluntary school or a community or foundation special school.
- 17 Powers to assist etc proprietor of Academy and be a member of a foundation**
- (1) Paragraph 3 of Schedule 1 to EA 2002 (powers of governing body) is amended as follows. 20
- (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. 25
(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.” 30
- (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)”.
- 18 Power to propose new schools** 35
- 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 – 40
(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.”

School improvement etc

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19 School improvement partners

- (1) Section 5 of EIA 2006 (school improvement partners) is amended as follows.
- (2) In subsection (1) –
 - (a) after “advice” there is inserted “and other services of a prescribed description”; 10
 - (b) for “with a view to improving standards at the school” there is substituted “with a view to –
 - (a) improving standards at the school, and
 - (b) improving the well-being of pupils at the school.”
- (3) After subsection (5) there is inserted – 15

“(5A) In exercising functions under or by virtue of this section, an authority must have regard to any guidance given from time to time by the Secretary of State.”
- (4) In subsection (6), after the definition of “regulations” there is inserted – 20

““well-being” means well-being so far as relating to the matters mentioned in section 10(2) of the Children Act 2004.”

20 Provision of information about schools, etc

- (1) In section 537 of EA 1996 (power of Secretary of State to require information from governing bodies etc) –
 - (a) in subsection (2), for “this section information” there is substituted “this section – 25
 - (a) information as to the views of prescribed persons about the school is to be treated as information about the school;
 - (b) information”; 30
 - (b) after subsection (8) there is inserted –

“(8A) If regulations under this section require a governing body or proprietor to provide information as to the views of prescribed persons, they may make provision also about arrangements to be made by the governing body or proprietor for the purpose of obtaining that information.” 35
- (2) After that section there is inserted –

“537ZA Power to require information about funded education

- (1) The appropriate national authority may by regulations make provision requiring a local authority to provide prescribed information relating to – 40

-
- (a) arrangements made by the authority for, or in connection with, the provision of funded education (their “section 19 arrangements”),
- (b) the provision of funded education that is made by virtue of their section 19 arrangements, or 5
- (c) activities engaged in or services provided in connection with the provision of funded education that is made by virtue of their section 19 arrangements.
- (2) The appropriate national authority may by regulations also make provision requiring a person who provides funded education (a “section 19 provider”) to provide prescribed information relating to – 10
- (a) the provision of that education, or
- (b) activities engaged in or services provided by the provider in connection with the provision of that education.
- (3) For the purposes of this section – 15
- (a) information as to the views of prescribed persons about funded education provided by a section 19 provider is to be treated as information relating to the provision of that education, and
- (b) information about the continuing education of persons ceasing to be provided with funded education by a section 19 provider, or the employment or training taken up by persons on ceasing to be provided with funded education by a section 19 provider, is to be treated as information relating to the provision of funded education by that provider. 20
- (4) Where the appropriate national authority exercises the power to make regulations under this section, the power shall be exercised with a view to making available information which is likely to – 25
- (a) increase public awareness of the quality of funded education and of the educational standards achieved by children and young persons to whom funded education is provided, or 30
- (b) assist in assessing the degree of efficiency with which financial resources are managed in connection with the provision of funded education.
- (5) In this section – 35
- “the appropriate national authority” means –
- (a) in relation to a local authority or section 19 provider in England, the Secretary of State;
- (b) in relation to a local authority or section 19 provider in Wales, the Welsh Ministers;
- “funded education” has the meaning given in section 537B(9); 40
- “prescribed” means prescribed in regulations under this section.
- (6) Subsections (4) to (12) of section 537 apply for the purposes of this section as if –
- (a) the references in those subsections to regulations under section 537 were to regulations under this section; 45
- (b) in subsections (4) and (6)(b), the references to the purposes of section 537 were to the purposes of this section;
- (c) in subsection (7) –

-
- (i) the reference to the governing body of a school maintained by a local authority, in paragraph (a), were to a section 19 provider;
 - (ii) paragraph (b) were omitted;
 - (d) in subsection (8A), the references to a governing body or proprietor were to a local authority or section 19 provider; 5
 - (e) the references in subsection (11) to schools were to section 19 providers.”
 - (3) After section 569 of EA 1996 there is inserted –
 - “569A Regulations made by the Welsh Ministers under section 537ZA 10**
 - (1) The power of the Welsh Ministers to make regulations under section 537ZA shall be exercised by statutory instrument.
 - (2) A statutory instrument containing regulations under section 537ZA made by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales. 15
 - (3) Regulations made by the Welsh Ministers under section 537ZA may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Welsh Ministers think fit.”
 - (4) In EA 2002, section 30A (school profiles) is omitted. 20
- 21 Schools eligible for intervention: powers of local authority**
- (1) Section 63 of EIA 2006 (power of local authority to require governing body to enter into arrangements) is amended as follows.
 - (2) In paragraph (d) of subsection (1) –
 - (a) the words “or joining” are omitted; 25
 - (b) at the end there is inserted “, that falls within subsection (1A),
 - (e) to take specified steps for the purpose of altering the school to make it fall within subsection (1B), or
 - (f) in the case of a foundation or foundation special school to which section 25 applies, to publish proposals under that section for the removal of the school’s foundation.” 30
 - (3) After subsection (1) there is inserted –
 - “(1A) A federation falls within this subsection if the schools that form the federation include the school that is eligible for intervention and at least one school whose governing body immediately before the creation of the federation was for the time being designated for the purposes of this subsection –
 - (a) by the Secretary of State, or
 - (b) by a person authorised by the Secretary of State to designate governing bodies for those purposes. 40
 - (1B) A school falls within this subsection if –
 - (a) it is a foundation or foundation special school which has a foundation,

- (b) in order for the foundation to be properly constituted, its members must include at least one person who is for the time being designated for the purposes of this subsection –
 - (i) by the Secretary of State, or
 - (ii) by a person authorised by the Secretary of State to designate persons for those purposes, and
 - (c) the school’s instrument of government provides for a majority of the governing body to be foundation governors.”
 - (4) After subsection (4) there is inserted –
 - “(5) In subsection (1)(d) the reference to “creating” a federation that falls within subsection (1A) includes a reference to creating such a federation by joining a school to an existing federation.
 - (6) In this section “foundation” means a foundation established otherwise than under SSFA 1998.”
- 22 Schools causing concern: powers of Secretary of State, etc**
- (1) Part 4 of EIA 2006 (schools causing concern: England) is amended as follows.
- (2) In section 60 (performance standards and safety warning notice), in subsection (6), before paragraph (a) there is inserted –
 - “(za) the Secretary of State,”.
- (3) In section 60A (teachers’ pay and conditions warning notice), in subsection (6), before paragraph (a) there is inserted –
 - “(za) the Secretary of State,”.
- (4) In section 68 (power of Secretary of State to direct closure of school), in subsection (1), for “by virtue of section 62 (school requiring special measures)” there is substituted “other than by virtue of section 60A”.
- (5) In section 69A (the heading of which becomes “Power of Secretary of State to direct authority to give performance standards and safety warning notice”) –
 - (a) subsection (5) is omitted;
 - (b) in subsection (8), paragraph (b) and the word “, and” before it are omitted;
 - (c) for subsection (9) there is substituted –
 - “(9) If the response states that the authority have decided not to give a warning notice to the governing body in the specified terms –
 - (a) the response must set out the authority’s reasons for the decision, and
 - (b) the Secretary of State may direct the authority to give the warning notice to the governing body in those terms (and to withdraw any previous warning notice given to the governing body under section 60).
- (9A) If the Secretary of State directs the authority under subsection (9)(b) to give a warning notice to the governing body in the specified terms, the authority must comply with the direction under subsection (9)(b) before the end of the period of 5 working days beginning with the day on which that direction is given.”;

- (d) for subsection (10) there is substituted –
- “(10) Section 60 has effect, in relation to a notice served under it in compliance with a direction under subsection (9)(b), as if –
- (a) in subsection (1), paragraphs (b) and (c) were omitted;
 - (b) in subsection (4), paragraph (c) were omitted; 5
 - (c) subsections (5) and (7) to (9) were omitted;
 - (d) in the definition of “the compliance period” in subsection (10), for the words from “means” to “on which he does so” there were substituted “means the period beginning with the day on which the warning notice is given”. 10
- (11) A direction under this section must be in writing.”
- (6) In section 69B (power of Secretary of State to direct authority to give teachers’ pay and conditions warning notice) –
- (a) in subsection (7), paragraph (b) and the word “, and” before it are omitted; 15
 - (b) in subsection (9), paragraph (b) and the word “, and” before it are omitted;
 - (c) for subsection (10) there is substituted –
- “(10) Section 60A has effect, in relation to a notice served under it in compliance with a direction under subsection (8)(b), as if –
- (a) in subsection (1), paragraphs (b) and (c) were omitted;
 - (b) in subsection (4), paragraph (c) were omitted;
 - (c) subsections (5) and (7) to (9) were omitted;
 - (d) in subsection (10), for the words from “means” to “on which they do so” there were substituted “means the period beginning with the day on which the warning notice is given”. 20 25

School teachers’ qualifications

- 23 Licence to practise** 30
- (1) In THEA 1998, after section 4A there is inserted –
- “4B Licensing of teachers**
- (1) A reference in this Chapter to a “licence to practise” is a reference to a licence granted by the Council to a registered teacher under and in accordance with regulations under this section. 35
 - (2) Regulations shall make provision as to licences to practise, including provision for or in connection with –
 - (a) the grant or refusal of a licence;
 - (b) the renewal of a licence;
 - (c) the withdrawal of a licence. 40
 - (3) Regulations under this section may, in particular, make any of the following provision –
 - (a) provision as to applications for the grant or renewal of a licence;

- (b) provision as to procedure in respect of the making and determining of applications;
 - (c) provision as to information and evidence to be provided in connection with applications;
 - (d) provision specifying matters that the Council may take into account, and matters that they must take into account, in determining an application or in deciding whether a licence should be withdrawn; 5
 - (e) provision for a licence to be granted or renewed subject to conditions; 10
 - (f) provision as to the duration of a licence;
 - (g) provision as to notices and other information to be given by the Council (including information about rights of appeal);
 - (h) provision requiring the Council to be provided with prescribed information, of a kind that is likely to be useful to them in the exercise of their functions in relation to licences to practise, by a person within subsection (6) who in prescribed cases or circumstances proposes to engage or has engaged the services of a registered teacher. 15
- (4) Regulations made in pursuance of subsection (3)(c) may provide that the information and evidence may include – 20
- (a) information and evidence specified in guidance issued by the Council;
 - (b) information and evidence which relates to standards set by a prescribed person or body. 25
- (5) Regulations made in pursuance of subsection (3)(f) may provide –
- (a) for a licence to be granted or renewed on a temporary basis;
 - (b) for a licence to be granted on the basis that it lapses, unless renewed, at the end of a reasonable period specified in a notice given by the Council. 30
- (6) The persons within this subsection are –
- (a) a local authority;
 - (b) a person exercising a function relating to the provision of education on behalf of a local authority;
 - (c) the proprietor of a school. 35
- In paragraph (c) “proprietor” and “school” have the meanings given in the Education Act 1996.
- (7) Regulations under this section may authorise the Council to make provision in relation to any matter as to which provision may be made by regulations. 40
- 4C Appeals against refusal of licence etc**
- (1) Regulations shall make provision for conferring on a registered teacher a right of appeal against –
- (a) a refusal to grant or to renew a licence to practise;
 - (b) a withdrawal of a licence (otherwise than at the request of the holder of the licence); 45
 - (c) a decision, in prescribed cases or circumstances, to grant or to renew a licence conditionally;

- (d) a decision, in prescribed cases or circumstances, as to the duration of a licence.
- (2) Regulations under this section shall provide for the establishment of a committee of the Council for determining appeals under the regulations. 5
- (3) Regulations under this section shall—
- (a) make provision as to procedure in respect of the making and determining of appeals;
- (b) prescribe what orders may be made by the committee mentioned in subsection (2) in relation to appeals.” 10
- (2) In section 9(1) of THEA 1998 (provisions of that Act that apply in relation to Wales), for “sections 2 to 5,” there is substituted—
“sections 2 to 4A,
section 5,”.
- 24 Requirement to be licensed 15**
- In EA 2002, after section 134 there is inserted—
- “134A Requirement to be licensed**
- (1) Regulations may provide that specified work may be carried out in a school in England by a qualified teacher only if the teacher has a licence to practise. 20
- (2) Regulations specifying work for the purposes of this section may make provision by reference to—
- (a) one or more specified activities, or
- (b) the circumstances in which activities are carried out.
- (3) In this section— 25
- “licence to practise” has the same meaning as in Chapter 1 of Part 1 of the Teaching and Higher Education Act 1998 (given by section 4B(1) of that Act);
- “school” means—
- (a) a school maintained by a local authority, 30
- (b) a special school not so maintained,
- (c) an Academy,
- (d) a city technology college, or
- (e) a city college for the technology of the arts.”
- 25 Requirements to be qualified, registered and licensed: Academies etc 35**
- (1) Part 8 of EA 2002 (teachers) is amended as follows.
- (2) In section 133 (requirement to be qualified), in subsection (6) (schools to which the section applies), at the end there is inserted—
- “(c) an Academy,
- (d) a city technology college, or 40
- (e) a city college for the technology of the arts.”
- (3) In section 134 (requirement to be registered), in subsection (5) (schools to which

the section applies), at the end there is inserted –

- “(c) an Academy,
- (d) a city technology college, or
- (e) a city college for the technology of the arts.”

(4) After section 145 there is inserted – 5

“145A Power to prevent breach of regulations in relation to Academies etc

(1) In relation to a case where the Secretary of State is satisfied that the proprietor of a school to which this section applies has allowed or is proposing to allow a person to carry out work in such a school in breach of regulations under section 133, 134 or 134A, section 496 of the Education Act 1996 (power to prevent unreasonable exercise of functions) shall have effect as if any reference to a body to which that section applies included a reference to the proprietor of a school to which this section applies. 10

(2) The schools to which this section applies are – 15

- (a) an Academy,
- (b) a city technology college, and
- (c) a city college for the technology of the arts.”

Home education

26 Home education: England 20

Schedule 1 (home education: England) has effect.

27 Power of National Assembly for Wales to make provision by Measure

(1) In Part 1 of Schedule 5 to the Government of Wales Act 2006 (Assembly Measures), field 5 (education and training) is amended as follows.

(2) After matter 5.6 there is inserted – 25

“*Matter 5.6A*
The regulation of education provided for home-educated children.”

(3) In matter 5.15, after paragraph (b) there is inserted – 30

- “(ba) services provided by local authorities for persons involved in the provision of education for home-educated children;”.

Local Safeguarding Children Boards

28 Supply of information requested by LSCBs in England

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

“14B Supply of information requested by LSCBs 35

(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. 5
- (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. 10
- (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
(c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body. 15
- (5) The fourth condition is that the information –
(a) is information requested by the Board from a person or body to whom information was supplied in compliance with another request under this section, and
(b) is the same as, or is derived from, information so supplied. 20
- (6) The information may be used by the Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to perform its functions.
- (7) A Local Safeguarding Children Board must have regard to any guidance given to it by the Secretary of State in connection with the exercise of its functions under this section.” 25

29 Supply of information requested by LSCBs in Wales

After section 32 of CA 2004 (functions and procedure of LSCBs in Wales) there is inserted –

- “32A Supply of information requested by LSCBs in Wales** 30
- (1) If a Local Safeguarding Children Board established under section 31 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 fourth condition is met. 35
- (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. 40
- (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
 - (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.
- (5) The fourth condition is that the information – 5
- (a) is information requested by the Board from a person or body to whom information was supplied in compliance with another request under this section, and
 - (b) is the same as, or is derived from, information so supplied.
- (6) The information may be used by the Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to perform its functions. 10
- (7) A Local Safeguarding Children Board must have regard to any guidance given to it by the Welsh Ministers in connection with the exercise of its functions under this section.” 15

30 Review by Chief Inspector of performance of LSCBs in England

After section 15 of CA 2004 (funding of LSCBs in England) there is inserted –

“15A Review of LSCBs’ performance of functions

- (1) The Secretary of State may by regulations make provision for the Chief Inspector to conduct a review of the performance of specified functions by a Local Safeguarding Children Board established under section 13. 20
- (2) The regulations may allow or require the Chief Inspector to conduct a review, or may require the Chief Inspector to do so in specified circumstances.
- (3) They may in particular make provision – 25
- (a) about reports to be made on completion of a review;
 - (b) requiring or facilitating the sharing or production of information for the purposes of a review.
- (4) In this section – 30
- “the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
 - “specified” means specified in regulations under this section.”

Youth justice

31 Supervision of youth offending teams etc

- (1) The Crime and Disorder Act 1998 is amended as follows. 35
- (2) In section 41 (the Youth Justice Board), after subsection (9) there is inserted –
- “(9A) A youth offending team shall co-operate with the Board in such manner as the Board may require for the purpose of enabling the Board to assess the team’s performance in exercising its functions.” 40
- (3) In section 42 (supplementary provisions) –

- (a) after subsection (2) there is inserted –
- “(2A) In carrying out any of their duties under those provisions and in carrying out any other function in relation to the youth justice system or the provision of youth justice services –
- (a) a local authority shall comply with any directions, and act in accordance with any guidance, given to them by the Secretary of State; 5
- (b) a youth offending team shall comply with any directions given to it by the Secretary of State and have regard to any recommendations made to it by the Board. 10
- Before giving a direction under this subsection to a local authority in Wales or to a youth offending team established by a local authority in Wales, the Secretary of State shall consult the Welsh Ministers.”;
- (b) in subsection (3), the words “a local authority,” are omitted. 15

PART 2

FAMILY PROCEEDINGS

32 Restriction on publication of information relating to family proceedings

- (1) This section applies in relation to any relevant family proceedings at which the public are not (or, in the case of proceedings which have already taken place, were not) entitled to be present. 20
- (2) The publication of information relating to the proceedings is a contempt of court committed by the publisher unless the publication of the information is –
- (a) an authorised publication of the text, or a summary, of the whole or part of an order made or judgment given by the court in the proceedings (see section 33), 25
- (b) an authorised news publication (see section 34), or
- (c) authorised by rules of court.
- (3) Nothing in this section makes it a contempt of court to publish information with the permission of the court. 30
- (4) “Family proceedings” means family proceedings within the meaning of –
- (a) section 65 of the Magistrates’ Courts Act 1980, or
- (b) section 32 of the Matrimonial and Family Proceedings Act 1984.
- (5) Where proceedings are family proceedings at the time they are commenced and, but for this subsection, would later cease to be family proceedings, for the purposes of this section they continue to be family proceedings. 35
- (6) “Relevant family proceedings” means family proceedings other than –
- (a) matrimonial causes and matters;
- (b) applications under Part 3 of the Family Law Act 1986 (declarations of status); 40
- (c) applications under section 27 of the Matrimonial Causes Act 1973 (financial provision where failure to maintain);
- (d) civil partnership causes and matters;
- (e) applications under section 58 of the Civil Partnership Act 2004 (declarations relating to civil partnerships); 45

- (f) applications under Part 9 of Schedule 5 to that Act (financial provision where failure to maintain);
 - (g) causes and matters relating to non-contentious or common form probate business (within the meaning of section 128 of the Senior Courts Act 1981). 5
- (7) The Lord Chancellor may, by order made by statutory instrument, amend the definition of “relevant family proceedings” in subsection (6).
- (8) An order under subsection (7) may make transitional provision or savings.
- (9) A statutory instrument containing an order under subsection (7) may not be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament. 10

33 Authorised publication of court orders and judgments

- (1) A publication of the text, or a summary, of the whole or part of an order made by a court in the proceedings is an authorised publication –
- (a) in a case where the proceedings are adoption proceedings or parental order proceedings or a case where the publication of the text or summary contains identification information relating to an individual involved in the proceedings, to the extent that the publication of the text or summary is permitted by the court for the purposes of this section, and 15
 - (b) in any other case, to the extent that the publication of the text or summary is not prohibited by, and does not breach any restriction imposed by, the court for the purposes of this section. 20
- (2) A publication of the text, or a summary, of the whole or part of a judgment given by a court in the proceedings is an authorised publication to the extent that the publication of the text or summary is permitted by the court for the purposes of this section. 25
- (3) The court may permit, prohibit or restrict publication for the purposes of this section on its own initiative or on the application of any interested person.
- (4) The court may permit publication for the purposes of this section subject to conditions specified by the court. 30
- (5) In this section –
- “adoption proceedings” means proceedings under the Adoption and Children Act 2002 (other than proceedings on an application for a placement order under section 22 of that Act); 35
 - “parental order proceedings” means proceedings for parental orders under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008.

34 Authorised news publications

- (1) A publication of information is an authorised news publication if the following conditions are met. 40
- (2) Condition 1 is that the information was obtained by an accredited news representative by observing or listening to the proceedings when attending them in exercise of a right conferred on accredited news representatives by rules of court. 45

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- (3) Condition 2 is that the publisher of the information –
- (a) is the accredited news representative,
 - (b) publishes the information with the consent of, or pursuant to a contract or other agreement entered into with, that representative, or
 - (c) has obtained the information from a publication of information which is an authorised news publication. 5
- (4) Condition 3 is that –
- (a) the information is not –
 - (i) identification information relating to an individual involved in the proceedings, 10
 - (ii) sensitive personal information relating to the proceedings, or
 - (iii) restricted adoption information or restricted parental order information,
 - (b) the information is information within paragraphs (i) to (iii) of paragraph (a) and the publication is permitted by the court for the purposes of this Condition, or 15
 - (c) the information is identification information relating to an individual involved in the proceedings (but not restricted adoption information or restricted parental information) and the individual is a professional witness in the proceedings. 20
- (5) Condition 4 is that if the publication is –
- (a) a publication of the text, or a summary, of an order made by a court in adoption proceedings or parental order proceedings, or
 - (b) a publication of the text, or a summary, of a judgment given by a court in relevant family proceedings, 25
- the publication is permitted by the court for the purposes of section 33.
- (6) Condition 5 is that the publication is not prohibited by, and does not breach any restriction imposed by, the court for the purposes of this condition or section 33.
- (7) The court may permit the publication of information for the purposes of Condition 3 or prohibit or restrict the publication of information for the purposes of Condition 5 on its own initiative or on the application of any interested person. 30
- 35 Permitting publication for purposes of section 34: general**
- (1) This section applies where the court is determining whether to permit the publication of information for the purposes of Condition 3 in section 34 (except where section 36 applies). 35
- (2) The court may not permit the publication of the information unless it is satisfied of one or more of the following matters.
- (3) The matters are – 40
- (a) that it is in the public interest to give the permission;
 - (b) that it is appropriate to give the permission so as to avoid injustice to a person involved in, referred to in or otherwise connected with the proceedings;

- (c) that it is necessary to give the permission in the interests of the welfare of a child or vulnerable adult involved in, referred to in or otherwise connected with the proceedings;
 - (d) that an application for permission has been made by a party to the proceedings, or on behalf of a child who is the subject of the proceedings, and granting the permission is appropriate in all the circumstances. 5
- (4) The court must have regard to any risk which publication of the information would pose to the safety or welfare of any individual involved in, referred to in or otherwise connected with the proceedings. 10
- (5) The court may permit the publication subject to conditions specified by the court.

36 Permitting publication for purposes of section 34: adoption etc

- (1) This section applies where the court is determining whether to permit the publication of restricted adoption information or restricted parental order information for the purposes of Condition 3 in section 34. 15
- (2) “Restricted adoption information” means information the publication of which is likely to lead one or more persons –
- (a) to identify a person as –
 - (i) a prospective adopter of a child, 20
 - (ii) a person who has adopted a child, or
 - (iii) a person who has been, or may be, adopted, or
 - (b) to identify the whereabouts of a person identified as a person within sub-paragraph (i), (ii) or (iii) of paragraph (a).
- (3) “Restricted parental order information” means information the publication of which is likely to lead one or more persons – 25
- (a) to identify a person as –
 - (i) a person who has applied for a parental order,
 - (ii) a person in respect of whom a parental order has been made, or
 - (iii) a child in relation to whom a parental order has been, or may be, made, or 30
 - (b) to identify the whereabouts of a person identified as a person within sub-paragraph (i), (ii) or (iii) of paragraph (a).
- (4) If the person who has been or may be adopted or in relation to whom a parental order has been or may be made (“the affected person”) – 35
- (a) is a child,
 - (b) lacks capacity to consent to the publication, or
 - (c) cannot be found,
- the court may not permit the publication of the information unless it is satisfied that publication of the information would not prejudice the safety or welfare of the affected person. 40
- (5) In any other case where the affected person is alive, the court may not permit the publication except with the consent of the affected person.
- (6) The court must have regard to whether consent to the publication has been given by – 45

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- (a) in the case of restricted adoption information, any prospective adopter of, or person who has adopted, the child in question, and
- (b) in the case of restricted parental order information, any person who applied for the parental order or in respect of whom the parental order has been made. 5
- (7) The court must have regard to any risk which publication of the information would pose to the safety or welfare of any individual involved in, referred to in or otherwise connected with the proceedings.
- (8) The court may permit the publication subject to conditions specified by the court. 10
- (9) For the purposes of this section –
“adoption” means adoption under the Adoption Act 1976 or the Adoption and Children Act 2002 (and related terms are to be construed accordingly);
“parental order” means a parental order under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008. 15
- 37 Prohibiting or restricting publication for purposes of section 34**
- (1) The court may not prohibit or restrict the publication of information for the purposes of Condition 5 in section 34 unless subsection (2) or (3) applies (or both subsections apply). 20
- (2) This subsection applies if the court is satisfied that in the absence of the prohibition or restriction there is a real risk that the publication would prejudice –
(a) the safety of any person, 25
(b) the welfare of a child or vulnerable adult, or
(c) the interests of justice in the proceedings in question.
- (3) This subsection applies if the information is identification information relating to a professional witness in the proceedings and –
(a) the information is also identification information relating to – 30
(i) another individual involved in the proceedings (other than a professional witness in the proceedings), or
(ii) an individual otherwise connected with the proceedings,
(b) the information is also sensitive personal information relating to the proceedings, or 35
(c) the court is satisfied that the professional witness is, has been or will be involved in the care or treatment of an individual involved in, or otherwise connected with, the proceedings, otherwise than for the purpose of being a professional witness in the proceedings.
- 38 Defences to contempt of court** 40
- (1) A person is not guilty of a contempt of court under section 32 by reason of the publication of information relating to relevant family proceedings if subsection (2), (3) or (4) applies.

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- (2) This subsection applies if the person proves that at the time of the publication the person did not know and had no reason to suspect that the information was information relating to the proceedings.
- (3) This subsection applies if the person proves that –
- (a) the person obtained the information from a previous publication, and 5
 - (b) at the time of the person’s publication the person did not know and had no reason to suspect that the previous publication was not an authorised news publication.
- (4) This subsection applies if the person proves that –
- (a) the publication of the information would be an authorised news publication but for the failure to meet Condition 3 in section 34, and 10
 - (b) at the time of the publication the person did not know and had no reason to suspect that the information was –
 - (i) identification information relating to an individual involved in the proceedings, 15
 - (ii) sensitive personal information relating to the proceedings, or
 - (iii) restricted adoption information or restricted parental information.
- 39 Appeals against decisions under section 33 or 34**
- (1) Rules of court – 20
- (a) may make provision about appeals against decisions within subsection (2) (including provision which modifies provision made by or under any Act as it applies to such appeals), and
 - (b) to the extent that provision is not made by or under any Act for appeals against such decisions, must make such provision (including provision about the route of such appeals). 25
- (2) Those decisions are –
- (a) decisions to permit, or refuse to permit, publication of information for the purposes of section 33 or Condition 3 in section 34,
 - (b) decisions to impose, or refuse to impose, conditions on permission granted for those purposes, and 30
 - (c) decisions to prohibit or restrict, or refuse to prohibit or restrict, publication of information for the purposes of section 33 or Condition 5 in section 34.
- 40 Power to alter treatment of sensitive personal information** 35
- (1) Schedule 2 (which contains amendments which alter the treatment under this Part of sensitive personal information) has effect.
- (2) In this section “the Part 2 amending provisions” means the provisions of that Schedule and any related repeal in Schedule 5.
- (3) The Lord Chancellor may not make an order under section 50(4) bringing into force any of the Part 2 amending provisions unless – 40
- (a) an independent person appointed by the Lord Chancellor has carried out a review of the operation of this Part,
 - (b) in carrying out the review the independent person consulted the public about the operation of this Part, and 45

- (c) the conclusions of the review have been set out in a report which has been laid before Parliament.
- (4) No review for the purposes of subsection (3)(a) may be commenced before the end of the period of 18 months beginning with the time section 32 comes into force. 5
- (5) Where section 32 is initially brought into force for one or more specified purposes only, the reference in subsection (4) to the time that section comes into force is to the earliest time it comes into force for any purpose.
- (6) A statutory instrument containing an order under section 50(4) bringing into force any of the Part 2 amending provisions may not be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament. 10

41 Independent review

- (1) The Lord Chancellor may not bring into effect the provisions set out in Schedule 2 of this Act, unless – 15
- (a) the Lord Chancellor has commissioned a full independent review and evaluation of –
- (i) the operation of Part 2 of this Act, and
- (ii) the impact of the new guidelines on reporting restrictions introduced on 27 April 2009, 20
- (b) the conclusions of the independent review have been set out in a report which has been laid before Parliament.
- (2) No review for the purposes of subsection (1) may be commenced before the end of the period of 18 months beginning with the time section 32 comes into force and a full review has been completed of the findings from the pilot allowing for the publication of anonymised judgments alone. 25

42 Interpretation of Part 2, etc

- (1) In this Part –
- “accredited news representative”, in relation to any proceedings, means a representative of one or more news organisations who is a member of a class of representatives of news organisations on which rules of court confer a right to attend the proceedings; 30
- “child” means a person under the age of 18;
- “court” includes a judge and any person exercising the functions of a court or a judge; 35
- “identification information”, in relation to an individual involved in or otherwise connected with proceedings, means –
- (a) information, including in particular information as to any of the matters set out in subsection (2), the publication of which is likely to lead members of the public to identify the individual as someone who is or has been involved in or otherwise connected with the proceedings, and 40
- (b) in a case where the individual is a child, information the publication of which is likely to lead members of the public to identify the address or school of the individual as being that of 45

- an individual who is or has been involved in or otherwise connected with the proceedings;
- “judgment” includes a record produced by the court of its reasons for a decision;
- “news organisation” means a news gathering or reporting organisation; 5
- “professional witness”, in any proceedings, means a person –
- (a) who has given, or whom it is proposed will give, written or oral evidence in the proceedings in exchange for a fee, and
 - (b) whose instruction by a party to the proceedings has been authorised by the court for the purposes of the proceedings; 10
- “publication” includes disclosure or communication in any form to any person or persons;
- “publisher” means –
- (a) where the information is published in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical; 15
 - (b) where the information is published in a relevant programme –
 - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included, and 20
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
 - (c) in the case of any other publication of information, any person publishing it; 25
- “relevant family proceedings” has the meaning given by section 32;
- “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;
- “restricted adoption information” has the meaning given by section 36;
- “restricted parental order information” has the meaning given by section 36; 30
- “sensitive personal information”, in relation to any proceedings, means information listed in Schedule 3.
- (2) The matters referred to in the definition of “identification information” in subsection (1) are – 35
- (a) the name of the individual or any title, pseudonym or alias of the individual;
 - (b) the address or locality of any place where the individual lives or works or is educated or taken care of;
 - (c) the individual’s appearance or style of dress; 40
 - (d) any employment or other occupation of, or position held by, the individual;
 - (e) the individual’s relationship to particular relatives, or association with particular friends or acquaintances, of the individual;
 - (f) the individual’s recreational interests; 45
 - (g) the individual’s political, philosophical or religious beliefs or interests;
 - (h) any property (whether real or personal) in which the individual has an interest or with which the individual is otherwise associated.
- (3) For the purposes of this Part an individual is “involved” in proceedings if the individual – 50

- (a) is or was a party to the proceedings or the subject of the proceedings,
 - (b) is a person called, or whom it is proposed to call, as a witness in the proceedings, or
 - (c) is a person who has given written evidence in connection with the proceedings. 5
- (4) The Lord Chancellor may, by order made by statutory instrument, amend –
- (a) the definition of “professional witness” in subsection (1);
 - (b) Schedule 3 (list of sensitive personal information).
- (5) An order under subsection (4) may make transitional provision or savings.
- (6) A statutory instrument containing an order under subsection (4) may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament. 10
- (7) Nothing in this Part prejudices any other power a court may have to prevent or restrict the publication of information relating to relevant family proceedings. 15
- (8) No provision of this Part (or of Part 2 of Schedule 4 or Part 2 of Schedule 5) applies in relation to relevant family proceedings concluded before the coming into force of the provision in question.

PART 3

MISCELLANEOUS AND FINAL PROVISIONS 20

Miscellaneous

43 Amendments of provisions about complaints in ASCLA 2009

- (1) In Part 10 of ASCLA 2009 (schools), Chapter 2 (complaints: England) is amended as follows.
- (2) In section 207 (power of Local Commissioner to investigate complaint), in subsection (5)(b) (power not to investigate vexatious complaint), before “vexatious” there is inserted “frivolous or”. 25
- (3) In section 216 (law of defamation) –
- (a) in subsection (1)(a), after “a governing body” there is inserted “or head teacher”; 30
 - (b) in subsection (2)(a), after “the governing body” there is inserted “or head teacher”.

44 Fees for pre-registration inspections of independent educational institutions

In section 111 of ESA 2008 (fees for inspections of independent educational institutions by Chief Inspector), in subsection (6) (institutions to which the section applies), for “any registered independent educational institution that is not” there is substituted “any independent educational institution that is registered, or is the subject of an application to be registered, other than”. 35

Final provisions

45 Interpretation of Act

- (1) In this Act –
- “EA 1996” means the Education Act 1996;
 - “SSFA 1998” means the School Standards and Framework Act 1998; 5
 - “THEA 1998” means the Teaching and Higher Education Act 1998;
 - “EA 2002” means the Education Act 2002;
 - “CA 2004” means the Children Act 2004;
 - “EA 2005” means the Education Act 2005;
 - “EIA 2006” means the Education and Inspections Act 2006; 10
 - “ESA 2008” means the Education and Skills Act 2008;
 - “ASCLA 2009” means the Apprenticeships, Skills, Children and Learning Act 2009.
- (2) EA 1996 and sections 1 and 16 of this Act are to be read as if those sections were contained in that Act. 15

46 Amendments and repeals

Schedules 4 (minor and consequential amendments) and 5 (repeals) have effect.

47 Financial provisions

- (1) There is to be paid out of money provided by Parliament – 20
- (a) any expenditure under this Act of a Minister of the Crown;
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment. 25

48 Transitional provision

- (1) Until a section 162(1)(a) order comes into force, a reference to a local authority in any provision of this Act (including any provision inserted by this Act in another Act) is to be read as a reference to a local education authority.
- (2) In subsection (1) “section 162(1)(a) order” means an order under subsection (1) of section 162 of EIA 2006 containing provision made by virtue of paragraph (a) of that subsection (power to replace statutory references to local education authorities with references to local authorities). 30

49 Extent

- (1) This Act does not extend to Scotland or (subject to subsection (2)) to Northern Ireland. 35
- (2) An amendment or repeal by this Act of a provision that extends to Northern Ireland has the same extent as the provision amended or repealed.

50 Commencement

- (1) Sections 45 and 47 to 51 come into force on the day on which this Act is passed.
- (2) Sections 27 and 44 come into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) Section 29 comes into force on whatever day the Welsh Ministers appoint by order made by statutory instrument. 5
- (4) The following provisions come into force on whatever day or days the Lord Chancellor appoints by order made by statutory instrument –
 - (a) Part 2;
 - (b) Part 2 of Schedule 4 and Part 2 of Schedule 5 (and section 46 so far as relating to those Parts). 10
- (5) The other provisions of this Act come into force on whatever day or days the Secretary of State appoints by order made by statutory instrument.
- (6) An order under subsection (3), (4) or (5) –
 - (a) may make different provision for different purposes or different areas; 15
 - (b) may make incidental, consequential, supplemental, transitional or transitory provision or savings.

51 Short title etc

- (1) This Act may be cited as the Children, Schools and Families Act 2010.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of EA 1996. 20

SCHEDULES

SCHEDULE 1

Section 26

HOME EDUCATION: ENGLAND

Registration and monitoring

- 1 In Chapter 3 of Part 1 of EA 1996 (local authorities), after section 19 there is inserted – 5

“Home education: registration and monitoring

19A Maintenance of home education register

- (1) A local authority in England shall maintain a register for the purpose of monitoring the provision of education to children of compulsory school age in their area who are not educated at a school or under section 19. 10
- (2) Regulations may make provision about maintenance of the register.
- (3) The regulations may, in particular, make provision about amendment of the register. 15
- (4) In this Act –
- “home-educated child” means a child all of whose education is provided otherwise than at a school, and not under section 19;
- “home education register” means a register maintained under this section. 20

19B Entry of child’s details on home education register

- (1) This section applies where –
- (a) a parent of a child in the area of a local authority in England has applied to the authority, in the prescribed manner, for the child’s details to be entered on their home education register, 25
- (b) the child is of compulsory school age, and
- (c) it appears to the authority that the child is, or is intended to be while still of compulsory school age, a home-educated child. 30
- (2) Unless the authority consider –
- (a) that the child is within subsection (6) or (7), or
- (b) that subsection (8) applies to the child’s application,
- they shall enter the prescribed details relating to the child on their home education register. 35

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- (3) If the authority consider –
- (a) that the child is within subsection (6), or
 - (b) that subsection (8) applies to the child’s application,
- they may enter the prescribed details relating to the child on their home education register. 5
- But this subsection is subject to subsection (4), and to any provision made by virtue of section 19C(2)(a)).
- (4) If the authority consider the child is within subsection (7), they shall not enter the child’s details on their home education register.
- (5) The authority shall give the parent notice – 10
- (a) if they enter the child’s details on their home education register, of the registration;
 - (b) if they decide not to enter the child’s details on the register under subsection (3), of this decision and the reasons for it;
 - (c) if they consider the child is within subsection (7), of the reasons for this, and of the consequent refusal to enter the child’s details on their home education register. 15
- (6) A child is within this section if –
- (a) a parent of the child has previously applied in the prescribed manner for the child’s details to be entered on a home education register (whether maintained by the authority or another authority), and the application (or the most recent such application) did not succeed, 20
 - (b) the child’s details have previously been registered on a home education register (whether maintained by the authority or another authority), and the registration (or the most recent such registration) has been revoked under section 19F, or 25
 - (c) a school attendance order served under section 437 is in force in respect of the child.
- (7) A child is within this subsection if the authority consider that it would be harmful to the child’s welfare for the child – 30
- (a) to become a home-educated child, or
 - (b) in the case of a child who is already a home-educated child, to continue to be a home-educated child.
- (8) This subsection applies to an application for registration of a child’s details on the authority’s home education register if the authority consider that information that has been provided in connection with the application is incorrect or inadequate in a material respect (whether or not it was so when it was provided). 35
- (9) An application is made in the prescribed manner, for the purposes of this section and section 19C, if it is made in a manner determined by or in accordance with regulations under subsection (1). 40
- (10) For the purposes of this section and sections 19C and 19D, references to entering details on an authority’s home education register, in relation to details that are already on the register, include references to keeping those details on the register. 45

19C Entry of child’s details on home education register: supplementary provision

- (1) Regulations may make provision about steps to be taken by an authority in connection with an application for a child’s details to be entered on their home education register. 5
- (2) The regulations may, in particular, make provision about matters that are or are not to be taken into account by an authority in deciding –
 - (a) whether to register a child’s details under section 19B(3);
 - (b) whether a child is within section 19B(7); 10
 - (c) whether section 19B(8) applies to a child’s application.
- (3) Regulations under section 19B(1)(a) may, in particular, make provision within subsection (4) or (5).
- (4) Provision within this subsection is provision –
 - (a) about how an application for registration of a child’s details is to be made; 15
 - (b) requiring an application for registration of a child’s details to include a statement giving prescribed information about the child’s prospective education;
 - (c) requiring an application to include other prescribed information; 20
 - (d) about the form in which a statement mentioned in paragraph (b), or any other information required to be included in an application, is to be provided;
 - (e) for an application for registration to include an undertaking to provide a statement mentioned in paragraph (b), or other prescribed information, to the authority within a period determined by or in accordance with the regulations. 25
- (5) Provision within this subsection is provision permitting an authority to specify a period, prescribed by or determined in accordance with the regulations, within which an application to enter on their home education register the details of a child to whom subsection (6) applies may not be made unless the authority are satisfied that there has been a change of circumstances that justifies an application being made within that period. 30
35
- (6) This subsection applies to a child if –
 - (a) a parent of the child has previously made an application in the prescribed manner for the child’s details to be entered on a home education register maintained by a local authority, and the application (or the most recent such application) did not succeed, or 40
 - (b) the child’s details have previously been registered on a home education register maintained by a local authority, and the registration (or the most recent such registration) has been revoked under section 19F. 45

19D Duration of registration

- (1) Subsection (2) applies if a parent of a child has made an application to a local authority in England, in the prescribed manner, for the child's details to be entered on their home education register.
- (2) The child is to be treated for the purposes of this Act as being registered on the register throughout the registration period; and references in this Act to a child being registered on an authority's home education register are to be interpreted accordingly. 5
- (3) The registration period begins with the date on which the application for entry of the child's details on the register is received by the authority. 10
- (4) Subject to subsection (5), the registration period ends –
- (a) where the authority give notice to the child's parent under section 19B(5)(a), with the expiry of the period of 12 months starting with the date of the notice; 15
- (b) where the authority give notice to the child's parent under section 19B(5)(b) or (c), with the date of the notice.
- (5) If before the end of the period mentioned in subsection (4)(a) –
- (a) the authority give notice to the child's parent under section 19F(3), or 20
- (b) the child ceases to be of compulsory school age, the registration period ends with the date of the notice or (as the case may be) with the date on which the child ceases to be of compulsory school age.

19E Monitoring provision of home education to registered children 25

- (1) A local authority in England shall make arrangements with a view to ascertaining, so far as is reasonably practicable –
- (a) whether the education provided to a child whose details are entered on their home education register is suitable;
- (b) whether it accords with information provided to them for the purposes of the application for registration; 30
- (c) what the child's wishes and feelings about it are;
- (d) whether it would be harmful for the child's welfare for the child to continue to be a home-educated child.
- (2) For the purposes of this section a child's education is suitable if it is efficient full-time education suitable to – 35
- (a) the child's age, ability and aptitude, and
- (b) any special educational needs the child may have.
- (3) Arrangements made by an authority under this section shall include arrangements made with a view to their – 40
- (a) holding at least one meeting with the child during the registration period;
- (b) holding at least one meeting with a parent of the child during the registration period;
- (c) if they consider that a person other than a parent of the child is primarily responsible for providing education to the child, 45

- holding at least one meeting with that person during the registration period;
- (d) visiting, at least once in the registration period, the place (or at least one of the places) where education is provided to the child. 5
- But in a case where the registration period begins less than six months before the date on which the child ceases to be of compulsory school age, this subsection shall be read as conferring a power rather than imposing a duty.
- (4) Arrangements made under subsection (3) may, unless the child or a parent of the child objects, provide for a meeting with the child at which no parent of the child or other person providing education to the child is present. 10
- (5) In making arrangements under this section – 15
- (a) to meet with the child or any other person, or
- (b) to visit a place where education is provided to the child, the authority shall give at least two weeks written notice of the meeting or visit.
- (6) In this section “registration period” has the same meaning as in section 19D. 20

19F Revocation of registration

- (1) A local authority in England may revoke the registration of a child’s details on their home education register if it appears to them that – 25
- (a) the child’s parent has failed to fulfil an undertaking given by virtue of section 19C(4)(e),
- (b) information that has been provided in connection with the application for the child’s details to be entered on the register is incorrect or inadequate in a material respect (whether or not it was so when it was provided),
- (c) the child is not a home-educated child, 30
- (d) it would be harmful to the child’s welfare for the child to continue to be a home-educated child,
- (e) by reason of a failure to co-operate with the authority in arrangements made by them under section 19E, or an objection to a meeting as mentioned in section 19E(4), the authority have not had an adequate opportunity to ascertain the matters referred to in section 19E(1), 35
- (f) the child is not receiving suitable education, or
- (g) the child is no longer in their area.
- (2) For the purposes of subsection (1)(f) a child’s education is suitable if it is efficient full-time education suitable to – 40
- (a) the child’s age, ability and aptitude, and
- (b) any special educational needs the child may have.
- (3) If an authority revoke registration of a child’s details on their home education register under this section, they must give the child’s parent notice of the revocation and of the reasons for it. 45

- (4) In determining whether the condition in subsection (1)(d) or (f) is satisfied, an authority shall, so far as is reasonably practicable and consistent with the child's welfare, give due consideration (having regard to the child's age and understanding) to any wishes and feelings of the child ascertained by them. 5
- (5) Regulations may make provision about steps to be taken by an authority in connection with revocation, or proposed revocation, of registration of a child's details on their home education register.
- (6) The regulations may, in particular, make provision about matters that are or are not to be taken into account by an authority – 10
- (a) in determining whether any of the conditions in subsection (1)(b) to (f) is met;
 - (b) in determining whether to revoke registration of a child's details under this section.
- 19G Appeal against authority's decision** 15
- (1) Regulations made under this section shall –
- (a) confer a right of appeal on a parent to whom a local authority in England have given notice under section 19B(5)(b) or (c) or 19F(3), and
 - (b) make provision in respect of appeals brought in exercise of that right. 20
- (2) The regulations may, in particular make provision –
- (a) about the period within which a right of appeal may be exercised;
 - (b) for the extension of the registration period provided for in section 19D in a case where a right of appeal has been exercised; 25
 - (c) about the person or body to whom an appeal lies and the powers of that person or body;
 - (d) for the payment of an allowance or the making of other payments to that person or to members of that body; 30
 - (e) about the matters to which regard is to be had in considering an appeal;
 - (f) as to the procedure on appeals.
- 19H Supply of information for purposes of home education functions** 35
- (1) Regulations may make provision for a person within subsection (2) to be required to supply to a local authority in England, for the purposes of the exercise of their home education functions, prescribed information about a child of compulsory school age –
- (a) whose name has been deleted from the register maintained by the proprietor of a school in England under section 434 because the child is, or is to be, a home-educated child, 40
 - (b) in respect of whom an application has been made for registration on the authority's home education register,
 - (c) registration of whose details on the home education register of another local authority has been refused or revoked, or 45

	(d) in respect of whom a notice, or a school attendance order, has been served by a local authority in England under section 437.					
	(2) The persons within this subsection are –					
	(a) a local authority in England, and	5				
	(b) in relation to a child within paragraph (a) of subsection (1), the proprietor referred to in that paragraph.					
	(3) An authority’s “home education functions”, in subsection (1), means their functions under or by virtue of sections 19A to 19G.					
19I	Home education register: statutory guidance	10				
	In exercising their functions under or by virtue of sections 19A to 19H, a local authority in England shall have regard to any guidance given from time to time by the Secretary of State.”					
2	In section 580 of EA 1996 (index), at the appropriate place there is inserted –					
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> “home-educated child home education register </td> <td style="width: 5%; vertical-align: middle; text-align: center;"> </td> <td style="width: 45%; vertical-align: top;"> section 19A(4) section 19A(4)”. </td> <td style="width: 10%; vertical-align: middle; text-align: right;">15</td> </tr> </table>	“home-educated child home education register		section 19A(4) section 19A(4)”.	15	
“home-educated child home education register		section 19A(4) section 19A(4)”.	15			
<i>Duty to make arrangements to identify unregistered children, etc</i>						
3	In Chapter 2 of Part 6 of EA 1996 (school attendance), before section 436A there is inserted –					
	“436ZA Duty to make arrangements to identify children not receiving education, etc: England	20				
	(1) A local authority in England must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are –					
	(a) of compulsory school age, and	25				
	(b) within subsection (2) or (3).					
	(2) A child within this subsection is one who is not a home-educated child, but –					
	(a) is not a registered pupil at a school, and					
	(b) is not receiving suitable education otherwise than at a school.	30				
	(3) A child within this subsection is one who –					
	(a) is a home-educated child, but					
	(b) is not registered on the authority’s home education register.					
	(4) In exercising their functions under this section, a local authority must have regard to any guidance given from time to time by the Secretary of State.	35				
	(5) In this Chapter, “suitable education”, in relation to a child, means efficient full-time education suitable to –					
	(a) the child’s age, ability and aptitude, and					
	(b) any special educational needs the child may have.”	40				

- 4 In section 436A of EA 1996 (the title of which becomes “Duty to make arrangements to identify children not receiving education: Wales”), in subsection (1) after “authority” there is inserted “in Wales”.

School attendance orders

- 5 (1) Section 437 of EA 1996 (school attendance orders) is amended as follows. 5
- (2) Before subsection (1) there is inserted –
- “(A1) Subsection (B1) applies if –
- (a) it appears to a local authority in England that a child of compulsory school age in their area is not receiving suitable education, and 10
- (b) the child does not appear to the authority to be a home-educated child.
- (B1) The authority shall serve a notice in writing on the child’s parent requiring the parent to satisfy them within the period specified in the notice that the child is either – 15
- (a) receiving suitable education provided wholly or partly by regular attendance at school, or otherwise than at school under section 19,
- (b) registered on their home education register, or
- (c) in the area of another authority and registered on that authority’s home education register.” 20
- (3) In subsection (1), after “authority” there is inserted “in Wales”.
- (4) In subsection (2), for “That period” there is substituted “The period specified in a notice under this section”.
- (5) In subsection (3) – 25
- (a) in paragraph (a) –
- (i) after “subsection” there is inserted “(B1) or”;
- (ii) after “authority” there is inserted “as specified in the notice”;
- (iii) the words “that the child is receiving suitable education, and” are omitted; 30
- (b) at the end of paragraph (b) there is inserted “and
- (c) in the case of a notice served under subsection (B1), the child does not appear to the authority to be a home- educated child,”;
- (c) for the words from “on the parent” to the end there is substituted “a school attendance order on the parent”. 35
- (6) After subsection (3) there is inserted –
- “(3A) If it appears to a local authority in England –
- (a) that a child of compulsory school age in their area is a home-educated child, but is not registered on their home education register, and 40
- (b) that it is expedient that the child should attend school, the authority shall serve a school attendance order on the child’s parent.

- (3B) In determining for the purposes of subsection (3A)(b) whether it is expedient that a child should attend school, an authority shall disregard any education being provided to the child as a home-educated child.”
- (7) After subsection (8) there is inserted – 5
- “(9) In this Act “school attendance order” means an order, in such form as may be prescribed, served on a child’s parent under this section and requiring the parent to cause the child to become a registered pupil at a school named in the order.”
- 6 In section 438 of EA 1996 (choice of school), after “section 437(3)” there is inserted “or (3A)”. 10
- 7 In section 441 of EA 1996 (choice of school: child with statement of special educational needs), after “section 437(3)” there is inserted “or (3A)”. 10
- 8 (1) Section 442 of EA 1996 (revocation of order at request of parent) is amended as follows. 15
- (2) Before subsection (1) there is inserted –
- “(A1) Subsections (B1) to (D1) apply where a school attendance order served by a local authority in England is in force in respect of a child.
- (B1) If the child is registered on the authority’s home education register, the authority shall revoke the order. 20
- (C1) If the authority are satisfied that the child –
- (a) is in the area of another authority, and
- (b) is registered on that authority’s home education register, they shall revoke the order.
- (D1) If at any time the parent applies to the authority requesting that the order be revoked on the ground that arrangements have been made for the child to receive suitable education, otherwise than at a school, under section 19, the authority shall comply with the request, unless they are of the opinion that no satisfactory arrangements to this effect have been made.” 25
- (3) In subsection (1), for the words from “This section” to “order” there is substituted “Subsection (2) applies where a school attendance order served by a local authority in Wales”. 30
- (4) In subsection (3), after “subsection” there is inserted “(D1) or”.
- (5) In subsection (5)(a), after “subsections” there is inserted “(B1) to (D1) and”. 35
- 9 (1) Section 443 of EA 1996 (offence: failure to comply with order) is amended as follows.
- (2) Before subsection (1) there is inserted –
- “(A1) A parent on whom a school attendance order is served in respect of a child by a local authority in England, and who fails to comply with the requirements of the order, is guilty of an offence unless – 40
- (a) the parent proves that he is causing the child to receive suitable education, otherwise than at school, under section 19,

- (b) the child is registered on the authority’s home education register, or
- (c) the parent proves that the child is in the area of another authority, and the child is registered on that authority’s home education register.” 5
- (3) In subsection (1), after “served” there is inserted “by a local authority in Wales”.
- 10 In section 580 of EA 1996 (index), in the entry for “school attendance order”, for “section 437(3)” there is substituted “section 437(9)”.

SCHEDULE 2

Section 40

10

AMENDMENTS OF PART 2 RELATING TO SENSITIVE PERSONAL INFORMATION

- 1 This Part of this Act is amended as follows.
- 2 The following provisions are omitted –
- (a) in section 34 (authorised news publications), subsection (4)(a)(ii) (but not the “or” after it); 15
- (b) in section 37 (prohibiting or restricting publication for the purposes of section 34), subsection (3)(b) (but not the “or” after it);
- (c) in section 38 (defences to contempt of court), subsection (4)(b)(ii) (but not the “or” after it);
- (d) in section 42 (interpretation of Part) – 20
- (i) in subsection (1), the definition of “sensitive personal information”;
- (ii) subsection (4)(b);
- (e) Schedule 3 (list of sensitive personal information).
- 3 In section 37 (prohibiting or restricting publication for purposes of section 34), for subsection (2) there is substituted – 25
- “(2) This subsection applies if the court considers that, despite the fact the publication satisfies Condition 3 in section 34, there is a real risk that in the absence of the prohibition or restriction the publication would – 30
- (a) prejudice –
- (i) the safety of any person,
- (ii) the welfare of a child or vulnerable adult, or
- (iii) the interests of justice in the proceedings in question, or 35
- (b) be an unreasonable infringement of the privacy of any person.”

SCHEDULE 3

Section 42

SENSITIVE PERSONAL INFORMATION

- | | | |
|---|---|----|
| 1 | Information which relates to the proceedings or the subject matter of the proceedings and – | |
| | (a) which a child who is involved or referred to in the proceedings has provided to a party to the proceedings or to a person called, or whom it is proposed to call, as a witness in the proceedings, or | 5 |
| | (b) which such a child has provided to any other person and which has been, or is expected to be, referred to in the proceedings. | |
| 2 | Information which – | 10 |
| | (a) relates to a medical, psychological or psychiatric condition of any person, and | |
| | (b) has been, or is expected to be, referred to in the proceedings. | |
| 3 | Information which – | 15 |
| | (a) relates to a medical, psychological or psychiatric examination or evaluation of any person, and | |
| | (b) has been, or is expected to be, referred to in the proceedings, other than information relating to the identity of the person who carried out the examination or evaluation. | |
| 4 | Information which – | 20 |
| | (a) relates to any health care, treatment or therapy which it is proposed to provide, or which is being or has been provided, to any person, and | |
| | (b) has been, or is expected to be, referred to in the proceedings. | |

SCHEDULE 4

Section 46

25

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

CHILDREN AND SCHOOLS

Education Act 1996 (c. 56)

- | | | |
|---|--|----|
| 1 | In section 19 (exceptional provision of education in short stay schools or elsewhere), in subsections (2)(a) and (2B)(a), for “such children” there is substituted “children falling within subsection (1)”. | 30 |
| 2 | In the cross-heading before section 403 and in the heading of that section, for “Sex education” there is substituted “Sex and relationships education etc.”. | |
| 3 | (1) Section 404 (sex education: statements of policy) is amended as follows. | 35 |
| | (2) In the heading, for “Sex education” there is substituted “Sex and relationships education etc.”. | |
| | (3) In subsection (1), for “a maintained school” there is substituted “a school to which section 403 applies”. | |

(4)	In subsection (1)(a), for “sex education” there is substituted “sex and relationships education or (in Wales) sex education”.	
(5)	Subsection (2) is omitted.	
4	In section 436A (duty to make arrangements to identify children not receiving education), subsection (3) is omitted.	5
5	(1) Section 580 (index) is amended as follows.	
	(2) In the entry for “suitable education”, for “section 436A(3)” there is substituted “section 436ZA(5)”.	
	(3) Before the entry for “sex education” there is inserted –	
	“sex and relationships education section 579(1)”.	10
(4)	In the entry for “sex education”, for “section 352(3)” there is substituted “section 579(1)”.	
6	In Schedule 1 (short stay schools), for paragraph 8 there is substituted –	
	<i>“Sex and relationships education etc.</i>	
8	If or to the extent that sex and relationships education or (in Wales) sex education is given in short stay schools by virtue of regulations under paragraph 6(2), section 403 applies in relation to short stay schools as it applies in relation to the schools referred to in subsection (1ZA) of that section.	15
	<i>Political indoctrination and political issues</i>	20
8A	Sections 406 and 407 (political indoctrination and treatment of political issues) apply in relation to short stay schools as they apply in relation to community schools.”	
	<i>School Standards and Framework Act 1998 (c. 31)</i>	
7	(1) Section 110 (home-school agreements) is amended as follows.	25
	(2) In the heading, for “Home-school agreements” there is substituted “Home-school agreements: Wales”.	
	(3) In subsection (1), after “of a school” there is inserted “in Wales”.	
8	(1) Section 111 (supplementary provisions about home-school agreements) is amended as follows.	30
	(2) For subsection (1) there is substituted –	
	“(1) In discharging any function under section 109A or (as the case may be) section 110, the person or body responsible for home-school agreements at a school shall have regard to any guidance given from time to time by the appropriate Minister.”	35

- (3) In subsection (2), for the words from the beginning to “that section applies” there is substituted “If the appropriate Minister by order so provides, the person or body responsible for home-school agreements at a school”.
- (4) In subsection (4), for “the governing body of a school to which section 110(1) applies” there is substituted “the head teacher or governing body of a school within section 109A(1) or 110(1)”. 5
- (5) After subsection (6) there is inserted –
- “(7) For the purposes of this section –
- (a) the person or body responsible for home-school agreements at a school is – 10
- (i) the head teacher of a school within section 109A(1);
- (ii) the governing body of a school within section 110(1);
- (b) the appropriate minister is –
- (i) in relation to schools within section 109A(1), the Secretary of State; 15
- (ii) in relation to schools within section 110(1), the Welsh Ministers.”

Education Act 2002 (c. 32)

- 9 (1) Section 79 (duty to implement general requirements in relation to curriculum) is amended as follows. 20
- (2) In subsection (6) –
- (a) for “sex education” there is substituted “sex and relationships education”;
- (b) for “section 403(1A)” there is substituted “section 403(1ZB)”.
- (3) Subsection (7) is omitted. 25
- 10 (1) Section 80 (basic curriculum for every maintained school in England) is amended as follows.
- (2) In subsection (1), paragraphs (c) and (d) are omitted.
- (3) In subsection (3)(a), the words “or sex education” are omitted.
- 11 (1) Section 84 (curriculum requirements for first, second and third key stages) is amended as follows. 30
- (2) In the heading, for “first, second and third key stages” there is substituted “third key stage”.
- (3) In subsections (1), (2) and (3), for “the first, second and third key stages” there is substituted “the third key stage”. 35
- (4) In subsection (1) –
- (a) after “and shall” there is inserted “(subject to section 85B(3))”;
- (b) for “each of those stages” there is substituted “that stage”.
- 12 (1) Section 87 (establishment of National Curriculum for England by order) is amended as follows. 40
- (2) In subsection (1), for “subsection (3)” there is substituted “subsections (2A) and (3)”.

- (3) In subsection (3), for “the first, second and third key stages” there is substituted “the third key stage”.
- (4) In each of subsections (4) and (5), for “subsection (3)” there is substituted “subsection (2A) or (3)”.
- (5) In each of subsections (6A), (7), (8), (8A), (11), (12A) and (13), for “subsection (3)(c)” there is substituted “subsection (2A)(c) or (3)(c)”. 5
- 13 In section 96 (procedure for making certain orders and regulations), in subsection (1)(a) –
- (a) after “section 82(4),” there is inserted “83A(6),”;
- (b) for “, 87(3)(a) or (b)” there is substituted “or 87(2A)(a) or (b) or (3)(a) or (b)”. 10
- 14 (1) Section 210 (orders and regulations) is amended as follows.
- (2) In subsection (3) –
- (a) after paragraph (b) there is inserted – 15
- “(ba) section 83A(6),”;
- (b) after paragraph (d) there is inserted –
- “(da) section 85B(2),”.
- (3) In subsection (5)(b), for “section 87(3)(c)” there is substituted “section 87(2A)(c) or (3)(c)”.
- Education and Inspections Act 2006 (c. 40)* 20
- 15 In section 22 (right of governing body to determine own foundation proposals), after subsection (4) there is inserted –
- “(4A) But subsection (5) does not apply to proposals which are published in pursuance of a notice given under section 63(1)(e).”
- 16 In section 26 (proposals for removal of foundation etc: procedure), after paragraph (i) of subsection (2) there is inserted – 25
- “(ia) for proposals published in pursuance of a notice under section 63(1)(f) to be referred to the adjudicator for consideration and determination by the adjudicator (instead of by the governing body);” 30
- Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)*
- 17 In section 131(3) (meaning of “NC assessment arrangements”), for “section 87(3)(c)” there is substituted “section 87(2A)(c) or (3)(c)”.
- 18 In section 162 (powers to share information), in the definition of “NC responsible body” in subsection (5), for “section 87(3)(c)” there is substituted “section 87(2A)(c) or (3)(c)”. 35

PART 2

FAMILY PROCEEDINGS

Children and Young Persons Act 1933 (c. 12)

- 19 In section 39 (power to prohibit publication of certain matters in 40

newspapers), after subsection (2) there is inserted –

“(2A) Nothing in this section applies in relation to proceedings to which section 32 of the Children, Schools and Families Act 2010 (restriction on publication of information relating to family proceedings) applies.”

5

Administration of Justice Act 1960 (c. 65)

20 (1) Section 12 (publication of information relating to proceedings in private) is amended as follows.

(2) In subsection (1), paragraph (a) is omitted.

(3) After subsection (4) there is inserted –

10

“(5) Subsection (1) is subject to Part 2 of the Children, Schools and Families Act 2010 (family proceedings), and nothing in subsection (2) applies in relation to a contempt of court under section 32 of that Act (restriction on publication of information relating to family proceedings).”

15

21 In Schedule 2 (modifications of Act in relation to Northern Ireland), in Part 2, in sub-paragraph (1) of the modifications of section 12 for “For paragraph (a) of subsection (1) there shall be substituted” there is substituted “Before paragraph (b) of subsection (1) there is inserted”.

Magistrates’ Courts Act 1980 (c. 43)

20

22 In section 69 (sittings of magistrates’ courts for family proceedings), subsections (2) to (6) are omitted.

23 Section 71 (newspaper reports of family proceedings) is omitted.

24 (1) Section 145 (rules of court: supplementary provision) is amended as follows.

(2) In subsection (1), in paragraph (ga), for the words from “proceedings” to “1960” there is substituted “family proceedings”.

25

(3) After that subsection there is inserted –

“(1A) In subsection (1)(ga) “family proceedings which are held in private” means family proceedings at which the public have no right to be present.”

30

Matrimonial and Family Proceedings Act 1984 (c. 42)

25 In section 40 (family proceedings rules), after subsection (4) there is inserted –

“(4A) In subsection (4)(aa) “family proceedings held in private” means family proceedings at which the public have no right to be present.”

35

Children Act 1989 (c. 41)

26 In section 97 (privacy for children involved in certain proceedings), subsections (2) to (9) are omitted.

- 27 In section 104 (regulations and orders), in subsection (1), for “, 84 or 97(4)” there is substituted “or 84”.

Adoption and Children Act 2002 (c. 38)

- 28 In section 101 (privacy in adoption proceedings), subsection (1) is omitted.
- 29 In section 141 (rules of procedure), after subsection (6) there is inserted – 5
- “(7) In subsection (6) “proceedings held in private” means proceedings at which the public have no right to be present.”

Courts Act 2003 (c. 39)

- 30 In section 76 (further provision about scope of Family Procedure Rules), after subsection (2A) there is inserted – 10
- “(2B) In subsection (2A) “family proceedings held in private” means family proceedings at which the general public have no right to be present.”

SCHEDULE 5

Section 46

REPEALS 15

PART 1

CHILDREN AND SCHOOLS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Education Act 1996 (c. 56)	In section 19(6) – (a) the definition of “relevant school”; (b) in the definition of “suitable education”, the words “(and “suitable full-time education” is to be read accordingly)”.	20
	Section 404(2). Section 436A(3). In section 437(3)(a), the words “that the child is receiving suitable education, and”.	25
Crime and Disorder Act 1998 (c. 37)	In section 42(3), the words “a local authority,”.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Act 2002 (c. 32)	Section 30A. Section 79(7). In section 80 – (a) subsection (1)(c) and (d); 5 (b) in subsection (3)(a), the words “or sex education”. In section 84(3), the word “and” before paragraph (h). In section 85(4), the word “and” before paragraph (c). 10 In section 133(6), the word “or” before paragraph (b). In section 134(5), the word “or” before paragraph (b). 15
Education Act 2005 (c. 18)	Section 104.
Education and Inspections Act 2006 (c. 40)	In section 63(1) – (a) the word “or” before paragraph (d); (b) the words “or joining” in that paragraph. In section 69A – 20 (a) subsection (5); (b) in subsection (8), paragraph (b) and the word “, and” before it. In section 69B – (a) in subsection (7), paragraph (b) and the word “, and” before it; 25 (b) in subsection (9), paragraph (b) and the word “, and” before it. In section 74(1), in subsection (4) of the section 85 substituted in the Education Act 2002, the word “and” before paragraph (c). 30
Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)	In section 206(2), the word “or” before paragraph (b).

PART 2 35

FAMILY PROCEEDINGS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Administration of Justice Act 1960 (c. 65)	Section 12(1)(a).
Magistrates’ Courts Act 1980 (c. 43)	Section 69(2) to (7). Section 71. Section 145(1)(ga) and (1A). 40
Broadcasting Act 1980 (c. 64)	In Schedule 20, paragraphs 29(2) and 53.
Children Act 1989 (c. 41)	Section 97(2) to (9). In Schedule 11, in paragraph 8(c), the words “, (2), (3) and (4)” and “71(1) and (2)”. 45 In Schedule 13, paragraph 14.

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Courts and Legal Services Act 1990 (c. 41)	In Schedule 16, paragraph 24. In Schedule 18, paragraph 25(6).	
Access to Justice Act 1999 (c. 22)	Section 72.	
Adoption and Children Act 2002 (c. 38)	Section 101(1) and (2). In section 101(3), the words “and (2)”. In Schedule 3, paragraphs 38 and 39.	5
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 337(3).	
Children Act 2004 (c. 31)	Sections 62(1) and (4).	
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraph 208.	10
Children, Schools and Families Act 2010 (c. 00)	Section 34(4)(a)(ii) (but not the word “or” after it). Section 37(3)(b) (but not the word “or” after it). Section 38(4)(b)(ii) (but not the word “or” after it). In section 42 – (a) in subsection (1), the definition of “sensitive personal information”; (b) subsection (4)(b).	15
	Schedule 3. In Schedule 4, paragraph 24.	20

Children, Schools and Families Bill

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B I L L

To make provision about pupil and parent guarantees, home-school agreements, parental satisfaction surveys, children with disabilities or special educational needs, school and other education, governing bodies' powers and school teachers' qualifications; to make provision amending the Education Acts; to make provision about Local Safeguarding Children Boards and youth justice; and to make provision about publication of information relating to family proceedings.

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