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Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

Modifications etc. (not altering text)

C1 Pt. V (ss. 350-410) modified (1.9.1999) by [S.I. 1999/2262](#), [reg. 57](#)

CHAPTER I

PRELIMINARY

350 Meaning of “maintained school” etc. in Part V.

F1

Textual Amendments

F1 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002](#) (c. 32), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#)

351 General duties in respect of the curriculum.

F2

Textual Amendments

F2 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002](#) (c. 32), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439](#), [art. 3](#)

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352 Basic curriculum for every maintained school.

F3

Textual Amendments
F3 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

CHAPTER II

SECULAR EDUCATION

The National Curriculum: general

353 The National Curriculum.

F4

Textual Amendments
F4 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

354 The core subjects and other foundation subjects.

F5

Textual Amendments
F5 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

355 The key stages.

F6

Textual Amendments
F6 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3

356 Establishment of the National Curriculum by order.

F7

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Textual Amendments

F7 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

357 Implementation of the National Curriculum in schools.

F8

Textual Amendments

F8 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

The School Curriculum and Assessment Authority

F9 **358**

Textual Amendments

F9 S. 358 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

F10 **359**

Textual Amendments

F10 S. 359 repealed (1.3.1998) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1998/386, art. 2(1), **Sch. 1 Pt. I**

The Curriculum and Assessment Authority for Wales

F11 **360**

Textual Amendments

F11 S. 360 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. I**

F12 **361**

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Textual Amendments

- F12** S. 361 repealed (1.10.1997) by 1997 c. 44, s. 57(1)(4), Sch. 7 para. 26, **Sch. 8**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. I**

The National Curriculum: special cases

362 Development work and experiments.

F13

Textual Amendments

- F13** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

363 Exceptions by regulations.

F14

Textual Amendments

- F14** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

364 Pupils with statements of special educational needs.

F15

Textual Amendments

- F15** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

365 Temporary exceptions for individual pupils.

F16

Textual Amendments

- F16** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

366 Information concerning directions under section 365.

F17

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Textual Amendments

F17 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

367 Appeals against directions under section 365 etc.

F18

Textual Amendments

F18 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

The National Curriculum: supplementary provisions

368 Procedure for making certain orders and regulations.

F19

Textual Amendments

F19 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

369 Programmes of research etc. in relation to Wales.

F20

Textual Amendments

F20 Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

General functions of LEA, governing body and head teacher in relation to curriculum

F21 **370**

Textual Amendments

F21 S. 370 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, [Sch.31](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, [art. 2](#), [Sch. 1 Pt.I](#)

F22 **371**

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Textual Amendments

F22 S. 371 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

^{F23}**372**

Textual Amendments

F23 S. 372 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

^{F24}**373**

Textual Amendments

F24 S. 373 repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt.I**

^{F25}**374**

Textual Amendments

F25 S. 374 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 91, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER III

RELIGIOUS EDUCATION AND WORSHIP

Agreed syllabuses

375 Agreed syllabuses of religious education.

- (1) Subject to the provisions of Schedule 31, any agreed syllabus in force immediately before the commencement of this Act shall continue to have effect.
- (2) In this Act “agreed syllabus” means a syllabus of religious education—
 - (a) prepared before the commencement of this Act in accordance with Schedule 5 to the ^{M1}Education Act 1944 or after commencement in accordance with Schedule 31, and
 - (b) adopted by a [^{F26}local authority] under that Schedule, whether it is for use in all the schools maintained by them or for use in particular such schools or in relation to any particular class or description of pupils in such schools.

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- (3) Every agreed syllabus shall reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.
- (4) Any reference in this Act to an agreed syllabus adopted by a [^{F26}local authority] includes a reference to an agreed syllabus deemed to be adopted by such an authority by virtue of paragraph 11 of Schedule 5 to the ^{M2}Education Act 1944 or paragraph 14 of Schedule 31; and accordingly, in relation to an agreed syllabus deemed to be so adopted, any reference to the date on which an agreed syllabus was adopted is a reference to the date of deemed adoption specified by the Secretary of State in a direction under that paragraph.
- (5) Subsection (3) does not apply to any agreed syllabus adopted before 29th September 1988.

Textual Amendments

F26 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

Marginal Citations

M1 1944 c. 31.

M2 1944 c. 31.

Required provision for religious education

^{F27}**376**

Textual Amendments

F27 S. 376 repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 92](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), **Sch. 1**

^{F28}**377**

Textual Amendments

F28 S. 377 repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 92](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), **Sch. 1**

^{F29}**378**

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Textual Amendments

F29 S. 378 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F30 **379**

Textual Amendments

F30 S. 379 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F31 **380**

Textual Amendments

F31 S. 380 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F32 **381**

Textual Amendments

F32 S. 381 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F33 **382**

Textual Amendments

F33 S. 382 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F34 **383**

Textual Amendments

F34 S. 383 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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F35 **384**

Textual Amendments

F35 S. 384 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Religious worship

F36 **385**

Textual Amendments

F36 S. 385 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F37 **386**

Textual Amendments

F37 S. 386 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F38 **387**

Textual Amendments

F38 S. 387 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F39 **388**

Textual Amendments

F39 S. 388 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Exceptions and special arrangements

F40 **389**

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Textual Amendments

F40 S. 389 repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 92, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**; S.I. 1999/2323, art. 2(1), **Sch. 1**

Constitution of standing advisory councils on religious education

390 Constitution of advisory councils.

- (1) A [^{F26}local authority] shall constitute a standing advisory council on religious education for the purposes mentioned in section 391(1).
- ^{F41}(2) The council shall consist of such groups of persons appointed by the authority as representative members (“representative groups”) as are required by subsection (4).]
- (3) The council may also include co-opted members (that is, persons co-opted as members of the council by members of the council who have not themselves been so co-opted).
- (4) The representative groups required by this subsection are—
 - (a) a group of persons to represent such Christian denominations and other religions and denominations of such religions as, in the opinion of the authority, will appropriately reflect the principal religious traditions in the area;
 - (b) except in the case of an area in Wales, a group of persons to represent the Church of England;
 - (c) a group of persons to represent such associations representing teachers as, in the opinion of the authority, ought to be represented, having regard to the circumstances of the area; and
 - (d) a group of persons to represent the authority.
- (5) Where a representative group is required by subsection (4)(b), the representative group required by subsection (4)(a) shall not include persons appointed to represent the Church of England.
- (6) The number of representative members appointed to any representative group under subsection (4)(a) to represent each denomination or religion required to be represented shall, so far as consistent with the efficient discharge of the group’s functions, reflect broadly the proportionate strength of that denomination or religion in the area.
- (7) On any question to be decided by the council only the representative groups on the council shall be entitled to vote, and each representative group shall have a single vote.

Textual Amendments

F26 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F41 S. 390(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.93** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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391 Functions of advisory councils.

- (1) The purposes referred to in section 390(1) are—
- ^{F42}(a) to advise the [^{F26}local authority] on such matters connected with—
 - (i) religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character, and
 - (ii) the religious education to be given in accordance with an agreed or other syllabus in accordance with Schedule 19 to that Act,as the authority may refer to the council or as the council may see fit, and]
 - (b) to carry out the functions conferred on them by section 394.
- (2) The matters referred to in subsection (1)(a) include, in particular, methods of teaching, the choice of materials and the provision of training for teachers.
- (3) The representative groups on the council required by section 390(4), other than the group consisting of persons appointed to represent the authority, may at any time require a review of any agreed syllabus for the time being adopted by the authority.
- (4) Each representative group concerned shall have a single vote on the question of whether to require such a review.
- (5) Paragraph 3 of Schedule 31 has effect to require the authority, on receiving written notification of any such requirement, to cause a conference constituted in accordance with that Schedule to be convened for the purpose of reconsidering any agreed syllabus to which the requirement relates.
- (6) The council shall in each year publish a report as to the exercise of their functions and any action taken by representative groups on the council under subsection (3) during the last preceding year.
- (7) The council’s report shall in particular—
- (a) specify any matters in respect of which the council have given advice to the authority,
 - (b) broadly describe the nature of the advice given, and
 - (c) where any such matter was not referred to the council by the authority, give the council’s reasons for offering advice on that matter.
- ^{F43}(8)
- ^{F43}(9)
- [^{F44}(10) A council for an area in Wales must send a copy of each report published by them under subsection (6) to the Welsh Ministers.]

Textual Amendments

- F26** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F42** S. 391(1)(a)(i)(ii) substituted (1.9.1999) for s. 391(1)(a) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para. 94(2)** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**
- F43** S. 391(8)(9) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 94\(3\)](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

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F44 S. 391(10) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 6**; S.I. 2012/924, art. 2

392 Advisory councils: supplementary provisions.

- (1) In this section “the council” means the standing advisory council on religious education constituted by a [^{F26}local authority] under section 390.
- (2) Before appointing a person to represent any religion, denomination or associations as a member of the council, the authority shall take all reasonable steps to assure themselves that he is representative of the religion, denomination or associations in question.
- (3) A member of the council who was appointed by the authority may be removed from membership by the authority if, in their opinion, he ceases to be representative of the religion, denomination or associations which he was appointed to represent or (as the case may be) he ceases to be representative of the authority.

^{F45}(4)

- (5) A person co-opted as a member of the council shall hold office on such terms as may be determined by the members co-opting him.
- (6) A member of the council may at any time resign his office.
- (7) Subject to section 390(7), the council and, in relation to any question falling to be decided by members of the council of any particular category, the members of that category, may regulate their own proceedings.
- (8) The validity of proceedings of the council or of the members of the council of any particular category shall not be affected—
 - (a) by a vacancy in the office of any member of the council required by section 390(2), or
 - (b) on the ground that a member of the council appointed to represent any religion, denomination or associations does not at the time of the proceedings represent the religion, denomination or associations in question.

Textual Amendments

F26 Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F45 S. 392(4) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 95, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

^{F46}**393**

Textual Amendments

F46 S. 393 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 96, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**

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Determinations by standing advisory councils

394 Determination of cases in which requirement for Christian collective worship is not to apply.

- (1) The council constituted by a [^{F26}local authority] under section 390 shall, on an application made by the head teacher of—
 - (a) any [^{F47}community school] maintained by the authority, or
 - ^{F48}(b) any foundation school which has not been designated under section 69(3) of the School Standards and Framework Act 1998 by the Secretary of State as having a religious character,]consider whether it is appropriate for the requirement imposed by [^{F49}paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998 (requirement for Christian collective worship)] to apply in the case of the school or in the case of any class or description of pupils at the school.
- (2) In determining whether it is appropriate for that requirement to apply as mentioned in subsection (1), the council shall have regard to any circumstances relating to the family backgrounds of the pupils at the school, or of the pupils of the particular class or description in question, which are relevant for determining the character of the collective worship appropriate in their case.
- (3) The council shall give the head teacher written notification of their decision on the application.
- (4) Where the council determine that it is not appropriate for the requirement to apply as mentioned in subsection (1), the determination shall take effect for the purposes of [^{F50}paragraph 4 of Schedule 20 to the School Standards and Framework Act 1998 (disapplication of requirement for Christian collective worship)] on such date as may be specified in the notification of the council's decision under subsection (3).
- (5) Before making an application under subsection (1), the head teacher of a school shall consult the governing body.
- (6) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.
- (7) An application under subsection (1) shall be made in such manner and form as the council may require.
- (8) Where an application is made under subsection (1)(a) in respect of [^{F51}a community school which becomes a foundation school [^{F52}(by virtue of the relevant enactments)]] before the application is determined, it shall, unless withdrawn by the head teacher, continue as if made under subsection (1)(b).
- ^{F53}(9) In subsection (8) “the relevant enactments” means—
 - (a) in relation to England, sections 18 to 24 of the Education and Inspections Act 2006;
 - (b) [^{F54}in relation to Wales, section 35 of, and Schedule 8 to, the School Standards and Framework Act 1998.]]

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Textual Amendments

- F26** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F47** Words in s. 394(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F48** S. 394(1)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F49** Words in s. 394(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(2)(c)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F50** Words in s. 394(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F51** Words in s. 394(8) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 97(4)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F52** Words in s. 394(8) substituted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 9(2)**; S.I. 2007/935, art. 7(o)
- F53** S. 394(9) inserted (25.5.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 3 para. 9(3)**; S.I. 2007/935, art. 7(o)
- F54** S. 394(9)(b) omitted (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 17(3)**; S.I. 2013/1800, art. 3(j)

395 Review of determinations under section 394.

- (1) Any determination by a council under section 394 by virtue of which the requirement imposed by ^{F55}paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998] does not for the time being apply in the case of a school or a class or description of pupils at a school shall be reviewed by the council—
 - (a) at any time on an application made by the head teacher, and
 - (b) in any event not later than the end of the period of five years beginning with the date on which the determination first took effect or (where it has since been reviewed under this section) with the effective date of the decision on the last review.
- (2) On any review under subsection (1)(b) the council shall give the head teacher an opportunity of making representations as to the determination under review.
- (3) On a review under this section, the council may—
 - (a) confirm the determination, with or without variation, or
 - (b) revoke it (without prejudice to any further determination under section 394).
- (4) The council shall give the head teacher written notification of their decision, specifying the effective date of that decision for the purposes of subsection (1)(b).
- (5) Any determination which is required to be reviewed under subsection (1)(b) shall cease to have effect, if not confirmed on such a review, at the end of the period there mentioned.
- (6) The head teacher of a school shall consult the governing body before making an application under subsection (1)(a) or any representations under subsection (2).

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- (7) On being consulted by the head teacher, the governing body may if they think fit take such steps as they consider appropriate for consulting all persons appearing to them to be parents of registered pupils at the school.
- (8) An application under subsection (1)(a) shall be made in such manner and form as the council may require.

Textual Amendments

F55 Words in s. 395(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.98** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

396 Power of Secretary of State to direct advisory council to revoke determination or discharge duty.

- (1) Where the Secretary of State is satisfied, either on complaint by any person or otherwise, that any standing advisory council on religious education constituted by a [^{F26}local authority] under section 390—
 - (a) have acted, or are proposing to act, unreasonably in determining for the purposes of section 394 or 395 whether it is appropriate for the requirement imposed by [^{F56}paragraph 3(2) of Schedule 20 to the School Standards and Framework Act 1998] to apply in the case of any school or any class or description of pupils at a school, or
 - (b) have failed to discharge any duty imposed under section 394 or 395,he may give the council such directions as to the revocation of the determination, or the withdrawal of the proposed determination or (as the case may be) the discharge of the duty as appear to him to be expedient; and the council shall comply with the directions.
- (2) Directions under subsection (1) may provide for the making by the council of a new determination to take effect in place of the determination or proposed determination to be revoked or withdrawn by them.

Textual Amendments

F26 Words in Act substituted (5.5.2010) by **The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010** (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))

F56 Words in s. 396(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.99** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Access to meetings and documents

397 Religious education: access to meetings and documents.

- (1) This section applies to—
 - (a) any conference convened under any of paragraphs 1 to 3 of Schedule 31, and
 - (b) any standing advisory council on religious education constituted under section 390.

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- (2) Regulations may make provision—
- (a) for meetings of conferences or councils to be, subject to prescribed exceptions, open to members of the public,
 - (b) requiring conferences or councils to give notice, in such manner as may be prescribed, of the time and place of such meetings, and
 - (c) requiring conferences or councils, at such time or times as may be prescribed—
 - (i) to make available for inspection, or
 - (ii) to provide on payment of such fee as they think fit (not exceeding the cost of supply),
 copies of the agendas and reports for such meetings to members of the public.
- (3) Regulations made under subsection (2) may apply to—
- (a) committees appointed by [^{F57}local authorities] under paragraph 4 of Schedule 31,
 - (b) sub-committees appointed by conferences under that Schedule, and
 - (c) representative groups on councils appointed under section 390(4),
- as they apply to conferences and councils.

Textual Amendments

- F57** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

Miscellaneous

398 No requirement of attendance at Sunday school etc.

- [^{F58}(1)] It shall not be required, as a condition of—
- (a) a pupil attending a maintained school, or
 - (b) a person attending such a school to receive further education or [^{F59}any training for members of the school workforce] ,
- that he must attend or abstain from attending a Sunday school or a place of religious worship.
- [^{F60}(2) In subsection (1)(b), the reference to training for members of the school workforce is to be read in accordance with sections [^{F61}96(1) and 100] of the Education Act 2005.]

Textual Amendments

- F58** S. 398(1): s. 398 renumbered as s. 398(1) (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), **Sch. 14 para. 16(3)**
- F59** Words in s. 398(b) substituted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), **Sch. 14 para. 16(2)**
- F60** S. 398(2) inserted (1.9.2005) by [Education Act 2005 \(c. 18\)](#), s. 125(3)(a), **Sch. 14 para. 16(3)**
- F61** Words in s. 398(2) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 5 para. 11**; S.I. 2012/924, art. 2

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399 Determination of question whether religious education in accordance with trust deed.

Where any trust deed relating to [^{F62}a foundation or voluntary school] makes provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question shall be determined in accordance with the provisions of the trust deed.

Textual Amendments

F62 Words in s. 399 substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.100** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Courses leading to external qualifications

^{F63}**400**

Textual Amendments

F63 S. 400 repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), **Sch.8**; S.I. 2001/1215, **art. 2**

^{F64}**401**

Textual Amendments

F64 S. 401 repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), 58(3), **Sch.8**; S.I. 2001/1215, **art. 2**

Obligation to enter pupils for public examinations

402 Obligation to enter pupils for public examinations.

- (1) Subject to subsections (2) and (3), the governing body of a maintained school shall secure that each registered pupil at the school is entered, at such time as they consider appropriate, for each prescribed public examination for which he is being prepared at the school at the time in question in each syllabus for that examination for which he is being so prepared.
- (2) The governing body are not required to secure that a pupil is entered for any examination, or for an examination in any syllabus for that examination, if either—

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- (a) they consider that there are educational reasons in the case of that particular pupil for not entering him for that examination or (as the case may be) for not entering him for that examination in that syllabus, or
- (b) the parent of the pupil requests in writing that the pupil should not be entered for that examination or (as the case may be) for that examination in that syllabus;

but this subsection does not apply to an examination which is part of the assessment arrangements for the fourth key stage and applies in the case of that pupil.

- (3) The governing body are not required to secure that a pupil is entered for any examination in any syllabus for that examination if they have secured his entry for another prescribed public examination in a corresponding syllabus.
- (4) For the purposes of subsection (3) a syllabus for a prescribed public examination shall be regarded as corresponding to a syllabus for another prescribed public examination if the same course of study is provided at the school in preparation for both syllabuses.
- (5) As soon as practicable after determining whether or not to secure the entry of any pupil for a prescribed public examination in any syllabus for which he is being prepared at the school, the governing body shall notify the pupil's parent in writing of their determination in relation to each such syllabus.
- (6) In this section—
 - (a) “maintained school” includes [^{F65}a community or foundation special school] established in a hospital;
 - [^{F66}(aa) “assessment arrangements” and “fourth key stage”—
 - (i) in relation to a school maintained by a [^{F26}local authority] in England, have the same meaning as in Part 6 of the Education Act 2002 (the curriculum in England), and
 - (ii) in relation to a school maintained by a [^{F26}local authority] in Wales, have the same meaning as in Part 7 of that Act (the curriculum in Wales); and]
 - (b) references to a prescribed public examination shall be construed in accordance with section 462.

Textual Amendments

- F26** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F65** Words in s. 402(6) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.101** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F66** S. 402(6)(aa) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) for word at the end of s. 402(6)(a) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216(4), **Sch. 21 para. 45** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. 1

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Sex education

403 Sex education: manner of provision.

- (1) The ^{F67} . . . , governing body and head teacher shall take such steps as are reasonably practicable to secure that where sex education is given to any registered pupils at a maintained school, it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life.

[^{F68}(1A) The Secretary of State must issue guidance designed to secure that when sex education is given to registered pupils at maintained schools—

- (a) they learn the nature of marriage and its importance for family life and the bringing up of children, and
(b) they are protected from teaching and materials which are inappropriate having regard to the age and the religious and cultural background of the pupils concerned.

(1B) In discharging their functions under subsection (1) governing bodies and head teachers must have regard to the Secretary of State’s guidance.

(1C) Guidance under subsection (1A) must include guidance about any material which may be produced by NHS bodies for use for the purposes of sex education in schools.

(1D) The Secretary of State may at any time revise his guidance under subsection (1A).]

- (2) In [^{F69}this section]“maintained school” includes [^{F70}a community or foundation special school] established in a hospital [^{F71}and “NHS body” has the same meaning as in [^{F72}the National Health Service Act 2006 (see section 275(1) of that Act)] .]

Textual Amendments

- F67** Words in s. 403(1) repealed (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, ss. 148(3), 153, **Sch. 11** (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F68** S. 403(1A)-(1D) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(4) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F69** Words in s. 403(2) substituted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(5)(a) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F70** Words in s. 403(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 102** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F71** Words in s. 403(2) inserted (1.11.2000 (E.) 1.9.2001 (W.)) by 2000 c. 21, s. 148(5)(b) (with s. 150); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F72** Words in s. 403(2) substituted (1.4.2013) by The Health and Social Care Act 2012 (Consequential Amendments) Order 2013 (S.I. 2013/594), arts. 1(2), 3

404 Sex education: statements of policy.

- (1) The governing body of a maintained school shall—
- (a) make, and keep up to date, a separate written statement of their policy with regard to the provision of sex education, and
- (b) make copies of the statement available for inspection (at all reasonable times) by parents of registered pupils at the school and provide a copy of the statement free of charge to any such parent who asks for one.

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[^{F73}(1A) A statement under subsection (1) must include a statement of the effect of section 405.]

(2) In subsection (1) “maintained school” includes, in relation to pupils who are provided with secondary education, [^{F74}a community or foundation special school] established in a hospital.

^{F75}(3)

Textual Amendments

- F73** S. 404(1A) inserted (1.11.2000 (E.), 1.9.2001 (W.)) by 2000 c. 21, **ss. 148(6), 154** (with s. 150)); S.I. 2000/2559, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274 art. 2(2) Sch. Pt. II
- F74** Words in s. 404(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 103(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F75** S. 404(3) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 103(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**

Modifications etc. (not altering text)

- C2** S. 404 applied (with modifications) (E.) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 1**
- C3** S. 404 applied (W.) (23.4.2007) by The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 (S.I. 2007/1069), reg. 1(1), **Sch. 1 para. 1**
- C4** S. 404 applied (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 3**

405 Exemption from sex education.

If the parent of any pupil in attendance at a maintained school requests that he may be wholly or partly excused from receiving sex education at the school, the pupil shall, except so far as such education is comprised in the National Curriculum, be so excused accordingly until the request is withdrawn.

Modifications etc. (not altering text)

- C5** S. 405 applied (with modifications) (E.) (1.9.2005) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2005 (S.I. 2005/2039), reg. 1(1), **Sch. 1 para. 2**
- C6** S. 405 applied (with modifications) (W.) (23.4.2007) by The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 (S.I. 2007/1069), reg. 1(1), **Sch. 1 para. 2**
- C7** S. 405 applied (with modifications) (E.) (1.2.2008) by The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 (S.I. 2007/2979), reg. 1(1), **Sch. 1 para. 4**

Politics

406 Political indoctrination.

- (1) The [^{F26}local authority], governing body and head teacher shall forbid—
- (a) the pursuit of partisan political activities by any of those registered pupils at a maintained school who are junior pupils, and
 - (b) the promotion of partisan political views in the teaching of any subject in the school.

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- (2) In the case of activities which take place otherwise than on the school premises, subsection (1)(a) applies only where arrangements for junior pupils to take part in the activities are made by—
- (a) any member of the school’s staff (in his capacity as such), or
 - (b) anyone acting on behalf of the school or of a member of the school’s staff (in his capacity as such).
- (3) In this section “maintained school” includes [^{F76}a community or foundation special school] established in a hospital.

Textual Amendments

- F26** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F76** Words in s. 406(3) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para.104** (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

407 Duty to secure balanced treatment of political issues.

- (1) The [^{F26}local authority], governing body and head teacher shall take such steps as are reasonably practicable to secure that where political issues are brought to the attention of pupils while they are—
- (a) in attendance at a maintained school, or
 - (b) taking part in extra-curricular activities which are provided or organised for registered pupils at the school by or on behalf of the school,
- they are offered a balanced presentation of opposing views.
- (2) In this section “maintained school” includes [^{F77}a community or foundation special school] established in a hospital.

Textual Amendments

- F26** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F77** Words in s. 407(2) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para.105** (with ss. 138(9), 144(6)); [S.I. 1999/2323, art. 2\(1\)](#), **Sch. 1**

Information

408 Provision of information.

- (1) Regulations may require, in relation to every maintained school, the [^{F26}local authority], the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—
- (a) such information (including information as to the matters mentioned in subsection (2)) relevant for the purposes of any of the relevant provisions

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of this Part [^{F78}or Part V of the Education Act 1997][^{F79}or section 96 of the Learning and Skills Act 2000][^{F80}or the relevant provisions of the Education Act 2002][^{F81}or the provisions of [^{F82}Part 7] of the Apprenticeships, Skills, Children and Learning Act 2009][^{F83}or the provisions of the Qualifications Wales Act 2015], and

^{F84}[(b) such copies of the documents mentioned in subsection (3), as may be prescribed.]

(2) The matters referred to in subsection (1)(a) are—

- (a) the curriculum for maintained schools,
- (b) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils,
- (c) the educational achievements of pupils at the school (including the results of any assessments of those pupils, whether under this Part or otherwise, for the purpose of ascertaining those achievements), and
- (d) the educational achievements of [^{F85}such classes or descriptions of pupils] as may be prescribed (including results of the kind mentioned in paragraph (c)). [^{F86}, and

^{F86}(e) arrangements relating to [^{F87}relevant] qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) [^{F88}which are approved under section 98 ^{F89}... of that Act] and to courses leading to such qualifications.]

[^{F90}(f) arrangements relating to qualifications within the meaning given in section 56 of the Qualifications Wales Act 2015 which are approved under Part 4 of that Act and to courses of education or training leading to such qualifications.]

^{F91}[(3) The documents referred to in subsection (1)(b) are—

- (a) any written statement made by the [^{F26}local authority] under section 370,
- (b) any written statement made by the governing body in pursuance of provision made under section 371,
- (c) any written statement made by the governing body of their policy as to the curriculum for the school, and
- (d) any report prepared by the governing body under section 161 or paragraph 7 of Schedule 23 (governors' annual reports).]

(4) For the purposes of subsection (1) the relevant provisions of this Part are—

(a) ^{F92}.....

^{F93}[(b) sections 375(3) and 384;]

[(c) sections 385 and 388 and, so far as relating to county schools, sections 386 and 387;]

(d) sections [^{F94}390] to 392;

(e) sections 394 to 396;

(f) sections 398 ^{F95}... and 405; ^{F96}...

(g) [^{F97}section 409][^{F98}; and]

[^{F99}(h) in so far as subsection (1) applies in relation to Wales, sections 403 and 404]

[^{F100}(4A) For the purposes of subsection (1) the relevant provisions of the Education Act 2002 are—

- (a) Part 6 (the curriculum in England), and
- (b) sections 97 to 117 (the curriculum in Wales).]

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- (5) Before making any regulations under this section, the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.
- (6) Regulations under this section shall not require information as to the results of an individual pupil's assessment (whether under ^{F101}Part 6 or 7 of the Education Act 2002] or otherwise) to be made available to any persons other than—
- (a) the parents of the pupil concerned,
 - (b) the pupil concerned,
 - (c) in the case of a pupil who has transferred to a different school, the head teacher of that school,
 - (d) the governing body of the school, or
 - (e) the ^{F26}local authority];
- ^{F102} ...
- ^{F103}(6A) Regulations under this section shall not require information as is mentioned in subsection (6) to be made available—
- (a) to a governing body except where relevant for the purposes of the performance of any of their functions;
 - (b) to a head teacher except where relevant for the purposes of the performance of any of the head teacher's functions;
 - (c) to a local authority except where relevant for the purposes of the performance of any of their education functions.]
- (7) Regulations under this section may authorise ^{F57}local authorities], governing bodies and head teachers to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.
- (8) In relation to any maintained school, the ^{F26}local authority] and the governing body shall exercise their functions with a view to securing that the head teacher complies with any regulations made under this section.
- ^{F104}(8A) In exercising their functions under subsection (1), the Welsh Ministers must have regard to the desirability of information being available to parents and others about whether, and if so how, any parts of the curriculum and any educational provision at maintained schools (other than maintained nursery schools) promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).]
- ^{F105}(9) In this section “maintained school” includes a maintained nursery school.]

Textual Amendments

- F26** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F57** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F78** Words in s. 408(1)(a) inserted (1.10.1997) by [1997 c. 44, s. 57\(1\)](#), **Sch. 7 para. 30(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**

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- F79** Words in s. 408(1)(a) inserted (28.7.2000 for certain purposes otherwise 1.9.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(2)** (with s.150); S.I. 2001/654, art. 2(3), **Sch. Pt. III** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F80** Words in s. 408(1)(a) inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 46(2)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**; Sch. Pt. I
- F81** Words in s. 408(1)(a) inserted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(2)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F82** Words in s. 408(1)(a) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 7**; S.I. 2012/924, art. 2
- F83** Words in s. 408(1)(a) inserted (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 1(2)(a)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- F84** S. 408(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F85** Words in s. 408(2)(d) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**
- F86** S. 408(2)(e) and preceding ", and" inserted (28.7.2000 for certain purposes, otherwise 1.9.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(3)** (with 150); S.I. 2001/654, art. 2(3), **Sch. Pt. III** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F87** Word in s. 408(2)(e) substituted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(3)(a)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F88** Words in s. 408(2)(e) inserted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(3)(b)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F89** Words in s. 408(2)(e) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 1(2)(b)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- F90** S. 408(2)(f) inserted (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 1(2)(c)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- F91** S. 408(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F92** S. 408(4)(a) repealed (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(3)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I
- F93** S. 408(4)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(d)(i), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F94** Word in s. 408(4)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(d)(ii)** (with ss. 138(9), 144(6))
- F95** Words in s. 408(4)(f) repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), Sch. 7 para. 30(b), **Sch. 8**; S.I. 2001/1215, **art. 2**
- F96** Word in s. 408(4)(f) omitted (5.10.2015) by virtue of Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(a)**, 25(3); S.I. 2015/1680, art. 2(d)
- F97** S. 408(4)(g) repealed (19.4.2010 for specified purposes, 1.9.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 223(1)(a), 269(4), **Sch. 16 Pt. 7**; S.I. 2010/303, art. 5, Sch. 4; S.I. 2010/1151, art. 4, Sch. 2
- F98** Word in s. 408(4)(g) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(b)**, 25(3); S.I. 2015/1680, art. 2(d)
- F99** S. 408(4)(h) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(c)**, 25(3); S.I. 2015/1680, art. 2(d)
- F100** S. 408(4A) inserted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(4)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I

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- F101** Words in s. 408(6) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(5)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I
- F102** Words in s. 408(6)(e) repealed (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 7(7)(a), **Sch. 3 Pt. 1**
- F103** S. 408(6A) inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(7)(b)**
- F104** S. 408(8A) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(d)**, 25(3); S.I. 2015/1680, art. 2(d)
- F105** S. 408(9) inserted (1.9.2003 for E., 1.8.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 46(6)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2008/1728, art. 3, Sch. Pt. 2

Complaints and enforcement

409 [^{F106}Complaints and enforcement: maintained schools [^{F107}in Wales] .]

- [^{F108}(1) A local education authority [^{F109}in Wales] shall, ^{F110} . . . after consultation with governing bodies [^{F111}of foundation and voluntary aided schools [^{F109}in Wales].] make arrangements for the consideration and disposal of any complaint to which subsection (2) applies.
- (2) This subsection applies to any complaint which is to the effect that the authority, or the governing body of [^{F112}any community, foundation or voluntary school maintained by the authority^{F113}, any maintained nursery school so maintained] or any community [^{F114}or foundation special] school] so maintained which is not established in a hospital—
- (a) have acted or are proposing to act unreasonably in relation to the exercise of a power conferred on them by or under a relevant enactment, or
- (b) have acted or are proposing to act unreasonably in relation to the performance of, or have failed to discharge, a duty imposed on them by or under a relevant enactment.
- (3) In subsection (2) “relevant enactment” means—
- (a) any provision which by virtue of section 408(4) is a relevant provision of this Part for the purposes of section 408(1),
- [^{F115}(aa) any provision which by virtue of section 408(4A) is a relevant provision of the Education Act 2002 for the purposes of section 408(1),] and
- (b) any other enactment (whether contained in this Part or otherwise) so far as relating to the curriculum for, or religious worship in, maintained schools
^{F116} . . .
- (4) The [^{F117}Welsh Ministers] shall not entertain under [^{F118}section 496 (power to prevent unreasonable exercise of functions) or 497 (powers where a local education authority or governing body fail to discharge their duties)] [^{F118}Chapter 1 or 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in conduct of maintained schools and local authorities)] any complaint to which subsection (2) applies, unless a complaint concerning the same matter has been made and disposed of in accordance with arrangements made under subsection (1).]

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Textual Amendments

- F106** S. 409 sidenote substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(d)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F107** Words in s. 409 heading inserted (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(a)(iii)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)
- F108** S. 409 repealed (19.4.2010 for specified purposes, 1.9.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 223(1)(b), 269(4), **Sch. 16 Pt. 7**; S.I. 2010/303, art. 5, **Sch. 4**; S.I. 2010/1151, art. 4, **Sch. 2**
- F109** Words in s. 409(1) inserted (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(a)(i)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)
- F110** Words in s. 409(1) repealed (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 47(2)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F111** Words in s. 409(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F112** Words in s. 409(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 107(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F113** Words in s. 409(2) inserted (1.9.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 47(3)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4
- F114** Words in s. 409(2) omitted (1.10.2013) by virtue of School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 17(4)**; S.I. 2013/1800, art. 3(j)
- F115** S. 409(3)(aa) inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 47(4)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F116** Words in s. 409(3)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 107(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F117** Words in s. 409(4) substituted (1.8.2012) by Education Act 2011 (c. 21), **ss. 45(2)(a)(ii)**, 82(3); S.I. 2012/1087, art. 2 (with art. 6)
- F118** Words in s. 409(4) substituted (20.2.2014) by School Standards and Organisation (Wales) Act 2013 (anaw 1), s. 100(4), **Sch. 5 para. 2(2)**; S.I. 2014/178, art. 2(f) (with art. 3)

Nursery education

410 Application of Part V in relation to nursery education.

[^{F119}Nothing in this Part applies in relation to a nursery school or in relation to a nursery class in a primary school.]

Textual Amendments

- F119** S. 410 repealed (1.10.2002 for E., 1.8.2008 for W.) by Education Act 2002 (c. 32), ss. 205, 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2008/1728, art. 3, Sch. Pt. 2

Status:

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