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# Education Act 1997

## CHAPTER 44

### EDUCATION ACT 1997

#### PART I

##### ASSISTED PLACES SCHEME

- 1 Extension of assisted places scheme to schools providing only primary education.

#### PART II

##### SCHOOL DISCIPLINE

###### *Responsibility for discipline*

- 2 Responsibility for discipline: LEA-maintained schools.
- 3 Responsibility for discipline: grant-maintained and grant-maintained special schools.

###### *Power to restrain pupils*

- 4 Power of members of staff to restrain pupils.

###### *Detention*

- 5 Detention outside school hours lawful despite absence of parental consent.

###### *Exclusion of pupils from school*

- 6 Variation of limit on fixed-period exclusions: all maintained schools.
- 7 Exclusion or reinstatement appeals: LEA-maintained schools.

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- 8 Exclusion appeals: grant-maintained and grant-maintained special schools.

*LEA plans*

- 9 LEA plans relating to children with behavioural difficulties.

**PART III**

SCHOOL ADMISSIONS

**CHAPTER I**

COUNTY AND VOLUNTARY SCHOOLS

*Partially-selective schools*

- 10 Restriction of right to refuse admission to partially-selective school.

*Children permanently excluded from two or more schools*

- 11 No requirement to admit children permanently excluded from two or more schools.  
12 Appeals in the case of children permanently excluded from two or more schools.

*Home-school partnership documents*

- 13 Home-school partnership documents.

**CHAPTER II**

GRANT-MAINTAINED SCHOOLS

- 14 Corresponding provisions about admissions to grant-maintained schools.

**PART IV**

BASELINE ASSESSMENTS AND PUPILS' PERFORMANCE

**CHAPTER I**

BASELINE ASSESSMENTS

- 15 Introductory.  
16 Adoption of baseline assessment schemes.  
17 Assessment of pupils in accordance with scheme.  
18 Regulations for purposes of this Chapter.

**CHAPTER II**

PUPILS' PERFORMANCE

- 19 School performance targets.  
20 Provision of information about individual pupils' performance.

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## PART V

### SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

#### CHAPTER I

##### THE QUALIFICATIONS AND CURRICULUM AUTHORITY

###### *Establishment of the Authority*

- 21 The Qualifications and Curriculum Authority.

###### *Functions of the Authority*

- 22 General function of Authority to advance education and training.  
23 Functions of the Authority in relation to curriculum and assessment.  
24 Functions of the Authority in relation to external vocational and academic qualifications.  
25 Other functions of the Authority.  
26 Supplementary provisions relating to discharge by Authority of their functions.  
26A Power of Authority to give directions

#### CHAPTER II

##### THE QUALIFICATIONS, CURRICULUM AND ASSESSMENT AUTHORITY FOR WALES

###### *Renaming of the Authority*

- 27 The Qualifications, Curriculum and Assessment Authority for Wales.

###### *Functions of the Authority*

- 28 General function of Authority to advance education and training.  
29 Functions of the Authority in relation to curriculum and assessment.  
30 Functions of the Authority in relation to external vocational and academic qualifications.  
31 Other functions of the Authority.  
32 Supplementary provisions relating to discharge by Authority of their functions.  
32A Power of Authority to give directions

#### CHAPTER III

##### PROVISIONS SUPPLEMENTARY TO CHAPTERS I AND II

###### *Dissolution of existing bodies*

- 33 Dissolution of existing bodies.

###### *Transfer of property and staff*

- 34 Transfer of property.  
35 Transfer of staff.

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*Levy on bodies awarding accredited qualifications*

- 36 Levy on bodies awarding qualifications accredited by relevant Authority.

**CHAPTER IV**

CONTROL OF CERTAIN COURSES LEADING TO EXTERNAL QUALIFICATIONS

- 37 Requirement for approval of certain publicly-funded and school courses leading to external qualifications.

**PART VI**

INSPECTION OF LOCAL EDUCATION AUTHORITIES AND SCHOOL INSPECTIONS

**CHAPTER I**

INSPECTION OF LOCAL EDUCATION AUTHORITIES

- 38 Inspection of LEAs.  
39 Reports of inspections under s. 38 and action plan by LEA.  
40 Inspector's rights of entry etc.  
41 Inspections involving collaboration of Audit Commission.

**CHAPTER II**

SCHOOL INSPECTIONS

- 42 Miscellaneous amendments relating to school inspections.

**PART VII**

CAREERS EDUCATION AND GUIDANCE

- 43 Provision of careers education in schools.  
44 Schools and other institutions to co-operate with careers advisers.  
45 Provision of careers information at schools and other institutions.  
46 Extension or modification of provisions of ss. 43 to 45.

**PART VIII**

MISCELLANEOUS AND GENERAL

*Exceptional educational provision*

- 47 Functions of LEAs as regards exceptional educational provision.

*Management committees for pupil referral units*

- 48 Management committees for pupil referral units.

*Teachers not under contract of employment and persons having access to those under 19*

- 49 Power to make regulations: teachers not under contract of employment and persons having access to those under 19.

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*Costs of teachers' premature retirement*

- 50 Recoupment by local education authority of costs of teachers' premature retirement.

*Definition of "school"*

- 51 Definition of "school".

*Compulsory school age*

- 52 Commencement of compulsory school age.

*General provisions*

- 53 Stamp duty.  
54 Orders and regulations.  
55 Financial provisions.  
56 Construction.  
57 Minor and consequential amendments, repeals etc.  
58 Short title, commencement and extent etc.

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SCHEDULES

SCHEDULE 1 — Schedule inserted after Schedule 25 to the Education Act 1996

SCHEDULE 2 — Schedule inserted after Schedule 33 to the Education Act 1996

SCHEDULE 3 — Schedule inserted as Schedule 33B to the Education Act 1996

SCHEDULE 4 — The Qualifications and Curriculum Authority

*Status*

- 1 The Authority shall not be regarded as a servant or...

*Powers*

- 2 (1) The Authority may do anything which is calculated to...  
3 (1) The Authority may give to any person or body...

*Chief officer*

- 4 (1) The Authority shall have a chief officer.

*Chairman and chief officer: division of functions*

- 5 (1) The Secretary of State may, on appointing a person...

*Tenure of office*

- 6 (1) A person shall hold and vacate office as a...  
7 The Secretary of State may, if satisfied that a member...  
8 If the chairman or deputy chairman of the Authority ceases...

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#### *Payments to members*

- 9 (1) The Authority shall pay to their members such salaries...

#### *Staff*

- 10 Subject to the approval of the Secretary of State, the...  
11 (1) Employment with the Authority shall be included among the...

#### *Finance*

- 12 (1) The Secretary of State may make grants to the...

#### *Committees*

- 13 (1) The Authority— (a) may establish a committee for any...

#### *Delegation of functions*

- 14 (1) The Authority may authorise the chairman, the deputy chairman,...

#### *Proceedings*

- 15 (1) The following persons, namely— (a) a representative of the...  
16 The validity of the Authority's proceedings shall not be affected...  
17 Subject to the preceding provisions of this Schedule, the Authority...

#### *Accounts*

- 18 (1) The Authority shall— (a) keep proper accounts and proper...

#### *Documents*

- 19 The application of the seal of the Authority shall be...  
20 Any document purporting to be an instrument made or issued...

### SCHEDULE 5 — The Qualifications, Curriculum and Assessment Authority for Wales

#### *Status*

- 1 The Authority shall not be regarded as a servant or...

#### *Powers*

- 2 (1) The Authority may do anything which is calculated to...  
3 (1) The Authority may give to any person or body...

#### *Chief officer*

- 4 (1) The Authority shall have a chief officer who shall...

#### *Tenure of office*

- 5 (1) A person shall hold and vacate office as a...  
6 The Secretary of State may, if satisfied that a member...  
7 If the chairman or deputy chairman of the Authority ceases...

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#### *Payments to members*

- 8 (1) The Authority shall pay to their members such salaries...

#### *Staff*

- 9 Subject to the approval of the Secretary of State, the...  
10 (1) Employment with the Authority shall continue to be included...

#### *Finance*

- 11 (1) The Secretary of State may make grants to the...

#### *Committees*

- 12 (1) The Authority— (a) may establish a committee for any...

#### *Delegation of functions*

- 13 (1) The Authority may authorise the chairman, the deputy chairman,...

#### *Proceedings*

- 14 (1) The following persons, namely— (a) a representative of the...  
15 The validity of the Authority's proceedings shall not be affected...  
16 Subject to the preceding provisions of this Schedule, the Authority...

#### *Accounts*

- 17 (1) The Authority shall— (a) keep proper accounts and proper...

#### *Documents*

- 18 The application of the Authority's seal shall be authenticated by...  
19 Any document purporting to be an instrument made or issued...

### SCHEDULE 6 — School inspections

#### *Introductory*

- 1 In this Schedule “the 1996 Act” means the School Inspections...

#### *Rights of entry etc. for Chief Inspectors*

- 2 For subsections (8) and (9) of section 2 of the...  
3 For subsections (8) and (9) of section 5 of the...

#### *Removal of inspectors from register*

- 4 In subsection (2)(d) of section 8 of the 1996 Act...  
5 In paragraph 9(2)(d) of Schedule 1 to the Nursery Education...

#### *Inspections of closing schools*

- 6 (1) Section 10 of the 1996 Act (inspections by registered...

#### *Publication of inspection reports*

- 7 In each of sections 16(4)(c) and 20(4)(c) of the 1996...

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*Computer records*

- 8 In section 42 of the 1996 Act (inspection of computer...

*Delegation of functions of Chief Inspectors*

- 9 In paragraph 5(3) of Schedule 1 to the 1996 Act...

*Tenders and consultation*

- 10 For paragraph 2 of Schedule 3 to the 1996 Act...

*Inspection teams*

- 11 For paragraph 3(1) of Schedule 3 to the 1996 Act...

*Rights of entry etc. for registered inspectors*

- 12 (1) The existing provisions of paragraph 7 of Schedule 3...

SCHEDULE 7 — Minor and consequential amendments

*Public Records Act 1958 (c. 51)*

- 1 In Part II of the Table at the end of...

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 2 (1) Subject to sub-paragraph (2), in the Local Authorities (Goods...

*Superannuation Act 1972 (c. 11)*

- 3 (1) In Schedule 1 to the Superannuation Act 1972, in...

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 (1) Part III of Schedule 1 to the House of...

*Local Government Finance Act 1982 (c. 32)*

- 5 In Schedule 3 to the Local Government Finance Act 1982...

*Finance Act 1991 (c. 31)*

- 6 In section 32(10) of the Finance Act 1991 (relief in...

*Charities Act 1993 (c. 10)*

- 7 In Schedule 2 to the Charities Act 1993 (exempt charities)—...

*Nursery Education and Grant-Maintained Schools Act 1996 (c. 50)*

- 8 In section 1(2) of the Nursery Education and Grant-Maintained Schools...

*Education Act 1996 (c. 56)*

- 9 (1) Section 3 of the Education Act 1996 (definition of...  
10 In section 4(2) of that Act (schools: general)—  
11 In section 6(1) of that Act (nursery schools), for “the...



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- 12 In section 14(4) of that Act (functions of LEA in...
- 13 In section 17(2) of that Act (powers of LEA in...
- 14 In section 29(6)(b) of that Act (requirement of LEA to...
- 15 In section 86(3)(b) of that Act (instrument of government to...
- 16 In section 156 of that Act (exclusion of pupils), for...
- 17 In section 231 of that Act (powers of governing body...
- 18 In section 265(1)(a) of that Act (proposals for change of...
- 19 In section 266(1)(b) of that Act (interpretation of Chapter VII...
- 20 In section 290(9) of that Act (groups of grant-maintained schools)—...
- 21 In section 292(2) of that Act (nursery education in grant-maintained...
- 22 In section 307 of that Act (exclusion of pupils), for...
- 23 In section 312(2)(c) of that Act (meaning of “learning difficulty”...
- 24 In section 332(1) of that Act (duty of Health Authority...
- 25 In section 343(2) of that Act (nursery education in grant-maintained...
- 26 Omit sections 358 to 361 of that Act (provisions about...
- 27 In section 362(7) of that Act (development work and experiments)—...
- 28 In section 368(10) of that Act (procedure for making certain...
- 29 In section 391(10) of that Act (functions of advisory councils)—...
- 30 In section 408 of that Act (provision of information)—
- 31 (1) Section 411 of that Act (duty to comply with...
- 32 In section 422(6) of that Act (admission of pupils to...
- 33 In section 423 of that Act (appeal arrangements), omit subsection...
- 34 In section 424 of that Act (admission of pupils to...
- 35 In section 448 of that Act (exemption where child becomes...
- 36 In section 492(2) of that Act (adjustment of amounts eligible...
- 37 In section 537(4) of that Act (power of Secretary of...
- 38 For the cross-heading “CORPORAL PUNISHMENT” preceding section 548 of that...
- 39 In section 551 of that Act (regulations as to the...
- 40 (1) Section 568 of that Act (orders) shall be amended...
- 41 In section 571 of that Act (publication of guidance)—
- 42 At the end of section 578 of that Act (“the...
- 43 In section 579(1) of that Act (general interpretation), after the...
- 44 In section 580 of that Act (the index) at the...
- 45 In Schedule 2 to that Act (the funding authorities), paragraph...
- 46 (1) Schedule 4 to that Act (distribution of functions where...
- 47 In Schedule 16 to that Act (appeals against exclusion or...
- 48 (1) Schedule 19 to that Act (conduct and staffing of...
- 49 (1) Schedule 23 to that Act (contents of articles of...
- 50 In Schedule 28 to that Act (government and conduct of...

*School Inspections Act 1996 (c. 57)*

- 51 In section 35(4)(b) of the School Inspections Act 1996 (power...

SCHEDULE 8 — Repeals

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