



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 4

#### REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

### CHAPTER 1

#### INDEPENDENT EDUCATIONAL INSTITUTIONS IN ENGLAND

##### *Failure to meet standards*

#### **115 Power of Secretary of State to take enforcement action**

- (1) This section applies to a registered independent educational institution if the Secretary of State is satisfied, taking into account relevant evidence, that one or more of the independent educational institution standards is or are not being met in relation to the institution.
- (2) In subsection (1) “relevant evidence” means—
  - (a) the report of an inspection carried out by the Chief Inspector or an independent inspectorate, or
  - (b) any other evidence in respect of the institution.
- (3) The Secretary of State may take enforcement action under section 116 against the proprietor of a registered independent educational institution to which this section applies if either of the following conditions is met.
- (4) The first condition is that—
  - (a) the Secretary of State has, during the period of three years before the enforcement action is taken, required the proprietor of the institution to submit one or more action plans under section 114, and
  - (b) any action plan required as mentioned in paragraph (a)—

---

**Changes to legislation:** *There are currently no known outstanding effects for the Education and Skills Act 2008, Section 115. (See end of Document for details)*

---

- (i) has not been submitted, and the date specified by the Secretary of State under section 114(5)(b) has passed,
  - (ii) was submitted but was rejected, or
  - (iii) was approved but was subsequently not complied with.
- (5) The second condition is that—
- (a) at least two years before the enforcement action is taken the Secretary of State required the proprietor of the institution to submit an action plan,
  - (b) at least one inspection of the institution has been carried out, by the Chief Inspector or an independent inspectorate approved under section 106 in relation to the institution, since that requirement was imposed, and
  - (c) the Secretary of State has not at any time since that requirement was imposed been satisfied that the institution was meeting all of the independent educational institution standards.

---

**Commencement Information**

**II** [S. 115](#) in force at 5.1.2015 by [S.I. 2014/3364](#), [art. 2\(k\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Education and Skills Act 2008, Section 115.