



Education Act 2005

2005 CHAPTER 18

PART 4

MISCELLANEOUS

Maintained schools

VALID FROM 01/11/2005

101 Funding of maintained schools

Schedule 16 contains amendments relating to the funding by local education authorities of schools maintained by them.

Commencement Information

- II** [S. 101](#) partly in force; [s. 101](#) not in force at Royal Assent see [s. 125](#); [s. 101](#) in force for certain purposes for E. and for certain further purposes for E.W. at 1.11.2005 by [S.I. 2005/2034](#), arts. {8}, {9}

102 LEA targets: England

- (1) The Secretary of State may by regulations require local education authorities in England to set annual targets in respect of the educational performance—
 - (a) of pupils at schools maintained by them, and
 - (b) of any persons of compulsory school age (whether or not pupils at such schools) who are or have been looked after by them.
- (2) Regulations under this section may in particular—
 - (a) specify the matters in respect of which targets are required to be set;

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- (b) require proposed targets to be notified to the Secretary of State by a prescribed time;
 - (c) authorise the Secretary of State—
 - (i) to modify any proposed target notified to him, or
 - (ii) to require a local education authority to modify the proposed targets and to notify him of the proposed targets as modified;
 - (d) require the targets to be set by a prescribed time;
 - (e) require local education authorities to publish, in such manner as may be specified in the regulations, any targets which they set.
- (3) In subsection (1), “looked after” is to be read in accordance with section 22 of the Children Act 1989 (c. 41).

103 Removal of requirements for governors' reports and parents' meetings

- (1) In section 30 of the 2002 Act (governors' report and other information)—
- (a) in subsections (1) and (2)(a), after “maintained school” insert “ in Wales ”,
 - (b) in subsections (3) and (4), after “maintained school” insert “ (in England or Wales) ”, and
 - (c) in the heading, insert “ (Wales) ” after “reports”.
- (2) In section 33 of the 2002 Act (annual parents' meetings)—
- (a) in subsection (1), after “maintained school” insert “ in Wales ”, and
 - (b) in the heading, after “meetings” insert “ : Wales ”.
- (3) The Assembly may by order—
- (a) repeal either or both of the following provisions of the 2002 Act—
 - (i) section 30(1) and (2) (as amended by subsection (1)(a) of this section), and
 - (ii) section 33 (as amended by subsection (2) of this section), and
 - (b) make such amendments of any other enactment as appear to the Assembly to be necessary or expedient in consequence of any repeal made by virtue of paragraph (a).

Modifications etc. (not altering text)

- C1 [S. 103\(1\) restricted \(E.\) \(1.9.2005\)](#) by [The Education Act 2005 \(Commencement No.1 and Savings and Transitional Provisions\) Order 2005 \(S.I. 2005/2034\)](#), art. 10, [Sch. para. 2](#)

104 School profiles

After section 30 of the 2002 Act insert—

“30A School profiles

- (1) The governing body of a maintained school in England shall prepare and publish a document (a “school profile”) containing—
- (a) such information as the Secretary of State may provide to the governing body for inclusion in the profile,

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- (b) information provided by the governing body about such matters relating to the school as the Secretary of State may specify for the purposes of this paragraph, and
 - (c) such other information about the school as may be prescribed (which may include information to be provided by persons other than the Secretary of State).
- (2) Regulations may—
- (a) specify the time by which the school profile must be published,
 - (b) require the school profile to contain statements by the governing body as to prescribed matters,
 - (c) prescribe the form of the school profile and the manner in which it is to be published,
 - (d) require the governing body to give copies of the school profile to such persons as may be prescribed, and
 - (e) require the governing body to revise the school profile in accordance with the regulations at prescribed times and to publish the school profile as revised.
- (3) In exercising any function conferred by or under this section, a governing body shall have regard to any guidance given from time to time by the Secretary of State.”

Modifications etc. (not altering text)

- C2 [S. 104 restricted \(E.\) \(1.9.2005\)](#) by [The Education Act 2005 \(Commencement No.1 and Savings and Transitional Provisions\) Order 2005 \(S.I. 2005/2034\)](#), art. 10, [Sch. para. 2](#)

105 Provision and funding of higher education in maintained schools

After section 28 of the 2002 Act insert—

“28A Power of governing body to provide higher education

- (1) Subject to subsection (2), the governing body of a maintained school shall have power to arrange the provision to pupils at the school (whether by teachers at the school or other persons) of courses falling within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988 (courses in preparation for professional examinations at a higher level or providing education at a higher level).
- (2) A governing body may exercise the power under subsection (1) in relation to a particular pupil only if they are satisfied that the provision to that pupil of the course in question will not to any significant extent interfere with the other education with which he is being provided at the school.
- (3) The National Assembly for Wales may give, or make arrangements for the giving of, financial assistance to any person in connection with the provision of courses mentioned in subsection (1) by the governing body of a maintained school in Wales.

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- (4) Sections 15 and 16 apply to financial assistance given under subsection (3) as they apply to financial assistance given under section 14.
- (5) This section has effect notwithstanding section 1(4) of the Education Act 1996 (functions not conferred with respect to higher education).”

Commencement Information

- I2** S.105 partly in force; s. 105 not in force at Royal Assent see s. 125; s. 105 in force for certain purposes for E. at 1.9.2005 by S.I. 2005/2034, art. 4; S. 105 in force for W. at 1.9.2006 by S.I. 2006/1338, art. 3, Sch. 1

VALID FROM 03/10/2005

106 Admission arrangements to make special provision for looked-after children

In section 89 of the School Standards and Framework Act 1998 (c. 31) (procedure for determining admission arrangements) after subsection (1) insert—

“(1A) Regulations may require the admission authorities for maintained schools to include in their admission arrangements such provision relating to the admission of children who are looked after by a local authority (within the meaning of section 22 of the Children Act 1989) as may be prescribed, which may in particular include provision for securing that, subject to sections 86(3) and (3A) and 87 (cases where duty to comply with parental preference does not apply), such children are to be offered admission in preference to other children.”

Commencement Information

- I3** S. 106 wholly in force at 1.9.2006; s. 106 not in force at Royal Assent see s. 125; s. 106 in force for E. at 3.10.2005 by S.I. 2005/2034, art. 6; s. 106 in force for W. at 1.9.2006 by S.I. 2006/1338, art. 3, Sch. 1

107 Restrictions on disposal of land

Schedule 17 contains amendments of Schedule 22 to the School Standards and Framework Act 1998 (which makes provision as to the disposal of land held for the purposes of foundation, voluntary or foundation special schools and as to the property of maintained schools on their discontinuance).

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