

# EDUCATION AND SKILLS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Local education authority*

#### *Legal background*

### **Part 4: Regulation and inspection of independent educational provision in England**

#### *Chapter 1: Independent educational institutions in England*

#### *Sections 98 to 100: Registration Procedure*

121. An institution that wishes to register as an independent educational institution may apply to the Secretary of State under [section 98](#), who must notify the Chief Inspector of any application received. The application must be made in a manner prescribed in regulations and contain certain information which is explained in this section and the detail of which is set out in regulations.
122. Where the Chief Inspector is notified of an application under [section 98\(4\)](#), he or she is required by [section 99](#) to inspect an independent educational institution prior to registration and prepare a report for the Secretary of State detailing the extent to which it appears from the inspection that the institution is likely to meet the required standards. On the basis of the report and any other relevant evidence, the Secretary of State must decide whether the institution is likely to meet the required standards and, if it is, he must add the institution to the register along with the information referred to in [subsection \(5\)](#) (“the registered details”). The Secretary of State must inform the proprietor of the institution of his decision. If the Secretary of State decides to refuse registration where he considers that the institution is not likely to meet the required standards, the proprietor may appeal against this decision to the First-tier Tribunal.
123. If any establishment no longer meets the definition of an independent educational institution and is unlikely to do so within the next twelve months, [section 100](#) allows the Secretary of State to remove it from the register. The Secretary of State must inform the proprietor of this action, who may appeal to the First-tier Tribunal against the decision to deregister.