



# 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

PROSPECTIVE

#### *Approval of material changes to registered details*

#### **101 “Material change”**

- (1) This section defines “a material change” in relation to an independent educational institution for the purposes of this Chapter.
- (2) In relation to an institution other than a special institution, “a material change” means a change in respect of any matter referred to in section 98(3)(e) or (f).
- (3) In relation to a special institution, “a material change” means—
  - (a) a change of proprietor,
  - (b) a change of address, or
  - (c) a change in respect of any matter referred to in section 98(3)(a) to (g).
- (4) In this section “a special institution” means an independent educational institution that is specially organised to make special educational provision for students with special educational needs.

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*Status: Point in time view as at 01/01/2011. This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Cross Heading: Approval of material changes to registered details. (See end of Document for details)*

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## **102 Requirement to apply for approval for material change**

- (1) Where the proprietor of a registered independent educational institution is aware that a material change is to be made in relation to the institution, the proprietor must make an application to the Secretary of State for approval of the change.
- (2) An application for approval under this section must be made in writing and, in the case of approval of a change of proprietor, must be made by the proposed new proprietor.

## **103 Inspection and report where applications made for approval**

- (1) Where an application for approval of a material change is made under section 102, the Secretary of State may direct the Chief Inspector to inspect the institution.
- (2) Where such a direction is given, the Chief Inspector must—
  - (a) inspect the institution, and
  - (b) make a report to the Secretary of State on the extent to which any relevant standard is likely to continue to be met in relation to the institution if the change is made.
- (3) In this section “any relevant standard” means any independent educational institution standard—
  - (a) specified by the Secretary of State for the purposes of the inspection, or
  - (b) considered to be relevant by the Chief Inspector in the circumstances of the case.

## **104 Determination of applications for approval**

- (1) Where an application for approval of a material change is made under section 102, the Secretary of State must—
  - (a) approve the change, if satisfied that the independent educational institution standards are likely to continue to be met in relation to the institution if the change is made;
  - (b) in any other case refuse to approve it.
- (2) In coming to a decision under subsection (1) the Secretary of State must take into account—
  - (a) any report of the Chief Inspector under section 103, and
  - (b) any other evidence relating to the independent educational institution standards.
- (3) The Secretary of State must notify the proprietor of the institution of any decision under subsection (1).
- (4) A decision under subsection (1) to refuse to approve a material change does not have effect during the period in which—
  - (a) an appeal may be brought under section 125 against the decision, or
  - (b) where such an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

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### **105 Power to deregister institution that makes unapproved material change**

- (1) The Secretary of State may remove an independent educational institution from the register if—
  - (a) there has been a material change in relation to the institution,
  - (b) the change has not been approved under this Chapter, and
  - (c) either—
    - (i) no application has been made under section 102 for approval of the change, or
    - (ii) such an application has been made but has been refused.
- (2) The Secretary of State must notify the proprietor of an institution of any decision to remove it from the register under this section.
- (3) The Secretary of State's decision does not have effect during the period in which—
  - (a) an appeal may be brought under section 124 against the decision, or
  - (b) where such an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Education and Skills Act 2008, Cross Heading: Approval of material changes to registered details.