



Education and Skills Act 2008

2008 CHAPTER 25

PART 4

REGULATION AND INSPECTION OF INDEPENDENT EDUCATIONAL PROVISION IN ENGLAND

CHAPTER 2

SCHOOLS PROVIDING FOR SPECIAL EDUCATIONAL NEEDS

Non-maintained special schools in England

VALID FROM 30/03/2010

145 Appeals

After section 342A of the Education Act 1996 (inserted by section 144) insert—

“Non-maintained special schools in England: appeals

342B Appeal against decision of Secretary of State

- (1) Regulations may make provision for an appeal against a decision of the Secretary of State—
 - (a) to withdraw approval from a non-maintained special school in England by virtue of section 342(4)(b) (failure to comply with prescribed requirement) otherwise than at the request of the proprietor;
 - (b) not to approve, not to approve a change to, or to withdraw approval from, relevant arrangements in relation to such a school.

Status: Point in time view as at 01/09/2009. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Section 145. (See end of Document for details)

- (2) In subsection (1)(b) “relevant arrangements” means arrangements that require the approval of the Secretary of State by virtue of section 342(5)(a).
- (3) Regulations under this section must provide that an appeal brought by virtue of this section—
 - (a) lies to the First-tier Tribunal, and
 - (b) must be brought by the proprietor of the school in question.
- (4) The regulations may in particular make provision, in the case of an appeal brought by virtue of subsection (1)(a), prohibiting the Secretary of State from acting on a decision to withdraw approval during the period in which—
 - (a) an appeal against the decision could be brought, or
 - (b) where an appeal has been brought, the appeal has not been determined, withdrawn or otherwise disposed of.

342C Appeal against order of justice of peace

- (1) Regulations may make provision for an appeal against the making of an order by virtue of section 342A (order by justice of peace in an emergency).
- (2) The regulations must provide that an appeal brought by virtue of this section—
 - (a) lies to the First-tier Tribunal, and
 - (b) must be brought by the proprietor of the school in question.”

Status:

Point in time view as at 01/09/2009. This version of this provision is not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Education and Skills Act 2008, Section 145.