

*These notes refer to the Education Act 2011 (c.21)
which received Royal Assent on 15 November 2011*

EDUCATION ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Educational Institutions: Other Provisions

Standards

Section 45: Complaints: repeal of power to complain to Local Commissioner

222. **Section 45** repeals sections 206 to 224 of ASCLA 2009. These sections give the Local Commissioner for England (more commonly known as the Local Government Ombudsman) responsibility for considering complaints received from parents and pupils about maintained schools. They also amend the Secretary of State's powers of intervention (where he is satisfied that the school's governing body has acted, or is intending to act, unreasonably, or in breach of a duty) under section 496 or 497 of EA 1996 to provide that those powers may not be exercised in respect of a matter that has, or in his opinion could be, complained about to the Local Commissioner. The effect of the repeal is that the Secretary of State's powers of intervention are no longer so restricted.
223. **Subsection (2)** makes a number of consequential amendments, including:
- *paragraphs (a) and (d)* - the amendment of section 409 of, and paragraph 6 (3) and (4) of Schedule 1 to, EA 1996, to remove the duty on local authorities in England to consider complaints relating to the curriculum. Local authorities in Wales retain this duty; and
 - *paragraphs (b) and (c)* – the amendments of sections 496 and 497 of EA 1996 to remove the restrictions on the Secretary of State's intervention powers.