
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002 (S.I.2002/816) (“the Tribunal Regulations”). The Tribunal Regulations make provision about the proceedings of the Tribunal established by section 9 of the Protection of Children Act 1999 (c. 14). The jurisdiction of the Tribunal has been extended by the Care Standards Act 2000 (“the 2000 Act”) (c. 14).

These Regulations amend the Tribunal Regulations so as to make provision for the conduct of an appeal under section 166 of the Education Act 2002 (“the 2002 Act”) (c. 32) against a decision of the registration authority in relation to an independent school. The amendments made by these Regulations relate in particular to the procedure for such appeals. Regulation 12 and the Schedule add a new Schedule 9 to the Tribunal Regulations which makes provision in respect of the documents which the applicant must send to the Tribunal in order to initiate an appeal, the procedure for the Secretary to follow when an appeal is made, information which the respondent must send to the Tribunal, and the provision of further information by both parties.

Schedule 9 also contains provisions in relation to the making of an order by the Tribunal under section 166(5) of the 2002 Act where it considers that there is a risk of serious harm occurring to the welfare of pupils before the determination of the appeal. Paragraph 7 of that Schedule sets out the procedure to be followed where the respondent makes an application to the Tribunal for such an order, and also contains provisions dealing with the situation where, although there has been no such application, the Tribunal is considering whether to make such an order. Regulations 4 to 10 contain amendments which are consequential upon paragraph 7 of Schedule 9.

Regulations 2, 3 and 11 make minor consequential amendments.