

2021 No. 122

EDUCATION, ENGLAND

**The Education (Coronavirus, Remote Education Information)
(England) (Amendment) Regulations 2021**

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| <i>Made</i> | - - - - | <i>4th February 2021</i> |
| <i>Laid before Parliament</i> | | <i>5th February 2021</i> |
| <i>Coming into force</i> | - - | <i>12th February 2021</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 537(1)(a) and (4) and 569(4) of the Education Act 1996(a) and sections 94(1)(f) and (2)(b) and (c) and 166(6) of the Education and Skills Act 2008(b).

Citation and commencement

1. These Regulations may be cited as the Education (Coronavirus, Remote Education Information) (England) (Amendment) Regulations 2021 and come into force on 12th February 2021.

Expiry

2. These Regulations expire on 31st August 2021.

Amendment of the School Information (England) Regulations 2008

3.—(1) The School Information (England) Regulations 2008(c) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of “maintained school”—

(i) after paragraph (a) omit “and”;

(ii) in paragraph (b), for “Parts 3 and 4” substitute “Part 3 and regulation 10”;

(iii) after paragraph (b) insert—

“, and

(a) 1996 c. 56; section 537(1) was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 152(a) and amended by S.I. 2010/1158; section 537(4) was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 37; amendments have been made to section 569(4) but are not relevant to these Regulations. For the meaning of ‘prescribed’ in section 537(4) of the Education Act 1996, see section 579(1) of that Act.

(b) 2008 c. 25; for the meaning of ‘specified’ in section 94(2), see section 94(3). Under section 93 of the Education and Skills Act 2008, the powers conferred by section 94 apply to independent educational institutions in England only. By virtue of section 93A of that Act, they apply to alternative provision Academies that are not independent educational institutions.

(c) S.I. 2008/3093, amended by S.I. 2012/1124; there are other amending instruments, but none is relevant.

- (c) for the purposes of regulation 10A, a community, foundation or voluntary school, a community or foundation special school^(a), or a pupil referral unit;”;
- (b) for the definition of “non-maintained special school” substitute—
 - ““non-maintained special school” means—
 - (a) for the purposes of regulation 10A, a school that is approved under section 342 of EA 1996, and
 - (b) otherwise, a school that is approved under section 342 of EA 1996 and which is not established in a hospital;”.
- (3) After regulation 10 (information to be published on a website)^(b), insert—

“Additional information to be published: remote education

10A.—(1) This regulation applies to the following schools—

- (a) a maintained school,
- (b) a non-maintained special school.

(2) The governing body of a school to which this regulation applies must arrange for the information specified in paragraph (3) to be published in accordance with this regulation.

(3) The information is details about the arrangements for meeting the requirement to provide remote education in paragraph 2 of the Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction given on 30th September 2020 by the Secretary of State for Education^(c).

(4) Where a website is maintained for the school by or on behalf of the governing body, the information must be published on that website.

(5) Where there is no website maintained for the school, the information must be published on a website, the address and details of which are made known to parents^(d).

(6) The governing body must provide a paper copy of the information published on the website without charge to parents on request.

(7) The governing body must arrange for the information published on the website to be updated as soon as is reasonably practicable following a change to that information.”.

Amendment of the Education (Independent School Standards) Regulations 2014

4.—(1) The Education (Independent School Standards) Regulations 2014^(e) are amended as follows.

- (2) In regulation 3 (independent school standards)—
 - (a) in paragraph (1), for “paragraphs (2) and (3)” substitute “paragraphs (2) to (4)”;
 - (b) after paragraph (3) insert—

(a) for the meaning of ‘community school’, ‘foundation school’, ‘voluntary school’, ‘community special school’ and ‘foundation special school’, see section 142(8) of the School Standards and Framework Act 1998, according to which the School Standards and Framework Act 1998 is to be construed as one with the Education Act 1996, and section 20 of the School Standards and Framework Act 1998.

(b) Regulation 10 was substituted by S.I. 2012/1124.

(c) The direction was given in exercise of the powers conferred by the Coronavirus Act 2020 (c. 7), section 38 and Schedule 17, paragraphs 1 and 4. It was published in the London Gazette on 1 October 2020. A digital copy of the direction is available at <https://www.thegazette.co.uk/notice/3642261>. A print copy can be obtained on request by contacting the Gazette (email: customer.services@thegazette.co.uk; telephone: (0)333 200 2434).

(d) For the meaning of ‘parent’, see section 576 of the Education Act 1996.

(e) S.I. 2014/3283, to which there are amendments not relevant to these Regulations.

“(4) The standard contained in paragraph 32(1)(k) of the Schedule applies to the following schools only—

- (a) an Academy(a),
- (b) an independent school(b) other than an Academy where that school has registered pupils whose education at the school is wholly paid for out of public funds received by the school from the Secretary of State, a local authority in England or an educational establishment in England falling within the definition of “school” in section 4 of the Education Act 1996(c).

(5) In this regulation, “public funds” means moneys provided by Parliament.”.

(3) In paragraph 32(1) of the Schedule (provision of information)—

- (a) after paragraph (i) omit “and”;
- (b) after paragraph (j) insert—

“; and

- (k) particulars of the arrangements for meeting the requirement to provide remote education in paragraph 2 of the Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction given on 30th September 2020 by the Secretary of State for Education are published and maintained on the school’s website or, where no such website exists, are provided to parents(d).”.

4th February 2021

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Information (England) Regulations 2008 (‘the 2008 Regulations’) (S.I. 2008/3093) and the Education (Independent Standards) Regulations 2014 (‘the 2014 Regulations’) (S.I. 2014/3283). They come into force on 12th February 2021 and expire on 31st August 2021.

The amendments made by these Regulations require schools with state-funded pupils to publish information on how they are complying with the requirement to provide remote education imposed by the Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction given on 30th September 2020 by the Secretary of State for Education.

Regulation 3 amends the 2008 Regulations so that the governing bodies of maintained schools and non-maintained special schools must arrange for the information to be published on the school website or, if none exists, on an alternative website, the details of which are made known to

(a) See section 168(2) and (3) of the Education and Skills Act 2008, according to which an ‘Academy’ has the same meaning as in section 579(1) of the Education Act 1996.

(b) See section 168(2) and (3) of the Education and Skills Act 2008, according to which an ‘independent school’ has the same meaning as in section 463 of the Education Act 1996.

(c) Subsection (1) of section 4 was substituted by section 51 of the Education Act 1997 and amended by the Education Act 2002 (c. 32), Schedule 22, Part 3, the Childcare Act 2006 (c. 21), section 95(1) and (2), the Education Act 2011 (c. 21), Schedule 13, paragraph 9(1) and (2) and S.I. 2019/1027; subsection (1A) was inserted by section 95(1) and (3) of the Childcare Act 2006. Subsections (1B) and (1C) were inserted by paragraph 9(1) and (2)(b) of Schedule 13 to the Education Act 2011; subsection (2) was amended by paragraph 10(a) and (b) of Schedule 7 and Schedule 8 to the Education Act 1997; subsection (3) was amended by S.I. 2010/1080 and subsection (4) was substituted by S.I. 2019/1027.

(d) See regulation 2(4) (interpretation) of S.I. 2014/3283 for provision as to how information is to be provided to a person. See also section 168(2) and (3) of the Education and Skills Act 2008, according to which a ‘parent’ is to be defined in accordance with section 576 of the Education Act 1996.

parents. The amendments made by regulation 3 contain further, subsidiary requirements. Regulation 3 also amends the definition of a “non-maintained special school” in regulation 2 of the 2008 Regulations so that it reflects the definition of that term in the Education Act 1996.

Regulation 4 amends the independent school standards prescribed in the 2014 Regulations so that the proprietors of Academy schools, alternative provision Academies and other independent schools with state-funded pupils must ensure that the information is published on the school website or, if none exists, is provided to parents.

An impact assessment has not been produced for this instrument because no significant impact on business, civil society organisation or the public sector is foreseen.

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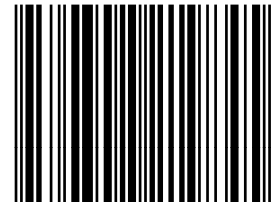
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