



Children, Schools and Families Act 2010

CHAPTER 26

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Children, Schools and Families Act 2010

2010 CHAPTER 26

An Act to make provision about children with disabilities or special educational needs, school and other education, and governing bodies' powers; to make provision amending the Education Acts; to make provision about Local Safeguarding Children Boards; and to make provision about publication of information relating to family proceedings. [8th April 2010]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

CHILDREN AND SCHOOLS

Children with special educational needs etc

1 School inspections: pupils with disabilities or special educational needs

In section 5 of EA 2005 (duty to inspect certain schools in England at prescribed intervals), after subsection (5) there is inserted—

“(5A) In reporting on how far the education provided in a mainstream school meets the needs of the range of pupils at the school, the Chief Inspector must in particular consider the needs of—

- (a) pupils who have a disability for the purposes of the Equality Act 2010;
- (b) pupils who have special educational needs.

In this subsection a “mainstream school” is a school within subsection (2)(a) or (2)(c) to (f).”

2 Right of appeal against determination by local authority not to amend statement

After section 328 of EA 1996 (reviews of special educational needs) there is inserted –

“328A Appeal against determination of local authority in England not to amend statement following review

- (1) This section applies where a local authority in England –
 - (a) conduct a review of a statement in accordance with section 328(5)(b), and
 - (b) determine not to amend the statement.
- (2) The authority shall give written notice of the determination and of their reasons for making it to the parent of the child concerned.
- (3) The parent may appeal to the Tribunal.
- (4) Subsections (1A), (3), (4) and (5) of section 326 apply to an appeal under this section as they apply to an appeal under that section, but with the omission of subsection (3)(c).
- (5) A notice under subsection (2) must inform the parent of the right of appeal and of the period within which the right may be exercised.
- (6) A notice under subsection (2) must be given to the parent within the period of seven days beginning with the day on which the determination is made.”

Exceptional provision for ill or excluded children etc

3 Exceptional provision of education in short stay schools or elsewhere

- (1) Section 19 of EA 1996 (exceptional provision of education in short stay schools or elsewhere) is amended as follows.
- (2) After subsection (1) there is inserted –

“(1A) In relation to England, subsection (1) does not apply in the case of a child –

 - (a) who will cease to be of compulsory school age within the next six weeks, and
 - (b) does not have any relevant examinations to complete.

In paragraph (b) “relevant examinations” means any public examinations or other assessments for which the child has been entered.”
- (3) For subsection (3A) there is substituted –

“(3A) In relation to England, the education to be provided for a child in pursuance of arrangements made by a local authority under subsection (1) shall be –

 - (a) full-time education, or
 - (b) in the case of a child within subsection (3AA), education on such part-time basis as the authority consider to be in the child’s best interests.

- (3AA) A child is within this subsection if the local authority consider that, for reasons which relate to the physical or mental health of the child, it would not be in the child’s best interests for full-time education to be provided for the child.”
- (4) In subsection (3B) –
- (a) for “The education referred to in subsection (3A)” there is substituted “Regulations may provide that the education to be provided for a child in pursuance of arrangements made by a local authority in England under subsection (1)”;
 - (b) for “regulations” there is substituted “the regulations”.

Powers of governing bodies

4 Power to provide community facilities etc

- (1) In section 27 of EA 2002 (power of governing body to provide community facilities etc), after subsection (1) there is inserted –
- “(1A) At least once in every school year the governing body of a maintained school in England shall consider whether, and if so how, they should exercise the power under subsection (1).”
- (2) In section 50 of SSFA 1998 (effect of financial delegation), after subsection (3) there is inserted –
- “(3A) In the case of a school in England –
- (a) subject to regulations under paragraph (b) below, subsection (3)(a) has effect as if amounts spent on providing facilities or services under section 27 of the Education Act 2002 (power of governing body to provide community facilities etc) were spent for purposes of the school;
 - (b) regulations may impose restrictions as to the matters on which amounts may be spent under subsection (3)(a).”
- (3) In subsection (4) of that section, for “In subsection (3) “purposes of the school”” there is substituted “In the case of a school in Wales, “purposes of the school” in subsection (3)”.
- (4) In section 51A of SSFA 1998 (expenditure incurred for community purposes), in subsections (1) and (2), after “a maintained school” there is inserted “in Wales”.

5 Power to form company to establish Academy, etc

- (1) The governing body of a maintained school in England may –
- (a) form, or participate in forming, a company to enter into an agreement under section 482 of EA 1996 (agreement with Secretary of State to establish etc an Academy), and
 - (b) do anything which appears to them to be necessary or expedient in connection with a proposal that an agreement under that section be entered into with a company formed (or proposed to be formed) by them under paragraph (a).

References in this subsection to a company are to a company registered under the Companies Act 2006 as a company limited by guarantee.

- (2) The governing body of a maintained school in England –
 - (a) may be a member of a company which they have formed, or participated in forming, under subsection (1)(a), and
 - (b) may be a member of a company which is not within paragraph (a) but which is party to an agreement under section 482 of EA 1996.
- (3) The power conferred by subsection (1)(b) includes, in particular, power –
 - (a) to incur expenditure;
 - (b) to enter into arrangements or agreements with any person.
- (4) This section is not to be read as limiting any powers that the governing body of a maintained school have otherwise than by virtue of this section.
- (5) In this section “maintained school” means a community, foundation or voluntary school or a community or foundation special school.

6 Powers to assist etc proprietor of Academy and be a member of a foundation

- (1) Paragraph 3 of Schedule 1 to EA 2002 (powers of governing body) is amended as follows.
- (2) After sub-paragraph (2) there is inserted –
 - “(2A) The governing body of a maintained school in England (other than the governing body of a maintained nursery school) may provide advice and assistance to the proprietor of an Academy.
 - (2B) The governing body of a maintained school in England may be a member of the foundation of another maintained school in England.
In this sub-paragraph “foundation” has the meaning given by section 21(3) of the 1998 Act, except that it does not include a foundation established under that Act.”
- (3) In sub-paragraph (3) –
 - (a) in the words before paragraph (a), for “and (2)” there is substituted “, (2) and (2A)”;
 - (b) in paragraph (f), after “sub-paragraph (2)” there is inserted “or (2A)”.

7 Power to propose new schools

After section 11 of EIA 2006 there is inserted –

“11A Restriction on power of governing body to make proposals

- (1) The governing body of a maintained school may make proposals pursuant to a notice under section 7 or publish proposals under section 11(2) only if the governing body are for the time being designated for the purposes of this section –
 - (a) by the Secretary of State, or
 - (b) by a person authorised by the Secretary of State to designate governing bodies for those purposes.
- (2) The governing body of a maintained nursery school may not be designated for the purposes of this section.”

Local Safeguarding Children Boards

8 Supply of information requested by LSCBs in England

After section 14A of CA 2004 (LSCBs in England: annual reports) there is inserted –

“14B Supply of information requested by LSCBs

- (1) If a Local Safeguarding Children Board established under section 13 requests a person or body to supply information specified in the request to –
 - (a) the Board, or
 - (b) another person or body specified in the request,the request must be complied with if the first and second conditions are met and either the third or the fourth condition is met.
- (2) The first condition is that the request is made for the purpose of enabling or assisting the Board to perform its functions.
- (3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.
- (4) The third condition is that the information relates to –
 - (a) the person or body to whom the request is made,
 - (b) a function or activity of that person or body, or
 - (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.
- (5) The fourth condition is that the information –
 - (a) is information requested by the Board from a person or body to whom information was supplied in compliance with another request under this section, and
 - (b) is the same as, or is derived from, information so supplied.
- (6) The information may be used by the Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to perform its functions.
- (7) A Local Safeguarding Children Board must have regard to any guidance given to it by the Secretary of State in connection with the exercise of its functions under this section.”

9 Supply of information requested by LSCBs in Wales

After section 32 of CA 2004 (functions and procedure of LSCBs in Wales) there is inserted –

“32A Supply of information requested by LSCBs in Wales

- (1) If a Local Safeguarding Children Board established under section 31 requests a person or body to supply information specified in the request to –
 - (a) the Board, or

- (b) another person or body specified in the request, the request must be complied with if the first and second conditions are met and either the third or fourth condition is met.
- (2) The first condition is that the request is made for the purpose of enabling or assisting the Board to perform its functions.
 - (3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.
 - (4) The third condition is that the information relates to –
 - (a) the person or body to whom the request is made,
 - (b) a function or activity of that person or body, or
 - (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.
 - (5) The fourth condition is that the information –
 - (a) is information requested by the Board from a person or body to whom information was supplied in compliance with another request under this section, and
 - (b) is the same as, or is derived from, information so supplied.
 - (6) The information may be used by the Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to perform its functions.
 - (7) A Local Safeguarding Children Board must have regard to any guidance given to it by the Welsh Ministers in connection with the exercise of its functions under this section.”

10 Review by Chief Inspector of performance of LSCBs in England

After section 15 of CA 2004 (funding of LSCBs in England) there is inserted –

“15A Review of LSCBs’ performance of functions

- (1) The Secretary of State may by regulations make provision for the Chief Inspector to conduct a review of the performance of specified functions by a Local Safeguarding Children Board established under section 13.
- (2) The regulations may allow or require the Chief Inspector to conduct a review, or may require the Chief Inspector to do so in specified circumstances.
- (3) They may in particular make provision –
 - (a) about reports to be made on completion of a review;
 - (b) requiring or facilitating the sharing or production of information for the purposes of a review.
- (4) In this section –

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;

“specified” means specified in regulations under this section.”

PART 2

FAMILY PROCEEDINGS

11 Restriction on publication of information relating to family proceedings

- (1) This section applies in relation to any relevant family proceedings at which the public are not (or, in the case of proceedings which have already taken place, were not) entitled to be present.
- (2) The publication of information relating to the proceedings is a contempt of court committed by the publisher unless the publication of the information is—
 - (a) an authorised publication of the text, or a summary, of the whole or part of an order made or judgment given by the court in the proceedings (see section 12),
 - (b) an authorised news publication (see section 13), or
 - (c) authorised by rules of court.
- (3) Nothing in this section makes it a contempt of court to publish information with the permission of the court.
- (4) “Family proceedings” means family proceedings within the meaning of—
 - (a) section 65 of the Magistrates’ Courts Act 1980, or
 - (b) section 32 of the Matrimonial and Family Proceedings Act 1984.
- (5) Where proceedings are family proceedings at the time they are commenced and, but for this subsection, would later cease to be family proceedings, for the purposes of this section they continue to be family proceedings.
- (6) “Relevant family proceedings” means family proceedings other than—
 - (a) matrimonial causes and matters;
 - (b) applications under Part 3 of the Family Law Act 1986 (declarations of status);
 - (c) applications under section 27 of the Matrimonial Causes Act 1973 (financial provision where failure to maintain);
 - (d) civil partnership causes and matters;
 - (e) applications under section 58 of the Civil Partnership Act 2004 (declarations relating to civil partnerships);
 - (f) applications under Part 9 of Schedule 5 to that Act (financial provision where failure to maintain);
 - (g) causes and matters relating to non-contentious or common form probate business (within the meaning of section 128 of the Senior Courts Act 1981).
- (7) The Lord Chancellor may, by order made by statutory instrument, amend the definition of “relevant family proceedings” in subsection (6).
- (8) An order under subsection (7) may make transitional provision or savings.
- (9) A statutory instrument containing an order under subsection (7) may not be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

12 Authorised publication of court orders and judgments

- (1) A publication of the text, or a summary, of the whole or part of an order made by a court in the proceedings is an authorised publication –
 - (a) in a case where the proceedings are adoption proceedings or parental order proceedings or a case where the publication of the text or summary contains identification information relating to an individual involved in the proceedings, to the extent that the publication of the text or summary is permitted by the court for the purposes of this section, and
 - (b) in any other case, to the extent that the publication of the text or summary is not prohibited by, and does not breach any restriction imposed by, the court for the purposes of this section.
- (2) A publication of the text, or a summary, of the whole or part of a judgment given by a court in the proceedings is an authorised publication to the extent that the publication of the text or summary is permitted by the court for the purposes of this section.
- (3) The court may permit, prohibit or restrict publication for the purposes of this section on its own initiative or on the application of any interested person.
- (4) The court may permit publication for the purposes of this section subject to conditions specified by the court.
- (5) In this section –
 - “adoption proceedings” means proceedings under the Adoption and Children Act 2002 (other than proceedings on an application for a placement order under section 22 of that Act);
 - “parental order proceedings” means proceedings for parental orders under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008.

13 Authorised news publications

- (1) A publication of information is an authorised news publication if the following conditions are met.
- (2) Condition 1 is that the information was obtained by an accredited news representative by observing or listening to the proceedings when attending them in exercise of a right conferred on accredited news representatives by rules of court.
- (3) Condition 2 is that the publisher of the information –
 - (a) is the accredited news representative,
 - (b) publishes the information with the consent of, or pursuant to a contract or other agreement entered into with, that representative, or
 - (c) has obtained the information from a publication of information which is an authorised news publication.
- (4) Condition 3 is that –
 - (a) the information is not –
 - (i) identification information relating to an individual involved in the proceedings,
 - (ii) sensitive personal information relating to the proceedings, or

- (iii) restricted adoption information or restricted parental order information,
 - (b) the information is information within paragraphs (i) to (iii) of paragraph (a) and the publication is permitted by the court for the purposes of this Condition, or
 - (c) the information is identification information relating to an individual involved in the proceedings (but not restricted adoption information or restricted parental order information) and the individual is a professional witness in the proceedings.
- (5) Condition 4 is that if the publication is –
 - (a) a publication of the text, or a summary, of an order made by a court in adoption proceedings or parental order proceedings, or
 - (b) a publication of the text, or a summary, of a judgment given by a court in relevant family proceedings,the publication is permitted by the court for the purposes of section 12.
- (6) Condition 5 is that the publication is not prohibited by, and does not breach any restriction imposed by, the court for the purposes of this condition or section 12.
- (7) The court may permit the publication of information for the purposes of Condition 3 or prohibit or restrict the publication of information for the purposes of Condition 5 on its own initiative or on the application of any interested person.

14 Permitting publication for purposes of section 13: general

- (1) This section applies where the court is determining whether to permit the publication of information for the purposes of Condition 3 in section 13 (except where section 15 applies).
- (2) The court may not permit the publication of the information unless it is satisfied of one or more of the following matters.
- (3) The matters are –
 - (a) that it is in the public interest to give the permission;
 - (b) that it is appropriate to give the permission so as to avoid injustice to a person involved in, referred to in or otherwise connected with the proceedings;
 - (c) that it is necessary to give the permission in the interests of the welfare of a child or vulnerable adult involved in, referred to in or otherwise connected with the proceedings;
 - (d) that an application for permission has been made by a party to the proceedings, or on behalf of a child who is the subject of the proceedings, and granting the permission is appropriate in all the circumstances.
- (4) The court must have regard to any risk which publication of the information would pose to the safety or welfare of any individual involved in, referred to in or otherwise connected with the proceedings.
- (5) The court may permit the publication subject to conditions specified by the court.

15 Permitting publication for purposes of section 13: adoption etc

- (1) This section applies where the court is determining whether to permit the publication of restricted adoption information or restricted parental order information for the purposes of Condition 3 in section 13.
- (2) “Restricted adoption information” means information the publication of which is likely to lead one or more persons –
 - (a) to identify a person as –
 - (i) a prospective adopter of a child,
 - (ii) a person who has adopted a child, or
 - (iii) a person who has been, or may be, adopted, or
 - (b) to identify the whereabouts of a person identified as a person within sub-paragraph (i), (ii) or (iii) of paragraph (a).
- (3) “Restricted parental order information” means information the publication of which is likely to lead one or more persons –
 - (a) to identify a person as –
 - (i) a person who has applied for a parental order,
 - (ii) a person in respect of whom a parental order has been made, or
 - (iii) a child in relation to whom a parental order has been, or may be, made, or
 - (b) to identify the whereabouts of a person identified as a person within sub-paragraph (i), (ii) or (iii) of paragraph (a).
- (4) If the person who has been or may be adopted or in relation to whom a parental order has been or may be made (“the affected person”) –
 - (a) is a child,
 - (b) lacks capacity to consent to the publication, or
 - (c) cannot be found,the court may not permit the publication of the information unless it is satisfied that publication of the information would not prejudice the safety or welfare of the affected person.
- (5) In any other case where the affected person is alive, the court may not permit the publication except with the consent of the affected person.
- (6) The court must have regard to whether consent to the publication has been given by –
 - (a) in the case of restricted adoption information, any prospective adopter of, or person who has adopted, the child in question, and
 - (b) in the case of restricted parental order information, any person who applied for the parental order or in respect of whom the parental order has been made.
- (7) The court must have regard to any risk which publication of the information would pose to the safety or welfare of any individual involved in, referred to in or otherwise connected with the proceedings.
- (8) The court may permit the publication subject to conditions specified by the court.
- (9) For the purposes of this section –

“adoption” means adoption under the Adoption Act 1976 or the Adoption and Children Act 2002 (and related terms are to be construed accordingly);

“parental order” means a parental order under section 30 of the Human Fertilisation and Embryology Act 1990 or section 54 of the Human Fertilisation and Embryology Act 2008.

16 Prohibiting or restricting publication for purposes of section 13

- (1) The court may not prohibit or restrict the publication of information for the purposes of Condition 5 in section 13 unless subsection (2) or (3) applies (or both subsections apply).
- (2) This subsection applies if the court is satisfied that in the absence of the prohibition or restriction there is a real risk that the publication would prejudice –
 - (a) the safety of any person,
 - (b) the welfare of a child or vulnerable adult, or
 - (c) the interests of justice in the proceedings in question.
- (3) This subsection applies if the information is identification information relating to a professional witness in the proceedings and –
 - (a) the information is also identification information relating to –
 - (i) another individual involved in the proceedings (other than a professional witness in the proceedings), or
 - (ii) an individual otherwise connected with the proceedings,
 - (b) the information is also sensitive personal information relating to the proceedings, or
 - (c) the court is satisfied that the professional witness is, has been or will be involved in the care or treatment of an individual involved in, or otherwise connected with, the proceedings, otherwise than for the purpose of being a professional witness in the proceedings.

17 Defences to contempt of court

- (1) A person is not guilty of a contempt of court under section 11 by reason of the publication of information relating to relevant family proceedings if subsection (2), (3) or (4) applies.
- (2) This subsection applies if the person proves that at the time of the publication the person did not know and had no reason to suspect that the information was information relating to the proceedings.
- (3) This subsection applies if the person proves that –
 - (a) the person obtained the information from a previous publication, and
 - (b) at the time of the person’s publication the person did not know and had no reason to suspect that the previous publication was not an authorised news publication.
- (4) This subsection applies if the person proves that –
 - (a) the publication of the information would be an authorised news publication but for the failure to meet Condition 3 in section 13, and
 - (b) at the time of the publication the person did not know and had no reason to suspect that the information was –

- (i) identification information relating to an individual involved in the proceedings,
- (ii) sensitive personal information relating to the proceedings, or
- (iii) restricted adoption information or restricted parental order information.

18 Appeals against decisions under section 12 or 13

- (1) Rules of court –
 - (a) may make provision about appeals against decisions within subsection (2) (including provision which modifies provision made by or under any Act as it applies to such appeals), and
 - (b) to the extent that provision is not made by or under any Act for appeals against such decisions, must make such provision (including provision about the route of such appeals).
- (2) Those decisions are –
 - (a) decisions to permit, or refuse to permit, publication of information for the purposes of section 12 or Condition 3 in section 13,
 - (b) decisions to impose, or refuse to impose, conditions on permission granted for those purposes, and
 - (c) decisions to prohibit or restrict, or refuse to prohibit or restrict, publication of information for the purposes of section 12 or Condition 5 in section 13.

19 Power to alter treatment of sensitive personal information

- (1) Schedule 1 (which contains amendments which alter the treatment under this Part of sensitive personal information) has effect.
- (2) In this section “the Part 2 amending provisions” means the provisions of that Schedule and any related repeal in Schedule 4.
- (3) The Lord Chancellor may not make an order under section 29(4) bringing into force any of the Part 2 amending provisions unless –
 - (a) an independent person appointed by the Lord Chancellor has carried out a review of the operation of this Part,
 - (b) in carrying out the review the independent person consulted the public about the operation of this Part, and
 - (c) the conclusions of the review have been set out in a report which has been laid before Parliament.
- (4) No review for the purposes of subsection (3)(a) may be commenced before the end of the period of 18 months beginning with the time section 11 comes into force.
- (5) Where section 11 is initially brought into force for one or more specified purposes only, the reference in subsection (4) to the time that section comes into force is to the earliest time it comes into force for any purpose.
- (6) A statutory instrument containing an order under section 29(4) bringing into force any of the Part 2 amending provisions may not be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

20 Independent review

- (1) The Lord Chancellor may not bring into effect the provisions set out in Schedule 1 to this Act, unless—
 - (a) the Lord Chancellor has commissioned a full independent review and evaluation of—
 - (i) the operation of Part 2 of this Act, and
 - (ii) the impact of the new guidelines on reporting restrictions introduced on 27 April 2009,
 - (b) the conclusions of the independent review have been set out in a report which has been laid before Parliament.
- (2) No review for the purposes of subsection (1) may be commenced before the end of the period of 18 months beginning with the time section 11 comes into force and a full review has been completed of the findings from the pilot allowing for the publication of anonymised judgments alone.

21 Interpretation of Part 2, etc

- (1) In this Part—
 - “accredited news representative”, in relation to any proceedings, means a representative of one or more news organisations who is a member of a class of representatives of news organisations on which rules of court confer a right to attend the proceedings;
 - “child” means a person under the age of 18;
 - “court” includes a judge and any person exercising the functions of a court or a judge;
 - “identification information”, in relation to an individual involved in or otherwise connected with proceedings, means—
 - (a) information, including in particular information as to any of the matters set out in subsection (2), the publication of which is likely to lead members of the public to identify the individual as someone who is or has been involved in or otherwise connected with the proceedings, and
 - (b) in a case where the individual is a child, information the publication of which is likely to lead members of the public to identify the address or school of the individual as being that of an individual who is or has been involved in or otherwise connected with the proceedings;
 - “judgment” includes a record produced by the court of its reasons for a decision;
 - “news organisation” means a news gathering or reporting organisation;
 - “professional witness”, in any proceedings, means a person—
 - (a) who has given, or whom it is proposed will give, written or oral evidence in the proceedings in exchange for a fee, and
 - (b) whose instruction by a party to the proceedings has been authorised by the court for the purposes of the proceedings;
 - “publication” includes disclosure or communication in any form to any person or persons;
 - “publisher” means—
 - (a) where the information is published in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;

- (b) where the information is published in a relevant programme –
 - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included, and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
 - (c) in the case of any other publication of information, any person publishing it;
 - “relevant family proceedings” has the meaning given by section 11;
 - “relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;
 - “restricted adoption information” has the meaning given by section 15;
 - “restricted parental order information” has the meaning given by section 15;
 - “sensitive personal information”, in relation to any proceedings, means information listed in Schedule 2.
- (2) The matters referred to in the definition of “identification information” in subsection (1) are –
- (a) the name of the individual or any title, pseudonym or alias of the individual;
 - (b) the address or locality of any place where the individual lives or works or is educated or taken care of;
 - (c) the individual’s appearance or style of dress;
 - (d) any employment or other occupation of, or position held by, the individual;
 - (e) the individual’s relationship to particular relatives, or association with particular friends or acquaintances, of the individual;
 - (f) the individual’s recreational interests;
 - (g) the individual’s political, philosophical or religious beliefs or interests;
 - (h) any property (whether real or personal) in which the individual has an interest or with which the individual is otherwise associated.
- (3) For the purposes of this Part an individual is “involved” in proceedings if the individual –
- (a) is or was a party to the proceedings or the subject of the proceedings,
 - (b) is a person called, or whom it is proposed to call, as a witness in the proceedings, or
 - (c) is a person who has given written evidence in connection with the proceedings.
- (4) The Lord Chancellor may, by order made by statutory instrument, amend –
- (a) the definition of “professional witness” in subsection (1);
 - (b) Schedule 2 (list of sensitive personal information).
- (5) An order under subsection (4) may make transitional provision or savings.
- (6) A statutory instrument containing an order under subsection (4) may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

- (7) Nothing in this Part prejudices any other power a court may have to prevent or restrict the publication of information relating to relevant family proceedings.
- (8) No provision of this Part (or of Part 2 of Schedule 3 or Part 2 of Schedule 4) applies in relation to relevant family proceedings concluded before the coming into force of the provision in question.

PART 3

MISCELLANEOUS AND FINAL PROVISIONS

Miscellaneous

22 Amendments of provisions about complaints in ASCLA 2009

- (1) In Part 10 of ASCLA 2009 (schools), Chapter 2 (complaints: England) is amended as follows.
- (2) In section 207 (power of Local Commissioner to investigate complaint), in subsection (5)(b) (power not to investigate vexatious complaint), before “vexatious” there is inserted “frivolous or”.
- (3) In section 216 (law of defamation) –
 - (a) in subsection (1)(a), after “a governing body” there is inserted “or head teacher”;
 - (b) in subsection (2)(a), after “the governing body” there is inserted “or head teacher”.

23 Fees for pre-registration inspections of independent educational institutions

In section 111 of ESA 2008 (fees for inspections of independent educational institutions by Chief Inspector), in subsection (6) (institutions to which the section applies), for “any registered independent educational institution that is not” there is substituted “any independent educational institution that is registered, or is the subject of an application to be registered, other than”.

Final provisions

24 Interpretation of Act

- (1) In this Act –
 - “EA 1996” means the Education Act 1996;
 - “SSFA 1998” means the School Standards and Framework Act 1998;
 - “EA 2002” means the Education Act 2002;
 - “CA 2004” means the Children Act 2004;
 - “EA 2005” means the Education Act 2005;
 - “EIA 2006” means the Education and Inspections Act 2006;
 - “ESA 2008” means the Education and Skills Act 2008;
 - “ASCLA 2009” means the Apprenticeships, Skills, Children and Learning Act 2009.

- (2) EA 1996 and section 5 of this Act are to be read as if that section were contained in that Act.

25 Amendments and repeals

Schedules 3 (minor and consequential amendments) and 4 (repeals) have effect.

26 Financial provisions

- (1) There is to be paid out of money provided by Parliament –
- (a) any expenditure under this Act of a Minister of the Crown;
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other enactment.

27 Transitional provision

- (1) Until a section 162(1)(a) order comes into force, a reference to a local authority in any provision of this Act (including any provision inserted by this Act in another Act) is to be read as a reference to a local education authority.
- (2) In subsection (1) “section 162(1)(a) order” means an order under subsection (1) of section 162 of EIA 2006 containing provision made by virtue of paragraph (a) of that subsection (power to replace statutory references to local education authorities with references to local authorities).

28 Extent

- (1) This Act does not extend to Scotland or (subject to subsection (2)) to Northern Ireland.
- (2) An amendment or repeal by this Act of a provision that extends to Northern Ireland has the same extent as the provision amended or repealed.

29 Commencement

- (1) Sections 24 and 26 to 30 come into force on the day on which this Act is passed.
- (2) Section 23 comes into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) Section 9 comes into force on whatever day the Welsh Ministers appoint by order made by statutory instrument.
- (4) The following provisions come into force on whatever day or days the Lord Chancellor appoints by order made by statutory instrument –
- (a) Part 2;
 - (b) Part 2 of Schedule 3 and Part 2 of Schedule 4 (and section 25 so far as relating to those Parts).
- (5) The other provisions of this Act come into force on whatever day or days the Secretary of State appoints by order made by statutory instrument.

- (6) An order under subsection (3), (4) or (5) –
 - (a) may make different provision for different purposes or different areas;
 - (b) may make incidental, consequential, supplemental, transitional or transitory provision or savings.

30 Short title etc

- (1) This Act may be cited as the Children, Schools and Families Act 2010.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of EA 1996.

SCHEDULES

SCHEDULE 1

Section 19

AMENDMENTS OF PART 2 RELATING TO SENSITIVE PERSONAL INFORMATION

- 1 This Part of this Act is amended as follows.
- 2 The following provisions are omitted –
 - (a) in section 13 (authorised news publications), subsection (4)(a)(ii) (but not the “or” after it);
 - (b) in section 16 (prohibiting or restricting publication for the purposes of section 13), subsection (3)(b) (but not the “or” after it);
 - (c) in section 17 (defences to contempt of court), subsection (4)(b)(ii) (but not the “or” after it);
 - (d) in section 21 (interpretation of Part) –
 - (i) in subsection (1), the definition of “sensitive personal information”;
 - (ii) subsection (4)(b);
 - (e) Schedule 2 (list of sensitive personal information).
- 3 In section 16 (prohibiting or restricting publication for purposes of section 13), for subsection (2) there is substituted –
 - “(2) This subsection applies if the court considers that, despite the fact the publication satisfies Condition 3 in section 13, there is a real risk that in the absence of the prohibition or restriction the publication would –
 - (a) prejudice –
 - (i) the safety of any person,
 - (ii) the welfare of a child or vulnerable adult, or
 - (iii) the interests of justice in the proceedings in question,
 or
 - (b) be an unreasonable infringement of the privacy of any person.”

SCHEDULE 2

Section 21

SENSITIVE PERSONAL INFORMATION

- 1 Information which relates to the proceedings or the subject matter of the proceedings and –

- (a) which a child who is involved or referred to in the proceedings has provided to a party to the proceedings or to a person called, or whom it is proposed to call, as a witness in the proceedings, or
 - (b) which such a child has provided to any other person and which has been, or is expected to be, referred to in the proceedings.
- 2 Information which –
 - (a) relates to a medical, psychological or psychiatric condition of any person, and
 - (b) has been, or is expected to be, referred to in the proceedings.
- 3 Information which –
 - (a) relates to a medical, psychological or psychiatric examination or evaluation of any person, and
 - (b) has been, or is expected to be, referred to in the proceedings, other than information relating to the identity of the person who carried out the examination or evaluation.
- 4 Information which –
 - (a) relates to any health care, treatment or therapy which it is proposed to provide, or which is being or has been provided, to any person, and
 - (b) has been, or is expected to be, referred to in the proceedings.

SCHEDULE 3

Section 25

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

CHILDREN AND SCHOOLS

Education Act 1996 (c. 56)

- 1 In section 19 (exceptional provision of education in short stay schools or elsewhere), in subsections (2)(a) and (2B)(a), for “such children” there is substituted “children falling within subsection (1)”.
- 2 (1) Section 580 (index) is amended as follows.
 - (2) In the entry for “sex education”, for “section 352(3)” there is substituted “section 579(1)”.

PART 2

FAMILY PROCEEDINGS

Children and Young Persons Act 1933 (c. 12)

- 3 In section 39 (power to prohibit publication of certain matters in newspapers), after subsection (2) there is inserted –
 - “(2A) Nothing in this section applies in relation to proceedings to which section 11 of the Children, Schools and Families Act 2010 (restriction

on publication of information relating to family proceedings) applies.”

Administration of Justice Act 1960 (c. 65)

- 4 (1) Section 12 (publication of information relating to proceedings in private) is amended as follows.
 - (2) In subsection (1), paragraph (a) is omitted.
 - (3) After subsection (4) there is inserted –
 - “(5) Subsection (1) is subject to Part 2 of the Children, Schools and Families Act 2010 (family proceedings), and nothing in subsection (2) applies in relation to a contempt of court under section 11 of that Act (restriction on publication of information relating to family proceedings).”
- 5 In Schedule 2 (modifications of Act in relation to Northern Ireland), in Part 2, in sub-paragraph (1) of the modifications of section 12 for “For paragraph (a) of subsection (1) there shall be substituted” there is substituted “Before paragraph (b) of subsection (1) there is inserted”.

Magistrates’ Courts Act 1980 (c. 43)

- 6 In section 69 (sittings of magistrates’ courts for family proceedings), subsections (2) to (6) are omitted.
- 7 Section 71 (newspaper reports of family proceedings) is omitted.
- 8 (1) Section 145 (rules of court: supplementary provision) is amended as follows.
 - (2) In subsection (1), in paragraph (ga), for the words from “proceedings” to “1960” there is substituted “family proceedings”.
 - (3) After that subsection there is inserted –
 - “(1A) In subsection (1)(ga) “family proceedings which are held in private” means family proceedings at which the public have no right to be present.”

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 9 In section 40 (family proceedings rules), after subsection (4) there is inserted –
 - “(4A) In subsection (4)(aa) “family proceedings held in private” means family proceedings at which the public have no right to be present.”

Children Act 1989 (c. 41)

- 10 In section 97 (privacy for children involved in certain proceedings), subsections (2) to (9) are omitted.
- 11 In section 104 (regulations and orders), in subsection (1), for “, 84 or 97(4)” there is substituted “or 84”.

Adoption and Children Act 2002 (c. 38)

- 12 In section 101 (privacy in adoption proceedings), subsection (1) is omitted.
- 13 In section 141 (rules of procedure), after subsection (6) there is inserted –
- “(7) In subsection (6) “proceedings held in private” means proceedings at which the public have no right to be present.”

Courts Act 2003 (c. 39)

- 14 In section 76 (further provision about scope of Family Procedure Rules), after subsection (2A) there is inserted –
- “(2B) In subsection (2A) “family proceedings held in private” means family proceedings at which the general public have no right to be present.”

SCHEDULE 4

Section 25

REPEALS

PART 1

CHILDREN AND SCHOOLS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Education Act 1996 (c. 56)	In section 19(6) – (a) the definition of “relevant school”; (b) in the definition of “suitable education”, the words “(and “suitable full-time education” is to be read accordingly)”.

PART 2

FAMILY PROCEEDINGS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Administration of Justice Act 1960 (c. 65)	Section 12(1)(a).
Magistrates’ Courts Act 1980 (c. 43)	Section 69(2) to (7). Section 71. Section 145(1)(ga) and (1A).
Broadcasting Act 1980 (c. 64)	In Schedule 20, paragraphs 29(2) and 53.
Children Act 1989 (c. 41)	Section 97(2) to (9). In Schedule 11, in paragraph 8(c), the words “, (2), (3) and (4)” and “71(1) and (2)”. In Schedule 13, paragraph 14.
Courts and Legal Services Act 1990 (c. 41)	In Schedule 16, paragraph 24. In Schedule 18, paragraph 25(6).

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Access to Justice Act 1999 (c. 22)	Section 72.
Adoption and Children Act 2002 (c. 38)	Section 101(1) and (2). In section 101(3), the words “and (2)”. In Schedule 3, paragraphs 38 and 39.
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 337(3).
Children Act 2004 (c. 31)	Sections 62(1) and (4).
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraph 208.
Children, Schools and Families Act 2010 (c. 00)	Section 13(4)(a)(ii) (but not the word “or” after it). Section 16(3)(b) (but not the word “or” after it). Section 17(4)(b)(ii) (but not the word “or” after it). In section 21 – (a) in subsection (1), the definition of “sensitive personal information”; (b) subsection (4)(b). Schedule 2. In Schedule 3, paragraph 8.

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