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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the fifth commencement order made under the Education and Inspections Act 2006 (“the Act”). Articles 3 to 5 contain the provisions of the Act to be commenced (on 1st September 2007 apart from section 55(8) which is to come into force on 25th June 2007). The provisions in Articles 2 and 3 are to be commenced in relation to England only; the Welsh Ministers have the power to commence these provisions in relation to Wales.

Section 5 imposes a duty upon local education authorities in England to appoint a school improvement partner in relation to each school which they maintain. It is commenced in relation to primary schools in the local authority areas listed in Part 1 of the Schedule and in relation to special schools in the local authority areas listed in Part 2 of the Schedule.

The commencement of the remainder of section 38 inserts new section 21 (5) and (8) of the Education Act 2002. These sections require the governing bodies of maintained schools to promote the well-being of pupils at the school, and promote community cohesion

Section 55 amends section 71 of the School Standards and Framework Act 1998 and allows sixth – form pupils themselves to request to be excused from attendance at religious worship at maintained mainstream schools. Section 55(8) substitutes a new section 71(7) requiring regulations to make the same provision in respect of maintained special schools. It is being commenced on x June 2007 in order to allow regulations to be made also to come into force on 1st September 2007.

Section 77(1) is commenced to the extent that it is not already in force, i.e. to the extent that it inserts sections 508B and 508C to the Education Act 1996 (“EA 1996”). These sections impose duties on local authorities to ensure that suitable home to school travel arrangements are made for children in their area.

Section 77(2), which inserts Schedule 35B to EA 1996, is commenced except in relation to paragraphs 11, 12 and 13 of that Schedule. Schedule 35B defines ‘eligible child’ for the purposes of section 508B of EA 1996 i.e. those classes of children whose travel needs fall to be considered under section 508B and provided free of charge. The broad classes of ‘eligible child’ are: (i) children who cannot be expected to walk due to their special educational needs, disability or mobility problems (paragraphs 2 and 3), (ii) children who cannot be expected to walk due to the nature of their route (paragraphs 4 and 5), (iii) children who live outside walking distance (paragraphs 6 to 8), and (iv) children from low income families (paragraphs 9 to 13). Paragraphs 11 to 13 relate to children of 11 years and above from low income families, and are proposed to be commenced on 1st September 2008, until which time they are excluded from the definition of ‘eligible child’.

Section 82 makes amendments to section 444 of EA 1996 (offence of failing to secure regular attendance at school of registered pupil) consequent on changes to the school travel provisions made by the Act.

Section 84 which inserts section 509AD to EA 1996 (duty to have regard to religion or belief in exercise of travel functions) is commenced in relation to local authority travel functions under sections 508B, 508C and 508E of EA 1996.

Section 85 commences Schedule 10, which makes further amendments to EA 1996, and to transport legislation, consequent on changes to the school travel provisions made by the Act. Despite the amendments made to section 509 of EA 1996 by paragraph 4 of Schedule 10, section 509 (provision of transport) continues to apply in respect of adult learners in England (i.e. persons who are neither children nor persons of sixth form age) as is provided for by Article 5(1).

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Part 7, Chapter 2 is fully commenced in relation to England. It includes provisions extending the availability of parenting contracts and parenting orders in respect of misbehaviour at school (sections 97 to 99), requiring local authorities and school governing bodies to provide full time education following exclusion (sections 100 and 101), requiring head teachers to arrange reintegration interviews (section 102), for an offence of a parent failing to ensure an excluded pupil is not present in a public place during school hours (section 103), requiring head teachers to give notices in relation to exclusion, and the full time provision under section 100 or 101 (section 104), for penalty notices in respect of the section 103 offence (sections 105 and 106), and for the extension of police powers to remove truants from public places during school hours in section 16 of the Crime and Disorder Act 1998 (c. 37) to excluded pupils (section 108).

Section 21(4) of the Anti-social Behaviour Act 2003 (c. 38), under which regulations on the costs of parenting orders were made, is repealed, but continues to apply to parenting orders made or applied for before 1st September 2007 as provided for by Article 5(2).