

Coronavirus Act 2020 Disapplication of sections 48(3) and 49(1) and (2) of the Education Act 2005 (England) (No. 5) Notice 2021

The Secretary of State for Education, in the exercise of powers conferred by section 38(1) of, and paragraph 5 of Schedule 17 to, the Coronavirus Act 2020¹, issues the following notice.

Disapplication of sections 48(3) and 49(1) and (2) of the Education Act 2005

1. The Secretary of State for Education by this notice disapplies:
 - (a) in relation to England sections 48(3) and 49(1) and (2) (provisions relating to inspections) of the Education Act 2005² (the 2005 Act) during the period specified in this notice; and
 - (b) any similar Academy arrangement provisions to sections 48(3) and 49(1) and (2) of the 2005 Act during the period specified in this notice.
2. The Secretary of State for Education considers that the issuing of this notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus for the following reasons:
 - (a) High rates of coronavirus made it necessary to take appropriate measures to reduce transmission. On 4th January 2021, the Prime Minister announced a national lockdown in England to begin on 5th January 2021, in which he said that it would be appropriate for most pupils, except children of key workers or those who are vulnerable, to receive remote education until after the half-term holidays.
 - (b) In the government's guidance, Schools coronavirus (COVID-19) operational guidance³, published on 22nd February 2021 (updated on 6th April 2021), the government confirmed that school attendance was mandatory for all pupils from 8th March 2021.
 - (c) The Secretary of State for Education has previously issued twelve notices disapplying the provisions specified in paragraph 1⁴. The most recent notice was issued on 22nd March 2021. The specified time period of that notice was 1st April 2021 to 30th April 2021.
 - (d) Sections 48(3) and 49(1) and (2) of the 2005 Act place duties on the governing bodies of voluntary or foundation schools which have been designated as having a religious character, and (through Academy funding arrangements) the proprietors of Academies designated as having a religious character, to arrange inspections covering collective worship at the school and denominational education provided by the school within

¹ 2020 c.7.

² 2005 c.18.

³ The guidance can be viewed at this link: [Actions for schools during the coronavirus outbreak - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak)

⁴ The notices can be viewed at this link: <https://www.gov.uk/government/publications/disapplication-notice-school-inspections-legislation-changes>

prescribed intervals and for the person conducting such an inspection to inspect and produce a report within prescribed periods.

(e) Routine inspections of collective worship and denominational education under section 48(3) of the Education Act 2005 and through Academy funding arrangements remain inappropriate at this time while schools designated as having a religious character are fully engaged in responding to the coronavirus outbreak, which includes providing on-site education for most pupils following the full return to school on 8th March 2021 and remote education for a small number of pupils who are unable to attend school for public health reasons. If these sections are not disapplied, some schools designated as having a religious character may fall foul of their duty to arrange these inspections within the prescribed period (around every 5 years) and to carry out the inspections and prepare a report within the prescribed period.

(f) The matters above are relevant to all of England.

Specified period

3. The specified period in this notice starts at the beginning of 1st May 2021 and finishes at the end of 31st May 2021.

Signed by or on behalf of the Secretary of State for Education:

A handwritten signature in black ink, appearing to read 'Nick Gibb', written in a cursive style.

Date of signature: 27th April 2021