

1. INTRODUCTION

The **Education Act 2011** received Royal Assent on 15 November 2011, and is now law. It takes forward the proposals in the Schools White Paper *The Importance of Teaching*, [see Document Summary Service Summary DSS 10/11 18, December 2010], and measures from the Department of Business, Innovation and Skills mainly regarding higher education funding.

The Act is in nine main parts relating to the following areas of education policy:

- Part 1: **Early Years Provision**
- Part 2: **Discipline**
- Part 3: **School Workforce**
- Part 4: **Qualifications and the Curriculum**
- Part 5: **Educational Institutions: Other Provisions**
- Part 6: **Academies**
- Part 7: **Post-16 Education and Training**
- Part 8: **Direct Payments**
- Part 9: **Student Finance**

Part 10 covers General legislative matters, including the commencement dates of various provisions.

Document Summary Service Summary DSS 10/11 25, [issued February 2011], covered the Education Bill leading to this Act in considerable explanatory detail. This Summary is as concise a list as possible of the provisions in each of the Act's parts.

2. EARLY YEARS PROVISION

- **free** early years provision for children of two years of age from disadvantaged backgrounds.

3. DISCIPLINE

- *extends* the power of members of staff at schools and further education institutions to **search** pupils without their consent for an item that has been, or is likely to be, used to commit an offence or cause injury to the pupil or another, or damage property, and to search for items banned under the school rules;
- *reforms* the process for reviews of **permanent exclusions**. Exclusion appeal panels to be *replaced* by review panels which will review decisions but not have the power to force a school to reinstate an excluded pupil;
- *repeals* the duty on schools to give **24 hours' written notice of a detention** to parents;
- *repeals* the duty on all schools to enter into a **behaviour and attendance partnership** with other schools in their area.

4. SCHOOL WORKFORCE

- *abolishes*:
 - the **General Teaching Council for England** (GTCE),
 - the **Training and Development Agency for Schools** (TDA) and
 - the **School Support Staff Negotiating Body** (SSSNB),and provides for the relevant functions of the GTCE and the TDA to be undertaken by the **Secretary of State** (SoS) and where appropriate by Welsh Ministers, and gives the necessary powers to make schemes for the transfer of staff from these bodies to the SoS.
- *introduces* restrictions on the public reporting of **allegations made against teachers**.

5. QUALIFICATIONS AND THE CURRICULUM

- *requires* sampled schools to take part in **international education surveys** when directed by the SoS;
- *amends* the governance structure of the **Office of Qualifications and Examinations Regulation** (Ofqual) and revises its standards objective to include **international comparison**;
- *abolishes* the **Qualifications and Curriculum Development Agency** (QCDA), and provides for the relevant functions of the QCDA to be transferred to the SoS;
- *amends* legislation relating to provision of **careers education and guidance**;
- *repeals* the duty on local authorities (LAs), schools and governing bodies to secure access to the **diploma entitlement** for 16 to 18 year olds and pupils in the fourth key stage.

6. EDUCATIONAL INSTITUTIONS: OTHER PROVISIONS

- *repeals* certain **duties on the governing bodies** of maintained schools in England and *repeals* the duty on LAs to appoint a **school improvement partner** in each maintained school;
- *changes* the duties of LAs in relation to **school admissions**. Schools adjudicator no longer able to modify a school's admissions arrangements in response to a complaint or a referral;
- *introduces* a **cap on the amount** LAs and the governing bodies of maintained schools in England are allowed to charge for the provision of school meals, milk etc.;
- *changes* the arrangements for the establishment of **new schools** by introducing a presumption that when LAs set up new schools they will be **Academies** (including free schools);
- *changes* the **composition of school governing bodies** and, with the related clause in Part 6, makes it possible for one or more, but not all, of the schools in a federation to **become an Academy** without first having to go through the statutory process to leave the federation;
- *provides* for changes to the **inspections framework** for schools, and for the **exemption from routine inspection** by Ofsted (via more emphasis on risk assessment) of certain categories of school and further education institution;
- *requires* inspections to cover 'in particular':
 - the **achievement** of pupils at the school;
 - the quality of **teaching** in the school;
 - the quality of the **leadership in and management** of the school; and
 - the **behaviour and safety** of pupils at the school;in addition to continuing coverage of the spiritual, moral, social and cultural development of pupils at the school; and the extent to which the education meets the needs of the range of pupils at the school, and in particular the needs of pupils who have a disability for the purposes of the *Equality Act 2010*, and pupils who have special educational needs;
- *allows* the Chief Inspector to **charge the school** or college for the cost of carrying out an inspection where a school or further education institution asks Ofsted (and it agrees) to carry out an inspection when such an inspection is not obligatory;
- *changes* the inspection of **boarding provision**;
- *provides* for the SoS to direct a local authority to issue a **warning notice** to a school on grounds of performance or safety concerns, and **extends** the SoS's power to close schools to **all schools** eligible for intervention, rather than (as at present) only those deemed by Ofsted to be in need of special measures;
- *repeals* the **power for parents to make complaints** about schools to the Local Commissioner;
- *contains* measures on **school finance**, and *allows* nursery schools (and schools with nursery classes) to charge for early years provision that is not funded by the local authority. It *enables* the SoS to issue **directed revisions to local authority schemes** for financing schools and *requires* the SoS to **consult** LAs and others before a direction is given. It also *allows* the governing bodies of maintained schools to fund the **costs of premature retirement and dismissal of community staff** from their budget shares, and *allows* **pupil referral units** to be funded by LAs by way of a budget share, in the same way as maintained schools;
- *repeals* and *amends* a range of duties placed on **further education corporations** and *repeals* the change of the name of **pupil referral units** to short stay schools.

7. ACADEMIES

- *allows* the establishment of **16 to 19 Academies** and **alternative provision Academies** and *removes* the requirement for Academies to have a **specialism**;

- *changes* the **consultation requirements** for the setting up of an Academy, and the way a school in a federation becomes an Academy. This Part protects the existing position in relation to discrimination in employment practices for **faith schools** which convert to become Academies, but makes provision for this to be changed (by order of the SoS) after conversion.
- *changes* the legislation relating to **school land**, to **increase the SoS's ability** to make land available for free schools.
- *allows* for schools adjudicators to consider and determine **objections to Academies' admission arrangements**. It also makes provision about the **remission of fees** that may be payable in respect of children attending boarding Academies.

8. POST-16 EDUCATION AND TRAINING

- *abolishes* the **Young People's Learning Agency for England (YPLA)** and provides for the relevant functions of the YPLA to be transferred to the SoS;
- *replaces* the duty on the Chief Executive of Skills Funding to **secure an apprenticeship place** for certain young people with a duty to **fund apprenticeship training** (through securing the provision of proper facilities) for certain groups who have secured an apprenticeship place;
- *changes* the law relating to the issue of **apprenticeship certificates**;
- *changes* the **skills entitlements**;
- *retains* the commencement of **raising the participation age** legislation in 2013 (to age 17) and 2015 (to age 18) whilst *removing* the requirement to commence **enforcement procedures** on young people, parents and employers in relation to raising the participation age on a certain date.

9. DIRECT PAYMENTS

- *defines* circumstances and conditions under which LAs may make certain **payments to persons with special educational needs** or subject to learning difficulty assessment.

10. STUDENT FINANCE

- *applies* the **tuition fees cap** for full-time courses on a pro rata basis to **part-time courses**;
- *increases* the cap on the **interest rates** that can be charged on new student **loans**;

11. ORDERS AND REGULATIONS

The Act includes numerous new and extended powers for the Secretary of State which are likely to be reflected in Orders or Regulations exercisable by Statutory Instruments in the future.

The complete Act and accompanying documents can be viewed/downloaded via the link to the Parliament website at:
<http://www.education.gov.uk/aboutdfe/departmentalinformation/educationbill/a0073748/education-bill>

It can also be read Part-by-Part at: <http://www.legislation.gov.uk/ukpga/2011/21/section/1/enacted>

A summary of the key changes for local authorities can be viewed at:
<http://www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00200230/education-act-2011>