

# **CHILDREN, YOUNG PEOPLE AND LEARNING SCRUTINY COMMITTEE**

23 FEBRUARY 2012

## **THE EDUCATION ACT 2011**

### **REPORT OF THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES**

**STRATEGIC PRIORITIES: Learning City**  
**CORPORATE IMPROVEMENT OBJECTIVES: Delivering Customer Focused  
Services, Efficient and Effective Council**

#### **1. Why has this presentation come to the Committee?**

- 1.1 To inform committee of the significant changes in the Education Act 2011 and their implications for education in Sunderland.

#### **2. Presentation**

- 2.1 The presentation will concentrate on the 10 main areas within the new Act:

- Early years provision
- Discipline
- School workforce
- Qualifications and curriculum
- Educational institutions
- Academies
- Post-16 education and training
- Direct payments
- Student finance
- General – supplementary orders and regulations.

- 2.2 The implications of the Education Act for Sunderland will be covered in the presentation.

- 2.3 A summary of changes is attached for your information at Appendix 1.

#### **3. Recommendation**

- 3.1 Scrutiny Committee are asked to note the content of the presentation.

#### **4. Background Papers**

- 4.1 Education Act 2011

- 4.2 Access to the Act in full is available through the Department for Education website

## **5. Glossary**

GTC	General Teaching Council
TDA	Training and Development Agency
SSSNB	School Support Staff Negotiating Body
QCDA	Qualifications and Curriculum Development Agency
SIP	School Improvement Partner
PRU	Pupil Referral Unit (now Short Stay Schools)
YPLA	Young People's Learning Agency
SFA	Skills Funding Agency

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## Education Act 2011: Summary of changes

### Part 1: early years provision

- Enables a new entitlement for disadvantaged two-year-olds to 15 hours' free early years education

### Part 2: discipline

- Extends the power of staff to search pupils without their consent for any dangerous or banned items  
*Extends the power of staff to search pupils without their consent for any dangerous or banned items*
- Reforms the process for reviews of permanent exclusions  
Independent Appeal Panels are replaced with Review Panels which can either:
  - (a) Uphold the decision of the head teacher/governing body,
  - (b) Recommend that the head/governing body reconsider the matter, or
  - (c) If it considers that the decision was flawed when considered in the light of the principles applicable on an application for judicial review, quash the decision and direct the responsible body to reconsider the matter.  
Review Panels cannot therefore order reinstatement.
- Ends the need for schools to give 24 hours' written notice to parents for detentions
- Ends the requirement for schools to enter into a behaviour and attendance partnership with other schools

### Part 3: school workforce

- Abolishes the General Teaching Council for England (GTC) and the Training and Development Agency for Schools (TDA), transferring relevant functions to the secretary of state and where appropriate, to Welsh ministers
- Abolishes the School Support Staff Negotiating Body (SSSNB)
- Restricts public reporting of allegations made against teachers to protect them from false accusations

### Part 4: qualifications and the curriculum

- Requires schools to take part in international education surveys
- Abolishes the Qualifications and Curriculum Development Agency (QCDA) and transfers relevant functions to the secretary of state
- Requires schools to secure independent and impartial careers guidance for pupils from the age of 14: schools cannot fulfil this duty by asking a teacher or other person employed by the school to provide guidance
- Ends the need for LAs, schools and governing bodies to secure access to the Diploma entitlement for 16 to 18 year olds and pupils in Key Stage 4 (KS4)

## **Part 5: educational institutions**

### **Repeal of duties of governing bodies and LAs**

- Removes the duty of governing bodies to publish a school profile
- Ends the requirement for LAs to appoint a school improvement partner (SIP) in each school
- Introduces a cap on the amount that LAs and schools can charge for school meals, milk, etc.
- Ends the power of the schools adjudicator to make a change to a school's admissions arrangements in response to a complaint

### **New schools and constitution of governing bodies**

- Introduces a presumption that when LAs set up new schools they will be academies (including free schools)
- Changes the composition of school governing bodies
- Makes it possible for one or more, but not all, of the schools in a federation to become an academy without going through the process of leaving the federation

### **Changes to Ofsted inspections**

- Changes the inspections framework for schools so that inspectors will report on:
  1. The achievement of pupils at the school
  2. The quality of teaching in the school
  3. The quality of leadership in and management of the school
  4. The behaviour and safety of pupils at the school
- In addition, Ofsted must consider how well a school provides for different groups of pupils and the school's provision for the spiritual, moral, social and cultural development of pupils
- Exempts certain categories of school and further education (FE) institution from routine inspection by Ofsted
- Allows Ofsted to charge schools for the cost of carrying out an inspection if the school has requested the inspection
- Gives the secretary of state power to close schools which are eligible for intervention, rather than only those in special measures
- Gives the secretary of state power to direct an LA to issue a warning to a school on grounds of performance or safety concerns
- Stops parents complaining about schools to the local commissioner

### **Finance of institutions**

- Enables the secretary of state to issue directed revisions to LA schemes for financing schools
- Allows governing bodies to fund the costs of premature retirement and dismissal of community staff

- Makes changes to what costs can be included in charges made by nursery schools and schools with nursery classes for early years provision that is not funded by the LA
- Allows pupil referral units (PRUs) to be funded by LAs by way of a budget share, in the same way as maintained schools
- Repeals the change of name of PRUs to short stay schools

### **Part 6: academies**

- Introduces the establishment of 16 to 19 academies
- Introduces the establishment of alternative provision academies
- Removes the need for academies to have a specialism
- Requires governing bodies of schools to consult those they think appropriate before or after an application for academy status
- Makes changes to the way a school in a federation becomes an academy
- Clarifies the law surrounding LA powers to provide financial or other assistance to academies
- Allows schools adjudicators to deal with objections to academies' admissions arrangements

### **Part 7: post-16 education and training**

- Abolishes the Young People's Learning Agency for England (YPLA) and transfers relevant functions to the secretary of state
- Repeals the duty on the Skills Funding Agency (SFA) to find an apprentice place for all suitably qualified young people. The SFA must provide proper facilities for apprenticeship training for certain groups of young people who have secured an apprenticeship opportunity
- It also places a new duty on the chief executive of the SFA to make reasonable efforts to ensure employers participate in apprenticeship training, and gives the secretary of state new powers in relation to the function of the chief executive
- Maintains Labour's policy of raising the participation age to 18 in 2015

### **Part 8: direct payments**

- Allows local authorities to make a direct payment for children and young people with special educational needs or learning difficulties. The power must only be exercised in accordance with a pilot scheme made by the secretary of state

### **Part 9: student finance**

- Increases the cap on the interest rates that can be charged on new student loans

### **Part 10: general**

- Supplementary provisions about orders and regulations, the interpretation of the Act, financial provision and commencement