

# Operational Sub-Group

## Education Bill

Item No: 4

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| <b>Date:</b>      | 4 <sup>th</sup> February 2011 |                   |   |
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**Summary** This paper summarises some of the key measures contained in the Education Bill, published in late January 2011

**Recommendations** OSG members are recommended to

- note information contained in this paper and comment on the implications for 14-19 education and training

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## Introduction

On 24 November 2010 the coalition government published *The Importance Of Teaching: The Schools White Paper 2010*. The overarching themes of the white paper included:

- greater autonomy for schools
- a focus on improving standards – particularly in teaching
- reduction of bureaucracy

Subsequently on 26 January 2011 the Education Bill was presented to parliament and published the following day. This short briefing does not attempt to cover the full range of policies contained within the Bill, particularly those that are focused directly on schools or teachers. Instead it considers the Bill part by part, highlighting the measures which are expected to have the most impact on 14-19 education and training.

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## PART 1 - Early Years Provision

This part primarily provides for free nursery education to be extended to disadvantaged two-year olds and does not contain any specific measures affecting older children.

## PART 2 - Discipline

This part extends the powers of staff at school and further education institutions to search students without their consent for prohibited items. It also gives head teachers greater authority to permanently exclude pupils. However where they do, their school will be responsible for finding and funding appropriate alternative provision for the pupil, rather than local authorities.

Additionally this part removes the requirement to give parents 24 hours written notice that their child has been placed in detention out of normal school hours, and repeals the duty on schools to enter into behaviour and attendance partnerships.

### **PART 3 – School Workforce**

This part primarily tackles issues relating to teachers. It includes the legislation to abolish the General Teaching Council for England, the Training and Development Agency for Schools, and the School Support Staff Negotiating Body.

### **PART 4 – Qualifications and Curriculum**

This part contains measures to reform the curriculum – including abolition of Qualifications and Curriculum Development Agency (QCDA). The key impacts on 14-19 education are as follows:

- *Careers Guidance*: Schools will be required to secure independent careers guidance which must be impartial and include information on all 16-18 options, including apprenticeships. The bill specifies that to meet this duty schools cannot simply ask a teacher or other person employed by the school to provide guidance to all pupils, although this will not prohibit teachers from offering some careers advice. Local authorities will retain the duty to make available such services that they consider appropriate to encourage, enable or assist young people and relevant young adults to engage and remain in education or training.
- *Repeal of the Diploma Entitlement*: The provisions in the Apprenticeship, Skills, Children, and Learning Act 2009 will be repealed so that local authorities will no longer be required to secure a Diploma entitlement for pupils in their locality. Diplomas can still be offered, but will no longer be compulsory – the entitlement for Key Stage 4 pupils may be met by other courses as well as diplomas.

### **PART 5 – Educational Institutions: Other Provisions**

This part repeals much legislation relating to schools and local authorities, much of it to loosen the relationship between the two:

- Schools and further education institutions will no longer be required to become involved in various local initiatives such as be represented on the local Children's Trust Board or have regard to the Children and Young People's plan.
- Local authorities will no longer be required to appoint a School Improvement Partner (SIP) to maintained schools.
- When local authorities look at establishing a new school under Section 7 of the Education and Inspections Act 2006, in the first instance there will be a presumption that this will be an academy (including where Free Schools are established).
- Provision is made to make it possible for a school to leave a federation without dissolving the federated governing body. This will make it easier for such schools to convert to Academy status.
- Certain schools and colleges can become exempt from routine inspection by Ofsted in the future. It is specified that this will include colleges graded 'outstanding' in their last inspection.
- The Secretary of State's powers to direct school closures are extended to include circumstances where a school has failed to meet performance standards. The White Paper indicated that these powers would be used to convert more failing schools into Academies.

- Further education and sixth form college corporations will be granted the freedom to borrow money, and form or invest in an education company/charitable organisation without approval from a 'relevant body' – presently local authorities, the Young People's Learning Agency (YPLA) or the Skills Funding Agency.
- Pupil Referral Units will no longer be renamed Short Stay Schools.

## **PART 6 – Academies**

This part provides the necessary legislation to support the further expansion of the Academies programme in conjunction with the Academies Act 2010. Principally Academies will no longer be required to have a specialism, and Academy status can now be offered to Post-16 institutions and alternative provision such as Pupil Referral Units.

This part also proposes changes to the Secretary of State's powers to transfer the publically funded land of maintained schools to Academies, whilst ensuring that the public interest in land at Academies continues to be protected.

## **PART 7 – Post-16 Education and Training**

This part deals with changes to post 16 education and training.

- The YPLA will be abolished and its functions discharged by the Secretary of State. It is expected that a central agency will be established to undertake many of these functions going forward.
- Raising the Participation Age legislation is retained to commence in 2013 (to age 17) and 2015 (to age 18). However, there will no longer be a requirement to commence enforcement procedures until the Secretary of State decides so.
- Funding and provision of apprenticeships for young people aged 16-24 will be prioritised but with some caveats. Funding won't be provided for those who already have an apprenticeship at the same level, the Secretary of State will be able to limit and even suspend funding in certain circumstances and the issuing of certificates will be brought under his designation

## **PART 8 – Student Finance**

This part relates to higher education funding permitting the Secretary of State to set interest rates charged on new student loans.

## **PART 9 – Powers of National Assembly for Wales**

The final part of the Bill only deals with Wales and is not applicable to London

## **Recommendations**

OSG members are recommended to note information contained in this paper and comment on the implications for 14-19 education and training.