

## **Education Bill - summary**

### **Early Years provision**

- The Bill provides for regulations to define who should receive free childcare for those under 5 (i.e. it does not specify deprived 2 year olds but leaves SoS free to define)
- Provision for DWP to share tax credit info for the purposes of assessing eligibility for free child care.

### **Powers of search (in schools and FE)**

- extended to anything which might be used to commit an offence or cause harm to self or others;
- extended to cover things prohibited by the school.
- should be undertaken by staff member of the same sex, unless urgency defence.
- Items seized, if criminal, should be handed to police, retained or disposed of or returned to owner, and if banned under school rules, retained, disposed or returned with reference to guidance from SoS.
- NB if the item seized is electronic teachers have the power to access data and delete files before returning to owner(!)

### **Exclusion**

- PRUs can exclude pupils for a fixed term or permanently (as can schools) – I don't know if this is new.
- Regulations will determine who can appeal and the actions that can be taken by the appeal body, limited to asking the decision maker to reconsider – this is even the case when the case meets criteria that could lead to a Judicial Review.
- The appeal panel may “order an adjustment of the school's budget for a period”.
- Regulations will make this apply **with modifications** to Academies.

### **Repeal of duties to**

- give notice of detention to parents
- enter into a behaviour partnership

### **Abolition of GTC**

- now only functions in Wales
- Decisions on removal from register passes to SoS(!)
- SoS will maintain a list of those banned, and whether for interim period or failure to complete induction, or because banned in devolved administrations.
- Employers (including academies and contractors) have a duty to inform SoS of concerns that have led to teacher resigning or being sacked.
- New schedule laying out powers of SoS and processes.

### **Requirement to undertake induction**

- regulations **may** require teachers in relevant schools (as defined by regs) to undertake induction, the standards that must be met in that induction and put a duty on headteachers to report whether those standards have been met.

- Heads will then be required to restrict the activities of anyone failing the induction.

### **Anonymity for teachers accused of crimes relating to pupils**

- no identification in publications such that the public could identify the accused teacher
- potential for court to overturn reporting restriction;
- imposes fines on any publication that publishes restricted information;

### **Training the workforce**

- TDA is abolished and powers pass to SoS
- Support Staff negotiating body abolished

### **Participation in international surveys**

- The SoS can direct the governing body of a particular school to participate in international surveys

### **QCDA and Ofqual**

- QCDA abolished
- Ofqual **must** ensure regulated qualifications are comparable over time between equivalent qualifications and comparable to international standards at the current time.

### **Careers Services**

- LA duty to make available services that they deem appropriate to young people to encourage, enable or assist them to stay in education;
- SoS powers to issue direction on this duty **repealed**, though he can still issue guidance.
- Schools no longer have duty to allow access to Connexions or similar staff.
- SoS has power to make arrangements with a supplier to hold info on the National Client Caseload Information System - data on participation.
- Repeal of provision that prevents identification of individuals from this data.

“The Government intends to use this power to generate data about the kinds of activities that pupils from a school or college go on to do after they leave. This will be done by “matching” information from the NCCIS (which contains information about where individuals go on to work or study) with information the Secretary of State holds on individuals’ education outcomes in the National Pupil Database. ”

- duty on schools to secure independent and comprehensive advice and guidance for pupils (and on Las to provide in PRUs);
- the duty on Las to ensure both core and additional entitlements to diplomas is revised to **only include core entitlements** and no longer includes 14 – 19 diplomas at KS4.

### **Removal of duties**

- Removal of all schools' duty to co-operate on well-being and to have regard to CYP

Plan;

- removal of duty to prepare a school profile;
- removal of duty to appoint a SIP

### **Admissions**

- removal of duty on LA to have an admissions forum;
- removal of duty on LA to report on admissions arrangements and the power of SoS to dictate content of reports. (Confusingly the guidance states that the contents of these reports will now be included in the admissions code – if there is no duty, why the requirements?)

### **School meals**

- LAs and schools will be prevented from charging more than the cost of providing meals and milk;
- Allows rate to vary within school for same products;

### **New Schools**

- **duty on LAs to seek proposals for an academy when a new school is required;**
- requirement to report to SoS on how this duty has been met;
- requirement for SoS permission to open a competition;
- academy proposals in a competition will be submitted to the SoS for approval and these will be decided before any other proposals.
- removal of right of LA to propose community or foundation school;
- An LA can propose a new school outside of a competition where it would replace one or more foundation or community schools (requires SoS consent for secondary, but not primary)

### **Governing Bodies**

- allows for regulations to reduce the number of categories of governor required on the governing body of maintained schools
- still includes a parent governor.
- Provision for a federation governing body to be retained when one school in the federation closes or becomes an academy as long as two or more schools remain in the federation.

### **School inspections**

- Creates a category of schools, to be defined in regulation, that are exempt from routine inspections
- exempt schools can still be inspected as part of national surveys on themes or where cause for concern.

### **Funding schemes**

- new power to SoS to direct an LA to change any or all of a funding scheme in relation to schools(!)

### **FE Colleges and YPLA**

- YPLA is abolished by this bill
- Removal of requirement for consent from YPLA/ SA to borrow money;
- removal of duty to consider well-being;
- Power to SoS to accept a request from a sixth form college for closure without LA consent.
- Direct applications to SoS to open new sixth form college without LA.
- Removes duty to consult with potential students
- transfer of intervention powers from YPLA and LAs to SoS
- removal of duty on LA to inform SoS of concerns.
- Removal of criminal element of punishment for non-participation after 2015.

### **Academies**

- Don't need a specialism
- Provision for 16-19 academies and PRU academies and for these academies to have different characteristics in their funding agreements to academy schools – due to different functions.
- SOS can make an Academy order for any school that is eligible for intervention;
- Increases circumstances in which the SoS must consider the impact on maintained schools, from simply an additional (new) schools to any academy that would change the pattern of provision – i.e. service a wider age group than previously)
- Local Authority land and Academies

“Part 1 of Schedule 1 concerns local authority land. It re-enacts and extends provisions in Schedule 35A to EA 1996 and in Schedule 1 to AA 2010, which this

Schedule is replacing. It enables the Secretary of State to make a scheme to transfer an existing or former school's land (now including an Academy) from a local authority to a person concerned with the running of an Academy where the land is no longer needed for the school (paragraphs 1 and 3). It also enables the Secretary of State to make a scheme to transfer any local authority land that has been identified by the local authority as a possible site for a new school to a person concerned with the running of an Academy (paragraphs 2 and 3). Part 1 also requires a local authority to seek the Secretary of State's consent to any proposed disposal or appropriation of existing or former school land and enables the Secretary of State to compulsorily purchase land back from a third party and transfer it to a person concerned with the running of an Academy if the land is sold in contravention of any requirement to seek his consent (paragraphs 4, 5, 6 and 7).

- admissions to academies will come under the adjudicator as maintained schools do

### **Alternative Provision Academies**

**N.B. this is further information provided by DfE colleagues (on 28 Jan) after queries raised in the ADCS Educational Achievement Policy Committee meeting with DfE officials on the morning that the Bill was published**

Essentially, the Bill provision does three things:

1. It will establish a new type of Academy: the alternative provision Academy.
2. We will regulate separately to enable Pupil Referral Units to seek Alternative Provision Academy status.

3. It will make Free School status available to alternative provision providers, including new providers that are unable to meet the existing criteria for an Academy.

While providers can already seek Free School status if they meet the current requirements expected of an Academy, the Bill will allow a wider range of providers to become Alternative Provision Academies. This will include those who could not meet the current requirement to have five full-time pupils of compulsory school age.

This provision enables PRUs to gain academy status by creating a new type of Academy which, when accompanied by enabling regulations for pupil referral units, will make it possible for them to do so. Separately but in parallel we are also through regulations giving the management committees of PRUs powers similar to those of governing bodies of community schools. Management committees will have greater control over finance and staffing which will assist PRUs to convert to Academies. Many providers of alternative provision could not obtain free school status because of the nature of their provision – this clause will allow a wider range of providers, including new providers, to achieve Academy status.

On the specific query relating to whether providers will need to provide full-time education, I have confirmed that the legislation is drafted so as to enable part-time providers to be able to obtain Free School status.

N.B. All of this is subject to the will of parliament and will no doubt be the subject of much debate!

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### **Apprenticeships**

- Requirement for SFA to prioritise apprenticeships for 16 -19 year olds, care leavers and disabled young people under 25 or as defined by regulation.
- SoS becomes the issuing authority for apprenticeships certificates where no other appointed.

There are then impact assessments in the guidance notes – summaries of which to follow.

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