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## REPORT OF THE CHIEF EXECUTIVE OF EDUCATION LEEDS

**EXECUTIVE BOARD: 24<sup>th</sup> January 2007**

**SUBJECT: Education and Inspections Act 2006**

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### EXECUTIVE SUMMARY

#### 1. PURPOSE OF THE REPORT

To outline briefly the main provisions of the Education and Inspections Act, passed in November 2006.

#### 2. BACKGROUND INFORMATION

The Education and Inspection Act follows the government's White Paper 'Higher Standards, Better Schools For All'. Its provisions come into effect between November 2006 and the end of 2008 (calendar attached).

The report also provides hyperlinks to associated papers and references.

#### 3. MAIN ISSUES

These are the significant features of the Act:

**Trust schools** - All schools will be able to "acquire" a Trust by forming links with external partners who can appoint the majority of governors. These schools will be able to; own their assets, employ their staff, and set their own admission arrangements.

**Fair Access** – The Government seeks to ensure equity and avoid a return to selection and have therefore prohibited interviewing for academic ability; there are new powers for Admission Forums and the School Admissions Code has been strengthened; free transport is extended to enable greater choice for disadvantaged families; parents who are felt to be in need of support will be offered the services of advisers on school choice.

**14 – 19 Curriculum** - All young people aged 14 – 19 will be entitled to access 14 new specialised vocational Diplomas, provided by schools working in collaboration, and with colleges (Separate report on 14-19 seen by the Board previously)

**Behaviour** – The Act creates a statutory right for school staff to discipline pupils, extends the scope of parenting orders and contracts, and enhances the provision for temporarily and permanently excluded pupils.

**Local authorities** – New duties confirm the strategic, commissioning and championing role of the local authority, including proposing expansions to all categories of schools and taking all decisions relating to school organisation. The School Organisation Committee is abolished.

**Failing schools** – A tightened regime for turning around underperforming and failing schools more quickly, and some additional funding.

**School meals** – More stringent nutritional standards and the facility to provide free meals, including breakfast, where schools or local authorities wish to.

**Inspection** – Ofsted will be enlarged to create a new single inspectorate for children, young people and lifelong learners – the Office for Standards in Education, Children’s Services and Skills (still called Ofsted).

#### **4. RECOMMENDATIONS**

Executive Board are asked to:

- i) Note this briefing paper
- ii) Note that a more detailed report will be submitted to the March Executive Board outlining Education Leeds’ current and planned responses to the Act.

Agenda Item:

Originator: F Bernstein

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Electoral wards Affected: All

Specific Implications For:

Equality & Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call-in

Not Eligible for Call-in  
(Details contained in the Report)

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### 1.0 PURPOSE OF THE REPORT

1.1 To outline briefly the main provisions of the Education and Inspections Act, passed in November 2006.

### 2.0 BACKGROUND INFORMATION

- 2.1 In autumn 2005 the Government published the Schools White Paper - Higher Standards, Better Schools For All - as part of their aim of ensuring that all children get the education they need to fulfil their potential.
- 2.2 Changes requiring legislation were taken forward by the Education and Inspections Bill published in February 2006.
- 2.3 The Education and Inspections Act gives legal force to many of these proposals, and to some additional measures that were not included in the original White Paper. It received Royal Assent on 8 November 2006.
- 2.4 The Act is mainly enabling, and reflects the government's aspiration to increase diversity and devolve responsibility to schools, by introducing Trusts. There are also a range of associated changes to transport and admissions policies to ensure

fair access to school.

The attached schedule shows when different aspects of the Act and associated regulations will come into force or guidance will be issued.

### 3.0 **MAIN ISSUES**

Some of the key provisions of the Act are outlined below.

#### 3.1 **Trust schools**

The Act enables all schools to become Trust schools by forming links with external partners who will be able, should the school choose, to appoint the majority of the Governing Body. Trust schools will have the same powers as foundation or voluntary aided schools to:

- own their own assets
- employ their own staff
- set their admission arrangements (subject to a newly strengthened School Admissions Code)

They will also be able to apply for additional flexibilities.

There will be safeguards around the acquisition of trusts. The local authority can refer a proposal for a trust to the Schools Adjudicator if it believes a trust will be detrimental or proposed without adequate consultation.

Where Trustees form more than half of the governing body, they will also have to set up a Parent Council to ensure parents' views are heard.

#### 3.2 **Local authorities**

The Act sets out a new strategic role for local authorities, including:

- duties to promote choice, diversity and high standards for every child
- a duty to respond to parental concerns about the quality of local schools
- responsibility for making sure young people have a range of things to do in their spare time.

The local authority, as the commissioner of school places, will be able to propose expansions to all categories of school, set the terms for school competitions and take all decisions relating to school organisation.

#### 3.3 **Fair access**

The Act seeks to ensure fair access to schools by tightening the admissions framework, extending entitlement to free transport, and requiring the local authority to support parents in choosing schools. It includes:

- reaffirming the ban on new selection by ability, and outlawing interviewing of parents of prospective pupils
- strengthening the Code on School Admissions so that schools will have to “act in accordance” with it rather than “have regard” to it
- new powers for admissions forums, to refer objections to the Schools

- Adjudicator, and to produce an annual report on fair access in their area
- a requirement for local authorities to provide free transport for disadvantaged pupils to attend any of three suitable secondary schools closest to their home, (between 2 and 6 miles away), or up to 15 miles away where it is the nearest suitable school preferred on grounds of religion or belief

### 3.4 **14 – 19 Curriculum**

The Act gives effect to important reforms of the national curriculum, outlined in the 14-19 Education and Skills White Paper. The central feature is the introduction of 14 new specialised Diplomas, which the local authority must ensure is available to every young person aged between 14 and 19. Schools will be expected to work with each other and with colleges and other providers to fulfil this entitlement.

Developments to the 14 – 19 curriculum are the subject of a separate report on this agenda, ‘Review of 14 – 19 Provision in Leeds’.

### 3.5 **Behaviour**

The Act creates a clear statutory right for school staff to discipline pupils, and extends the scope of parenting orders and contracts.

Parents will have to take responsibility for excluded pupils in their first five days of exclusion, either fixed term or permanent, and have to ensure excluded children are properly supervised, backed up by fines for a new offence of allowing an excluded child to be found in a public place during school hours without good cause.

Governing bodies and local authorities are now required to provide alternative provision from the sixth day of exclusion. Currently, provision is required after 16 days of permanent exclusion.

### 3.6 **The Act also:**

- establishes new nutritional standards for food and drink served in maintained schools
- merges several existing inspectorates into a single inspectorate to cover the full range of services for children and young people, as well as life-long learning
- tightens the regime for turning around underperforming and failing schools
- places new duties on governing bodies to promote community cohesion and the well-being of pupils

## 4.0 **IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

The full implications of the Act for Council policy will be the subject of a more detailed report to the March Executive Board.

## 5.0 **LEGAL AND RESOURCE IMPLICATIONS**

The legal and resource implications of the Act will be covered in the report to the March Executive Board.

## 6.0 CONCLUSIONS

The Act introduces a number of new enabling provisions, and some requirements, which will need to be considered in more detail in a future report.

## 7.0 RECOMMENDATIONS

Executive Board is asked to:

- i. Note this briefing paper
- ii. Note that a more detailed report will be submitted to the March Executive Board outlining Education Leeds' current and planned responses to the Act.

## 8.0 REFERENCES

For further information:

- a) The DfES web site has a **12 page summary** of the Act  
<http://www.dfes.gov.uk/publications/educationandinspectionsact/>
- b) **The Act** itself can be found on  
[http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060040\\_en.pdf](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060040_en.pdf)
- c) **Trust Schools – A Briefing Paper** is available from:  
Governor Support Service, Education Leeds  
Tel: 224 3694 Email: [richard.h.smith@educationleeds.co.uk](mailto:richard.h.smith@educationleeds.co.uk)
- d) **New Draft School Admission Code** - A report to the Leeds Admission Forum outlining the new admissions and transport provisions is available from:  
Pupil Admissions, Education Leeds  
Tel: 2474956 Email: [christopher.wrench@educationleeds.co.uk](mailto:christopher.wrench@educationleeds.co.uk)