



Strategy Unit

TWO PAGE BRIEFING

The Education Act 2011

The Education Act received Royal Assent on 15 November 2011.

The Act takes forward the legislative proposals in the Schools White Paper, [*The Importance of Teaching*](#), and measures from the Department for Business, Innovation and Skills.

Many of the provisions in the Act will be commenced within the next two months, with those relating to abolition of arms-length bodies being commenced at the end of the financial year and the remainder at the start of the school year in 2012.

Implications for Local Government

Some of the key measures for local government include:

- The Secretary of State gives up power to direct how the Connexions service works in a particular local authority, but schools can refuse entry to Connexions advisers.
- Local authorities will no longer be responsible for securing the additional (non-core) diploma entitlement for 16 to 18 year olds and the full range of diploma courses for 14 to 16 year olds.
- The provisions repealing the duties on schools to co-operate with the local authority and other partners and have regard to the children and young people's plan were removed.
- Local authorities will no longer appoint School Improvement Partners.
- Local authorities will continue to send annual reports to the Schools Adjudicator but the content of the report will be set out in the Admissions Code rather than regulations.
- Local authorities and schools must not charge more for school meals than the cost of providing the meals.
- When a new school is required, the local authority must first try to find a promoter to establish an Academy (or its Free School variant).
- If none can be found, the local authority can conduct a competition for a foundation or voluntary school as currently happens.
- If none can be found following a competition, the local authority can then seek the consent of the Secretary of State to establish a community school.

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- A local authority will be able to use the 'special cases' route, which does not require the consent of the Secretary of State, if all else fails.
- Maintained school governing bodies must consist of parent governors, an elected staff governor and the head teacher and a person appointed by the foundation if there is one. A person can be appointed by the local authority if that person meets the 'eligibility criteria' set by the governing body.
- The Secretary of State can override a local authority decision not to issue a Performance Standards and Safety Warning Notice and thus make a school eligible for intervention (and consequently eligible for an Academy Order).
- The Secretary of State can direct changes to local authority schemes for financing schools.
- Local authority powers to establish, or discontinue, a sixth form college, or intervene if something goes wrong are repealed.
- Guaranteed places on Sixth Form College Governing Bodies for local authority nominees are abolished.
- The power of a local authority to continue to fund a school once it becomes an Academy is put beyond doubt thus enabling local authorities to continue to fund Private Finance Initiative (PFI) deals on schools which become Academies.
- Local authority support for boarding costs in Academies with boarding is permitted.
- The local authority gains a power to make direct payments for children with special educational needs instead of specifying (and meeting the costs) of the special educational provision.
- A similar power is given for young people with a learning difficulty assessment.

Links

[Department for Education web page on the Education Act](#)

[UK Parliament Education Act web page](#)

[LGiU briefing on the Education Bill](#)

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