

A Governors' Guide to the Education Act 2011

Executive Summary

The Act supports the Department for Education's commitment to reduce bureaucratic burdens on schools by removing a number of previous legal requirements on governing bodies, teachers and schools. It also allows schools to be exempted from routine inspection, with Ofsted introducing a rigorous risk assessment process. The Act focuses school inspections on four core areas: achievement; teaching; leadership and management, and behaviour and safety. The Act provides the secretary of state the powers to intervene in under performing schools.

Discipline and behaviour

- The Act extends the power of staff to search pupils without their consent for an item that could cause harm or is banned under school rules.
- It reforms the process for reviews of permanent exclusions
- It ends the need for schools to give 24 hours' written notice to parents for detentions
- It ends the requirement for schools to enter into a behaviour and attendance partnership with other schools.

School workforce

- The Act allows the secretary of state to consider allegations of unacceptable professional conduct and to decide whether to prohibit the person from teaching
- It restricts the public reporting of allegations made against teachers to protect them from false accusations

Qualifications and the curriculum

- The Act requires schools to secure independent and impartial careers advice for pupils from the age of 14.
- It ends the need for schools and governing bodies to secure access to the Diploma entitlement for 16 – 18 year olds in Key Stage 4

Duties of governing bodies and local authorities

- The Act allows schools to decide for themselves how to improve pupil well being
- It removes the need for schools to publish a school profile
- It ends the requirement for LA's to appoint a school improvement partner. (however, the governing body are still required to access an external adviser for head teacher performance management)

- It changes the role of LA's in relation to school admissions.
- It introduces a cap on the amount that LA's and schools can charge for school meals

New schools and the constitution of governing bodies

- The Act introduces a presumption that when LA's set up new schools that they will be academies.
- It permits changes to the constitution of governing bodies. Draft regulations will be published in January 2012. The current constitutional regulations will apply until regulations have been agreed and established.
- It makes it possible for one or more, but not all, of the schools in a federation to become an academy without going through the current process to leave a federation.

Changes to Ofsted inspections

- The Act changes the inspection framework for schools so that inspectors will report on:
 - The achievement of pupils at the school
 - The quality of teaching in the school
 - The quality of leadership and management of the school
 - 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.

- It exempts certain categories of school from routine inspection by Ofsted
- It allows Ofsted to charge schools for the cost of carrying out an inspection if the school has requested the inspection.
- It gives the secretary of state the power to direct an LA to issue a warning notice to a school on grounds of performance or safety concerns.
- It gives the secretary of state the power to close schools which are eligible for intervention, rather than only those in special measures.

School Finance

- The Act allows nursery schools to charge for early years provision that is not funded by the LA.

Academies

- The Act requires governing bodies of schools to consult those that they think appropriate before converting to an academy.
- It removes the need for academies to have a specialism.
- It allows federated schools to apply for an academy order without requiring the agreement of the whole federated governing body.
- It increases the secretary of state's ability to make land available for free schools.
- It allows school adjudicators to deal with objections to academies' admission arrangements.