

Children's Services Scrutiny Committee – Thursday 22nd March 2012

Report of the Acting Director of Children's Services

The Education Act 2011 and its impact for Dudley

Purpose of Report

1. To present a paper informing the committee about the changes to education and its provision in Dudley that will come as result of the Education Act 2011.

Background

2. The Coalition government has set in train major legislative and organisational changes in the way state funded education will be organised and managed.
3. At the heart of these changes the Coalition government is seeking to improve standards by:
 - A. Diversifying the number of private and voluntary organisations who set up, run and manage education – the Academy and Free Schools programmes,
 - B. Re-defining the statutory role and responsibilities of Council's regarding state funded education,
 - C. Providing greater freedoms and flexibilities for professionals to lead and manage the learning of all pupils,
 - D. Enhance the role of parents in their child's learning, especially with regard to their preference of which school their child attends.

Education Provision - the current context

4. At present the Council has a number of statutory responsibilities governing state education in Dudley. In particular the Council has a legal requirement to:
 - a) Source or provide high quality education provision for children and young people aged 0-19 (25 for some SEN students);
 - b) Monitor, support and challenge all providers of education in order to raise standards and improve outcomes for young people. The Council has the statutory powers of intervention should a school or setting not provide high quality education, or fails to keep its pupils safe.

- c) Manage all admissions arrangements for children and young people into schools and other settings.
5. In pursuing these statutory obligations the Council has been the key provider of education through its maintained nurseries and schools. Consequently, the Council provides a wide range of services to education that all contribute to positive outcomes for young people. These services include legal, human resources, payroll, estate management, insurance, pupil and family support and education support services. Where the Council has not been the direct provider of services it has acted in a commissioner capacity to incorporate private and voluntary providers in the early years (0-4) and to lead and manager Children's Centres. Additionally, the Council has been involved in commissioning the use of alternative provision for some young people (mainly aged 14-16) for whom a school setting has not been able to meet their needs. For young people aged 16-19 the Council provides a small school sixth form within four schools. The remainder of learning provision has been commissioned to Dudley's Further Education colleges and work-based learning providers.
6. Where the Council has been the provider of education, schools have traditionally bought / procured much of their support from the Council services referenced above.

The Education Act – proposed changes

7. The Education Act proposes a number of significant changes to the way state funded education will be managed. In essence, the Act proposes to accelerate changes that have been happening over recent years. The vision behind the change is to raise standards for all pupils and improve the quality of education by:
- ❖ Increasing the number of private and voluntary partners involved in the provision of education;
 - ❖ Enabling all schools and settings to have greater freedom and flexibility to manage children's learning including a greater freedom to procure support from a wider and more diverse range of providers;
 - ❖ Providing parents with more opportunity to access the school of their choice.
8. In order to achieve this vision the Education Act proposes many changes, the following are the most significant for the Council in its assessment of the impact of change and its review of future service provision.

A. Academies and Free Schools

The Education Act builds on existing legislation and makes it easier for private and voluntary parents to provide education. Academies and Free Schools will be independent providers of education. They are funded directly from London and are held to account by the provisions contained within the “Funding Agreement”, a legal document drawn up by the DfE and the trust (provider) of education. At present (March 2012) Dudley has five academy schools. The DfE is also considering a proposal to create a Universal Technical College in the Borough.

B. School Funding

At the time of writing this report the national government is consulting upon the future of school funding. However, schools already have the right to procure services from any appropriate provider. To accelerate this process, the Coalition withdrew all funding to the Council that was targeted towards the School Improvement Services. The funding was transferred to the individual school budgets for academies and Free Schools. Other monies traditionally held by Councils to provide services have also been withdrawn and transferred to the individual schools.

C. School Admissions

A number of proposals have been included within the Education Act to enhance the opportunity for parents to access a school of their choice, for example, the Act extends opportunities for popular/successful schools to expand and to meet parental preferences.

D. Helping Teachers Maintain Good Discipline

The Act will give teachers the power to search pupils for items banned under the school rules and issue same day detentions. It will provide better protection for teachers from false allegations by pupils. Exclusion appeal panels will be replaced by review panels, which will review decisions but will not have the power to force a school to reinstate an excluded pupil.

E. Disadvantaged Two Year Old Subsidy

The Act makes provision to extend the entitlement for more children to access 15 hours of free Early Years provision.

F. Other Changes for Local Authorities

- Replaces independent appeals panels for exclusions with independent review panels.
- Removes the duty on local authorities to appoint a School Improvement Partner for every school.
- Gives precedence to academy proposals, where a local authority identifies the need for a new school, and expands the academies programme to allow 16-19 and alternative provision academies.
- Extends the Secretary of State's powers to intervene in underperforming schools.
- Provides the closure of the Local Government Ombudsman's school complaints service, and removes the duty to consider complaints about the curriculum from LAs. General complaints about schools will now be made to the Secretary of State.
- Allows for pilots of direct payments for SEN education services.
- Makes changes to LA powers over sixth form colleges.
- Provides for the abolition of five arm's length bodies (Teaching Development Agency, General Teaching Council for Education, Qualifications, Curriculum Development Council, the Young People's Learning Agency and the School Support Staff Negotiating Body).

Finance

9. The changes outlined in the Education Bill will impact upon the services provided by a local authority and therefore it is expected that funding from central government would be adjusted to reflect this Act of Parliament. The full financial impact cannot be quantified at this stage.

Where the Council provide a traded service to schools then this will need to be reviewed and adapted to meet the requirements of the education provider under the new legislative framework.

Law

10. The statutory duties for the Council with regard to state funded education are being re-defined to match the terms of the Education Act 2011.

Equality Impact

11. All proposed revisions contained within the Education Act have undergone Equality Impact assessment by the national government.

Recommendation

12. That Committee receives this report and considers the information and that subsequent reports on the impact of these changes are brought to the committee in June and September 2012.



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