



Japan Local Government Centre, London

Monthly Report for December 2011 – Education Act

Background

Education reform was a signature policy of both Margaret Thatcher's Conservative administration (1979-1990) and Tony Blair's Labour administration (1997-2007). Indeed, Blair famously defined his three priorities for government ahead of the 1997 general election as "education, education, education".

Under Thatcher, Education Secretary Kenneth Baker introduced the landmark Education Reform Act of 1988, the biggest legislative reform since the 1944 Education Act upon which the English state schools system was based. The 1988 Act introduced 'Grant-maintained schools' (centrally funded from Whitehall rather than under LEA control), Local Management of Schools (budget-setting by head teachers and school governors rather than LEAs), City Technology Colleges (CTCs, privately funded selective state schools, the forerunner to Academies), the National Curriculum, parental choice of schools by preference (rather than solely LEA decisions on school places) and national school exam league tables.

Although derided by Labour in opposition, under Tony Blair and Education Secretary David Blunkett, the Thatcher reforms were built on by Labour with its 'school standards' agenda of increased use of league tables for school performance (at all stages, not only exams), reform of CTCs into Academies, targeted intervention towards failing schools (including closure in some cases) and increased emphasis on teacher performance and school leadership.

Education Act 2011

In November 2011 the coalition government's Education Bill was given Royal Assent. The Act provides a legislative framework for new policies around school governance, management and discipline. The Act only applies in England as education is a devolved matter elsewhere.

The Department for Education asserts that the Education Act 2011 will help teachers raise standards in education. It includes new legal powers to help teachers root out poor behaviour, to tackle underperformance, and to improve the way in which schools are held to account.

Provisions in the Act include:

- a power for schools to search pupils without consent for any dangerous or banned items
- the removal of restrictions that prevent schools from issuing detentions to pupils without providing 24 hours' written notice
- new pre-charge reporting restrictions on allegations of criminal offences made by pupils against teachers at their school
- a power to create an entitlement to free early years provision for disadvantaged two-year-olds
- reforms to the procedure for the establishment of new schools, to give preference to Academies and Free Schools
- a re-focusing of Ofsted routine school inspections on four key areas that matter most to parents
- a power to exempt schools from routine Ofsted inspections
- new powers to tackle underperforming schools, including extended powers for the Secretary of State to close them
- the abolition of five existing arms-length bodies¹, with some of their functions transferring to more efficient new executive agencies, which are directly accountable to the Secretary of State.

The department has received Royal Assent for two significant Bills since the coalition government came to power. Both are aimed at providing powers to transform the education system and raise standards in schools.

The first – the Academies Act 2010 – gave all state schools the chance to enjoy Academy freedoms. This year, the department maintains, Academies reported GCSE improvement rates double that of the national average. More than 1,500 schools have also applied to become Academies – meaning that 40 per cent of secondary schools are, or are seeking to become, Academies.

The Act also enabled new Free Schools to be set up in communities where there is demand from local parents for a good, new school. The first 24 Free Schools opened this year, and many more are aiming to open in 2012 and beyond. Many of these schools are – or plan to be – based in areas of deprivation. The Academies Act 2010 laid the legal foundations that are allowing important structural changes to take place in the education system, by giving teachers, heads and other local people the powers and autonomy they need to raise standards, the department said.

¹ Training and Development Agency, General Teaching Council for England, Qualifications and Curriculum Development Agency, Young People's Learning Agency and the School Support Staff Negotiating Body

Most provisions in the Education Act will take force within the next two months; those relating to abolition of most arms-length bodies will take effect around the end of the financial year; and the remainder of the Act commencing at the start of the next school year.