



Education Bill

2001

1. Introduction

- 1.1** In September, we published our White Paper, *Schools – achieving success*, which set out our plans for supporting teachers to raise standards in secondary schools. Building on the success of primary schools in raising achievement in the basics, the White Paper sets out a programme intended to benefit every pupil and every school in the country. Through measures to ensure high standards for all, increase diversity, promote autonomy and support teachers, it aims to transform secondary education.
- 1.2** Through the Education Bill, the government is now legislating to achieve the goals set out in the White Paper. The Bill focuses particularly on promoting innovation and supporting the best schools to lead the next wave of education reform. Deregulation is intended to give schools greater autonomy and remove some of the barriers to innovation and new forms of partnership. The Bill also seeks to create more flexible education law, with only the key powers and duties set out in primary legislation. It forms part of a programme that aims to spread excellence and give schools the freedom and incentives they need to work in partnership with other schools and the wider education service to enable every pupil's talents to be developed to the full.

1.3 The Bill was introduced to Parliament on 22 November 2001. It covers both England and Wales, although this summary focuses on the provisions as they will apply to England. It will now receive detailed parliamentary scrutiny and its provisions, which are outlined below, are therefore subject to parliamentary approval. Together, they constitute a major reform of the education system.

2. Innovation and Partnership

2.1 The Bill's key theme is innovation: freeing schools to try out new ideas, to excel and to work with other schools to lead change in secondary education.

Supporting new ideas to raise standards from schools and local education authorities

2.2 Over the last four years, the teaching profession has become one of the most accountable professions in the country. At the touch of a button, it is possible to find out how schools are doing against a range of indicators and compared to other schools facing similar circumstances. Inspection evidence shows that we now have the best generation of teachers. With that background of a strong accountability system and rising performance, we want to free schools to develop the ideas that will raise standards.

- 2.3** It is people working in schools who generate the good ideas that can become best practice. We want to help facilitate this, removing the barriers to innovation that raises standards.
- 2.4** We are therefore introducing a new 'power to innovate'. Where schools or local education authorities have good ideas to raise standards which do not fit the rules as they stand, they will be able to apply to the Secretary of State to vary the legislation as it applies to them for a pilot period. Pilots may last for up to 3 years, with the possibility of extension for up to a further 3 years, with the consent of Parliament. We will seek to learn from these innovative projects and, where they are successful, help other schools to take advantage of them and go back to Parliament to make them permanent (either through further legislation or through a Regulatory Reform Order).
- 2.5** We expect that schools will find a range of ways to use the power. We are particularly keen to support new forms of partnership between education providers.

Supporting schools to deliver in new ways

- 2.6** Increasingly, new models of the delivery of education and of other services will have a place in raising standards in schools, and in bringing together a range of services to the benefit of all. The Bill will help to create a framework which encourages these new developments.

- 2.7** The legislative barriers which make it difficult for heads to bring in additional teachers employed by other schools or FE colleges – even when it is a sensible way to provide lessons in a minority subject or cover staff shortages – are being removed. There will now be more freedom for heads to develop innovative approaches to educating their pupils; and more freedom for schools to share teachers with other schools and local FE or sixth form colleges. In addition, the Bill will make possible the involvement in raising standards in schools of a range of professionals working alongside qualified teachers.
- 2.8** Furthermore, schools will be freed to extend the range of services they provide, if they want to do so, as a resource for the wider community. For example, they will be able to provide integrated services such as health services, childcare or adult education, working in partnership with other providers as a resource for the whole community. This has the potential not only to benefit the wider community, but also to drive up standards in the school, by engaging the community in the mission of the school.
- 2.9** In addition, building on innovative pilot projects, schools will be allowed to become involved in the delivery of local education authority (LEA) services, if the LEA chooses to contract these services out. Where an LEA wants to work with an external partner

to deliver services in a new way, it should be possible for schools to get involved. Schools will be allowed to join together and form a company to do this, so that they can work effectively together. Any surplus income would have to be reinvested in education at the schools. Joint companies might also be used to purchase goods for schools, so creating economies of scale for the schools involved.

Innovating to provide new schools

- 2.10** We are also taking steps to encourage greater innovation in the creation of new schools. In particular, we will take steps to allow greater involvement of external partners in the provision of wholly new schools.
- 2.11** The City Academy Programme – which allows sponsors from private, voluntary and faith groups to establish new schools whose running costs are met by the state – is already in existence as an innovative way of driving up standards in some of our most deprived areas. It will be extended by the new legislation, which will allow for the creation of all-age Academies and for schools on the City Academy model in disadvantaged rural areas.
- 2.12** Innovation in the provision of new schools will also be extended much more widely. Where a new secondary school is required, the LEA will advertise, so that any interested party can put forward proposals for a new school. Any promoter, including a community or faith

group, an LEA or another public, private or voluntary body can publish proposals. These will be judged on the basis of their educational merits, value for money and the outcome of consultation.

New ways of tackling failure

2.13 Our policy to tackle failing schools has been successful in turning round over 800 schools, reducing the number of schools falling into special measures and reducing the time taken to turn schools around. However, there remain some exceptionally challenging cases, and we intend now to further intensify our efforts with these schools to find even better ways of tackling the problem in the most difficult circumstances. By involving external partners in the process, we will stimulate new ideas for tackling failure and innovative approaches to turning schools around. Our overarching principle is to ensure that every child receives the standard of education which is their right as quickly as possible.

2.14 When a school is placed in special measures, the LEA draws up an action plan to submit to Ofsted and the Secretary of State setting out how the school will be turned around. Under new proposals introduced in the Bill, it would also invite proposals from external partners – including successful schools, other public sector bodies and the private and voluntary sectors –

to help turn the school around. The Secretary of State will have a reserve power to require the involvement of an external partner, if that should be necessary.

2.15 In addition, where a governing body is part of the problem at a weak or failing school, we will take powers to ensure that it can be replaced with an Interim Executive Board. When the school has been turned around, the Interim Executive Board will be disbanded and a new governing body formed.

2.16 As the number of schools in special measures falls, and we intensify our work with the schools that are proving to be most difficult to turn around, we also want to ensure that we continue to improve weak schools not in special measures. We already have in place a wide-ranging programme of challenge and support for these schools. Through this Bill we will widen our powers of intervention, to ensure that if necessary we will be able to intervene in these schools to prevent weak schools slipping into special measures.

3. Deregulation

3.1 To support schools to innovate and develop new ideas, we want to remove barriers that stand in their way, and free them to adopt new approaches. The Bill will sweep away some of the regulations that have in the past been a barrier to new ideas.

Lifting barriers to partnership

- 3.2** Central to our proposals for raising standards is a range of measures for helping schools to work and learn together. Through this legislation, we want to break down barriers to schools developing strong partnerships.
- 3.3** We will create a new way for governing bodies to work together, through joint committees, which will enable schools to work together in particular areas. This might be a good way for schools to address common problems jointly, or to manage a shared site.
- 3.4** In addition, we will make it possible for schools to create a full federation, with a single governing body for several schools. For example, several small schools might want to come together to gain the benefits of size; schools with complementary strengths might work together; or weaker schools might come together with stronger ones, to benefit from the leadership and management of these schools.

New freedoms for the best schools

- 3.5** Where schools have demonstrated that they are well led and managed and are achieving high standards, they have shown that they make effective use of their autonomy. In line with our principle of intervention in inverse proportion to success, we therefore want the

best-led schools to have even greater freedoms and more scope to lead the way in transforming secondary education. The framework of performance targets and accountability will remain in place, but successful schools will have greater freedom – for example to vary elements of the National Curriculum, perhaps to lead the development of thinking about greater flexibility at Key Stage 4, and to adjust some elements of teachers' pay and conditions.

- 3.6** In addition, where effective schools are popular and over-subscribed we want to make it more possible for them to expand, if that is in the interests of the community as a whole. School Organisation Committees and Adjudicators will be encouraged to look favourably on the expansion of successful and popular schools if that will benefit the education of children in the area. These schools will also be given a right to appeal to the Adjudicators if their proposals to expand are rejected, despite the school having the resources to implement the proposals.

Building for 14–19

- 3.7** We will also be consulting shortly on a range of proposals for creating a coherent 14–19 phase of education. Through this Bill, we will create sufficient flexibility to enable future 14–19 proposals to be implemented.

- 3.8** The Bill separates the legislation for Key Stage 4 from that for the other Key Stages, to allow for changes to be made in due course. These changes might, for example, create more flexibility in the Key Stage 4 curriculum to allow students to pursue their talents and aspirations while maintaining a strong focus on the basics. A core of subjects would remain compulsory, but there would be greater scope for variation in the rest of the curriculum. We will be consulting shortly on the best way to create greater flexibility without compromising standards.
- 3.9** Other proposals in the Bill will also support the development of the 14–19 phase, by increasing the opportunity for high quality work-based learning and strengthening the arrangements that would support this.

4. Reform

- 4.1** If we are to free schools to innovate, and help government respond quickly to new ideas, then we must reform education law. At present, the law contains a great deal of detail, which can only be changed by putting a Bill through Parliament. So, if a school comes up with a good idea that would require a small change in some of the detailed legislation, it cannot be implemented until Parliament has an opportunity to consider a Bill. It can take some

time to draw up a Bill, and considering the Bill can take a lot of Parliament's time.

4.2 So through this Bill, we want to reduce the level of detail in the Education Acts, so that small changes can be more easily achieved. That will help schools with good ideas to bring them to life and cut down the amount of effort needed on all sides to achieve change. Of course, key requirements and powers will still need to be in legislation, but less detail will be specified about the precise processes through which these must be operated.

4.3 In support of this agenda of innovation and deregulation, the Education Bill proposes widespread reform of legislation, reducing the amount of prescription and detail in law, and creating a more flexible structure. For example:

- The Secretary of State's grant-making powers are being simplified and consolidated. A single, broad power will replace a multitude of smaller, more restrictive powers with different constraints and different associated conditions.
- Statutory guidance will replace much of the existing legislation for how governing bodies go about their work. In addition, greater flexibility will give schools more freedom to establish governance arrangements that suit them, rather than having

highly detailed procedures and requirements laid down in the law.

- There will be greater transparency in funding and pressure on local authorities to pass on increases in schools' funding. The Secretary of State will have a reserve power to require LEAs to set a minimum schools budget. A schools forum in each area will have a role in influencing what funds should be delegated to schools and what should be retained centrally.
- The General Teaching Council (GTC) will continue to have an important role to play in raising teachers' professional status, by redefining with the profession what it means to be a teacher and contributing towards raising teacher morale. The Bill will strengthen the GTC's powers to provide authoritative and independent policy advice by drawing on the expertise of Council members and broader networks across the profession.

4.4 The Education Bill was introduced to Parliament on 22 November. Its proposals will now be subject to detailed parliamentary scrutiny. The Government believes that the measures it introduces will have a significant role to play in raising standards in schools.

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quoting reference DfES 0802/2001 for this document

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