

Prosperous Overview and Scrutiny Committee

Thursday 29 September 2022

10:00

Oak Room, County Buildings, Stafford

The meeting will be webcast live and can be viewed here at any time during the next twelve months:

<https://staffordshire.public-i.tv/core/portal/home>

John Tradewell
Director of Corporate Services
21 September 2022

A G E N D A

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of meeting held on 7 July 2022** (Pages 1 - 6)
4. **Schools White Paper** (Pages 7 - 180)
Report of Cabinet Member for Education (and SEND)
5. **SEND High Needs Capital Funding 2022-24** (Pages 181 - 224)
Report of Cabinet Member for Education (and SEND)
6. **Petition - Management of HGV's on Cemetery Road, Silverdale, Newcastle-under-Lyme** (Pages 225 - 242)
Report of Director of Corporate Services
7. **Work Programme** (Pages 243 - 254)
8. **Date of Next Meeting - Wednesday 19 October 2022 at 2.00 pm, County Buildings, Stafford**
9. **Exclusion of the Public**

The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Schedule 12A (as amended) of the Local Government Act 1972 indicated below”.

Part Two

(All reports in this section are exempt)

nil

Membership

Tina Clements (Chair)	Ian Lawson
Mike Deakin	Rev. Preb. M. Metcalf
Philippa Haden	Jessica Shulman
Philip Hudson	David Smith
Syed Hussain	Ross Ward (Vice-Chair (Scrutiny))
Graham Hutton	Bernard Williams
Peter Kruskonjic (Vice- Chair (Overview))	

Notes for Members of the Press and Public

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Minutes of the Prosperous Overview and Scrutiny Committee Meeting held on 7 July 2022

Present: Tina Clements (Chair)

Attendance

Graham Hutton	Rev. Preb. M. Metcalf
Peter Kruskonjic (Vice-Chair (Overview))	David Smith
Ian Lawson	Bernard Williams

Apologies: Philippa Haden, Philip Hudson, Syed Hussain and Ross Ward

PART ONE

12. Declarations of Interest

There were no Declarations of Interest made.

13. Minutes of meeting held on 15 June 2022

RESOLVED – That the minutes of the meeting held on 15 June 2022 be confirmed and signed by the Chairman.

14. Highways Transformation Programme - Three Strands Progress

The Committee considered an oral report and PowerPoint presentation (slides attached at Appendix 1 to the signed minutes) of the Cabinet Member for Highways and Transport updated them on progress made with regard to the Highways Transformation Programme – Three Strands Review.

During his presentation and report the Cabinet Member highlighted: - (i) the New Vision and Ambition for the service; (ii) the three key elements of the current review (‘future highways delivery model; transforming our offer now, ready for the future and; Highways Investment Strategy); (iii) details of the preferred Hybrid Operating Model and Hybrid Mixed-Economy Model; (iv) the various measures which had already been implement to transform the current offer; (v) the aims and approach to be adopted in implementing a new investment strategy including details of the Revenue and capital budgets for 2022/23 (£2m and £15.5m respectively; (vi) details of the Winter Workstack 2022/23 and Right First

Time initiative totalling £1m and current progress thereon and; (vii) various cartographical representations of highway defects, claims and activity in Staffordshire.

In the full and wide-ranging discussion which ensued Members gave detailed scrutiny to the progress made in the Programme to date, asking questions, seeking clarification and raising areas of concern as necessary, including:- (i) the need for a County-wide traffic and transport management strategy to reduce 'rat-runs' and divert heavy goods vehicles from minor roads; (iii) the significant cost of maintaining the County's highway network and the importance of effective contract management to ensure quality and; (iv) the need for high quality re-statements by statutory undertakers.

In reply, the Cabinet Member acknowledged the concerns of Members stating that perceptions of the existing delivery arrangements were often poor. However, he reassured them that future arrangements would prioritise quality in order to arrest the decline in the condition of the highway network which had occurred in recent years. He went on to urge Members to use the various channels provided to report highways defects and confirmed that the new emphasis on quality had been communicated to the Authority's existing Highways Strategic Partner. However, the Council's ability to control operations by statutory undertakers was limited.

With regard to 'pot-holes', the Cabinet Member confirmed that new technology had been trialled with a view to improving the speed and effectiveness of repairs and outlined the new approach to communications and 'Local' Member involvement.

In conclusion, the Committee agreed that satisfactory progress had been made in the Highways Transformation Programme to date but urged the Cabinet Member to have regard to their comments, particularly in respect of the need to build confidence and improve quality, in his work to implement the future delivery model for the service.

RESOLVED – (i) That the oral report and presentation be received and noted.

(ii) That satisfactory progress had been made in the Highways Transformation Programme to date.

(iii) That the Cabinet Member be urged to have regard to the above-mentioned comments in his work to implement the new future delivery model for Staffordshire Highways.

(iv) That progress in the Highways Transformation Programme Continue to be monitored closely and further update reports be brought the Committee, as necessary.

15. Ensuring HS2 Connectivity with Existing 'Classic' Network

The Committee received an oral report and PowerPoint presentation (slides attached at Appendix 2 to the signed minutes) by HS2 giving them six monthly update on the impact of the development of the new high speed rail line on education, skills and prosperity in Staffordshire focusing on connectivity of the line with the existing 'classic' network.

The meeting was attended by:- (i) HS2's Senior Area Engagement Manager (Jonathan Lord); (ii) Head of Community and Stakeholder Engagement (Jason Pacey) and; (iii) West Coast Partnership's Regional Growth Manager (Mark Osborne).

During their presentation, the representatives updated them on the progress made towards construction of Phases 1 and 2a of the Project, outlining the work which had recently been undertaken to engage with local businesses, promote skills, education and employment in the area. In addition, they gave news regarding the likely future configuration of rail services in Staffordshire following construction of the line.

In the discussion which ensued Members scrutinised and held HS2 and Cabinet Member to account over their efforts to safeguard/enhance prosperity in the County, raising various matters of concern including: - (i) the compatibility of 'Classic' rolling stock with that of HS2 and the implications for connectivity between important population centres; (ii) the need for a greater focus on the service requirements of residents rather than train operators in the planning of future services and; (iii) the importance of at least maintaining current service provision to smaller destinations with a particular focus on the Trent Valley line.

In conclusion, the representatives assured the Committee that services on the 'classic' network to residents of Staffordshire would not be adversely affected by the operation of HS2 and that the new line would improve connectivity with a view to securing the prosperity of the County in the future.

The Chairman then thanked the representatives of HS2 and West Coast Partnership for their attendance and an interesting and informative presentation.

RESOLVED – (a) That the oral report and presentation be received and noted.

(b) That the efforts made to date to maximise the opportunities available to Staffordshire residents from the construction of the high-speed rail line by HS2 be welcomed.

(c) That a further update be brought to the Committee in January/February 2022.

(d) That the Deputy Leader and Cabinet Member for Economy and Skills continue to be held to account for his efforts to maximise the opportunities available to Staffordshire residents from the construction of the line, where possible.

16. Flood Risk Management - Update

The Committee received an oral report and PowerPoint presentation of the Cabinet Member for Environment Infrastructure and Climate Change informing them of the County Council's new 'FAIR' approach to community flood risk management (slides attached at Appendix 3 to the signed minutes).

During his presentation and report the Cabinet Member highlighted:- (i) additional funding (approximately £6m to end of March 2027) which had recently been secured from the Department of Environment Food and Rural Affairs to support the Flood and Coastal Resilience programme in Staffordshire; (ii) the Environment Agency's definition of flood resilience; (iii) the overarching aim of the Programme (ie "to support communities across the region to become more aware, informed and resilient to flooding, working collaboratively with professionals to better plan, protect, respond and recover in a sustainable way".); (iv) an overview of the Flood: Aware, informed, Resilient approach; (v) an overview of the local FAIR approach to Community Flood Risk initiative and indicative timeline for its delivery; (vi) the generic approach to flood risk management be adopted for the whole County and the more targeted approach for those communities most at risk; (vii) the five specific FAIR objectives and; (viii) the collaborative approach to be adopted by the County Council in delivering the programme including staffing and governance arrangements.

In the full and wide-ranging discussion which ensued, Members gave detailed scrutiny to the Authority's approach to flood risk management, asking questions, seeking clarification and raising areas of concern as necessary, including:- (i) the extent of the collaborative working with Partners eg The Canal and River Trust which had already been undertaken in pursuit of the Council's aims; (ii) the detrimental effect on land drainage caused by large scale housing and industrial development in vulnerable areas and the role of the District and Borough Council's planning processes in controlling the causes of flooding; (iii) the need to

increase water retention measures and control its release; (iv) the need to ensure all Partners were meeting their obligations with regard to flood risk mitigation including eg enforcement action by the Environment Agency against sewage discharge and; (v) opportunities which might exist for joint working with other agencies eg the Coal Authority in seeking to reduce the risk of flooding in the County.

In conclusion, Members welcomed news of the additional Government funding for Staffordshire and the progress which had been made by the Authority towards effective flood risk management in the County. However, they urged the Cabinet Member to have regard to their comments during his continued work in this area and undertook to give further scrutiny to the matter, as necessary.

RESOLVED – (a) That the oral report and presentation be received and noted.

(b) That the news of additional Government Funding which had been made available in support of flood risk management in Staffordshire and the progress made to date in this respect, be welcomed.

(c) That the Cabinet Member be urged to have regard to the Committee's comments in his on-going work towards ensuring effective flood risk management in the County.

(d) That the issue of flood risk management be kept under close review and further scrutiny be undertaken, as necessary.

17. Work Programme

RESOLVED – That the updated Work Programme (schedule 4 to the signed minutes) be approved.

Chairman

Prosperous Overview and Scrutiny Committee - Thursday 29 September 2022

Schools White Paper - Opportunity for all: Strong schools with great teachers for your child

Recommendation(s)

I recommend that the Committee:

- a. Consider the contents of the Schools White Paper - Opportunity for all: Strong schools with great teachers for your child, which was published in March 2022 and the subsequent Schools Bill, which was published in May 2022
- b. Provide comments to support the County Council's response to strategic planning in response to changes in legislation required to enact the intentions for reform of the school system as outlined in the White Paper

Local Member Interest:

N/A

Report of Cabinet Member for Education (and SEND)

Summary

What is the Overview and Scrutiny Committee being asked to do and why?

Provide the Overview and Select Committee with an opportunity to consider and comment upon the contents of the Government's Schools White Paper - Opportunity for all: Strong schools with great teachers for your child and the subsequent Schools Bill which provides the legislation required to enact the intentions for reform of the school system as outlined in the White Paper.

Report

Background

1. The latest schools white paper, 'Opportunity for all: Strong schools with great teachers for your child' sets out the government's ambition for a school system that helps every child in England to fulfil their potential.

2. The paper sets out a range of programmes for teacher development and recruitment. It provides a vision around the additional support for schools to secure the fundamentals of behaviour, attendance and wellbeing for all pupils.
3. It outlines various interventions that could be used to target support to those who need it most and expectations around improved ambitions for outcomes at the end of key stage 2 and key stage 4.
4. It lays out the future plans for a fully trust-led system with a singular regulatory body by 2030 and defines the roles and responsibilities of all those involved in the system, including the role of councils, and sets out how they plan to ensure councils have the right powers to deliver in their role at the heart of the new system.
5. As of 01 September 2022, 270 of Staffordshire's 404 state funded schools (67%) were academies. The academies are part of 58 academy trusts.
6. The Schools Bill was subsequently published providing the legislation required to enact the intentions for reform of the school system as outlined in the White Paper.
7. The Schools Bill introduces other measures aimed at ensuring consistency in the system and raising standards, which affect school admissions; behaviour, attendance and absence; oversight, accountability and intervention; curriculum support; and teacher and school leader development.

Schools White Paper - Opportunity for all: Strong schools with great teachers for your child

8. The White Paper - 'Opportunity for all: Strong schools with great teachers for your child' is compiled in four significant chapters.

Chapter 1: An excellent teacher for every child

9. The ambition set out in the paper is that by 2030, every child will be taught by an excellent teacher trained in the best-evidenced approaches.
10. To achieve this, the government will expand on existing policies by:
 - a. Delivering 500,000 teacher training and professional development opportunities across Initial Teacher Training (ITT), the Early Career Framework and National Professional Qualifications by 2024.

- b. Raising teachers' starting salaries to £30,000 by 2023 and offering incentives for new teachers in specific subjects who choose to work in disadvantaged schools.
- c. Retaining the focus on pupil premium as a driver of attainment for disadvantaged pupils.
- d. Asking Ofsted to inspect all ITT providers by July 2024, and then every three years.

11. New proposed policies include:

- a. A new scholarship to attract talented language graduates and training to support more engineers to teach physics
- b. A new Leading Literacy National Professional Qualification available from September 2022
- c. A new National Professional Qualification for Early Years Leadership
- d. Initiatives to attract trainees and recognise high-quality teaching qualifications from all over the world

Chapter 2: Delivering high standards of curriculum, behaviour and attendance

12. By 2030, every child will be taught a broad and ambitious curriculum in a school with high expectations and strong standards of behaviour.

13. To achieve this, the government will expand on existing policies by:

- a. Establishing Oak National Academy as an arm's-length curriculum body, offering free resources for teachers
- b. Working closely with the Education Endowment Foundation and Ofsted, to ensure work is informed by the best available evidence and aligns with best practice
- c. Making no changes to the national curriculum, with GCSEs and A-levels remaining in place
- d. Introducing Mental Health Support Teams that provide extra capacity for early support and advising school staff
- e. Strengthening Relationships, Sex and Health Education, as well as statutory safeguarding guidance

14. New proposed policies include:

- a. All mainstream schools to run a 32.5-hour week minimum by September 2023
- b. Revising the behaviour, suspension and permanent exclusion guidance
- c. Introducing a National Professional Qualification in Behaviour and Culture for all teachers and leaders

- d. Launching a National Behaviour Survey to gather stakeholder views on behaviour and wellbeing in their school
- e. Introducing legislation to establish a register for children not in school
- f. Legislation to create statutory guidance on attendance that requires every school to publish a clear attendance policy
- g. A new literacy and numeracy digital test for a sample of year 9 pupils to estimate performance nationally
- h. Legislation to modernise rules on recording attendance which will provide a blueprint for other parts of the system
- i. A network of modern foreign language hubs, and effective professional development for language teachers
- j. Updating plans to support sport and music education and producing a new cultural education plan
- k. A new careers programme for primary schools in areas of disadvantage and improved professional development for teachers and leaders on careers education

Chapter 3: Targeted support for every child who needs it

15. The White paper commits that by 2030, every child who falls behind in English or maths will get the right support to get back on track.
16. To achieve this, the government will expand on existing policies by:
 - a. Providing up to 6 million tutoring courses by 2024 cementing tuition as a permanent feature of the school system
 - b. Equipping schools to robustly and routinely identify children who need support, including those with SEND
17. New proposed policies include:
 - a. Parent Pledge – that for any child “falling behind” in English and maths, parents should receive timely and evidence-based support, funded largely by pupil premium, making it easier for schools to use this money to support literacy and numeracy where needed
 - b. New guidance on providing catch-up support and conducting effective assessments for children who have fallen behind
 - c. Tutoring as a core academic option in the pupil premium menu
 - d. Reform of the SEND and Children’s Social Care systems
 - e. An investment of £2.6 billion in high needs capital investment over the next three years to deliver new places and improve existing provision for children and young people with SEND or with those requiring alternative provision
 - f. Equipping the DfE new Regions Group to hold local authorities and academy trusts to account for local delivery for children and young people with SEND.

Chapter 4: A stronger and fairer school system

18. The White Paper recommits the government to achieving a fully academised school system so that by 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one.
19. To achieve this, the government will expand on existing policies by nurturing a system of strong trusts where all schools will be in or joining a multi academy trust (MAT). This will include:
 - a. New powers enabling the Secretary of State to bring a local authority's-maintained schools into the academy system where a local authority has requested this as part of their local strategic plan.
 - b. An expectation that most trusts will be on a trajectory to either serve a minimum of 7,500 pupils or run at least 10 schools
 - c. Local authorities establishing new MATs where too few strong trusts exist.
 - d. Local authority trusts will be regulated in the same way as any other trust, and the government will ensure that safeguards are in place to effectively manage any potential for conflicts of interest, both for the trust, and the local authority.
 - e. Clearer expectations for trusts over providing high-quality, inclusive education, school improvement, financial management, parental engagement and workforce deployment, training and retention.
 - f. Investing in 55 Education Investment Areas (EIA) across the country where outcomes are poor in English and maths. Staffordshire has not been identified as an EIA.
 - g. Transitioning to a direct National Funding Formula, without local amendment.
20. New proposed policies include:
 - a. A CEO development programme for established leaders
 - b. £86 million to be committed to trust capacity funding over the next 3 years
 - c. All trusts having local governance arrangements for their schools to be responsive to stakeholders.
 - d. Good schools requesting that the regulator agrees to the school moving to a stronger trust
 - e. Local Safeguarding Partnerships to commission safeguarding audits every three years
 - f. Defining a strong trust as one delivering high quality education, including for disadvantaged children and children with SEND. Having effective central leadership teams, strong school leadership and

- teaching, and using evidence-based curriculum design and implementation.
- g. School improvement - working quickly to improve standards within all their schools, particularly transforming previously under performing schools.
 - h. Strategic governance - operating an effective and robust governance structure that involves schools and exemplifies ethical standards. Utilising the expertise and skills on its boards to oversee the strategic direction and hold leaders to account. Having a strong local identity, engaging effectively with parents and the wider community.
 - i. Strong and effective financial management - prioritising the use of resources, including the estate, to deliver the best educational experience for children.
 - j. Workforce - training, recruiting, developing, deploying and retaining great teachers and leaders throughout their careers and prioritising staff wellbeing.

Schools Bill

- 21. The Schools Bill - To Make provision for the regulation of Academies; about school and local education funding; about the attendance of children at school; about the regulation of independent educational institutions; about teacher misconduct; and for connected purposes was introduced into the House Of Lords on in May 2022 and is due for 3rd reading in September 2022.
- 22. Information explaining measures in the Schools Bill is set out in [policy statements](#) included in the 5 parts of the original bill

Part 1

- 23. Academy Trust Standards and Academy Trust Intervention Powers have been removed from the Bill following the committee stage.

Statutory faith protections for academies with a religious character

- 24. The government is legislating to introduce equivalent statutory protections for academies. This is to protect the religious character of a faith school through its governance arrangements and provision of religious education and collective worship to pupils. These provisions will only apply to academies designated with a religious character, and academy trusts that manage such schools. The protections mirror as far as possible those that currently exist for local authority-maintained faith schools.

Academy Grammar Schools

25. This measure will place a duty on the Secretary of State to designate the 143 academy grammar schools in England as grammar schools, putting them onto the same legal footing as the 20 maintained grammar schools. The measure will ensure that the law protects the selective status of academy grammar schools whilst also protecting the rights of parents to ballot for the removal of selection through a parental ballot initiated by a petition of eligible parents.
26. As Staffordshire has no Grammar Schools, there is no impact.

Local Authority Academisation Power

27. This legislation enables a local authority to make an application to the Secretary of State to make an academy order in respect of any maintained schools in its area. The Secretary of State will then have a discretionary power to make such an order in respect of the schools named in the application. In practice, such decisions will be devolved to Regional Directors.
28. Prior to making a request for an academy order, local authorities will need to engage extensively with local partners to ensure that their plans for maintained schools to join strong trusts meet local needs and as required by the legislation, both:
 - a. Consult the governing bodies and foundations (where applicable) of any schools included in the local authority's plan; and
 - b. Obtain the consent of the trustees of a foundation or voluntary schools, persons by whom foundation governors are appointed and the appropriate religious body, if the school has a religious character, prior to making an application.

Transfer of land by local authorities

29. The legislation is to add a requirement for local authorities to transfer land provided for an academy in circumstances where charitable trustees are being asked to give up their current land interest in return, so that the purpose of the trust to provide land for a school can continue to be preserved.

Part 2

National Funding Formula (NFF) Reforms

30. This measure places a duty on the Secretary of State to determine funding for all mainstream schools (both academies and maintained schools) in England through a single, directly applied national funding formula. The government will use the schools NFF to decide how much core funding to allocate for 5–16-year-old pupils (reception through to Year 11) in mainstream state-funded schools in England. This will make funding more consistent for mainstream schools, no matter which local authority they are in.
31. Following a consultation with schools and with the agreement of Schools Forum, Staffordshire implemented the NFF in April 2018.

Part 3

School Attendance

32. Part 3 of the Schools Bill focuses on school attendance amending the Education Act 1996.

Children not in School

33. This measure will place a duty on local authorities in England to establish and maintain Children Not In School (CNIS) registers, and to provide support to home educators. The registers will record eligible children of compulsory school age that are: electively home educated, flexi-schooled, or receive alternative provision in an unregistered setting.
34. It places a duty on parents to provide necessary information to local authorities for inclusion on their registers where children of compulsory school age are not on a school roll. Providers of out-of-school education are required to provide information to the local authority on request.
35. Staffordshire has lobbied the Department for Education for the establishment of such a register so that we can be confident all children in Staffordshire are in receipt of appropriate education. Staffordshire already has a register in place, the change to the legislation may increase in the number of EHE families known to the local authority.

School Attendance

36. This part of the bill has four sections.
37. The first section requires the local authority to have regard to the new attendance guidance issued by the Secretary of State. This will set clear standards for local authority attendance services and help improve the consistency of attendance support received by families across England to improve access to education.
38. The guidance issued by the
39. Section two of school attendance outlines the components a school attendance policy must include, for example the attendance procedures which must be followed and the responsibilities of particular staff members. This will help set clear attendance expectations for every pupil and parent in England. The measure also requires proprietors to have regard to new attendance guidance issued by the Secretary of State which will provide further detail on how these components should be implemented and obligations, such as accurately completing attendance and admission register, met.
40. The third section of school attendance intends to allow the Secretary of State to set, through regulations at a national level, the circumstances in which the issuing of fixed penalty notices for absence must be considered. Provision would also be made for the coordination of arrangements between local authorities, neighbouring local authorities, the police and other authorised officers.
41. The final section focuses on the regulations for granting leave of absence. This part of the bill will mean that the regulations will be amended so that they also apply to academies.
42. The school attendance legislation is intended to take effect from 1 September 2023 for the start of the new academic year. Non statutory guidance has been provided for 1 September 2022 in preparation for the statutory implementation.

Part 4

Independent Educational Institutions

43. Part 4 of the Schools Bill focuses on the requirements for independent schools. It provides details about the registration requirements of independent institutions, enforcement where an independent educational institution is failing to meet the independent standards

including suspension of registration. It also covers changes to appeals of deregistration decisions on the grounds of standards. The measure also clarifies the circumstances where an application to make a material change need to be made. Finally, the Bill will strengthen the powers available to identify and investigate suspected criminal offences in relation to independent schools.

44. This part of the legislation will provide clarity on which settings need to register as a school. It extends the registration requirement to more settings which could be expected to provide all, or the majority of, children's education. This will enable these settings to be subject to regular inspection against standards to ensure that they provide a safe and suitable education to the children attending.

Part 5

Teacher Misconduct

45. The existing legislation governing the teacher misconduct limits the ability of the Secretary of State to investigate cases of serious misconduct and does not allow cases to be investigated where the misconduct occurred whilst the individual was not teaching (even where there is likelihood that the individual may return to teaching). The changes proposed will broaden the scope of the regime and will ensure that serious misconduct can be considered by the Secretary of State regardless of when the misconduct occurred or whether the individual was teaching when the misconduct was committed.

Implications for the Local Authority

46. The LA retains a number of statutory duties relating specifically to children's education including: to ensure fair access to school places, to deliver suitable home to school transport arrangements and to ensure high quality education for children and young people with special educational needs and/or disabilities (SEND), plus securing alternative provision outside mainstream school.
47. The DfE has indicated that Local Safeguarding Partnerships will need to commission safeguarding audits every three years. This is to help ensure that all schools' policies are consistent with local safeguarding arrangements and the academy trust standards. We are waiting for further details from the DfE.
48. The LA will have a duty to establish and maintain a Children not in School (CNIS) register. The register will ensure we are aware of the children not in school area so we can undertake our existing

responsibilities more effectively, which include identifying those children who are missing education.

49. Staffordshire already has a register in place, the change to the legislation may increase in the number of EHE families known to the local authority.
50. There is also a duty to provide support to parents who are electively home educating their children only. The support that may be provided by could include, but is not necessarily limited to, the following:
 - a. advice about education of the child
 - b. information about sources of assistance for the education of the child
 - c. provision of facilities, services, or assistance (including financial assistance)
 - d. access to non-educational services or benefits
51. New legislation will amend the School Attendance Order (SAO) process in England. A 'preliminary notice' (requiring the parent to evidence that their child is receiving a suitable education) will need to be issued by the local authority within 3 days of the event that triggers their duty to issue it. A parent who receives a preliminary notice will have no less than 10 days to satisfy the local authority that their child is receiving a suitable education.
52. The changes will make the process for and effect of SAOs more similar for academy schools and alternative provision academies to the current process for maintained schools.
53. The government published [Working together to improve school Attendance](#) which is currently non-statutory but subject to Parliament, the Secretary of State has committed to this guidance becoming statutory when parliamentary time allows (this will be no sooner than September 2023).
54. As local authorities vary significantly in size, organisational approach and demographics, the DfE has confirmed that the specifics of attendance service delivery and how those roles are discharged should be determined locally to meet local needs of pupils, parents, and schools. As a minimum, however, all local authorities are expected to:
 - a. Rigorously track local attendance data to devise a strategic approach to attendance to unblock area wide barriers to attendance.

- b. Have a School Attendance Support Team which provides core functions to all schools including termly conversations with schools
 - c. Multi-disciplinary support for families and where needed support to tackle the causes of absenteeism and unblock the barriers to attendance.
 - d. Legal intervention using the full range of parental responsibility measures, where voluntary support has not been successful or engaged with.
55. The guidance published by the Secretary of State requires the local authority to meet with schools, irrespective of governance, 3 times each year to discuss attendance of the children and young people on their roll.
56. As well as being permitted to use the income from penalty notices to support early intervention, the DfE will also undertake a consultation in the summer of 2022 on which local authority services should be funded through the Central Schools Services Block in future. This will also consider how local authority attendance services are funded longer term as part of the consultation.
57. The White Paper and the Schools Bill recognise the crucial responsibilities the local authority retains and recognises the importance of working in partnership with academy trusts and schools and the Department for Education Regional Directors so that every child is supported to realise their full potential.

Link to Other Overview and Scrutiny Activity

Prosperous Staffordshire Select Committee considered the final report of the [Review Group on Elective Home Education](#) 19 July 2018. One of the recommendations in the [report](#) supported the introduction of a registration scheme for all children of statutory school age who are, or become, electively home educated.

List of Background Documents/Appendices:

Appendix 1: [Opportunity for all: strong schools with great teachers for your child - GOV.UK \(www.gov.uk\)](#)

Appendix 2: [Schools Bill \[HL\] as amended on report](#)

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Opportunity for all: strong schools with great teachers for your child





Opportunity for all

**Strong schools with great teachers for
your child**

**Presented to Parliament
by the Secretary of State for Education
by Command of Her Majesty**

March 2022



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ISBN 978-1-5286-3239-3

E02727891 03/22

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office

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Foreword from the Secretary of State for Education



We all want bright futures for our children and success for our schools. When I talk to parents and carers they tell me how critical education is to happy and fulfilled lives. This won't come as a surprise to anyone, and our children tell us the same: that they are excited to be back at school and realise the fundamental importance of a top quality education. They want to have good jobs and happy families, and they want to contribute to their communities.¹

Wanting this is easy. Delivering it is challenging.

I know myself what it is like to feel that a bright future is a long way away. I have been the child at the back of the classroom, terrified that my English teacher will ask me a question. I have been the 'disruptive influence' who needed help to learn how to manage my energy. It was the support of excellent teachers in a great school which helped me move forward. I want every child in England to have that opportunity. I am part of a government which has made it its mission to level up opportunity across the United Kingdom, ensuring no person is disadvantaged on account of where they live, and to deliver a manifesto commitment to take action in areas where schools suffer from entrenched underperformance.

In England, we can be proud of what we have achieved together in recent decades. Working with parents and teachers, we have transformed the way our schools work and our children are taught. More children secure the foundations of literacy and numeracy that are so critical for their wider learning and life chances, as the key facts on the next pages show. More children than ever are taught in schools judged to be "good" or better, with 86% of schools judged to be this compared to 68% in 2010.²

We have achieved this by backing our teachers and leaders, giving them the training and development to deliver for the communities they serve. We have revolutionised how reading is taught and the curriculum our children experience is richer, deeper and wider in knowledge than ever. We have returned rigour to our exams and the qualifications children achieve set them on a path for success. We have fostered innovation through academy trusts and free schools. All of this has been informed by the best research and evidence available, supported by the world-class Education Endowment Foundation. At the heart of this success has been collaboration – amongst professionals, organisations and local leaders – working together to deliver for children and young people.

¹ Office of the Children's Commissioner. [The Big Answer](#). 2021.

² Ofsted, [State-funded schools' inspections and outcomes as at 31 August 2020](#), 2020

Now we must do more to ensure every child can access cornerstone literacy and numeracy skills, wherever they live and learn. We must do more to ensure that children with special educational needs and disabilities (SEND) and children with a social worker have the same opportunities to thrive as their peers. We must continue to address the educational and emotional impact of the pandemic, particularly for more disadvantaged and vulnerable children.

My vision for this white paper and the SEND Review alongside it is simple: to introduce and implement standards that will improve children's education, deliver the right support if they fall behind and give them the tools to lead a happy, fulfilled and successful life.

I want every child to get a great education and the right support, in the right place, and at the right time. That means that we need to go from roughly seven in ten children achieving the expected standard in reading, writing and maths by the end of primary school to nine in ten children by 2030, and improve the national GCSE average grade in both English language and in maths.

This white paper sets out how we will achieve that. We will build on the strengths of great teachers, leaders and other professionals, and cement the improvements that we have already made.

But we are not shying away from reform, or from making difficult decisions. The problem we are trying to solve is simply too important not to do so. We have to find ways to tackle what is not working as well as it could.

Government does not have all the answers, and nor should it. A flourishing school system can only be achieved by schools working in partnership with each other, so that the achievements of the very best schools can reach every corner of the country. It will only be made a reality by building on a great early years education and looking ahead to the skills, careers and lives young people want after they leave education. It will need parents, teachers, community leaders, social workers, local authorities, professionals and children themselves to come together as one to make it succeed.

This white paper will help us make this vision a reality.

A handwritten signature in black ink, appearing to read 'N. Zahawi', with a large loop at the end.

**The Rt Hon Nadhim Zahawi,
Secretary of State for Education**

Key facts

As of 2020-21 in the state-funded education system in England:

-
- There were 8.9m children and young people in education³**
- 4.7m in primary, 3.5m in secondary, 0.6m in other 16-19 settings⁴, and 0.1m in special & alternative provision (AP).⁵
 - 21% were eligible for Free School Meals.
 - 16% of pupils were identified with a Special Educational Need.⁶
 - 10% had received support from children’s services (‘children in need’ or CIN) in the last six years.⁷
-

- There were 22k schools⁸**
- 16.8k were primary schools, 3.5k secondary schools and 1.4k specialist or alternative provision schools.
 - 44% of mainstream schools were academies and 87% of these were in a multi academy trust.
 - 41% of alternative provision and special schools were academies and 88% of these were in a multi academy trust.
-

- Almost 1m people work in schools⁹**
- This includes 460k teachers (including 70k leaders), 270k teaching assistants and 230k other support staff.
-

England has made significant progress in education since 2010

-
- More children are achieving key milestones**
- England achieved its highest ever scores in international comparison studies in both reading and maths.¹⁰
 - Since the introduction of the Phonics Screening Check in 2012, the percentage of Year 1 pupils meeting the expected standard has risen from 58% to 82%, with 91% achieving this standard by Year 2 in 2019.¹¹
-

³ DfE. [Schools, pupils and their characteristics](#). 2021 and [GIAS](#) accessed in January 2021

⁴ DfE. [Participation in education and training and employment](#). 2021

⁵ “Alternative provision” means the education arranged for pupils who would not otherwise have a suitable mainstream or special school place, for example through illness or exclusion. It includes Pupil Referral Units (PRUs), Alternative Provision academies and free schools, independent settings, Further Education, hospital schools, and bespoke unregistered provision

⁶ DfE. [Special educational needs in England](#). 2021

⁷ DfE. [Outcomes for children in need, including children looked after by LAs in England](#). 2021

⁸ DfE. [Schools, pupils and their characteristics](#). 2021 and [GIAS](#) accessed in January 2021

⁹ DfE. [School workforce in England](#). 2021

¹⁰ DfE. [PIRLS 2016: reading literacy performance in England](#). 2017. and DfE. [Trends in International Mathematics and Science Study 2019: England](#). 2020.

¹¹ DfE. [Phonics screening check and key stage 1 assessments: England 2019](#). 2019.

- In 2019, 65% of key stage 2 (KS2) pupils reached the expected standard in all of reading, writing and maths, a 7-percentage point increase in reading and 9-percentage point increase in maths since 2016.¹²
- The disadvantage gap – based on an index of English and maths attainment at key stage 4 (KS4) – narrowed by 9.1% between 2011 and 2019.¹³
- Over a third of pupils are now sitting the full English Baccalaureate (EBacc) combination of subjects, benefitting from access to a core, knowledge-based, academic curriculum.¹⁴

More schools are rated Good or Outstanding by Ofsted

- The proportion of schools rated Good or Outstanding by Ofsted has increased by 18 percentage points, from 68% in 2010 to 86% in 2020.¹⁵
- More than 7 out of 10 sponsored academies are now rated Good or Outstanding compared to around 1 in 10 of the local authority-maintained schools they replaced.¹⁶

Schools are better funded

- Per-pupil funding for 5–16-year-olds will be 6.4% higher in 2022-23 than in 2010-11 (inflation adjusted).¹⁷
 - Introduced in 2011, total Pupil Premium (PP) funding will increase to over £2.6bn in 2022-23.¹⁸ In 2021-22, the PP supported over two million disadvantaged pupils.¹⁹
-

We must do more to help every child fulfil their potential

Too many children leave education without key knowledge and skills

- In 2019, 35% of pupils did not meet the expected standard in all of reading, writing and maths at key stage 2.²⁰
 - Of those who did not meet the expected standard in key stage 2, just 21% achieved a grade 4 or above in English language and 14% did in maths at key stage 4 in 2019.²¹
-

¹² DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#). 2019.

¹³ DfE. [Key stage 4 performance 2019 \(revised\)](#). 2019

¹⁴ DfE. [Key stage 4 performance, Academic Year 2020/21](#). 2021

¹⁵ Ofsted. [State-funded schools' inspections and outcomes as at 31 August 2020](#). 2020

¹⁶ [Analysis of Ofsted. State-funded school inspections and outcomes: management information \(2019\)](#). 2022.

¹⁷ DfE. [School funding statistics, financial year 2021/22](#). 2022

¹⁸ DfE. [School funding boosted by £4bn to level up education for young people](#). 2021

¹⁹ DfE. [Pupil premium: allocations and conditions of grant 2021 to 2022](#). 2021

²⁰ DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#). 2019

²¹ DfE. [Key stage 2 to 4 transition matrices 2019 \(revised\)](#). 2019

-
- 55% pupils with 5 or more GCSEs A*-to-C (including English and maths) completed a degree versus 6% those with fewer. 15 years post-GCSE, they're also 16 percentage points more likely to be employed, earning on average £9k more per year.²²
 - Achieving our Levelling Up mission that 90% of pupils meet the expected standard of reading, writing and maths in key stage 2 is estimated to be worth £31-60bn for the wider economy for a single cohort in 2030.²³
 - Achieving our ambition of increasing the national GCSE average grade in both English language and maths by 0.5 is estimated to be worth £34bn for the wider economy, for a single cohort in 2030.²⁴

Outcomes vary between children and regions with different characteristics

^{25,26}

- Pupils with SEN were less likely to meet the expected standard in reading, writing and maths at key stage 2 (22% versus 74% with no identified SEN) or to achieve GCSE grades 4 or above in English and maths (27% versus 71%) in key stage 4.
- Disadvantaged pupils were less likely to meet the expected standard in reading, writing and maths (51% versus 71% of all other pupils) in key stage 2 or to achieve GCSE grades 4 or above in English and maths (45% versus 72%) in key stage 4.
- 50% of all 'Inadequate' and 'Requires Improvement' schools with at least two consecutive judgments below 'Good' are in Education Investment Areas, which constitute only around a third of local authorities.²⁷

COVID-19 has exacerbated challenges

- In autumn 2021, the average primary school pupil had lost 1.9 months in maths and 0.8 months in reading. Disadvantaged children lost an additional 0.3 months in maths and 0.4 months in reading.²⁸
-

²² DfE. [Post 16 education and labour market activities, pathways and outcomes \(LEO\)](#). 2021.

²³ DfE. [Economic benefits of meeting the ambitions set out in the Schools White Paper](#). 2022.

²⁴ DfE. [Economic benefits of meeting the ambitions set out in the Schools White Paper](#). 2022.

²⁵ DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#). 2019

²⁶ [Key stage 4 performance 2019 \(revised\)](#). 2020

²⁷ Ofsted. [State-funded school inspections and outcomes: management information](#). 2022.

²⁸ DfE. [Pupils' progress in the 2020 to 2021 academic year](#). 2022.

Executive summary

1. This government's Levelling Up mission for schools is that by 2030, 90% of children will leave primary school having achieved the expected standard in reading, writing and maths, up from 65% in 2019.²⁹ In the worst performing areas, the percentage of children meeting the expected standard will improve by a third. This white paper adds to that goal, seeking to lift the attainment of all secondary pupils by setting an ambition to increase the national GCSE average grade in both English language and in maths from 4.5 in 2019³⁰ to 5 by 2030. These ambitions will be the measure of this white paper's success.

2. The best schools are realising these standards already, but our aim is to achieve these excellent outcomes for children and young people nationally. We will do this through two key principles: a rigorous commitment to using, building and sharing evidence so that every school knows 'what works' for all of their children; and a focus on enabling collaboration between teachers, schools and wider children's services so that every child is supported to realise their full potential.

3. At the heart of these ambitions is the need for an excellent teacher for every child in classrooms across England. Improving the quality of teaching is the single most important in-school factor in improving outcomes for children, especially for children from disadvantaged backgrounds and those with special educational needs and disabilities (SEND).³¹ We know that great teachers are made, not born. That is why we are delivering the single biggest programme of teacher development ever undertaken in this country and investing further in the skills and futures of the professionals who are central to our mission. We will deliver:

- **500,000 teacher training and development opportunities** by 2024, giving all teachers and school leaders access to world-class, evidence-based training and professional development at every stage of their career.
- **Specialist training to drive better literacy** through a new National Professional Qualification for Leading Literacy; a new National Professional Qualification for Early Years Leadership; and up to £180m investment in the early years workforce, including training for early years practitioners to support literacy and numeracy teaching.
- **£30,000 starting salaries** to attract and retain the very best teachers – with additional incentives to work in the schools with the most need.

²⁹ DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019 and [DLUHC, Levelling Up the United Kingdom: missions and metrics Technical Annex](#). 2022.

³⁰ DfE, [Key stage 4 performance 2019 \(revised\)](#). 2019.

³¹ J. Hattie. *Visible Learning*. 2009. and Education Endowment Foundation. [Special Educational Needs in Mainstream Schools](#). March 2020.

4. However, great teaching does not exist in isolation: schools must offer a calm, orderly, safe and supportive environment where children are keen and ready to learn, and where teachers are empowered to focus on delivering the best possible lessons. We will provide free ready-made resources, guidance and lessons, designed in partnership with teachers and experts, which will reduce teachers' workload and allow them to focus on responding to the needs of their class. We will support schools to secure the fundamentals of behaviour, attendance and wellbeing for all, driving down incidents of poor behaviour and increased absence following the pandemic. We will deliver:

- **A new arms-length curriculum body** that works with teachers across the country to co-create free, optional, adaptable digital curriculum resources to deliver a rigorous, high-quality curriculum.
- **A richer, longer average school week** which makes the most effective use of time in school and ensures children enjoy a rounded education.
- **Better behaviour and higher attendance** through more effective use of data, including an annual behaviour survey and a national data system to drive up attendance and make it easier for agencies to protect vulnerable children.

5. World-class teachers and high standards in curriculum, behaviour and attendance are critical for success but we know – as the best schools and trusts³² do – that many children need additional, targeted support to help them achieve their potential, and that this must come as quickly as possible. This requires a focus from every teacher, school and trust in the country to identify children at risk of missing out and deliver the right combination of academic, pastoral and specialist support they need to thrive, including wider children's services where needed. We will secure the game-changing tools and interventions they need to do so. We will deliver:

- **A Parent Pledge** that your school will provide evidence-based support if your child falls behind in English or maths and tell you about their progress.
- **Up to 6 million tutoring courses by 2024** with action to cement one-to-one and small group tuition as a permanent feature of our school system.
- **A secure future for the Education Endowment Foundation** putting our independent, 'what works' centre on a long-term footing and placing the generation and mobilisation of evidence at the heart of our education system.

³² The term 'trust' refers to an academy trust throughout

6. Alongside this support, government must also play its part to ensure that the school system as a whole raises standards for children, making sure these improvements are felt fairly across England. That is why we want to spread the benefits of the best multi academy trusts so that every child learns with the benefits of a strong, supportive family of schools. To ensure that is the case, we must create a system with clear roles and accountability. It is only through a collaborative system in which everyone involved in education plays their part that we will achieve our literacy and numeracy mission. We will deliver:

- **A fully trust led system with a single regulatory approach**, which will drive up standards through the growth of strong trusts and the establishment of new ones, including trusts established by local authorities.
- **A clear role for every part of the school system**, with local authorities empowered to champion the interests of children and a new collaborative standard requiring trusts to work constructively with all other partners.
- **Education Investment Areas** to increase funding and support to areas in most need, plus extra funding in priority areas facing the most entrenched challenges.

7. Taken together, these steps will support children to achieve their potential wherever they live and whatever their background, following the wider vision of giving everyone the opportunity to flourish which this government set out in the Levelling Up White Paper.

Introduction

8. The decade prior to the COVID-19 pandemic saw major progress in children's outcomes, supported by improvements in education. England achieved its highest ever scores in international comparison studies in both reading and maths.³³ The attainment gap between disadvantaged children and other children narrowed by 13% at key stage 2 and 9% at key stage 4 between 2011 and 2019.³⁴ There was a transformation of what schools teach, through reforms to the national curriculum and examinations systems; of how schools operate, through the expansion of academy freedoms to almost half of schools; and of how schools are funded via the introduction of the Pupil Premium and the national funding formula.

9. However, even before the pandemic, there was still much further to go before England could call itself truly world-class in education. In 2019, 35% of children did not achieve the expected standard in reading, writing and maths by the end of primary school in key stage 2.³⁵ Children who were disadvantaged or vulnerable, including those with special educational needs, were more likely to be amongst those missing out on key learning milestones.³⁶ COVID-19 has exacerbated these challenges, despite the extraordinary efforts of parents, teachers, and many others working with children. As we move towards living with COVID-19, we must support children to recover from its educational and emotional effects.

10. Literacy and numeracy are the bedrock of a great education, unlocking the whole curriculum and turbocharging social mobility. They are the essential tools which allow children to go on to further training and employment, and to live fulfilled lives. They are the gateway to the broad and rich curriculum children need. This white paper sets out two ambitions that by 2030:

- i. 90% of primary school children will achieve the expected standard in reading, writing and maths, and the percentage of children meeting the expected standard in the worst performing areas will have increased by a third.³⁷
- ii. In secondary schools, the national GCSE average grade in both English language and in maths will increase from 4.5 in 2019³⁸ to 5.

³³ DfE, [PIRLS 2016: reading literacy performance in England](#). 2017. and DfE, [Trends in International Mathematics and Science Study 2019: England](#). 2020.

³⁴ DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019 and DfE, [Key stage 4 performance 2019 \(revised\)](#). 2019

³⁵ DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019

³⁶ DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019

³⁷ DLUHC, [Levelling Up the United Kingdom: missions and metrics Technical Annex](#). 2022.

³⁸ DfE, [Key stage 4 performance 2019 \(revised\)](#). 2019.

11. These aims are not for any one school or teacher to achieve alone, but a measurement of success across England at a system level. We need a stronger and fairer system that will allow all children to feel the benefits of the best school trusts. This white paper marks the start of a journey to achieve this ambition, as part of the government's wider programme alongside the Skills for Jobs White Paper, the Levelling Up White Paper, the Special Education Needs and Disabilities Review and the Independent Care Review. This white paper provides a blueprint for England, but we will work with all parts of the United Kingdom to share successes and learning as we make progress across the decade.

Legend

Teachers

Standards

Targeted support

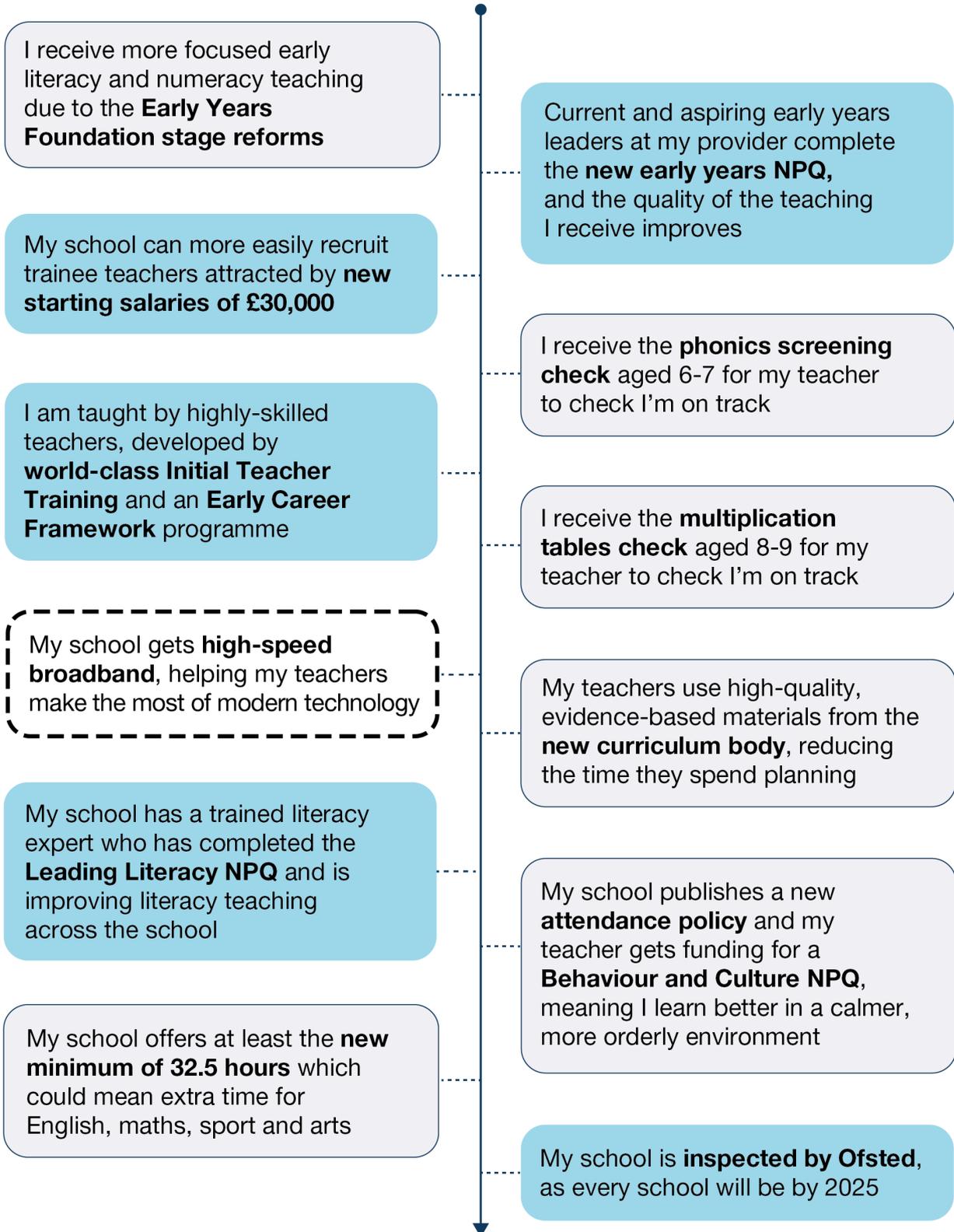
Systems

Timings for non-phase-specific policies are illustrative only



How this white paper helps children

to receive a world-class education founded on literacy and numeracy



NPQ = National Professional Qualifications

Legend

Teachers

Standards

Targeted support

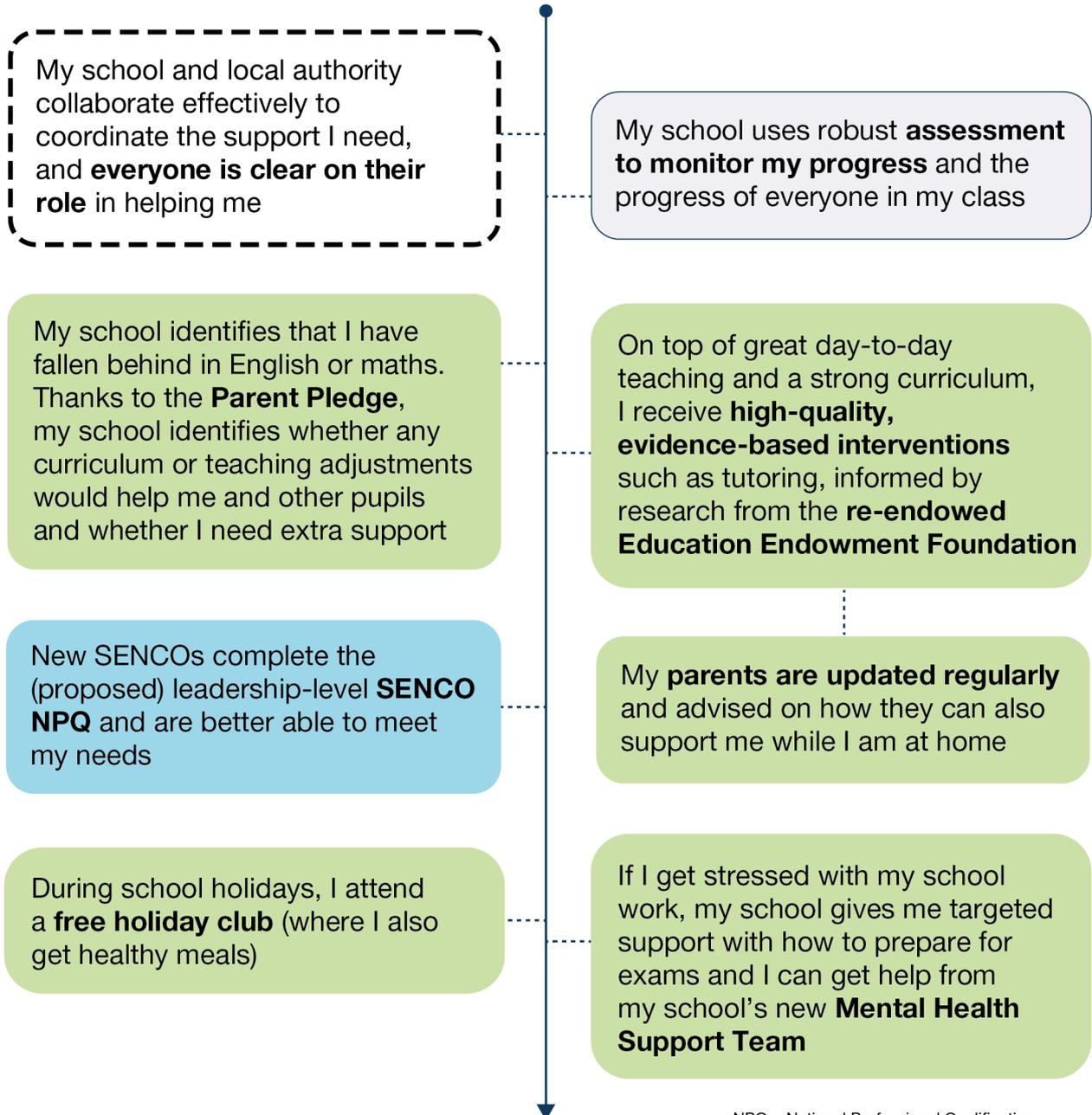
Systems

Timings for non-phase-specific policies are illustrative only



How this white paper helps a child in need of extra support

in any school to be rapidly identified and provided with targeted, evidence-based help



NPQ = National Professional Qualifications
SENCO = Special Educational Needs Coordinator

Legend

Teachers

Standards

Targeted support

Systems

Timings for non-phase-specific policies are illustrative only



How this white paper helps a child in an Education Investment Area (EIA)

with extra funding and support to improve the quality of their schools and teaching

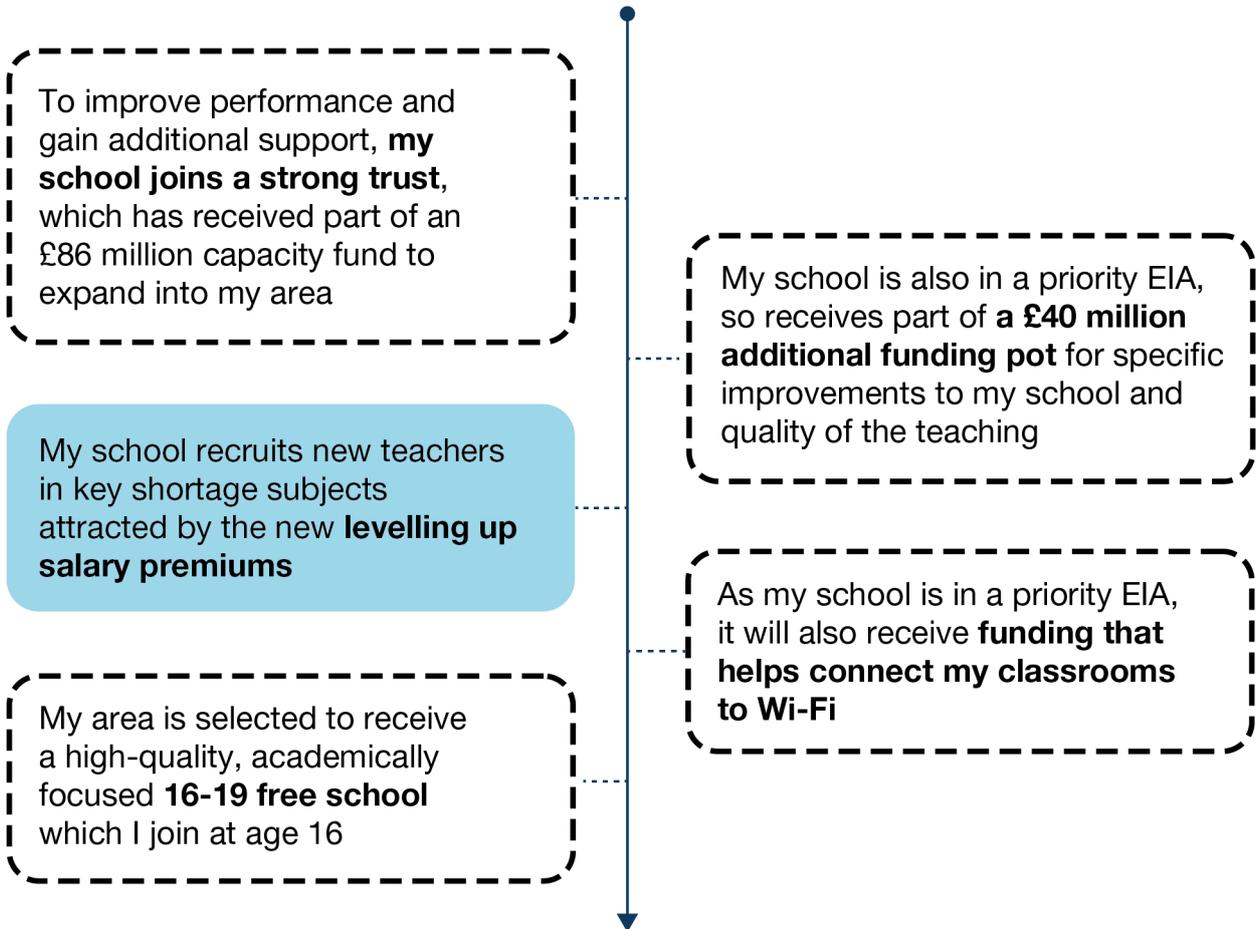


Figure 1: What this white paper means for your child

Chapter 1: An excellent teacher for every child

Summary

By 2030, every child will be taught by an excellent teacher trained in the best-evidenced approaches

- All teachers will have access to world-class training and professional development at every stage of their career, giving them the expertise and support needed to deliver great teaching.
- Teaching will be an attractive, high-status profession; we will recruit and retain the best teachers, in the subjects and areas they are needed most.
- High-quality early years provision will ensure children have the best possible start to their education, building strong foundations for the rest of their time in school.

We will deliver:

- **500,000 teacher training and development opportunities** by 2024, giving all teachers and school leaders access to world-class, evidence-based training and professional development at every stage of their career.
- **Specialist training to drive better literacy** through a new National Professional Qualification for Leading Literacy; a new National Professional Qualification for Early Years Leadership; and up to £180m investment in the early years workforce, including training for early years practitioners to support literacy and numeracy teaching.
- **£30,000 starting salaries** to attract and retain the very best teachers – with additional incentives to work in the schools with the most need.

What this means for families:

- **Excellent teachers:** your child will be taught by highly skilled teachers, trained in the best-evidenced teaching methods to help your child reach their full potential.
- **Great teachers where they are needed most:** new targeted incentives will attract teachers to work, train and stay in schools serving disadvantaged communities.
- **A more expert early years workforce:** equipped to support children through the most crucial stage of their development and lay the foundations for life-long learning.

Why this matters

12. The quality of teaching is the single most important in-school factor in improving outcomes for children,³⁹ especially for those from disadvantaged backgrounds. Being taught by a high-quality teacher can add almost half a GCSE grade per subject to a given pupil's results.⁴⁰ We have strong evidence that leadership is second only to classroom teaching as an in-school influence on children's learning.⁴¹

13. That is why excellent teaching for every child is at the heart of our plan to level up opportunity across England. It is the work of excellent teachers that will help us to achieve world-class standards of literacy and numeracy, broad and rich educational opportunities for all and, looking across to the SEND Review, an inclusive education system for children with SEND. It is only with consistently excellent teaching for every child, at every point in their school journey, that we will deliver a truly world-class school system.

14. That is why we are making a crucial investment in the training and development of our schools and early years workforce, investing in the people that will help our children succeed wherever they are, no matter their background.

15. We know that excellent teachers and school leaders are made, not born. The evidence is clear that high-quality professional development can lead to improved children's attainment.⁴² That is why we have enshrined an entitlement to evidence-based training as part of a teacher's career. This chapter details the next step in England's journey to being a world-leader in teacher training and development.

Progress to date

16. In collaboration with academics and leading experts, we have transformed the way we train teachers and school leaders. Every teacher and school leader now has access to a golden thread of high-quality, evidence-based training and professional development at every stage of their career. By providing training on areas that are fundamental to high-quality teaching like behaviour management, adaptive teaching and curriculum design, these reforms will help teachers and leaders to support all pupils to succeed, including those identified with SEND.

³⁹ J. Hattie. *Visible Learning*. 2009.

⁴⁰ H Slater, N. M. Davies and S. M. Burgess. [‘Do teachers matter? Measuring the variation in teacher effectiveness in England’](#). 2012.

⁴¹ NCTL. [Seven strong claims about successful school leadership](#) . 2006

⁴² Education Policy Institute. [The effects of high-quality professional development on teachers and students](#). 2020.

17. Since publishing the Teacher Recruitment and Retention Strategy in 2019, we have made excellent progress in rolling out the Early Career Framework reforms and refreshed National Professional Qualifications. This guarantees every teacher a structured package of support during their first two full years in the classroom and provides a suite of training packages to support them as they progress in their career.

18. Alongside these changes, by 2024, a reformed Initial Teacher Training provider market will be delivering quality assured training that places a greater emphasis than ever before on embedding structured practice into courses – ensuring trainees are ready to thrive in the classroom.

19. Every one of these programmes is based on the best available evidence of what works, as established by the Education Endowment Foundation. We have established a national network of Teaching School Hubs, local centres of excellence in teacher development, to ensure that the benefits of these reforms deliver for teachers and pupils right across England.

Challenges remaining

20. We are determined to make teaching an attractive, high-status profession where every teacher receives world-class training. We recognise that the pandemic has created challenges for teachers as well as for their pupils, which schools and teachers continue to navigate through.

21. Getting this right is a challenge, but one that we must rise to in order to shape the future of the next generation of teachers and their pupils. Our training and development offers have many connected parts that need to work together for delivery and the successful implementation over this difficult period is testament to the teaching profession's desire to support and develop others. But we must build on this – maintaining the collaborative spirit in which these reforms were created – to ensure these programmes are taken up fully in every school in the system. We need to ensure our reforms to teacher training deliver to their full potential and give every teacher the expertise they need to boost children's attainment, especially the most disadvantaged.

22. We know, however, that more is needed. At present, pay and incentives are not always attractive enough to attract and keep the teachers we need – and we know that this is especially acute when recruiting teachers to areas of disadvantage, making it harder still for those schools to improve outcomes for the children they serve. We must work together with school leaders to ensure schools have cultures that support the wellbeing of our teachers and tackle excessive teacher workload, where this still exists.

How we will achieve our vision

We will deliver 500,000 teacher training and development opportunities

23. We will deliver 500,000 teacher training and professional development opportunities across Initial Teacher Training, the Early Career Framework and National Professional Qualifications by 2024, building on our successful delivery to date and making England a world-leader for evidence-based teacher training and development.

24. We will implement and embed the Early Career Framework reforms so that every teacher enjoys their entitlement to evidence-based training and support at the start of their career. Over 25,000 early career teachers are already receiving a package of structured support, each with a fully-trained mentor to support their development. In response to feedback from the first cohort to benefit from these reforms, we will reform the role of Appropriate Bodies to reduce training burdens and protect mentor and early career teacher training time.

25. We will provide 150,000 funded training scholarships for National Professional Qualifications during this Parliament, which will include new specialist qualifications in teacher development to help embed our wider reforms. We want all schools to be able to benefit from the high-quality, evidence-based training and development that National Professional Qualifications offer to teachers and leaders. Every teacher and leader employed in a state-funded school or state-funded 16-19 organisation in the country can access these scholarships, from those who want to develop expertise in high-quality teaching practice, such as behaviour management, to those leading multiple schools across a trust.

26. To support the delivery of the government's ambition for literacy, schools will be able to access a new Leading Literacy National Professional Qualification from September. This will train literacy experts who will drive higher standards of literacy teaching in their schools. As with every other qualification in the golden thread, these qualifications are underpinned by the best available evidence, assured by the Education Endowment Foundation.

500,000 teacher training opportunities across our golden thread of teacher development

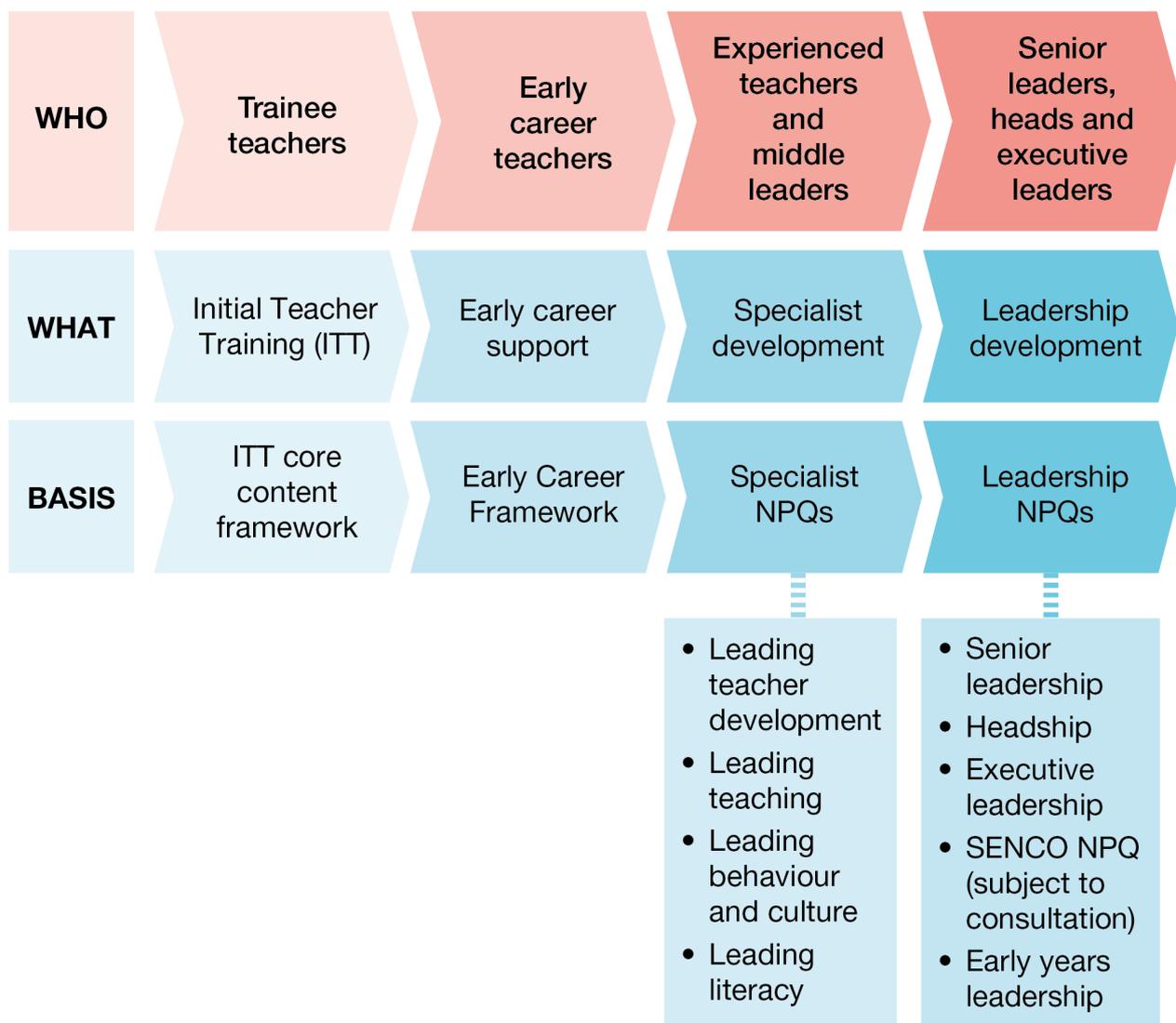


Figure 2: England's teacher development system

27. We know that for our school system to be truly world-class, we must ensure every child benefits from these reforms. Improving teaching quality is a crucial part of our mission to improve standards of literacy and numeracy. We will consult on introducing a leadership level SENCO National Professional Qualification to replace the National Award in SEN Coordination as the mandatory qualification for new SENCOs. This will align SENCO qualifications with our reformed teacher development system and ensure that these professionals are fully supported to meet the needs of children and young people with SEND. This proposal will be set out in more detail in the SEND Review.

We will permanently embed evidence at the heart of teacher development

28. At the core of these reforms to teacher training and development is a clear articulation of the best available evidence in the underpinning evidence frameworks. However, this evidence does not stand still so we will establish a process for reviewing the evidence frameworks that underpin our golden thread of teacher development. The Initial Teacher Training Core Content Framework, the Early Career Framework and the National Professional Qualification frameworks will be updated in line with the best available evidence from this country and internationally, assured by the Education Endowment Foundation.

We are establishing an Institute of Teaching

29. Working closely with the Education Endowment Foundation, the Institute of Teaching will be England's flagship teacher development provider, delivering cutting-edge training, including targeting disadvantaged areas of the country. It will build the evidence base on effective teacher development, driving standards of teacher training even higher. It will become a world leader in teacher training, with degree-awarding powers and giving teachers the chance to study academic programmes as part of their development.

30. The Institute will also provide training for a new cadre of National Leaders of Education, linked directly to underpinning evidence frameworks. These National Leaders of Education, who have experience of turning around under-performing schools, will be deployed to do just that.

Case Study

Professional Development in Kingsbridge Community College

Kingsbridge Community College is an 11-18 school and part of Education South West, a family of 11 schools in South Devon. Teacher professional development is central to their improvement as a school, trust and local centre of excellence in the region. As a Teaching School Hub, Kingsbridge are working with a national Lead Provider, to deliver the golden thread of training and support.

Kingsbridge also work with leading school trusts in the region to develop additional professional development programmes, such as SW100, which seeks to grow the outstanding leaders of the future. In total, they work in partnership with over 500 schools in the region to deliver evidence-based professional development.

We will ensure the quality of Initial Teacher Training

31. It is vital that we support these wider changes by completing the reform of our system of Initial Teacher Training. That is why we are setting a new minimum quality threshold and re-accrediting all Initial Teacher Training providers against this higher standard. A new system of higher-quality training provider partnerships will be supported by £36 million to support the delivery of new Quality Requirements, including better training for mentors and the delivery of new, cutting edge, intensive training and practice activity. Every Teaching School Hub will be involved in Initial Teacher Training to ensure that we have training places in every corner of the country.

32. To ensure quality remains high, Ofsted will increase the frequency of their inspections of Initial Teacher Training providers, so that every new entrant to the profession receives the best possible training. They will also speed up the inspection cycle so that all Initial Teacher Training providers are inspected by July 2024, and then every three years after that. Ofsted inspections of early years and primary Initial Teacher Training will always include a focused review on early reading, including systematic synthetic phonics, as the best way to teach children to read.

We will deliver the biggest ever early years training programme

33. We know that high-quality early education, particularly early language skills, can greatly improve a child's attainment throughout primary school.⁴³ We also know that almost half of the gap between disadvantaged children and their peers at key stage 4 has emerged by age five.⁴⁴ That is why we will extend our rigorous, evidence-driven approach to improving teaching quality to the early years sector, with an investment of up to £180 million.

34. We will – for the first time – deliver a National Professional Qualification for Early Years Leadership, underpinned by evidence assured by the Education Endowment Foundation. This qualification recognises the expertise required to deliver great early years outcomes – and it sits atop a suite of training programmes for early years staff, including an expanded Professional Development Programme and commitments to increase the number of trained graduates and SEND qualified Level 3 practitioners in the sector.

35. As we raise standards, we remain committed to making sure that families that want it are able to access early years provision. In addition, we will continue to explore what more can be done to help families access childcare which suits their lives in the round, including that which is out of hours or before or after school.

⁴³ Save the Children. [Early language development and children's primary school attainment in English and Maths: new research findings](#). 2011.

⁴⁴ Education Policy Institute. [Divergent pathways: the disadvantage gap, accountability and the pupil premium](#). 2016.

We will invest in our teachers

36. We are committed to delivering the government's manifesto commitment to pay new teachers a starting salary of £30,000. This will position a career in teaching amongst the most competitive in the labour market to ensure we continue to attract the best graduates. Our proposals to the independent School Teachers' Review Body set out plans which would deliver this commitment by 2023/24 and would also reward experienced teachers and leaders with their highest pay rise in over 15 years.

37. We encourage all schools to sign up to the recently published Education Staff Wellbeing Charter, to build a shared commitment to promoting staff wellbeing. Alongside this, we will continue to champion a culture of flexible working in schools. With the support of new, shared curriculum resources and the benefits of being part of a strong trust, we want leaders to empower their teachers to spend their time on activities that deliver the most value for children's outcomes.

We will attract the best teachers where they are needed most

38. Great teaching is transformational for children's life chances, but we cannot achieve our ambitions unless we have sufficient teachers. Schools still struggle to recruit the teachers they need, and those serving disadvantaged communities are more likely to struggle to attract teachers into posts.⁴⁵ We will therefore incentivise new teachers to work in places where they are needed most through our Levelling Up Premium. This will be worth up to £3,000 tax-free for eligible maths, physics, chemistry and computing teachers, in years one to five of their careers, who choose to work in disadvantaged schools, including in the new Education Investment Areas.

39. We will explore new ways of supporting schools to recruit teachers in subjects where there is a shortage. For example, we will introduce a new scholarship to attract the most talented language graduates to the profession and we will pilot a new Initial Teacher Training course designed to support more engineers to teach physics. Alongside this we will continue to invest in our internship programme, increasing the number of people who get the opportunity to experience teaching before deciding whether to enter the profession.

40. To make teaching here even more attractive to the best teachers from around the world, we will introduce a new relocation premium to help with visas and other expenses. This will be complemented by bursaries for international trainees with the potential to be brilliant teachers in priority subjects. By bringing forward legislative changes and introducing a new digital service, we will recognise high-quality teaching qualifications from all over the world in this country.

⁴⁵ DfE. [Local analysis of teacher workforce: 2010 to 2015](#) . 2016.

Chapter 2: Delivering high standards of curriculum, behaviour and attendance

Summary

By 2030, every child will be taught a broad and ambitious curriculum in a school with high expectations and strong standards of behaviour

- From early years onwards, all children will be taught a broad, ambitious, knowledge-rich curriculum and have access to high-quality extra-curricular provision.
- All children will be taught in calm, orderly, safe and supportive schools with high levels of attendance.
- Children will have fair access to high-quality time in school regardless of where they live.

We will deliver:

- **A new arms-length curriculum body** that works with teachers across the country to co-create free, optional, adaptable digital curriculum resources, supporting schools to deliver rigorous, high-quality curricula.
- **A richer, longer average school week** which makes the most effective use of time in school and ensures children enjoy a rounded education.
- **Better behaviour and higher attendance** through more effective use of data, including an annual behaviour survey and a national data system, to drive up attendance and make it easier for agencies to protect vulnerable children.

What this means for families:

- **Brilliant lessons:** your child will be taught lessons of the highest quality, improving outcomes and ensuring they are prepared for later life.
- **High expectations on behaviour and attendance:** your child will learn in a calm, orderly, safe and supportive school with high expectations for every child.

Why this matters

41. Every child should benefit from a broad, ambitious, knowledge-rich curriculum, taught by highly skilled teachers. This is essential to the task of spreading opportunity and levelling up. This will, in turn, support the skills ecosystem, ensuring that our pupils are equipped with the vital knowledge and skills they need for their future careers including in important growth sectors like digital and green jobs. It is crucial that every school has a well-designed and well-sequenced curriculum, which ensures children build knowledge in a broad range of subjects before going on to specialise after the age of 16, developing the skills for further education and training.

42. The cornerstones of a broad, academic, knowledge-rich curriculum are literacy and numeracy. From early years, right through a child's time in school, securing the basics of literacy and numeracy are non-negotiable as the gateway to further learning, attainment, and fulfilling experiences. That is why we have placed such an emphasis on standards of reading, writing and maths over the past decade – and why achieving world-class levels of literacy and numeracy across England is our mission over the next decade.

43. But no matter how brilliant a school's curriculum, children will not achieve their potential in a school with poor standards of attendance and behaviour. Children with no absence at key stage 4 are almost 2 times more likely to achieve 5 or more GCSEs than children who missed 10-15 percent of lessons.⁴⁶ Persistent absence impacts attainment and children's safety, with 90% of young offenders persistently absent,⁴⁷ and disruptive behaviour is the most common reason for suspensions and permanent exclusion (34%).⁴⁸ Some children will also need additional targeted support (see chapter 3).

44. Leaders are responsible for setting the culture for their school and making sure that all children attend school and learn in calm, orderly, safe and supportive environments, with high expectations for what every child can achieve. Securing the fundamentals of curriculum, behaviour and attendance in every school in the country is vital to achieving our literacy and numeracy missions.

Progress to date

45. The 2014 National Curriculum raised expectations of what all children should be taught, and we reformed GCSEs and A levels to put them on a par with qualifications in the best-performing countries in the world. Ofsted's new inspection framework has driven leaders and teachers to focus on the intent, implementation and impact of their curriculum, promoting a broad, balanced approach.

⁴⁶ DfE. [The link between absence and attainment at key stage 2 and key stage 4: 2013 to 2014 academic year](#). 2016.

⁴⁷ MoJ and DfE. [Understanding the Educational Background of Young Offenders](#). 2016.

⁴⁸ Explore education statistics. [Permanent exclusions and suspensions in England, Academic Year 2019/20](#).

46. We introduced the Phonics Screening Check in 2012 and by 2019 more than 90% of 7-year-olds met this standard,⁴⁹ which is a significant predictor of later reading comprehension performance.⁵⁰ The Multiplication Tables Check will have the same effect on this key component of maths fluency. Our reforms to the Early Years Foundation Stage added new focus to early foundations for literacy, numeracy and language skills.

47. We are supporting teachers to deliver higher standards of behaviour in schools by embedding behaviour management training across our suite of teacher training and development programmes, including through our behaviour hubs which pair schools together to help them learn to create cultures that support good behaviour.

48. We have strengthened schools' approaches to safeguarding and wellbeing, improving statutory guidance, introducing compulsory relationships, sex and health education and strengthening the role of Designated Safeguarding Leads.

49. Prior to the pandemic, we oversaw a dramatic improvement in attendance at all levels resulting in 15 million extra days of learning in 2018/19 compared to 2009/10.⁵¹

Challenges remaining

50. Ofsted's 2017 report on delivery of the national curriculum raised concerns about the overall quality of curriculum design in schools, which prompted revisions to the inspection framework in 2019. Curriculum design is an expert skill, yet too many teachers reinvent the wheel and design new lessons, with recent Teacher Tapp data showing 46% of primary teachers are planning their lessons from scratch.⁵² This situation fails those new teachers and fails the children they teach. In no other profession are newly trained employees expected to discover by trial and error how to deliver. Instead – as with other top professions – we must do more to support new teachers to succeed.

51. The pandemic underlined the huge cost of having children out of school and the importance of having every child in school so they are able to learn. As we emerge from the pandemic, we must drive attendance rates back to pre-pandemic levels and beyond, and continue to drive down incidents of poor behaviour. We must understand the issues underlying behaviour, including wider factors like mental health, and pay particular attention to supporting disadvantaged and vulnerable groups who have often suffered most in recent years.

⁴⁹ [DfE. Phonics screening check and key stage 1 assessments: England 2019](#). 2019

⁵⁰ K. S. Double, J. A. McGrane, J. C. Stiff., & T. N. Hopfenbeck. [The importance of early phonics improvements for predicting later reading comprehension](#). British Educational Research Journal. 2019.

⁵¹ Comparison of overall absence rates between 2009/10 and 2018/19. Explore education statistics, [Pupil absence in schools in England, Academic Year 2018/19](#).

⁵² Teacher Tapp. [Should we keep the phonics check?](#). 15 February 2022,

52. We can and should go further, including to address a lack of consistency in school opening hours and in the extra-curricular offers schools afford their children. Following the sacrifices young people made during the pandemic there is – now more than ever – a moral imperative to ensure no child is short-changed on their time in school.

How we will achieve our vision

We will establish a new curriculum body

53. Building on the success of Oak National Academy’s work in the pandemic,⁵³ we will establish a new arms-length national curriculum body. It will work with thousands of teachers to co-design, create and continually improve packages of optional, free, adaptable digital curriculum resources and video lessons that are effectively sequenced to help teachers deliver an evidence-based, high-quality curriculum. Each subject will have a choice of resources, providing variety for teachers. This sector-led approach will draw on expertise and inputs from across the country, involving teachers, schools, trusts, subject associations, national centres of excellence and educational publishers.

54. These resources will ensure high quality lessons are available nationwide for the benefit of all children. It will free teachers to teach using the best possible resources, reducing workload so teachers can concentrate on delivering lessons, creating new resources only when there’s a reason to do so.

55. The curriculum body will work closely with the Education Endowment Foundation and Ofsted, to ensure its work is informed by the best available evidence and aligns with best practice. The body will develop a choice of optional resources with teachers and leaders, to ensure it is always focused on meeting their needs. The body will also work closely with those delivering teacher training and professional development, providing consistent examples of quality lessons and curricula to support their programmes.

56. We will also ensure the resources and programmes produced by the curriculum body are available across the United Kingdom. We will work with the devolved administrations to develop content that stretches and challenges pupils beyond each country’s national curricula, providing ambitious pupils with the opportunities to go above and beyond their school’s curriculum.

57. Together with the reforms to teacher training and development, the curriculum body will create a virtuous cycle of evidence-based training for teachers and expert-crafted, adaptable lessons which will drive the quality of children’s learning higher each year, working towards our literacy and numeracy ambitions.

⁵³ ImpactEd. [Oak National Academy 2020/21 Evaluation Report](#). 2021

Benefits of the future curriculum body

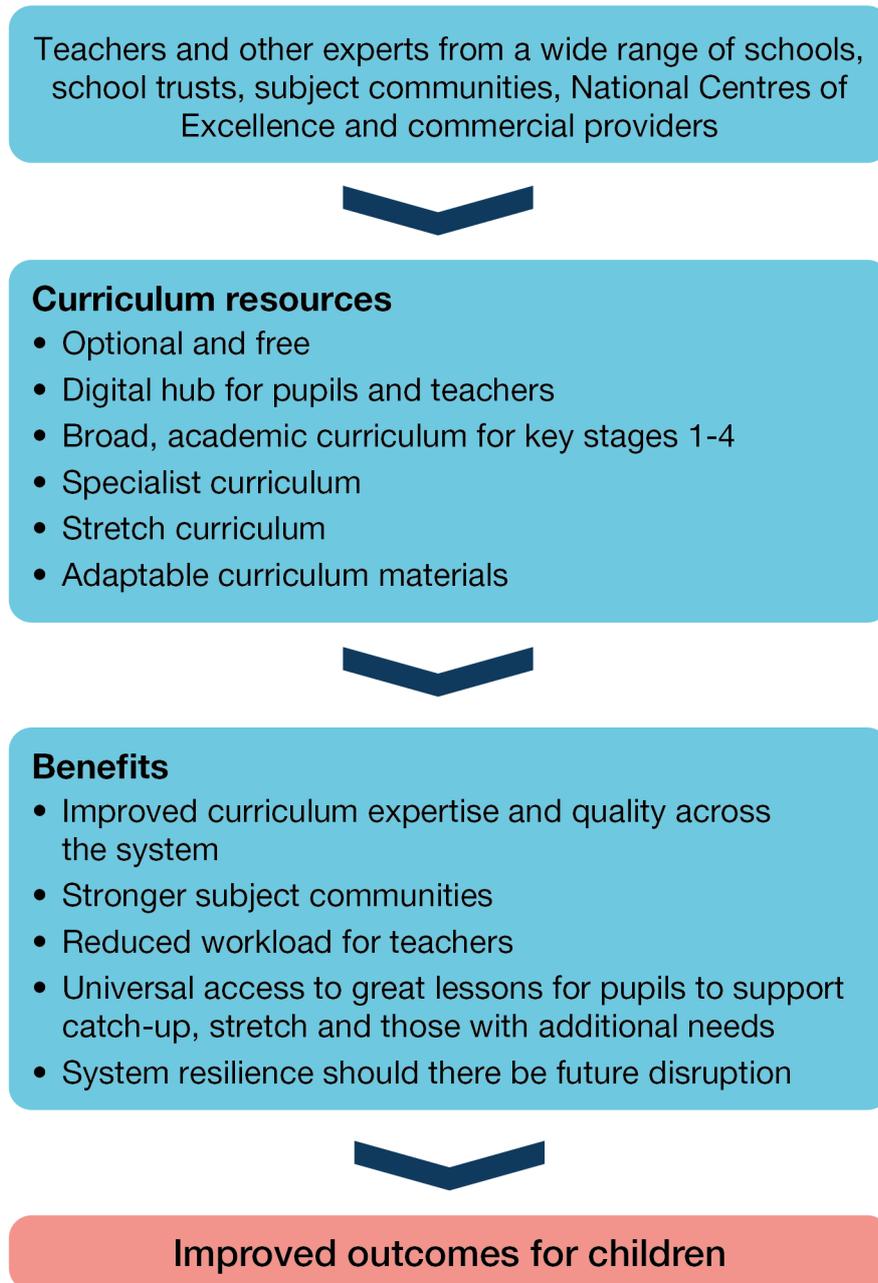


Figure 3: Benefits of the Future Curriculum Body

We will deliver a richer, longer average school week

58. We also want to address the discrepancy of teaching time in schools. It is unfair that a child who receives 20 minutes per day less of teaching time loses out on around 2 weeks of schooling a year.

59. We will therefore introduce a minimum expectation on the length of the school week of 32.5 hours (the current average) for all mainstream state-funded schools. We will expect all mainstream state-funded schools to work towards meeting this expectation as soon as possible and by September 2023 at the latest. We will strongly encourage all state-funded schools to deliver two substantive morning and afternoon sessions each school day, with appropriate flexibility for religious observance. Thousands of schools, in every corner of the country, already deliver this length of week within existing budgets. With the additional investment of £7 billion for schools by 2024-25 announced at the Spending Review, we will expect all state-funded mainstream schools to deliver at least a 32.5 hour week within their budgets.

60. Ofsted considers the overall quality of a school's education, including the ambition of the curriculum. If Ofsted has concerns about the quality of education at a state-funded mainstream school and the school falls short of the government's expectation on time, Ofsted will look at how they have come to that decision and what impact it has on the quality of education provided.

61. Considering the wider benefits of increased time for pupils, including more opportunities for learning, socialisation with peers and enrichment, we will also encourage all mainstream state-funded schools to explore going further than 32.5 hours if possible.

62. Specialist settings, including alternative provision providers, support a wide range of pupils with diverse needs and therefore currently structure their school week in more varied ways than mainstream schools. Therefore, we do not think it is appropriate to set an expectation for a minimum school week in specialist settings. However, these settings should share our overall ambition to extend and enrich the school week where it would be beneficial to pupils for them to do so, whilst taking into account operational and financial considerations.

63. We will publish guidance on best practice in the summer to support both the minimum expectation for mainstream schools and the wider ambition for all schools to consider increasing time in school where appropriate. This will include case studies from schools that deliver longer weeks and examples of how additional time can be used, including to support pupils' literacy and numeracy.

64. As part of a richer school week, all children should be entitled to take part in sport, music and cultural opportunities. These opportunities are an essential part of a broad and ambitious curriculum, and support children's health, wellbeing and wider development, particularly as we recover from the pandemic. The government will publish updated plans to support sport and music education in 2022, and will publish a cultural education plan in 2023, working with the Department for Digital, Culture, Media and Sport and Arts Council England. This will include how best to support young people who wish to pursue careers in our creative and cultural industries. We will build on our high-quality citizenship education by supporting the National Youth Guarantee, promoting volunteering and expanding access to the Duke of Edinburgh Award and Cadet Schemes.

65. We want all children to be inspired by the options available to them when they leave school or college. We will launch a new careers programme for primary schools in areas of disadvantage and are extending the legal requirement to provide independent careers guidance to all secondary school children, as well as increasing the opportunities for them to meet providers of apprenticeships and technical education. We will also improve professional development for teachers and leaders on careers education, including strengthening understanding of apprenticeships and technical routes.

We will embed our curriculum and assessment reforms

66. In order to provide stability for schools and enable them to remain focused on recovery from the pandemic and raising standards of literacy and numeracy, we will make no changes to the National Curriculum for the remainder of the Parliament. We will maintain our current system of primary assessment and world-class GCSEs and A levels. Ofqual seeks to return, in 2023, to GCSE and A level results that would be in line with those from pre-pandemic years.

67. Our dedicated English and maths hubs will support schools to drive up literacy and numeracy standards, continuing our emphasis on mastery and systematic synthetic phonics and publishing the second part of our reading framework in 2023. We will establish roles for the Education Endowment Foundation and the new future curriculum body to ensure quality and consistency in the evidence-based practices these hubs promote.

68. We remain committed to improving uptake of the Ebacc subjects, especially amongst the most disadvantaged children, and will continue to drive improvements in access to high-quality language teaching to realise this. From 2023, we will establish a network of modern foreign language hubs and introduce more effective continuous professional development courses for language teachers in both primary and secondary schools.

69. A stronger understanding of national performance is also a critical part of understanding how the system is progressing towards our goals. We will introduce a new test of literacy and numeracy, taken by a sample of children in year 9, to estimate performance at a national level. This will consist of a short series of digital activities undertaken by a small number of children in school.

70. Getting to 90% of children reaching the expected standard in reading, writing and maths in key stage 2 means we must start in early years, with a particular focus on critical early speech and language skills. We will assess the effect of recent reforms to the Early Years Foundation Stage on teaching practice and, where necessary, identify ways to go further in ensuring children are prepared for key stage 1, recognising the critical role of early language development in building strong foundations for literacy and numeracy.

We will back headteachers to maintain good behaviour

71. Schools must be calm, orderly, safe and supportive spaces to learn and teach so that children can develop, attain and succeed in all aspects of the curriculum, including literacy and numeracy. Schools with a strong behaviour culture see positive impacts on attendance and attainment.

72. In order to support schools to develop strong cultures that reduce poor behaviour and benefit pupils, all teachers and leaders employed in state-funded schools have access to a fully funded training scholarship to undertake a National Professional Qualification in Behaviour and Culture. To support this, we will revise the Behaviour in Schools guidance and the statutory Suspension and Permanent Exclusion guidance to provide more practical support to school leaders. We will launch a new National Behaviour Survey to better understand what parents, children, teachers and leaders think of behaviour and wellbeing in their school.

Case Study

Driving a positive behaviour culture

Glenmoor Academy is an 11-16 all girls secondary school situated in Bournemouth, which serves as the lead school in a Behaviour Hub. At Glenmoor, behaviour is taught and seen as a curriculum subject: their vision is one of “High Achievement, High Standards,” while working to core values of integrity, compassion and courage.

At Glenmoor, exemplary behaviour is an expectation, and every child, staff member and stakeholder plays an important role in achieving this, as part of a pro-active, whole-school approach. Leaders have created a detailed charter setting out expected models and concepts of behaviour. Rewards at Glenmoor play a pivotal role in promoting positive behaviour. Whilst sanctions are based on consistency and predictability, rewards are personable and proportionate. Collectively, these policies support an unapologetic focus on ‘teaching and not telling’ behaviour. Leaders at Glenmoor are clear with children’s behaviour explaining “here is why we are doing this”.

Glenmoor understand that behaviour is “never done,” and use their opportunity to support other schools as a chance to reflect on their own behaviour culture and foster collective, professional learning.

73. We fully back headteachers who have to weigh the needs of children with challenging behaviour against the needs of their whole school community, including through the use of exclusions. The SEND Review will set out reforms to tilt the focus of alternative provision⁵⁴ towards early intervention, so that more children are supported to manage challenging behaviour and needs early, reducing preventable exclusions. Alternative provision will also continue to provide longer-term specialist support so that the small number of children who are excluded can access good quality education and re-integrate into a mainstream school or college.

We will work with schools and local authorities to improve attendance

74. Now more than ever before, face-to-face education for children's academic, social and emotional wellbeing is of paramount importance. Subject to the results of our February consultation, we will introduce new legislation to create new statutory guidance on attendance, including a requirement for every school to publish a clear attendance policy.

75. To help schools support their children to attend school consistently, we will make it easier for schools to access and emulate best practice around attendance, with the Education Endowment Foundation and the Youth Endowment Fund developing further off-the-shelf attendance interventions for schools, and introduce new voluntary standards for attendance professionals.

76. Having learnt from the pandemic how important having a real-time national picture of attendance can be, we will also make it easier for schools to understand individual attendance patterns and for trusts, local authorities and the Department for Education to identify concerning patterns more quickly. We will design a national data solution and introduce legislation to modernise the rules on recording attendance. This integrated, 21st century approach to tracking attendance will provide a safety net for spotting vulnerable children at risk of falling through the net. It will also provide a blueprint for wider data improvements across the system.

77. We will also introduce legislation to establish a register for children not in school, exploring how this data should be used by local authorities and multi-agency teams to undertake their duties and support children's education.

78. We recognise that attendance is an issue that requires all local and national bodies to play their part. That is why, subject to the results of our February consultation, we will also set new statutory expectations of local authority attendance services. We will expect schools and local authorities to work closely with these bodies to re-engage children who are 'severely absent' (those missing more than 50% of their sessions in school).

⁵⁴ "Alternative provision" means the education arranged for pupils who would not otherwise have a suitable mainstream or special school place, for example through illness or exclusion. It includes Pupil Referral Units (PRUs), Alternative Provision academies and free schools, independent settings, Further Education, hospital schools, and bespoke unregistered provision

We will support children's safety and wellbeing

79. Physical and mental wellbeing is a key enabler for children to benefit from time in school. Children's attainment, behaviour and attendance both drives, and is impacted by, their wellbeing. We are building on the additional £79m invested in specialist mental health support for children and young people during the pandemic by accelerating the introduction of Mental Health Support Teams that provide extra capacity for early support and advising school staff. We will make sure every school has the opportunity to access funded training for a senior mental health lead.

80. To keep children safe we will strengthen Relationships, Sex and Health Education, as well as our statutory safeguarding guidance, Keeping Children Safe in Education. This will support schools to protect children from abuse and exploitation in situations inside and outside of the schools, including (but not limited to) child on child abuse, online and face-to-face abuse, sexual abuse, exploitation, harassment, domestic abuse, substance misuse and criminal exploitation.

81. We will continue to support Ofsted's work to scrutinise and challenge off-rolling, clarifying the rules on how and when children should move between education settings, including alternative provision. We will introduce legislation to increase Ofsted's powers to inspect schools that are operating illegally without registration, addressing risks to the safeguarding and education of children who attend them.

Chapter 3: Targeted support for every child who needs it

Summary

By 2030, every child who falls behind in English or maths will get the right support to get back on track

- High-quality classroom teaching and evidence-based targeted support – including tutoring – will be made available to every child that is behind, with parents regularly updated on their child’s progress.
- Schools will be better equipped to robustly and routinely identify children who need this support and to act quickly, including for those with SEND.
- Schools will fund evidence-based, targeted activities to improve the attainment of disadvantaged children, including the most able, from their Pupil Premium funding.

We will deliver:

- **A Parent Pledge** that your school will provide evidence-based support if your child falls behind in English or maths and tell you about their progress.
- **Up to 6 million tutoring courses by 2024** with action to cement one-to-one and small group tuition as a permanent feature of our school system.
- **A secure future for the Education Endowment Foundation** putting our independent ‘what works’ centre on a long-term footing and placing the generation and mobilisation of evidence at the heart of our education system.

What this means for families:

- **Timely identification of need:** your child will go to a school that accurately assesses their progress and identifies where they need additional support.
- **An evidence-based response:** children who are identified as needing academic, pastoral or specialist support will receive high-quality, evidence-based help.
- **Transparency:** parents will be better informed about their child’s progress, and the support their child receives.

Why this matters

82. We have set out how world-class training and creating the conditions for excellent teaching to shine will improve children's life chances and see standards rise. However, as the best schools and trusts know, ensuring 90% of children meet the expected standard in reading, writing and maths will also require a systematic way to deliver targeted support to those children that fall behind at some point on their educational journey. In 2019, 65% of 11-year-olds achieved the expected standard.⁵⁵ Whilst much of this gap will be closed by excellent teaching of a strong curriculum, we will not reach 90% without a step change in how we support those children who need more help to succeed.

83. This will require a robust approach from every school and trust to identify where children may need additional help to succeed in school, and to provide them with the evidence-based support they need so that they can progress through the curriculum with their peers. This could take the form of a phonics catch-up programme run by a trained teaching assistant, or small group tuition after school in maths. For all children, additional support will remain grounded in high-quality teaching and a strong curriculum.

Progress to date

84. Over the last decade, significant additional focus has been paid to the need to combine high-quality teaching with evidence-based targeted support. We established the £2.6 billion per year Pupil Premium to fund extra support for disadvantaged children. The Education Endowment Foundation recommends around half of this is spent on high-quality teaching, with the remaining half split between targeted academic support and wider strategies to raise attainment and address barriers to success.⁵⁶

85. England is a leader in generating and disseminating education evidence, with 70% of school leaders saying that they regularly use Education Endowment Foundation evidence to inform what happens in their school.⁵⁷

86. As a core part of our response to the pandemic, we have invested nearly £5 billion, including £3 billion in targeted support to help those children worst affected by COVID-19. This includes the creation of the National Tutoring Programme, through which over 1 million tutoring courses have now started since November 2020. This has been critical to helping pupils who are behind – the EEF found that small group tuition has an average impact of an additional four months in primary schools and two months in secondary.⁵⁸ We will deliver up to 6 million tutoring courses, each providing 15 hours of tutoring, by 2024.⁵⁹

⁵⁵ DfE, [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019.

⁵⁶ Education Endowment Foundation. [EEF blog: The Pupil Premium and the importance of using evidence](#). 2021.

⁵⁷ Education Endowment Foundation. [EEF launches updated Teaching and Learning Toolkit](#). 2021.

⁵⁸ Education Endowment Foundation. [Teaching and Learning Toolkit](#).

⁵⁹ DfE. [National tutoring programme: courses started](#). 2022.

Challenges remaining

87. It is not the case yet that all children receive the additional support they need when they need it. Even before the pandemic, too many children – especially those who are most vulnerable – fell behind and never caught up with their peers. Too many parents bear the stress and worry of fighting for the specialist support their child needs. A step change is needed to deliver our literacy and numeracy missions, so more children in both primary and secondary school get back on track when they are struggling.

88. We are proud of our record of narrowing the attainment gap between disadvantaged children and their peers, with the gap narrowing by 12.8% between 2011 and 2019 at key stage 2⁶⁰, and 9.1% at key stage 4⁶¹ in the same period. But the pandemic has hindered this progress. By Autumn 2021, the average primary school pupil was still 1.9 months behind where they would have been in maths and 0.8 months in reading, with the average secondary school pupil 2.4 months behind in reading. Disadvantaged children fared worse, losing an additional 0.4 months in maths in primary, 0.9 months in reading in primary and 1.5 months in reading in secondary.⁶² The pandemic widened the disadvantage gap, with disadvantaged children less likely to have high-quality remote education, more likely to be absent from school and – consequently – more likely to have fallen behind.

89. We must also do more to ensure children with SEND and children with a social worker have the same opportunities for success as their peers. Whether improving the early identification of need and the quality of mainstream support, or providing effective and timely specialist support, we have a moral duty to do better by these children.

90. Through the introduction of the Pupil Premium and education, health and care plans we have rightly focused our school system on children who face particular challenges in their learning. However, by looking through the lens of a pupil's characteristics we sometimes miss the needs of children who do not acquire the label of having a special educational need or disability or being disadvantaged. We need to pivot to a system where all children receive the right support, in the right place, and at the right time based on their need.

⁶⁰ DfE. [National curriculum assessments: key stage 2, 2019 \(revised\)](#), 2019.

⁶¹ DfE. [Key stage 4 performance 2019 \(revised\)](#), 2019

⁶² DfE. [Pupils' progress in the 2020 to 2021 academic year](#), 2022.

How we will achieve our vision

We will deliver a Parent Pledge

91. The Parent Pledge is a promise from government, via schools, to families: any child that falls behind in English or maths should receive timely and evidence-based support to enable them to reach their potential. We pledge to make that a reality in every school in the country. We pledge to ensure that schools communicate this work to parents, ensuring parents are fully engaged in their child's education – and relieving them of the worry and stress that comes from a child falling behind at school.

92. Many children, at some point in their school journey, fall behind. They miss some lessons through illness, or don't grasp a critical concept. They catch up through our education system's first line of support: excellent teaching. Their teachers continually assess their understanding in class, adapt their teaching to respond to any gaps, and use a curriculum that revisits and embeds knowledge over time. Our reforms set out in previous chapters will further strengthen the quality of teaching in our nation's classrooms.

93. Some children, however, will need additional support in order to progress through the curriculum in English or maths. Too often this support is only available for children who have acquired a label – that they have a special educational need, or have been identified as disadvantaged. We will ensure all children are able to get the support they need, without requiring a label.

94. The best schools use robust, reliable assessment to identify children who need extra help, and offer targeted, evidence-based support to these children. We will make this an expectation across England. All schools should monitor pupil's progress in English and maths using robust assessment. They should have a system for responding to what this shows – both in terms of adjustments to classroom practice and providing additional support for children who need it. This should be drawn from the growing evidence base of effective support approaches. For example, a school may use a phonics catch-up programme to support children with a low reading age, or small group tutoring to support children who need to practise their maths. The very best schools and trusts in the system already do this as a matter of course, but for many schools this will be an important and significant shift. We will, in partnership with Ofsted, set out further guidance on targeted support and the use of effective assessment in due course.

95. We recognise that some children who are behind their peers may also have special educational needs. The process set out above will ensure that children do not need a diagnosis in order to access academic support. It complements plans, which will be set out in the SEND Review, for a clearer interaction between the SEND system and the support that should be readily available in all schools.

Our Parent Pledge:

Any child that falls behind in English or maths should receive timely and evidence-based support to enable them to reach their potential

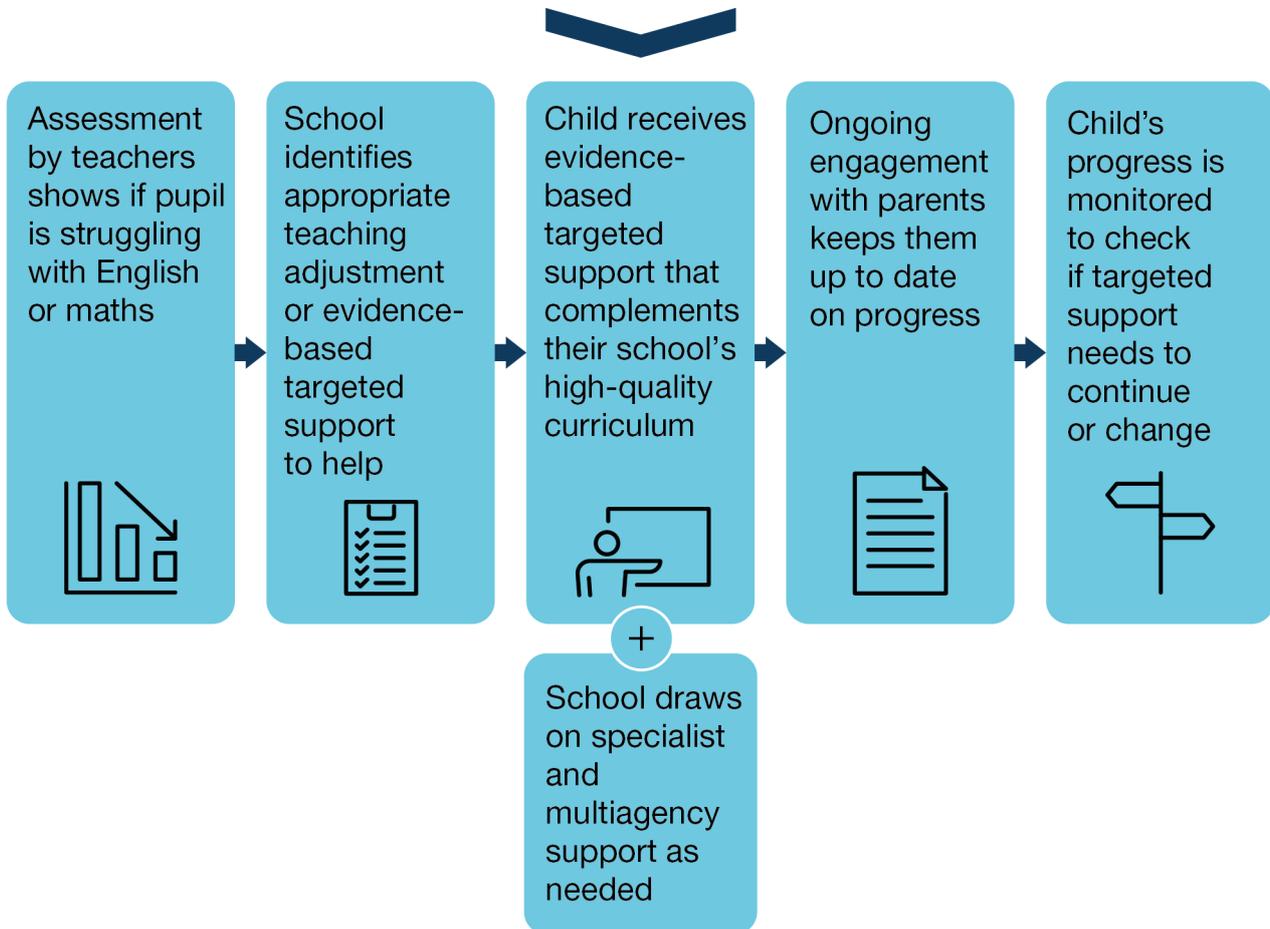


Figure 4: Our Parent Pledge

96. The Parent Pledge is a commitment to effective assessment and support and we will embed it as a central part of any school. The success of this commitment depends on how it is implemented in schools. We know that many schools implement this well already, but we are also aware of the risk of it being misinterpreted or implemented poorly. The Parent Pledge should not lead to schools over-testing children, labelling them as “behind”, or withdrawing them from a rounded school experience in order to focus on English and maths. It should be based on reliable assessment and used to provide evidence-based support that complements a child’s core education.

97. Ofsted’s recently strengthened inspection framework, with its focus on how schools help all pupils to succeed, including those who are behind in English and maths, will mean that there is strong accountability for all the elements within the pledge. As part of school inspections, inspectors look at how assessment is used to identify pupils’ progress through the curriculum. They look at how schools provide a high-quality curriculum and teaching for all children and additional targeted support for those who are behind. This targeted support might include small group or individual tutoring and/or other evidence-based interventions. Ofsted also seeks views from parents and draws on those views in its inspection discussions.

98. As well as ensuring schools are delivering effective in-school targeted support as part of the Parent Pledge, we will also work closely with Ofsted to spread examples of schools successfully providing targeted support alongside high-quality teaching, including how they ensure that parents are regularly updated on how their child is doing.

99. Effective use of the £2.6 billion per year Pupil Premium is key to delivering the Parent Pledge. The EEF recommends that around half of Pupil Premium funding should be spent on high-quality teaching as the first tier of support, with the other half going towards targeted academic support and wider strategies.

100. Whilst the Pupil Premium will retain its core focus on driving up the attainment of disadvantaged children wherever they fall on the ability spectrum, we will make it easier for schools to use this money to support literacy and numeracy skills where needed. Based on the EEF’s evidence about what works, we have produced a menu of recommended evidence-based approaches and encourage schools to use this to make decisions about Pupil Premium spend. Schools will also want to consult this menu when making decisions about how to effectively deliver the Parent Pledge.

We will embed tutoring in every school

101. Government has invested £1 billion to establish the National Tutoring Programme. We will deliver up to 6 million tutoring packages by 2024, which when combined with our programmes to deliver tutoring for young people aged 16-19 equates to around 100 million hours of tutoring. Small group tuition has an average impact of an additional four months in primary schools and two months in secondary school,⁶³ and it is our vision that tutoring no longer be the preserve of families who can afford to pay for private tuition, but the right of any child in need of additional support.

102. We will continue to financially incentivise schools to provide tutoring – and we expect every school to make tutoring available to children who need it. Schools have the flexibility to use their own staff, bring in dedicated new staff or use external tutors from accredited organisations to provide high-quality tuition that best meets the needs of their pupils. Tutoring will be a core ‘academic’ option in the Pupil Premium menu.

⁶³ [Education Endowment Foundation. Teaching and Learning Toolkit.](#)

103. From 2024, we will have cultivated a vibrant tutoring market, serving schools right across England. We will expect tutoring to continue to be a staple offer from schools, with schools using their core budgets – including Pupil Premium – to fund targeted support for those children who will benefit.

Case Study

Using tutoring to improve children's outcomes

Queensmead School in Middlesex is an 11-18 academy within the QED Academy Trust. Approximately 25% of children at Queensmead qualify for Pupil Premium.

Following the Government's announcement of the National Tutoring Programme, the school leadership team decided to access tuition via the National Tutoring Programme for their Looked-After Children, who received 1:1 tuition remotely at home during the lockdown period. Staff also identified students that needed extra support in English and maths, at both Key Stage 3 and Key Stage 4.

As a result of tuition, Queensmead have seen a decrease in the number of students who were identified as behind. They have continued to use the programme and are now using School-Led Tutoring funding, to accelerate catch-up for children in Years 9 and 10 who need additional targeted support. Queensmead discuss options to have an extra lesson in English or Maths with both parents and children.

Small group tutoring sessions are also helping some Year 11s prepare for their GCSE exams and students are benefitting significantly from tutoring delivered by staff with whom they already have a longstanding relationship.

Tutoring has been essential to the success of the children at Queensmead, and the school's aim is that every child who needs it will receive some form of tuition by the end of the programme.

We will re-endow the Education Endowment Foundation

104. It is critical that our focus on closing the attainment gap is underpinned by the very best evidence of what works. Over the past decade, the EEF has carried out over 200 evaluations to understand which interventions and approaches are most effective in closing the attainment gap, engaging 16,000 schools and reaching over 1.7 million children through its research. England is now an international bastion of education evidence, with English schools now some of the most evidence informed in the world.

105. The fundamental value of this independent and trusted evidence broker is clear – from robust evidence generation to guidance supporting effective Pupil Premium use and oversight of the evidence underpinning the training for all new teachers. That is why we will re-endow the EEF with at least £100m, cementing its role as a central, long-term feature of the education landscape for at least the next decade. This will allow it to continue its crucial work to build the evidence base. Crucially, it will provide actionable and accessible guidance and support to schools and act as a ‘guardian of evidence’ to ground education policy in the very best evidence.

106. We will also go further to ensure that the evidence generated directly impacts children. That is why we will provide over £55 million for our Accelerator Fund to develop and scale-up the best-evidenced literacy and numeracy interventions, spreading effective programmes to every corner of the country. This fund will fuel cutting-edge, evidence-based programmes, directly informing the best practice targeted support schools will implement through the Parent Pledge. We will support schools across England to access pioneering targeted support, straining every sinew across the whole school system to deliver our ambitious literacy and numeracy mission.

We will reform the SEND and Children’s Social Care systems

107. In the current system, over 15% of children have an identified special educational need, and vulnerable children and children with SEND have lower educational attainment than their peers on average. A world-class school system must deliver brilliant outcomes for all children and, if we are to deliver our mission by 2030, we must ensure that vulnerable children and children with SEND are provided a better quality of education, underpinned by more effective, joined-up support.

108. We will set out ambitious reforms in the SEND Review, ensuring that all children and young people with SEND are able to access the right support in the most appropriate setting, including mainstream schools, in a timely manner, wherever they are in the country. We will consult in the Review on introducing a leadership level SENCO National Professional Qualification for new SENCOs, recognising the significance of the SENCO role in schools and ensure professional development for this role builds upon our wider ‘golden thread’ of teaching reforms (see chapter 1).

109. To improve access to specialist provision, we will invest £2.6bn in high needs capital investment over the next three years to deliver new places and improve existing provision for children and young people with SEND or those requiring alternative provision. This funding represents a transformational investment in new high needs provision and will support the delivery of tens of thousands of new places. As part of this investment we will deliver new special and alternative provision free schools.

110. We will equip the Department for Education’s new Regions Group, described in chapter 4, to hold local authorities and academy trusts to account for local delivery for children and young people with SEND, make better use of data to understand system health and work with independent inspectors and health colleagues.

111. We will respond to the Independent Review of Children's Social Care, ensuring the most vulnerable children are supported to succeed. We will continue to deliver the recommendations of the Children in Need review, including promoting the educational achievement of looked-after children and the previously looked-after cohort through Virtual School Heads.

112. We know that schools need to work with a range of local partners to deliver the support that some children need, particularly where needs extend beyond school gates. We will continue to support families, including expanding the Supporting Families programme to secure better outcomes for up to 300,000 families and delivering the Holiday Activities and Food programme to provide enriching activities and healthy meals for disadvantaged children during school holidays.

We will work with universities to deliver better targeted support

113. We will drive greater social mobility in Higher Education, strengthening the engagement between schools and Higher Education Providers. We will work closely with the Director for Fair Access and Participation at the Office for Students to drive this increased engagement and ensure the money that providers spend on access and participation is used effectively and in line with evidence to deliver real social mobility.

Chapter 4: A stronger and fairer school system

Summary

By 2030, all children will benefit from being taught in a family of schools, with their school in a strong multi academy trust or with plans to join or form one

- All schools will provide a high quality and inclusive education within the resilient structure of a strong trust,⁶⁴ sharing expertise, resources and support to help teachers and leaders deliver better outcomes for children.
- The best trusts in the system will work where they are needed most, levelling up standards, and transforming previously underperforming schools.
- Every part of the system, from strong trusts to local authorities, will be held accountable to a set of clear roles and responsibilities, so that no child falls through the cracks.

We will deliver:

- **A fully trust led system with a single regulatory approach**, which will drive up standards, through the growth of strong trusts and the establishment of new ones, including trusts established by local authorities.
- **A clear role for every part of the school system**, with local authorities empowered to champion the interests of children and a new collaborative standard requiring trusts to work constructively with all other partners.
- **Education Investment Areas** to increase funding and support to areas in most need, plus extra funding in priority areas facing the most entrenched challenges.

What this means for families:

- **Stronger local schools right across England:** schools will retain their ethos, whilst benefitting from the expertise and support of their family of schools in a strong trust, especially in areas of disadvantage.
- **Clear accountability for outcomes for every child:** public services will deliver for children and their parents.
- **Better support for children and families:** it will be clear what the different roles and responsibilities of schools, trusts, local authorities and others are.

⁶⁴ The term 'trust' refers to an academy trust throughout

Why this matters

114. The previous chapters set out the direct role that government can – and will – play to support the great teaching that will raise standards in our classrooms, allowing us to meet the ambitions that will deliver for every child.

115. However, it is also the government's role to ensure the right conditions in the school system so that these improvements are felt fairly everywhere and all children benefit from them. The best system structures enable and amplify progress towards these higher standards – and the worst stifle them.

116. The highest performing trusts use their collaborative structure to deliver outstanding literacy and numeracy outcomes for their children. They train, retain and deploy excellent teachers where they are needed most, develop and share ambitious curricula and deliver targeted support to raise standards.

117. Teachers and leaders in strong trusts can form communities of practice, sharing evidence-based approaches and benefitting from high quality professional development to improve outcomes for children. Strong trusts also achieve economies of scale, sharing resources, centralising functions, and ensuring robust financial governance, in order to build resilience and save time and money to reinvest into education. As a result of these benefits and more, our best trusts achieve strong educational outcomes, particularly for disadvantaged children – if all children did as well as pupils in a trust performing at the 90th percentile, national performance at key stage 2 would be 14 percentage points higher and 19 percentage points higher for disadvantaged pupils.⁶⁵

118. That is why we want to spread the brilliance of the best trusts as families of schools throughout the country and create a school system where every part of the system has a clear role to play – all focused on delivering outstanding outcomes for children. The accompanying document: 'The case for a fully trust-led system' explores this in more detail.

119. Only by creating a fair and cohesive system can we be confident in levelling up every part of the country, with schools in strong trusts, robust regulation of the system and empowered local authorities who can champion the interests of children – particularly vulnerable children.

⁶⁵ DfE. [KS2 school level performance data, 2019](#). Mainstream schools only. LAs are LA maintained schools aggregated to LA level. SATs are standalone schools, rather than groups of schools. Data on trust status from [Get Information about Schools \(GIAS\)](#)'

Case Study

Delivering transformative outcomes in areas of high disadvantage at Dixons Academies Trust

Dixons Academies Trust strives to achieve effective school improvement and great outcomes for children, exclusively in areas of high disadvantage. It achieves this by building a strong school culture, scripting routines in detail around the most vulnerable child, and running a longer school day to ensure maximum time for children to benefit from high quality teaching and support. The trust focuses relentlessly on doing a few things well rather than chasing every new initiative.

Nine of their fifteen schools currently hold an Ofsted grade, six judged Outstanding and three judged Good. One free school and five sponsored academies await their first inspection.

The trust's schools in Bradford and Leeds are heavily oversubscribed and children have achieved strong outcomes, including both attainment and progression into post-18 study and employment. Children eligible for Pupil Premium (PP) at Dixons consistently outperform the average for children not eligible nationally, with a disadvantaged Progress 8 score of 0.52 (against 0.13 non-PP) in the last published data, and 35% achieving EBacc at grade 4/C or above (against 29% non-PP).

The trust was identified as the sponsor for two local authority maintained secondary schools in Liverpool, both of which had been rated "Inadequate" by Ofsted. The trust worked actively in both schools for almost a year and provided staff training, established coaching and aligned processes with other Dixons academies. It also embedded new and improved routines for culture and instruction, as well as systems to improve attendance.

The trust has worked hard to ensure that the changes have had a positive impact in the area, offering its support to school improvement more widely. In the school, staff have reported feeling supported with new learning routines and that there had been better behaviour from children.

Progress to date

120. Over the past 10 years, school standards have improved rapidly – 86% of schools are now rated Good or Outstanding, compared to 68% in 2010.⁶⁶ There are almost 10,000 academies – of which 8,500 are in multi academy trusts that have more than one school.⁶⁷

⁶⁶ Ofsted. [State-funded schools inspections and outcomes as at 31 August 2020](#). 2020.

⁶⁷ DfE. [Open academies, free schools, studio schools and UTCs](#). 2022.

121. Where schools do underperform, they are now routinely transferred into strong trusts. The positive impact of this on children can be huge. More than 7 out of 10 sponsored academies are now rated Good or Outstanding compared to about 1 in 10 of the local authority maintained schools they replaced.⁶⁸

Challenges remaining

122. The improvements we have seen across the last decade have not been uniform, and too many children are not yet benefiting from the excellent standards in the best schools. Government has not systematically supported our strongest performing trusts to grow, and they have not been adequately incentivised to work where they are needed most. Many of our best schools operate alone, and not enough attention has been paid to harnessing the expertise already in the system, with local authorities prevented from setting up trusts.

123. The system that has evolved over the past decade is messy and often confusing. Schools, trusts and local authorities have unclear – and often overlapping – roles and responsibilities. Unclear expectations of academies and local authorities permit grey areas which have sometimes allowed vulnerable children to fall through the gaps. Government has not been able to intervene adequately in the small number of trusts that have fallen short in the expectations of parents, or clearly set out through the regulatory system the standards it expects all trusts to achieve.

124. This confusion can have damaging consequences for children, especially the most disadvantaged and vulnerable. We need a stronger and fairer system that will allow all children to feel the benefits of strong trusts if we are to deliver the ambitions set out in this white paper.

How we will achieve our vision

We will increase capacity in the parts of the country that need them most

125. The first part of this journey will see investment in 55 Education Investment Areas over the remainder of this Parliament.⁶⁹ These are in cold spots of the country where outcomes in literacy and numeracy are the poorest and there is most urgent need for the benefits that strong trusts can bring.

⁶⁸ [Analysis of Ofsted. State-funded school inspections and outcomes: management information \(2019\). 2022.](#)

⁶⁹ DLUHC. [Education Investment Areas: selection methodology](#). 2022.

126. We will shortly be consulting on moving schools that have received two consecutive below 'Good' judgements from Ofsted into strong trusts to tackle underperformance. This approach will be taken across England, but will begin in Education Investment Areas, as they are the areas most in need of rapid improvement. We will also invest directly to support our strongest trusts to expand into these areas, committing up to £86m in trust capacity funding over the next 3 years, with a particular focus on Education Investment Areas. We will offer retention payments in high priority subjects such as maths, helping recruit and retain the best teachers, to drive attainment in core subjects in the schools they are needed in most across England.

127. In addition to this action, we will provide further support to 24 Priority Education Investment Areas (which are a subset of the 55 Education Investment Areas), to address entrenched underperformance, including in literacy and numeracy, in areas with some of the highest rates of disadvantage in the country. In these areas, around £40m of additional funding will be provided for bespoke interventions to address local needs, such as addressing high absence rates. We will also launch a new multi academy trust Chief Executive Officer development programme for established leaders, such as executive headteachers and senior staff in academy trusts. This will support their development and preparedness for Chief Executive Officer roles, building on our golden thread of professional development set out in chapter 1.

128. We will build on this approach by opening a targeted number of high quality, academically focused 16-19 free schools in the areas where they are most needed. These schools will aim to rapidly increase the proportion of disadvantaged children in these areas progressing to top universities. The selection process for these schools will prioritise bids located in Priority Education Investment Areas, as well as the wider group of Education Investment Areas.

We will shape a dynamic system of strong trusts

129. We need to nurture a dynamic system of strong trusts with the capacity to improve schools if we are to deliver the step change needed across England to meet our ambitions. In the future, no one organisation will have the right to run schools indefinitely without delivering excellent outcomes.

130. We know that trusts typically start to develop central capacity when they have more than 10 schools. Scale is also what enables them to be more financially stable, maximise the impact of a well-supported workforce and drive school improvement. Recognising the importance of trust capacity to support the system to improve, we will avoid converting schools as standalone academies, however we will consider bids for high quality free schools to open initially as standalone trusts. We expect that most trusts will be on a trajectory to either serve a minimum of 7,500 pupils or run at least 10 schools.

131. We will carefully monitor the size of new trusts and never expect a trust to expand before it is ready. While there will be no maximum size of trust, we will limit the proportion of schools in local area that can be run by an individual trust. The priority in making these decisions will always be what is right for the children, parents and communities they serve.

132. As part of the SEND Review, we will also consult on a policy of allowing local authority maintained specialist providers to move into either specialist-only or mixed trusts, based on individual and local circumstances.

133. So that trusts continue to be responsive to parents and local communities, all trusts should have local governance arrangements for their schools. We will discuss how to implement this with the sector.

We will ensure all types of school can help build the fully trust led system

134. We will unlock the expertise that exists across England by supporting new trusts to develop where they are needed, allowing new partners to bring their experience to improve outcomes for children.

135. Thus far, local authorities have not been able to set up trusts, which has been a barrier to some of the best local authority maintained schools supporting other schools to succeed. We want to enable trusts that work effectively for the primary schools who make up the majority of the remaining maintained sector.

136. Local authorities will be able to establish new multi academy trusts where too few strong trusts exist, enabling high performing schools with a track record of local partnership to formalise their relationships and add expertise and capacity to the trust system. These trusts will be regulated in the same way as any other trusts, and we will ensure that safeguards are in place to effectively manage any potential for conflicts of interest both for the trust and the local authority – including limits on local authority involvement on the trust board.

137. We will provide assurance to Church and faith schools when they join or form trusts, bringing forward legislation to ensure that statutory freedoms and protections that apply to Church and faith maintained schools also apply to academies with a religious character. We recognise the costs which Dioceses and other religious authorities face in establishing trusts and we will develop options for financial support, allowing strong Church and faith trusts to drive even higher standards in these schools. We are also committed to ensuring that all providers of schools with a religious character remain able to open new schools, once all schools are in trusts.

138. We know schools in rural areas can be particularly important to their communities, and Diocesan trusts and trusts established by local authorities will be well placed to ensure these schools are effectively supported. We will also continue to apply the presumption against closure of rural schools and our national funding formula reform has seen the funding schools attract through the sparsity factor more than double to £95 million.

139. Recognising their important role within the communities they serve, we will ensure that selective schools are secure in multi academy trusts.

We will better regulate school trusts

140. The current legal and regulatory system for trusts, based around individual contracts, was designed for a small group of disruptor schools. This has become increasingly unsuited to ensuring quality and fairness in a system that already educates more than half of all children. All trusts must be held clearly to account for high standards in order to provide the platform to achieve our ambitions in literacy and numeracy.

141. To increase clarity in the short term, we propose to bring together both new and existing requirements on academy trusts (currently set out in legislation and funding agreements) into statutory academy trust standards. New statutory intervention powers will underpin the standards and provide a robust framework for ensuring we can tackle any trust which fails to achieve the expected outcomes by managing and governing their schools effectively. The department, through the Regions Group described below, will take a single regulatory approach to trusts.

142. In the longer term, we must shape a regulatory approach that is fit for a fully trust led system. We will launch a regulatory review in May 2022 looking at accountability and regulation – including how we will hold trusts to account through inspection in the future.

143. As part of this future regulatory approach, school leaders and teachers also need clarity on how we define trust strength. In turn, parents will want assurance about the expectations against which trusts are held to account. Therefore, for the first time, we will provide a definition of trust strength. The success of multi academy trusts in delivering against the strong trust definition, as well as the academy trust standards, must be the basis for transparent assessments of their potential for growth.

- **High Quality and Inclusive Education** – delivers high quality education across their academies, including for disadvantaged children and children with SEND, and operates fair access. Has effective central leadership teams, strong school leadership and teaching, and uses evidence-based curriculum design and implementation.
- **School Improvement** – works quickly to improve standards within all their schools, particularly transforming previously under performing schools, and maintaining appropriately performing schools.
- **Strategic Governance** – operates an effective and robust governance structure that involves schools and exemplifies ethical standards. Utilises the expertise and skills on its boards to oversee the strategic direction of the trusts effectively and hold leaders to account. Has a strong local identity, engaging effectively with parents and the wider community.
- **Financial Management** – is underpinned by strong and effective financial management, prioritising the use of resources, including the estate, to deliver the best educational experience for children.

- **Workforce** – trains, recruits, develops, deploys and retains great teachers and leaders throughout their careers, proactively engaging in Initial Teacher Training and the Early Career Framework, supporting staff development by using National Professional Qualifications and other evidence-based professional development and providing them with opportunities to progress. Deploys the best staff in the schools where they are needed most and prioritises staff wellbeing.

144. We will also consult on the exceptional circumstances in which a good school could request that the regulator agrees to the school moving to a stronger trust.

Case Study

Curriculum Planning in Outwood Grange Academies Trust

Outwood Grange Academies Trust adopts a model of collaborative planning across its twenty-six secondary and twelve primary academies in the North of England and the East Midlands. Outwood Grange Academy leads the Yorkshire and Humber Maths Hub and is involved in the Teaching for Mastery programme.

The maths leads from all their schools work together, which provides the means for them to develop a deep understanding of the conceptual levels required in each maths area which they can then pass onto the teachers in their own schools. All secondary teachers then have opportunities to contribute to the design of the materials to teach the concepts in Key Stages 3 and 4.

The primary teachers have the support of a high-quality textbook scheme. Whilst methods for teaching the 'required, standard' content is discussed and agreed between maths leads, it is left to individual teachers to exercise their own professional judgement and skills in delivering the lessons. Planning sessions act as effective continuous professional development and collaborative working also means that workload is shared.

This means there is a coherent Scheme of Work with consistent pedagogical approaches identified, across the academy trust, but teachers are free to teach in a way that can be adapted, according to children's needs.

We will set out a clear timeframe to achieve a fully trust-led system

145. We want to make sure all children benefit from these changes, so having put in place plans to build capacity in the system within an updated regulatory framework, we must set a clear timeframe to spread this systematic improvement approach to as many children as possible.

146. We will introduce new powers enabling the Secretary of State to bring a local authority's maintained schools into the academy system where a local authority has requested this as part of their local strategic plans, working with them and their schools to shape the local trust landscape. It is important that no maintained school is left in isolation, without the benefits that a strong trust can offer.

147. We want all schools to be in or joining a strong trust by 2030 and will engage with the sector on how best to achieve a fully trust led system.

148. The Department's Regions Group, described below, will work with local partners to develop plans which achieve this, based on local dialogue about which collaborations will best serve the interests of children and parents.

We will ensure that every actor in the school system has a clear role

149. The shift to a fully trust led system is a once in a generation opportunity to recast the responsibilities of every actor in the system so that, collectively, we maximise the transformative impact of our schools. We will provide greater clarity and coherence about who does what, aligning accountabilities with the levers to deliver, and make sure everyone is incentivised to put children's interests first.

150. We will need every actor in the system to play its full part in order to meet our literacy and numeracy ambitions. None of this will happen overnight, nor does it supplant the centrality of high-quality teaching, supplemented by targeted support. But an increasingly stronger school system over the next decade will accentuate and drive this excellence right around the country.

151. Local authorities will remain at the heart of the system, championing all children in their area – especially the most vulnerable – as they step back from directly maintaining schools into their new role. In this role, they will harness their unique capacity to coordinate across local services to improve outcomes for children. We will back local authorities with new legal powers to match their responsibilities – and work openly with the local authorities and the wider school system to co-design the detail over the coming months. As part of the SEND Review, we will also set out plans to ensure they are held accountable for delivering these responsibilities.

152. The Department for Education will continue to steward the system, setting ambitious standards for trusts and schools, serving the Secretary of State using a single regulatory approach. Building on the lessons of the pandemic, we are changing the way the department works with local and regional partners. We will establish a new Regions Group by summer 2022, bringing together functions currently distributed across the department and the Education and Skills Funding Agency into a single interface⁷⁰. The group will consist of nine regions, aligned to the geographies used across the rest of government. To reflect their evolving role, Regional Schools Commissioners will be known as Regional Directors. The Regions Group will drive improvement, expanding the reach of our strongest trusts and proactively intervening where trusts are not providing the excellent education we expect.

153. Independent inspectorates such as Ofsted and the Care Quality Commission will continue to assure the quality of schools, specialist providers, and children's services. As part of the regulatory review, we will consider the evolving role of inspectorates in a fully trust led system.

154. Ofsted will inspect all schools against the current inspection framework by the end of the summer term 2025, to provide a quicker assessment of recovery from the pandemic. The inspections will mean parents receive up-to-date assurance about the quality of education being provided, schools receive timely information to inform their plans for improvement and Ofsted is able to give swifter recognition to schools as they strive to recover. The programme will include Outstanding schools that were until recently exempt from routine inspection so that we have independent assurance on standards in every school.

155. Strong trusts will be solely accountable for school improvement, delivering a brilliant education for children – with churches and other faith groups continuing to offer a distinctive education through networks of trusts.

156. We expect all actors in the system, including trusts and local authorities, to collaborate to ensure the best outcomes for their communities. This includes cooperating in key delivery areas like admissions and attendance, but it is also about a wider civic responsibility. To ensure this, we will introduce a new collaborative standard – one of the new statutory academy trust standards – requiring that trusts work constructively with each other, their local authorities and the wider public and third sectors. We will engage with the sector, through the wider regulatory review, as we develop the detail.

⁷⁰ DfE. [Changes to the way the Department for Education \(DfE\) will operate from 1 April 2022 onwards \(Review of the Education and Skills Funding Agency\)](#). 2022.

A strengthened role for local authorities

Local authorities have crucial responsibilities for children, on SEND, Children's Social Care, attendance, admissions, place planning and other key areas. But in a dual system of academies and maintained schools, our research shows that their role is often too contingent on the strength of individual relationships – sometimes lacking levers to fulfil their responsibilities such as ensuring no child remains out of school.

Alongside the SEND Review and our response to the Independent Review of Children's Social Care, our reforms to the school system will provide clarity for local authorities about their role in education and care and their relationship to other actors.

Our overarching vision is that local authorities will champion the best interests of children in their area, ensure the system works for the most vulnerable children, and plan services which are best co-ordinated locally.

In the context of the school system, this means local authorities will:

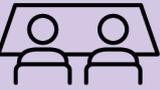
- **Meet their communities' need for good school places** across the local system so that there is a suitable place for every child;
- **Secure the best outcome for individual children**, especially the most vulnerable. They will have a strengthened role overseeing local admissions arrangements, assuring arrangements to keep children safe, and making sure children attend school;
- **Hold new legal powers** in areas such as admissions and have **improved access to data** so that they can deliver these responsibilities more effectively.

We will work openly with local authorities in the coming months to co-design the detail of these proposals.⁷¹

⁷¹ [DfE. Local authority provision for school places and support for vulnerable children. 2022.](#)

Roles and responsibilities in the future schools system

Local organisation

	Local authority (LA) Plans and secures provision	Multi-academy trust (MAT) Provides education
 <p>Sufficiency</p>	<ul style="list-style-type: none"> • Forecasts pupil place needs and identifies viable options (for mainstream, AP and specialist schools) – including via the free school presumption process. • Can object to the Schools Adjudicator about pupil admission numbers (PANs) for mainstream schools, where there is a need for an increase. 	<ul style="list-style-type: none"> • Collaborates with other trusts and with the LA to support the development of place plans and deliver agreed places.
 <p>Admissions</p>	<ul style="list-style-type: none"> • Co-ordinates admissions, including managing in-year applications. • Convenes multi-agency in-year placement panels for vulnerable and unplaced children. • Has a backstop power to direct admission of a child if required. 	<ul style="list-style-type: none"> • Develops admission policies and makes decisions. • Participates in multi-agency in-year placement panels for vulnerable and unplaced children. • Establishes an independent appeals panel where needed.
 <p>Safeguarding</p>	<ul style="list-style-type: none"> • The Local Safeguarding Partnership (LSP) sets out local safeguarding arrangements. • The LA commissions and oversees the audit process, referring non-compliance to DfE. 	<ul style="list-style-type: none"> • Carries out statutory duties, including completing the LSP's safeguarding audits.
 <p>Attendance</p>	<ul style="list-style-type: none"> • Ensures all children in their area are in education. • Works with schools to identify pupils at risk of poor attendance and supports them to attend. 	<ul style="list-style-type: none"> • Supports leadership focus on improving attendance across all its schools, as part of overall trust improvement efforts.
 <p>Ensuring quality</p>		<ul style="list-style-type: none"> • Adheres to the statutory academy standards and proactively develops characteristics of a strong trust.

Standards, regulation and intervention

Department for Education

Policy and standards

Regions Group



Sufficiency

- Sets the framework for central free school applications.
- The Secretary of State signs new funding agreements and amends them for material changes.
- DfE quality assures pupil forecasts and provides basic need and high needs funding to LAs.

- Makes decisions about expanding and creating trusts and schools, working alongside LAs and trusts to ensure place plans align.
- Proactively monitors and intervenes where necessary by removing schools from poor trusts or merging trusts.
- Assesses and recommends approval of central free school applications.



Admissions

- Sets the national framework – including the School Admissions Code.

- Intervenes where a trust is in breach of its funding agreement or statutory requirements, including compliance with admissions law.



Safeguarding

- Sets standards for the safeguarding audit process and trust safeguarding arrangements.

- Seeks assurance from trusts on compliance when concerns are raised.
- Intervenes when breaches occur.



Attendance

- Sets standards to ensure all children are thriving and engaged in education.

- Consider attendance as part of decision making.



Ensuring quality

- Sets statutory standards for trusts, and develops the strong trust framework.
- Stewards the trust system.

- Takes a single regulatory approach to act as the single regulatory interface based on the regulatory framework.
- Commissions support and intervenes in under-performing trusts or academies.
- Decides sponsoring trusts for inadequate schools.
- Brokers trust growth.

*The Regions Group is comprised of Regional Directors (previously Regional Schools Commissioners) as the primary regulatory interface, supported by the ESFA who provide financial assurance.

Standards, regulation and intervention

Ofsted/Inspectorate Provides independent assurance	Schools Adjudicator Arbitrates in exceptional circumstances
 Sufficiency	<ul style="list-style-type: none"> • Considers objections to PANs in mainstream schools where the LA believes an increase is needed to provide sufficient places.
 Admissions	
 Safeguarding	<ul style="list-style-type: none"> • Determines if policies are fair and lawful in the event of objections. • Provides a route for trusts to appeal an LA direction decision.
<ul style="list-style-type: none"> • Examines the effectiveness of safeguarding arrangements as part of inspections. 	
 Attendance	
<ul style="list-style-type: none"> • Considers schools' efforts to improve or sustain high levels of attendance as part of inspections. 	
 Ensuring quality	<ul style="list-style-type: none"> • Inspects quality of education in schools. • Future trust inspections will be considered as part of the regulatory review. Any arrangements will be underpinned by the strong trust principles.

Figure 5: Roles and responsibilities in a fully trust led system

We will deliver high quality school places and fair admissions across England

157. In order to deliver a fairer and stronger school system, we need to empower local authorities to deliver both the right number of school places and fair admissions for their local areas, so that no school or trust can avoid delivering on its responsibilities.

158. Local authorities will retain the overall sufficiency duty to provide an appropriate place for every child. They will determine the number of school places, including special and alternative provision places, that are needed in a locality.

159. Based on transparent standards, the Department for Education will be responsible for ensuring that these places are provided by the best possible schools. Department for Education Regional Directors will make decisions about expansion of existing schools and trusts as well as the creation of new ones, using area-based commissioning. We will also seek proposals for new mainstream free schools in areas where there is a clear demographic need for additional places, prioritising proposals located in Education Investment Areas.

160. In general, we expect all actors to work together constructively so that there are always enough places for children – but we know it is vital to have a safety net for the rare occasions when this is not successful. We will consult on giving local authorities the power to object to the Schools Adjudicator about a school's Published Admissions Number if an increase is required to provide sufficient places and no suitable school otherwise agrees to provide them.

161. Trusts will continue to act as their own admissions authorities and will be expected to act inclusively, providing the most vulnerable and disadvantaged children with the opportunity to attend the best schools. We will bring the requirement for trusts to follow the admissions code onto a statutory footing.

162. Local authorities will continue to coordinate main round admissions and, in the future, take responsibility for managing all applications for in-year admissions too. To further strengthen the system, we will work with local authorities, trusts, schools and parents to develop options to reform the admissions framework, including the setting of over-subscription criteria. We will consult on a statutory framework to govern children's movements so that all placement decisions – including about the use of alternative provision – are always made in the best interest of the child, especially the most vulnerable like children in need.

163. As a final safety net to cover rare circumstances where collaborative working breaks down, we will consult on a new backstop power for local authorities to direct trusts to admit children. Trusts would have the right to appeal this to the Schools Adjudicator.

We will ensure the system works for vulnerable children and children with SEND

164. We know that multi-agency working is absolutely critical to improving children's life chances. The publication of this white paper alongside the forthcoming SEND Review and recommendations of the Independent Review of Children's Social Care creates a rare opportunity to join up vital work across schools, children's social care and SEND services.

165. In addition to the areas considered by these reviews set out in chapter 3, we will introduce a range of measures to improve the sharing of information between organisations working with vulnerable children, including data and intelligence about attendance, exclusions and those removed from school rolls. Alongside the recently announced register of children not in school, these efforts will increase the speed with which local authorities and safeguarding agencies can intervene when there are concerns and reduce the time vulnerable children spend out of school.

166. Keeping children safe is the first responsibility of everyone working in the school system. As we move to a trust led system, we will continue to require consistent training and effective incident response. We will also institute a new system of proactive assurance with Local Safeguarding Partnerships commissioning safeguarding audits every three years. This system will help ensure that all schools' policies are consistent with local safeguarding arrangements and the academy trust standards.

We will provide funding, infrastructure and technology for an effective system

167. We have delivered the biggest funding boost for schools in a decade, and continue to deliver year-on-year, real terms per pupil increases to school funding. We will invest a further £7 billion by 2024-25 for the core schools budget in England, compared to 2021-22.

168. Having successfully introduced the national funding formula, we will now transition to using that formula to set each school's budget directly, without local amendment – ensuring every child receives their fair share of funding. This will give parents, school leaders and governors confidence that their school's funding reflects a consistent assessment of their schools' children and context, rather than where the school happens to be located. A direct national funding formula also supports the expansion of successful and efficient trusts, who will not have to navigate differences in local funding arrangements. We will consult in the autumn on the details of the formula.

169. We know that trusts use pooling or 'top slice' mechanisms to ensure effective and efficient operations across their group of schools and enhance the resilience of their academies to respond to short-term challenges. New transparency measures will ensure that it is always clear to parents how this flexibility is being used.

170. We want to ensure that schools and trusts get the best value from every pound they spend, so we expect all schools to make use of the Department's School Resource Management (SRM) tools, guidance and direct support. Through our SRM programme, we have already supported schools to make £1bn savings⁷² since 2015-16. We will expand the programme to secure a minimum of a further £1bn in the next phase for reinvestment in our schools. We will support all schools to target their resources to improve the education of pupils, but we know that it is high performing trusts which have the most potential to focus resources efficiently - further detail is set out in the accompanying document 'The case for a fully trust led system'. Further guidance and support, as well as how the sector can work together to support continuous improvement, will be published in summer 2022.

171. We also want to create an environment where schools can use technology to support innovation and the spread of evidence-based practice. Both before and during the pandemic, schools have demonstrated their ability to try new things using technology. We know that some innovations, such as online parents' evenings and setting homework on digital platforms, have worked for parents, children and schools and are here to stay.

172. We expect that remote education will continue to be used, allowing children to keep pace with their education when in-person attendance in school is impossible. We will continue to work with the sector on this, learning from the many examples of excellent practice developed during the pandemic.

173. Every school in the country should have the right infrastructure to allow them to make the most of modern digital technology for their children, including the high-quality tools provided by England's flourishing EdTech market. We will work with commercial providers to accelerate gigabit capable broadband rollout to schools, to enable all schools to have access to a high-speed connection by 2025. We will set out the core technology that we expect all schools to have in place by publishing new digital, data and technology standards, so that teachers and pupils can be confident that technology will work in the classroom, and invest up to £150m to upgrade schools who are furthest from meeting our standards in priority areas. We will also establish a strong evidence base for effective use of technology and embed this evidence across our world-class school system, so that it is easy for schools and families to use the best products at the right time.

174. We will streamline and personalise digital services provided by the department for schools and trusts to improve user experience and efficiency, freeing up workforce capacity, and reducing the number of sign-ons. We will also transform and modernise our approach to data, automating appropriate and safe data sharing across schools, trusts, local authorities and government. This will provide data-driven insights for evaluation of programmes and evidence about what works, while minimising the reporting burden on schools.

⁷² This is against a counterfactual based on maintaining per-pupil non-staff spend in real terms at 2015-16 levels

Conclusion

175. This white paper marks the start of a journey towards an education system in which all children benefit from the high standards of the best schools and families of schools, bringing us closer to achieving our literacy and numeracy missions year by year. It will form part of a wider programme of change, alongside the SEND Review, Independent Care Review, Skills for Jobs White Paper and Levelling Up White Paper.

176. As we begin to deliver the changes set out in this white paper, we will work with all our partners across the education system, underpinned by the two core principles of using, building, and sharing evidence, and enabling collaboration so that every child is supported to realise their full potential. We will work at a national, regional and local level to agree next steps and make sure everyone is part of the process to achieve the very best for the children of this country.

177. Looking forwards to 2030, the vast majority of children leaving primary school will have achieved the expected standard in reading, writing and maths, and secondary school children will have improved attainment at GCSE. The children of this country will be taking the next steps in their education and training, equipped with the tools they need to make a success of the next phase, whether it is through A Levels; a T Level, co-designed by employers and based on the best international examples of technical education; or a high-quality apprenticeship. Through the steps this white paper is taking to make sure they benefit from an excellent teacher, high standards, targeted support and a stronger and fairer school system, their careers and future lives will be built on the foundations they need to succeed.

Schools Bill [HL]

[AS AMENDED ON REPORT]

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[AS AMENDED ON REPORT]

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TO

Make provision for the regulation of Academies; about school and local education funding; about the attendance of children at school; about the regulation of independent educational institutions; about teacher misconduct; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

ACADEMIES

Academy schools with a religious character

1 Regulations about directors and members of certain Academy proprietors

- (1) The Secretary of State must make regulations requiring the articles of association of a relevant Academy proprietor to contain the provision required by this section. 5
- (2) In this section “relevant Academy proprietor” means a company limited by guarantee where—
 - (a) the company is the proprietor of one Academy school and that school is a relevant Academy school, or 10
 - (b) the company is the proprietor of two or more Academy schools and at least half of those schools are relevant Academy schools.
- (3) In this section “relevant Academy school” means an Academy school with a religious character which— 15
 - (a) was converted from a voluntary aided school with a religious character,
 - (b) was converted from a foundation or voluntary controlled school with a religious character and has been redesignated,
 - (c) was converted from a school which did not have a religious character, or 20
 - (d) was not converted from a previous school.

- (4) The provision that is required by this section is provision securing that—
- (a) a majority of the directors of the relevant Academy proprietor are persons appointed for the purposes of securing so far as practicable that—
 - (i) the character of each relevant Academy school in the proprietor’s care reflects the tenets of its designated religion or religious denomination, and 5
 - (ii) each relevant Academy school in the proprietor’s care is conducted in accordance with any trust deed relating to the school, and 10
 - (b) a majority of members of the proprietor are persons appointed by, or representing the interests of—
 - (i) in a case referred to in subsection (2)(a), the relevant religious body for the relevant Academy school in the proprietor’s care, 15
 - (ii) in a case referred to in subsection (2)(b) where the relevant Academy schools in the proprietor’s care have the same relevant religious body, that body, or
 - (iii) in any other case referred to in subsection (2)(b), the relevant religious bodies for the relevant Academy schools in the proprietor’s care taken together. 20

2 General regulations about the governance of Academy schools with a religious character

- (1) The Secretary of State must make regulations in relation to Academy schools with a religious character for one or both of the following purposes—
- (a) securing, so far as practicable, that the character of each such Academy school in a relevant Academy proprietor’s care reflects the tenets of its designated religion or religious denomination; 25
 - (b) securing, so far as practicable, that each such Academy school in a relevant Academy proprietor’s care is conducted in accordance with any trust deed relating to the school. 30
- (2) The regulations must specify provision that must be contained in—
- (a) the articles of association of a relevant Academy proprietor, or
 - (b) a scheme of delegation made by a relevant Academy proprietor.
- (3) In this section “relevant Academy proprietor” means a company limited by guarantee which is the proprietor of one or more Academy schools with a religious character. 35
- (4) The provision specified in regulations under subsection (2)(a) may include, for example, provision as to—
- (a) the powers of a relevant Academy proprietor;
 - (b) the objects of a relevant Academy proprietor and the giving of undertakings to uphold those objects; 40
 - (c) the membership of a relevant Academy proprietor, including—

- (i) the minimum number or proportion of members appointed by, or to represent the interests of, the relevant religious body for an Academy school with a religious character in the proprietor’s care,
 - (ii) appointment and removal of members; 5
 - (d) directors of a relevant Academy proprietor, including—
 - (i) the minimum number or proportion of directors appointed by, or to represent the interests of, the relevant religious body for an Academy school with a religious character in the proprietor’s care; 10
 - (ii) appointment and removal of directors;
 - (e) the chair and vice-chair of the board of directors of a relevant Academy proprietor and any connection they must have with the religion or religious denomination of an Academy school with a religious character in its care; 15
 - (f) consulting or obtaining the consent of the relevant religious body for an Academy school with a religious character in the relevant Academy proprietor’s care before the making of appointments (including staff appointments);
 - (g) alteration of the articles of association; 20
 - (h) the making of or alteration of rules or byelaws;
 - (i) the composition of any committee of the board of directors of the proprietor;
 - (j) responsibilities or matters which may or must be delegated to any such committee or any employee of the proprietor or other person. 25
- (5) The Secretary of State must consult such persons as the Secretary of State considers appropriate—
- (a) before making the first regulations under this section, and
 - (b) before making other regulations under this section, unless the Secretary of State considers that the changes made by the regulations are minor or technical. 30
- (6) In this section the “scheme of delegation” of a relevant Academy proprietor is a scheme setting out responsibilities or matters to be delegated by the proprietor to a committee of the board of directors, an employee or another person. 35

3 Worship

- (1) Each pupil in attendance at an Academy school with a religious character must on each school day take part in an act of collective worship.
- (2) The proprietor of an Academy school must exercise its functions with a view to securing, and its principal must secure, that subsection (1) is complied with. 40
- (3) The collective worship required under subsection (1) must be—

-
- (a) in accordance with the provisions of any trust deed relating to the Academy school, or
- (b) where provision for that purpose is not made by any such trust deed, in accordance with the tenets and practices of the school’s designated religion or religious denomination. 5
- (4) The arrangements for the collective worship required under subsection (1) may, in respect of each school day, provide for –
- (a) a single act of worship for all pupils, or
- (b) separate acts of worship for pupils in different age groups or in different school groups. 10
- “School group” means any group in which pupils are taught or take part in other school activities.
- (5) The arrangements for the collective worship required under subsection (1) are to be made by the proprietor after consulting the principal of the Academy school. 15
- (6) The collective worship required under subsection (1) must take place on the premises of the Academy school.
- (7) But if the proprietor is of the opinion that any act of collective worship in the Academy school required under subsection (1) should, on a special occasion, take place other than on the school premises, the proprietor may, after consulting the principal, make such arrangements as the proprietor thinks appropriate. 20
- 4 Religious education**
- (1) The proprietor of an Academy school with a religious character must exercise its functions with a view to securing, and its principal must secure, that religious education is provided to all pupils at the school in accordance with sections 5 and 6. 25
- (2) The religious education required under this section is to be under the control of the proprietor, subject to sections 5 and 6.
- (3) Where a trust deed relating to an Academy school with a religious character makes provision for a bishop or other ecclesiastical or denominational authority to have power to decide whether the religious education given in the school which purports to be in accordance with the provisions of the trust deed does or does not accord with those provisions, that question is to be determined in accordance with the provisions of the trust deed. 30 35
- 5 Religious education: former foundation or voluntary controlled schools**
- (1) This section applies to an Academy school which was converted from a foundation or voluntary controlled school with a religious character, other than one which has been redesignated.
- (2) The religious education required under section 4 must be provided to any pupils in accordance with – 40

- (a) arrangements under subsection (3), and
 - (b) subject to any such arrangements, an agreed syllabus adopted for the school or those pupils.
- (3) If the parents of any pupils at an Academy school to which this section applies request that the pupils receive religious education— 5
- (a) in accordance with any provision made for that purpose by a trust deed relating to the school, or
 - (b) where provision for that purpose is not made by such a deed, in accordance with the tenets of the school’s designated religion or religious denomination, 10
- the proprietor must (unless satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for securing that religious education is so provided to those pupils in the school during not more than two periods in each week.
- 6 Religious education: other Academies 15**
- (1) This section applies to an Academy school with a religious character which—
- (a) was converted from a voluntary aided school with a religious character,
 - (b) was converted from a foundation or voluntary controlled school with a religious character and has been redesignated,
 - (c) was converted from a school which did not have a religious character, 20
or
 - (d) was not converted from a previous school.
- (2) The religious education required under section 4 must be provided in accordance with—
- (a) any provision made for that purpose by a trust deed relating to the school, 25
 - (b) where provision for that purpose is not made by such a deed, the tenets of the school’s designated religion or religious denomination, or
 - (c) any arrangements under subsection (3). 30
- (3) If the parents of any pupils at an Academy school to which this section applies—
- (a) desire those pupils to receive religious education in accordance with an agreed syllabus adopted by the local authority in whose area the school is situated, and 35
 - (b) cannot with reasonable convenience cause the pupils to attend a school at which that syllabus is in use,
- the proprietor must (unless satisfied that because of any special circumstances it would be unreasonable to do so) make arrangements for religious education in accordance with that syllabus to be provided to those pupils in the school. 40
- (4) Any arrangements under subsection (3) are to be made by the proprietor unless the local authority in whose area the school is situated are satisfied

that the proprietor is unwilling to make them, in which case they must be made by the authority.

- (5) Religious education under any arrangements under subsection (3) must be provided during the times set apart for the provision of religious education in the school. 5

7 Special arrangements for worship and religious education

- (1) If the parent of a pupil at an Academy school with a religious character, other than a sixth-form pupil, requests that the pupil be wholly or partly excused from collective worship arranged under section 3, the pupil is to be so excused until the request is withdrawn. 10

- (2) If a sixth-form pupil at an Academy school with a religious character requests to be wholly or partly excused from collective worship arranged under section 3, the pupil is to be so excused until the request is withdrawn.

- (3) If the parent of a pupil at an Academy school with a religious character requests that the pupil be wholly or partly excused from religious education required to be provided under section 4, the pupil is to be so excused until the request is withdrawn. 15

- (4) Where in accordance with subsection (3) a pupil at an Academy school has been wholly or partly excused from receiving religious education and the proprietor of the school is satisfied that— 20

(a) the parent desires the pupil to receive religious education of a kind which is not provided in the school during the periods of time during which the pupil is excused,

(b) the pupil cannot with reasonable convenience be sent to another Academy school or maintained school where religious education of the kind desired by the parent is provided, and 25

(c) arrangements have been made for the pupil to receive religious education of that kind during school hours elsewhere,

the pupil may be withdrawn from the school during such periods of time as are reasonably necessary for the purpose of enabling the pupil to receive religious education in accordance with the arrangements. 30

- (5) A pupil may not be withdrawn from an Academy school under subsection (4) unless the proprietor is satisfied that the arrangements there mentioned are such as will not interfere with the attendance of the pupil at the school on any day except at the beginning or end of a school session (or if there is only one, the school session) on the day. 35

- (6) If the parent of a pupil who is a boarder at an Academy school with a religious character, other than a sixth-form pupil, requests that the pupil be permitted—

(a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or 40

(b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which the parent belongs,

- the proprietor of the school must make arrangements for giving the pupil reasonable opportunities for doing so.
- (7) If a sixth-form pupil who is a boarder at an Academy school with a religious character requests to be permitted –
- (a) to receive religious education in accordance with the tenets of a particular religion or religious denomination outside school hours, or
 - (b) to attend worship in accordance with such tenets on Sundays or other days exclusively set apart for religious observance by the religious body to which the pupil belongs,
- the proprietor of the school must make arrangements for giving the pupil reasonable opportunities for doing so.
- (8) Arrangements under subsection (6) or (7) may provide for making facilities for such education or worship available on the school premises, but any expenditure entailed by the arrangements may not be met from the proprietor’s budget.
- (9) In this section “sixth-form pupil” means any pupil who –
- (a) has ceased to be of compulsory school age, and
 - (b) is receiving education suitable to the requirements of pupils over compulsory school age.
- 8 Inspection of arrangements for worship and religious education**
- (1) The proprietor of an Academy school with a religious character must secure the inspection of –
- (a) the content of the school’s collective worship arranged under section 3, and
 - (b) any denominational education provided to pupils.
- (2) An inspection under this section is to be conducted by a person chosen by the proprietor after consultation with any person of a description prescribed for the purposes of this subsection in relation to the Academy school’s designated religion or religious denomination.
- (3) Inspections under this section must be carried out at such intervals as may be prescribed.
- (4) It is the general duty of a person conducting an inspection under this section –
- (a) to report on the content of the school’s collective worship, and
 - (b) to report on the quality of the denominational education provided by the school for any pupils to whom denominational education is provided by the school,
- and they may report on the spiritual, moral, social and cultural development of pupils at the school.
- (5) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by them as they consider fit and proper for carrying out the inspection.

- (6) An inspection under this section must be carried out within such period as may be prescribed.
- (7) When an inspection under this section has been completed, the person who conducted it must, before the end of such period as may be prescribed, prepare a written report to the proprietor of the Academy school. 5
- (8) The person conducting the inspection must, without delay, send the report to the proprietor of the Academy school.
- (9) The proprietor must take such steps as are reasonably practicable, within such period following receipt of the report as may be prescribed, to secure that every parent of a pupil at the school is informed of the overall assessment contained in the report of— 10
- (a) the content of the school’s collective worship, and
- (b) the quality of the denominational education provided by the school.
- (10) In this section “denominational education” means religious education which— 15
- (a) is required to be provided under section 4, and
- (b) is not provided in accordance with an agreed syllabus adopted for the school or for any pupils at the school.

9 Governance, worship and religious education: contractual provisions

A provision of an Academy agreement or master agreement (including an agreement entered into before this section comes into force) is void so far as it is inconsistent with any provision made by or under sections 1 to 8. 20

Academies: other

10 Academy grammar schools

- (1) Chapter 2 of Part 3 of the School Standards and Framework Act 1998 (selection of pupils) is amended as set out in subsections (2) to (5). 25
- (2) In section 104 (designation of grammar schools)—
- (a) in subsection (1)—
- (i) after “maintained school” insert “in England”;
- (ii) for “may” substitute “must”;
- (b) after subsection (1) insert— 30
- “(1A) Where the Secretary of State is satisfied that a maintained school in Wales had selective admission arrangements at the beginning of the 1997-98 school year, the Secretary of State may by order designate the school as a grammar school for the purposes of this Chapter. 35
- (1B) The Secretary of State must by order designate an Academy school as a grammar school for the purposes of this Chapter where the school, immediately before its conversion into an

- Academy school, was a school which was designated as a grammar school under subsection (1).”;
- (c) in subsection (4), after “maintained school” insert “or an Academy school”;
 - (d) in subsection (5)(a), after “subsection (1)” insert “or (1A)”;
 - (e) in subsection (6), in the words after paragraph (b), after “subsection (1)” insert “or (1A)”;
 - (f) in subsection (7), after “Chapter” insert “ –
“Academy school” means a school falling within section 1A(1) of the Academies Act 2010;”.
- (3) In section 107 (restriction on publication of material etc relating to ballots) –
- (a) in subsection (1), for “An authority or body” substitute “A person”;
 - (b) in subsection (2) –
 - (i) omit the “and” after paragraph (a);
 - (ii) after paragraph (b) insert “, and
the proprietor of an Academy.”;
 - (c) in subsection (3) –
 - (i) in the words before paragraph (a), for “an authority or body” substitute “a person”;
 - (ii) in paragraph (b), for “authority or body” substitute “person to whom this section applies”;
 - (iii) in paragraph (c), for “authority or body” substitute “person to whom this section applies”;
 - (d) in subsection (5) –
 - (i) omit the “or” after paragraph (a);
 - (ii) after paragraph (b) insert “; or
in relation to the proprietor of an Academy, is a reference to expenditure out of money provided to the Academy –
 - (i) by the Secretary of State in pursuance of Academy arrangements (within the meaning of section 1 of the Academies Act 2010), or
 - (ii) by virtue of section 22 of the Schools Act 2022 (administration of locally determined supplementary funding).”
- (4) In section 108 (implementation of decision that schools should cease to have selective admission arrangements) –
- (a) in subsection (2), omit “(in accordance with sections 88C to 88K or, as the case may be, 89 and 90)”;

- (b) after subsection (2) insert –
- “(2A) In subsection (2), the reference to admission arrangements being revised means those arrangements being revised in accordance with –
- (a) in the case of a maintained school, sections 88C to 88K or, as the case may be, 89 and 90; 5
- (b) in the case of an Academy school, a provision of any enactment, or of an Academy agreement or master agreement, that applies to an Academy school and has the same or a similar effect as sections 88C to 88K. 10
- (2B) In subsection (2A), “Academy agreement” and “master agreement” have the same meanings as in Part 1 of the Schools Act 2022 (see section 16 of that Act).”
- (5) In section 109 (proposals by governing body of grammar school to end selective admission arrangements) – 15
- (a) in subsection (1), after “grammar school” insert “in Wales”;
- (b) in subsection (3)(a), after “school” insert “in Wales”;
- (c) in the heading, after “school” insert “in Wales”.
- (6) In section 18 of the Education and Inspections Act 2006 (alterations that may be made under section 19) – 20
- (a) in subsection (4), after paragraph (b) insert –
- “(ba) any change to the admission arrangements of a grammar school in England, whereby the school would no longer have selective admission arrangements;”;
- (b) in subsection (5), for “(4)(e)” substitute “(4) – 25
- “grammar school” and “selective admission arrangements” have the same meanings as in Chapter 2 of Part 3 of SSFA 1998 (see section 104 of that Act);”.
- (7) In the Academies Act 2010 –
- (a) in section 1A (Academy schools), after subsection (1) insert – 30
- “(1A) Subsection (1)(c) does not apply in relation to a school that is designated as a grammar school under section 104(1B) of SSFA 1998 (designation of Academy schools with pre-existing selective admissions as grammar schools).”;
- (b) in section 6 (effect of Academy order), in subsection (3) – 35
- (i) after “selective school” insert “by virtue of section 100 of SSFA 1998”;
- (ii) at the end insert “(See also section 1A(1A).)”;;
- (c) in section 6, in subsection (4) –
- (i) after “selective school” insert “by virtue of section 100 of SSFA 40
- 1998”;
- (ii) omit paragraph (b) and the “or” immediately preceding it.

- (8) A provision of an Academy agreement or master agreement (including an agreement entered into before this section comes into force) is void so far as it –
- (a) relates to the procedures for altering the admission arrangements of an Academy grammar school so that the school no longer has selective admission arrangements, or 5
 - (b) purports to permit an Academy school to have selective admission arrangements in a case where the school’s arrangements have been altered in accordance with sections 104 to 108 of the School Standards and Framework Act 1998. 10

11 Local authorities: power to apply for an Academy order

- (1) The Academies Act 2010 is amended as follows.
- (2) After section 3 insert –

“3A Application for Academy order by local authority

- (1) A local authority in England may apply to the Secretary of State for an Academy order to be made in respect of any of its maintained schools. 15
- (2) Before making an application under this section, the local authority must consult –
- (a) the governing body of the school that is the subject of the application, and 20
 - (b) in a case where the school is a foundation or voluntary school that has a foundation, the foundation.
- (3) The local authority may make an application under this section in respect of a foundation or voluntary school that has a foundation only with the consent of – 25
- (a) the trustees of the school,
 - (b) the person or persons by whom the foundation governors are appointed, and
 - (c) in the case of a school which has a religious character, the appropriate religious body. 30
- (4) Expressions used in subsections (2) and (3) and SSFA 1998 have the same meaning as in that Act.”
- (3) In section 3 (application for Academy order), in the heading, at the end insert “by governing body”. 35

12 Schools with a religious character: power of certain bodies to apply for an Academy order

In the Academies Act 2010, after section 3A (as inserted by section 11) insert—

“3B Application for Academy order by certain bodies for schools with a religious character

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(1) Any of the following may apply to the Secretary of State for an Academy order to be made in respect of a voluntary or foundation school with a religious character—

- (a) the trustees of the school;
- (b) the person or persons by whom the foundation governors are appointed;
- (c) the appropriate religious body.

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(2) Before making an application in respect of a school under this section, the applicant must consult—

- (a) the governing body, and
- (b) the local authority.

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(3) A person may make an application under this section only with the consent of all of the other persons mentioned in paragraphs (a) to (c) of subsection (1) that exist in relation to the school.

(4) Expressions used in subsection (1) and SSFA 1998 have the same meaning as in that Act.”

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13 Sections 11 and 12: consequential amendments to the Academies Act 2010

Schedule 1 contains amendments to the Academies Act 2010 which are consequential on sections 11 and 12.

14 Transfer of land by local authorities

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(1) In Schedule 1 to the Academies Act 2010 (Academies: land), after paragraph 9 insert—

“Compulsory transfer to trustees

9A (1) This paragraph applies where Conditions A to D are met.

(2) Condition A is that a local authority make premises (“the new premises”) available to be used by an Academy school.

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(3) Condition B is that the new premises are made available as an alternative to premises (“the existing premises”) which have previously been used by—

- (a) the Academy school, or
- (b) a maintained school, Academy or sixth form college that has been or is to be discontinued and that the Academy school replaces.

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- (4) Condition C is that the existing premises are held on trust by a person or persons (“the trustees”) for the purposes of (as the case may be)–
- (a) the Academy school, or
 - (b) the discontinued maintained school, Academy or sixth form college. 5
- (5) Condition D is that the trustees–
- (a) having sold the existing premises, pay to the local authority a sum that–
 - (i) is just, having regard to the value of the local authority’s interest in the new premises, but 10
 - (ii) does not exceed the total of the proceeds of sale and any interest that has accrued to the trustees on those proceeds, or
 - (b) if the local authority agree to accept the trustees’ interest in the existing premises, transfer that interest to the local authority. 15
- (6) The local authority must transfer their interest in the new premises to the trustees to be held by them on trust for the purposes of the Academy school. 20
- (7) The local authority must pay to the trustees to whom the transfer is made their reasonable costs in connection with the transfer.
- (8) Any question relating to the duty in sub-paragraph (6) may, if not agreed by the local authority and the trustees, be referred by the local authority or the trustees to the adjudicator (see section 25 of SSFA 1998). 25
- (9) The questions referred to in sub-paragraph (8) include in particular–
- (a) the extent of the premises an interest in which is to be transferred by the local authority,
 - (b) whether a sum proposed by any person to be paid by the trustees as specified in sub-paragraph (5)(a) is just having regard to the value of the local authority’s interest in the new premises, 30
 - (c) the amount of any interest that has accrued to the trustees on proceeds of sale as referred to in sub-paragraph (5)(a)(ii), and 35
 - (d) the identity of the trustees to or by whom a payment or transfer should be made.
- (10) The local authority and the trustees respectively must provide to the adjudicator any information the adjudicator may request from them for the purpose of exercising the functions the adjudicator has by virtue of this paragraph. 40
- (11) Any sum paid to the local authority as referred to in sub-paragraph (5)(a) is to be treated for the purposes of section 14 of the School Sites Act 1841 (which relates to the sale or exchange of land held 45

on trust for the purposes of a school) as a sum applied in the purchase of a site for the school, Academy or sixth form college referred to in sub-paragraph (3)(a) or (b).

(12) In this paragraph, references to premises do not include playing fields.”

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(2) In section 25 of the School Standards and Framework Act 1998 (adjudicators), in subsection (2), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.

(3) In Schedule 5 to that Act (adjudicators), in paragraph 5(1), after “2006” insert “or paragraph 9A of Schedule 1 to the Academies Act 2010”.

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(4) In Part 2 of Schedule 22 to that Act (maintained schools: disposals on discontinuance), in paragraph 5, after sub-paragraph (1A) insert –

“(1B) This paragraph also does not apply where the school mentioned in sub-paragraph (1)(a) is (with or without other schools) to be replaced by an Academy school in circumstances where paragraph 9A(1) of Schedule 1 to the Academies Act 2010 applies.”

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15 Secure 16 to 19 Academies

(1) The Academies Act 2010 is amended as follows.

(2) In section 2 (payments under Academy agreements), after subsection (2) insert –

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“(2A) Subsection (2) applies to an Academy agreement in respect of a secure 16 to 19 Academy as though the references to 7 years were references to 2 years.”

(3) In section 9 (impact: new and expanded educational institutions), in subsection (1), after paragraph (b) (and on a new line) insert –

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“except where the institution, if the arrangements are entered into, is to be a secure 16 to 19 Academy.”

(4) In section 10 (consultation: new and expanded educational institutions) –

(a) after subsection (2) insert –

“(2A) But where the educational institution, if the arrangements are entered into, is to be a secure 16 to 19 Academy –

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(a) the person is not required to carry out a consultation on that question, and

(b) they must instead carry out a consultation on the question of how they should cooperate with potential local partners in connection with the establishment and carrying on of the Academy.

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(2B) “Potential local partners” in subsection (2A)(b) means –

- (a) public authorities (within the meaning of section 6 of the Human Rights Act 1998), and
 - (b) so far as not falling within paragraph (a), proprietors of educational institutions,
with whom the person carrying out the consultation thinks it appropriate to cooperate.”; 5
- (b) in subsection (3), for “The consultation” substitute “A consultation under this section”.

Interpretation and regulations

16 Interpretation of Part 1 10

(1) In this Part –

- “Academy agreement” means an agreement within section 1(3) of the Academies Act 2010 which makes provision about the carrying on of one particular Academy;
- “Academy grammar school” means an Academy that is designated as a grammar school under section 104 of the School Standards and Framework Act 1998; 15
an Academy is “in the care” of a person if that person is the proprietor of the Academy;
- “agreed syllabus” has the meaning given by section 375(2) of the Education Act 1996; 20
- “designated”: the “designated” religion or religious denomination of a school with a religious character is the religion or religious denomination specified in the religious designation order made in relation to the school (and if there is more than one, both or all of them); 25
- “master agreement” means an agreement between the Secretary of State and any other person which makes provision about the carrying on of more than one Academy established or maintained by that person;
- “prescribed” means prescribed by regulations made by the Secretary of State; 30
- “pupil”, in relation to an Academy school, means a registered pupil at the school;
- “redesignated”: an Academy school which has been converted from a foundation or voluntary controlled school with a religious character is “redesignated” if, after conversion, it is the subject of a further religious designation order; 35
- “relevant religious body”, in relation to an Academy school with a religious character, means –
 - (a) if the school’s designated religion or religious denomination is “Church of England”, the Diocesan Board of Education for the diocese of the Church of England in which the school is situated; 40

- (b) if the school’s designated religion or religious denomination is “Roman Catholic”, the bishop of the Roman Catholic diocese in which the school is situated;
- (c) in any other case, the religious body specified in the Academy agreement for the school as having functions in relation to the school; 5

an Academy school has a “religious character” if it is –

- (a) an Academy school which has been designated as having a religious character by a religious designation order made by virtue of section 124B(1) of the Schools Standards and Framework Act 1998, or 10
- (b) an Academy school which, by virtue of section 6(7) and (8) of the Academies Act 2010, is treated as designated by a religious designation order as an independent school with a religious character; 15

a school of any description other than an Academy school has a “religious character” if it has been designated as having such a character by a religious designation order;

“religious designation order” means an order made by the Secretary of State under section 69(3) of the School Standards and Framework Act 1998; 20

“selective admissions arrangements” has the same meaning as in Chapter 2 of Part 3 of the School Standards and Framework Act 1998 (see section 104 of that Act);

“trust deed”, in relation to an Academy school with a religious character, includes any instrument (other than the articles or memorandum of association) regulating – 25

- (a) the constitution of the school’s proprietor, or
- (b) the maintenance, management or conduct of the school.

- (2) Other words and expressions used in this Part have the same meanings as in the Education Act 1996, unless the context otherwise requires. 30

17 Part 1: regulations

- (1) A power to make regulations under this Part includes power to make –
 - (a) consequential, supplementary, incidental, transitional or saving provision; 35
 - (b) different provision for different purposes.
- (2) Regulations under this Part are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.

PART 2

SCHOOL AND LOCAL EDUCATION FUNDING: ENGLAND

National formula allocations

18 Nationally determined funding for schools in England

- (1) The Secretary of State must, for each funding period, determine the national formula allocation for each school to which this section applies. 5
- (2) The “national formula allocation”, for a school, means the amount calculated for that school in accordance with the formula determined by the Secretary of State for the funding period in question.
- (3) This section applies to— 10
 - (a) Academy schools which meet the requirements of section 1A(1) of the Academies Act 2010,
 - (b) community, foundation and voluntary schools (within the meaning of the School Standards and Framework Act 1998) in England,
 - (c) other Academies (other than 16 to 19 Academies) of a prescribed kind, 15
 - (d) other maintained schools in England of a prescribed kind, and
 - (e) if regulations so provide, non-maintained special schools in England.
- (4) The same formula must be determined by the Secretary of State for all schools within subsection (3)(a) or (b) for corresponding funding periods. For the purposes of this Part, funding periods “correspond” if they begin in (or at the start of) the same relevant period. 20
- (5) Otherwise, the Secretary of State may determine different formulae—
 - (a) for different descriptions of school;
 - (b) for different funding periods.
- (6) The Secretary of State must publish a formula determined under subsection (2) before any funding period to which it relates. 25
- (7) The Secretary of State must make information about a formula determined under subsection (2) available—
 - (a) where the formula applies to an Academy, to the proprietor,
 - (b) where it applies to a maintained school, to— 30
 - (i) the governing body, and
 - (ii) the local authority, and
 - (c) where it applies to a non-maintained special school, to the proprietor, before the funding period of the school for which it applies.
- (8) If the Secretary of State considers that there are exceptional circumstances which make it appropriate for the Secretary of State to calculate the national formula allocation for a prescribed school to which this section applies, for a funding period, on a basis determined by the Secretary of State (instead of 35

- in accordance with subsection (2)), regulations may authorise the Secretary of State to do so.
- (9) Before making regulations under subsection (8) in relation to a school, the Secretary of State must consult—
- (a) in the case of an Academy, the proprietor; 5
 - (b) in the case of a maintained school—
 - (i) the governing body, and
 - (ii) the local authority;
 - (c) in the case of a non-maintained special school, the proprietor.
- (10) Subsections (6) and (7) apply in relation to the basis of a calculation determined by virtue of regulations under subsection (8) as they apply in relation to a formula determined under subsection (2). 10

19 Administration of nationally determined funding

- (1) The Secretary of State must pay (whether under section 14 of the Education Act 2002 or another enactment authorising the payment) the national formula allocation determined under section 18 for a funding period— 15
- (a) in the case of an Academy, to the proprietor either under an Academy agreement and in the circumstances mentioned in section 1(3)(b) of the Academies Act 2010 or as Academy financial assistance within section 1(4) of that Act; 20
 - (b) in the case of a maintained school, to the local authority (and see section 50(1) of the School Standards and Framework Act 1998 for the local authority’s obligation to make that amount available to be spent by the school’s governing body as part of the school’s adjusted core budget); 25
 - (c) in the case of a non-maintained special school, to the proprietor.
- (2) This section is subject to sections 25, 26 and 27 (which permit adjustments to be made to national formula allocations in certain circumstances).
- (3) Subsection (1) is without prejudice to section 16 of the Education Act 2002 (which enables financial assistance under section 14 of that Act to be given on terms determined by the Secretary of State) or any similar provision. 30

Locally determined expenditure

20 Locally determined education budgets in England

- (1) For the purposes of this Part, the “locally determined education budget” of a local authority in England, for a relevant period, is the amount appropriated by the authority for meeting— 35
- (a) the authority’s expenditure under section 21 (locally determined supplementary allocations for local schools) for funding periods of schools which begin in (or at the start of) the relevant period;

- (b) the authority’s expenditure under section 23 (other locally determined education expenditure) in respect of the relevant period.
- (2) A local authority’s locally determined education budget includes the amount of any grant which is appropriated by the local authority, for meeting any of the expenditure mentioned in subsection (1), in accordance with a condition which –
 - (a) is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of that Act is given) or any other enactment, and
 - (b) requires that the grant be applied as part of the authority’s locally determined education budget for the relevant period.
- (3) Subsection (2) is without prejudice to the power under section 16 of the Education Act 2002, or any similar provision, to impose further terms (including further terms about how the grant may be applied) on the giving of such financial assistance.

21 Locally determined supplementary funding for local schools

- (1) If regulations so provide, each local authority in England must determine the locally determined supplementary allocation for each of their local schools for each funding period.
- (2) The “locally determined supplementary allocation” for a school means the amount (if any) calculated for that school (in addition to its national formula allocation), for the funding period in question, in accordance with regulations.
- (3) Regulations under subsection (2) may (amongst other things) –
 - (a) specify factors or criteria which a local authority are to take into account in determining an amount;
 - (b) specify factors or criteria which a local authority are to disregard in determining an amount;
 - (c) specify other requirements with which a local authority are to comply in determining an amount;
 - (d) make provision to ensure that the calculations made by a local authority under subsection (2) require the authority to treat all schools in respect of which they make a calculation on an equivalent basis for corresponding funding periods;
 - (e) make provision about the treatment of new schools or closing schools;
 - (f) make provision about consultation to be carried out by a local authority in connection with determining an amount;
 - (g) authorise a local authority in prescribed cases and to a prescribed extent to determine an amount in accordance with arrangements approved by the authority’s schools forum, the Secretary of State or a prescribed person, in accordance with the regulations (instead of in accordance with the arrangements provided for in the regulations themselves);
 - (h) provide that an amount is subject to either or both of the following –

- (i) such limit or limits (however framed) as may be prescribed or determined in accordance with the regulations;
 - (ii) such other conditions as may be prescribed or so determined;
 - (i) make provision enabling any limit or condition that would otherwise apply by virtue of paragraph (h) to be varied or excluded, on the application of the authority, by the authority's schools forum, the Secretary of State or another prescribed person; 5
 - (j) make provision about the circumstances in which a local authority are authorised or required to redetermine an amount;
 - (k) specify a time by which a local authority's determination of an amount is to take place. 10
- (4) Regulations may –
- (a) require local authorities to give the Secretary of State notice of any determinations made by them under this section;
 - (b) require local authorities to give notice of a locally determined funding allocation – 15
 - (i) in the case of an Academy, to the proprietor,
 - (ii) in the case of a maintained school, to the governing body, and
 - (iii) in the case of a non-maintained special school, to the proprietor;
 - (c) make provision about the form, manner and timing of a notice under paragraph (a) or (b). 20
- (5) For the purposes of this section, a reference to the determination of an amount includes a reference to a redetermination of the amount.

22 Administration of locally determined supplementary funding

- (1) The locally determined supplementary allocation for a funding period, for a school to which section 18(3)(a), (c) or (e) applies, must be administered by the local authority so that it is made available to be spent by the proprietor of the school. 25
- (2) Subsection (1) is subject to section 27 (which permits deductions to be made from locally determined supplementary allocations). 30
- (3) In the case of a maintained school, see section 50(1) of the School Standards and Framework Act 1998 for the local authority's obligation to make the locally determined supplementary allocation (after any deduction under section 27) available to be spent by the school's governing body as part of the school's adjusted core budget. 35
- (4) If regulations so provide, the local authority may, in accordance with the regulations, make the locally determined supplementary allocations available to be spent under subsection (1), or as mentioned in subsection (3), subject to such terms and conditions (including repayment conditions) as the local authority consider appropriate. 40

23 Other locally determined education expenditure

- (1) This section applies to education expenditure of a prescribed class or description, of a local authority in England, in respect of a relevant period.
- (2) The local authority must determine and administer the expenditure in accordance with regulations. 5
- (3) Regulations under subsection (2) may (amongst other things) –
 - (a) specify factors or criteria which a local authority are to take into account in determining any expenditure;
 - (b) specify factors or criteria which a local authority are to disregard in determining any expenditure; 10
 - (c) specify other requirements with which a local authority are to comply in determining any expenditure;
 - (d) provide that, where the expenditure takes the form of financial assistance to another person, the local authority may, in accordance with the regulations, make the financial assistance subject to such terms and conditions (including repayment conditions) as the local authority consider appropriate; 15
 - (e) make provision about the treatment of new schools or closing schools;
 - (f) make provision about consultation to be carried out by a local authority in connection with determining any expenditure; 20
 - (g) authorise an authority, in prescribed cases and to a prescribed extent, to determine any expenditure in accordance with arrangements approved by the Secretary of State, a schools forum or a prescribed person, in accordance with the regulations (instead of in accordance with arrangements provided for in the regulations themselves); 25
 - (h) provide, in relation to any prescribed class or description of expenditure, that the expenditure in respect of the relevant period is subject to either or both of the following –
 - (i) such limit or limits (however framed) as may be prescribed or determined in accordance with the regulations; 30
 - (ii) such other conditions as may be prescribed or so determined;
 - (i) make provision enabling any limit or condition that would otherwise apply by virtue of paragraph (h) to be varied or excluded, on the application of the authority, by the authority's schools forum, the Secretary of State or another prescribed person; 35
 - (j) require a local authority to provide prescribed persons with prescribed information relating to their determination of any expenditure;
 - (k) make provision about the circumstances in which a local authority are authorised or required to redetermine any expenditure;
 - (l) specify a time by which a local authority's determination of any expenditure is to take place; 40
 - (m) require a local authority to notify a prescribed person of a determination made by them under this section, and make provision about the form, manner and timing of the notification.
- (4) For the purposes of this section – 45

- (a) a reference to the determination of an amount includes a reference to a redetermination of the amount;
- (b) expenditure “in respect of a relevant period” includes expenditure in respect of a school for a funding period that begins in (or at the start of) that relevant period.

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Other sources of funding for education expenditure

24 Other funding for education expenditure

This Part is without prejudice to the generality of any power to provide financial assistance under Part 2 of the Education Act 2002 (financial assistance for education and children etc) or any other enactment.

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Budget adjustments

25 Reallocation of funding to locally determined education expenditure

- (1) Regulations may make provision for the Secretary of State, on the application of a local authority in England, to make a national-to-local budget reallocation.
- (2) A “national-to-local budget reallocation” occurs where the Secretary of State –
 - (a) adds an amount (“the reallocated amount”) to the local authority’s locally determined education budget for a relevant period (“the initial relevant period”), in the form of a grant payable to the local authority subject to a condition imposed under section 16 of the Education Act 2002 (terms on which financial assistance under section 14 of that Act is given) which requires the grant to be applied as part of that budget under section 23 above, and
 - (b) in accordance with regulations, makes a corresponding reduction in the national formula allocation for one or more of the local authority’s local schools, or for all or a particular description of those schools, in respect of either –
 - (i) funding periods beginning in (or at the start of) the initial relevant period, or
 - (ii) funding periods beginning in (or at the start of) the next relevant period.
- (3) In this section “corresponding reduction” means a reduction which –
 - (a) in a case where the reduction is to the national formula allocation for one school, reduces the amount of that allocation by an amount equal to the reallocated amount, and
 - (b) in a case where the reduction is to the national formula allocation for more than one school, reduces the aggregate of those allocations by a total amount equal to the reallocated amount.
- (4) Regulations under subsection (1) may (amongst other things) make provision –
 - (a) about the circumstances and manner in which, and time (before the initial relevant period) at which, an application may be made;

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- (b) about the circumstances in which a single application may be made in respect of national-to-local budget allocations adding amounts to the local authority’s locally determined budget for successive relevant periods;
 - (c) about the expenditure that may be met under section 23 from the amount added to the locally determined education budget as a result of a national-to-local budget reallocation; 5
 - (d) requiring a local authority to consult their schools forum before making an application, and about the timing and manner of the consultation;
 - (e) about the information to be provided with an application; 10
 - (f) about how and when an application is to be determined;
 - (g) about the criteria to be considered by the Secretary of State when determining an application;
 - (h) about the circumstances in which the Secretary of State may grant or refuse an application, including the circumstances in which the Secretary of State may, when granting the application, modify the amount of the national-to-local budget reallocation or the local schools to which it relates; 15
 - (i) about notification of the Secretary of State’s decision on an application;
 - (j) for the local authority’s local schools, their schools forum or any other prescribed persons to be consulted by the Secretary of State before an application is determined; 20
 - (k) about the treatment of new schools or closing schools.
- (5) Subsections (2)(a) and (4)(c) are without prejudice to the power under section 16 of the Education Act 2002 to impose further terms on the giving of financial assistance under section 14 of that Act. 25

26 Excluded pupils: budget adjustments

- (1) Regulations may make provision for a budget deduction to be made in respect of a pupil who is permanently excluded from an Academy or maintained school to which section 18 applies. 30
- (2) In this section “budget deduction” means –
- (a) in the case of an Academy, an amount paid by the proprietor of the Academy to the local authority for the area in which the Academy is located out of the national formula allocation for the Academy for the funding period in which the exclusion takes effect; 35
 - (b) in the case of a maintained school, an amount deducted by the local authority from the national formula allocation for the school for that funding period.
- (3) An amount paid to or deducted by a local authority as a result of a budget deduction is to be treated as having been appropriated by the authority for meeting the authority’s expenditure under section 23 in respect of the corresponding relevant period (and, accordingly, forms part of the authority’s locally determined education budget under section 20 for that relevant period). 40

- “The corresponding relevant period” means the relevant period in which that funding period begins (or which begins at the same time as that funding period).
- (4) Regulations may make provision for a budget addition to be made in respect of a pupil admitted to an Academy, maintained school or non-maintained special school in England having been excluded from an Academy or maintained school to which section 18 applies. 5
- (5) In this section “budget addition” means –
- (a) in the case of a pupil admitted to an Academy, an amount paid by the local authority in whose area the Academy is located to the proprietor of the Academy; 10
 - (b) in the case of a pupil admitted to a maintained school, an additional amount made available by the local authority to be spent by the governing body of the school;
 - (c) in the case of a pupil admitted to a non-maintained special school, an amount paid by the local authority in whose area that school is located to the proprietor of the school. 15
- (6) Budget additions made by a local authority must be a prescribed description of expenditure under section 23 (and so met from the locally determined education budget). 20
- (7) But a budget addition is to be treated –
- (a) in the case of an Academy to which section 18 applies, as if it were part of the national formula allocation for the funding period in question paid by the Secretary of State to the proprietor of the Academy under section 19(1)(a); 25
 - (b) in the case of a maintained school to which section 18 applies, as if it were an amount paid to the local authority by the Secretary of State under section 19(1)(b) (and hence made available by the local authority to be spent by the governing body of the school as mentioned there);
 - (c) in the case of a non-maintained special school to which section 18 applies, as if it were an amount paid to the proprietor of the school by the Secretary of State under section 19(1)(c). 30
- (8) Regulations may prescribe the time when the permanent exclusion of a pupil is to be regarded as taking effect for the purposes of this section.
- 27 Pooled education expenditure deductions from maintained schools’ core budgets** 35
- (1) Regulations may authorise local authorities in England, in prescribed cases, to deduct such prescribed education expenditure of the authority, in respect of a relevant period, as the authority determine in accordance with regulations, from the aggregate core budgets of the schools they maintain (or any description of those schools) for funding periods which begin in (or at the start of) that relevant period. 40
- (2) The “core budget” for a funding period –

- (a) for a maintained school to which section 18 applies, means the aggregate of—
- (i) the national formula allocation for the school for that period (after any reduction under section 25 and any adjustment under section 26), 5
 - (ii) any locally determined supplementary allocation for the school for that period,
 - (iii) amounts of a prescribed description which are administered by the local authority under section 23 so as to be made available to the governing body of the school for that period, and 10
 - (iv) any allocation of sixth form grant for that school for that period;
- (b) for any other maintained school, means the aggregate of—
- (i) amounts of a prescribed description which are administered by the local authority under section 23 so as to be made available to the governing body of the school for that period, and 15
 - (ii) any allocation of sixth form grant for that school for that period.
- (3) Regulations under subsection (1) may—
- (a) provide that expenditure may only be deducted if the deduction is authorised, on the application of the authority, by the authority’s schools forum, the Secretary of State or another prescribed person; 20
 - (b) provide, in relation to a prescribed class or description of prescribed expenditure, that such expenditure may only be deducted subject to either or both of the following— 25
 - (i) such limit or limits (however framed) as may be prescribed or determined in accordance with the regulations, and
 - (ii) such other conditions as may be prescribed or so determined;
 - (c) enable any limit or condition that would otherwise apply by virtue of paragraph (b) to be varied or excluded on the application of the authority by the authority’s schools forum, the Secretary of State or another prescribed person; 30
 - (d) provide for how the proportion of the total deduction attributable to each affected maintained school is to be determined, and how such a school’s core budget is to be redetermined to take account of that proportion of the deduction. 35
- (4) For the purposes of this section expenditure of a local authority “in respect of a relevant period” includes expenditure in respect of a school for a funding period that begins in (or at the start of) that relevant period.
- (5) In this section “sixth form grant” means a grant of that name paid to a local authority by the Secretary of State under section 14 of the Education Act 2002 in respect of sixth form pupils (within the meaning of section 342(5B) of the Education Act 1996). 40

*Funding: other***28 Provision of information to the Secretary of State**

- (1) A person to whom this section applies must—
- (a) make such reports and returns to the Secretary of State, and
 - (b) give such information to the Secretary of State,
- as the Secretary of State may require, at the times the Secretary of State may require, for the purposes of the exercise of the Secretary of State’s functions under this Part. 5
- (2) This section applies to—
- (a) the proprietor of an Academy; 10
 - (b) the governing body of a maintained school in England;
 - (c) the proprietor of a non-maintained special school in England;
 - (d) a local authority in England.

29 Part 2: consequential amendments

Schedule 2 makes consequential amendments relating to this Part. 15

30 Funding of Academies: contractual provisions

An Academy agreement or master agreement (including an agreement entered into before this section comes into force)—

- (a) is void so far as it is inconsistent with any provision made by or under this Part, and 20
- (b) is to be read with such modifications as are necessary to take account of, or to give full effect to, any such provision.

*Interpretation and regulations***31 Interpretation of Part 2**

- (1) In this Part— 25
- “Academy agreement” means an agreement within section 1(3) of the Academies Act 2010 which makes provision about the carrying on of one particular Academy;
 - “closing school” has the meaning given by section 5(4) of the Education Act 2005; 30
 - “education expenditure” means expenditure incurred by a local authority in connection with the performance of their education functions (and see subsection (4));
 - “funding period”, in relation to a school, means the year ending with 31 March or such other period as may be prescribed, and “corresponding funding periods” is to be construed in accordance with section 18(4); 35
 - “governing body”—

- (a) in relation to a new school for which there is a temporary governing body constituted under section 34 of the Education Act 2002, means that temporary governing body;
- (b) in relation to a pupil referral unit, means the management committee for the unit (in spite of paragraph 1 of Schedule 1 to the Education Act 1996); 5
- “local authority”, in relation to a maintained school, means the authority by which the school is maintained;
- “local school”, in relation to a local authority, means—
- (a) an Academy to which section 18 applies located in their area, 10
- (b) a school maintained by them to which that section applies, or
- (c) a non-maintained special school to which that section applies located in their area;
- “locally determined education budget” has the meaning given by section 20(1); 15
- “maintained school” means—
- (a) a community, foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998),
- (b) a community or foundation special school (within the meaning of that Act), 20
- (c) a maintained nursery school (as defined by section 22(9) of that Act), or
- (d) a pupil referral unit;
- “master agreement” means an agreement between the Secretary of State and any other person which makes provision about the carrying on of more than one Academy established or maintained by that person; 25
- “national formula allocation” has the meaning given by section 18(2);
- “new school” includes a school for which there is a temporary governing body constituted under section 34 of the Education Act 2002;
- “non-maintained special school” means a school that is approved under section 342 of the Education Act 1996; 30
- “prescribed” means prescribed by regulations;
- “regulations” means regulations made by the Secretary of State;
- “relevant period” means the year ending with 31 March or such other period as may be prescribed (but see section 32(2)). 35
- (2) Other words and expressions used in this Part have the same meanings as in the Education Act 1996, unless the context otherwise requires.
- (3) In this Part a reference (however expressed) to or including a maintained school or a particular kind of maintained school is to be read as including a proposed school— 40
- (a) which on implementation of proposals under any enactment will be a maintained school or that kind of maintained school (as the case may be), and
- (b) which has a temporary governing body.

- (4) For the purposes of this Part, the following are to be treated as education functions of a local authority in England—
- (a) the duty imposed by section 7(1) of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge);
 - (b) a duty under section 2 of the Childcare Act 2016 (duties in connection with Secretary of State’s duty to secure 30 hours free childcare for working parents). 5
- (5) Section 581 of the Education Act 1996 (application of that Act to the Isles of Scilly) applies in relation to this Part as it applies in relation to that Act.

32 Part 2: regulations 10

- (1) A power to make regulations under any provision of this Part includes power to make—
- (a) provision requiring a local authority to have regard to advice given by their schools forum, or requiring a local authority to consult their schools forum, in relation to prescribed matters or before taking prescribed decisions; 15
 - (b) consequential, supplementary, incidental, transitional or saving provision;
 - (c) different provision for different purposes.
- (2) But subsection (1)(c) does not apply in relation to the power to prescribe a period for the purposes of the definition of “relevant period” in section 31(1). 20
- (3) Regulations under this Part are to be made by statutory instrument.
- (4) A statutory instrument containing any of the following (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament— 25
- (a) regulations under section 18(3)(c), (d) or (e);
 - (b) the first regulations under section 25.
- (5) Any other statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament. 30

PART 3

SCHOOL ATTENDANCE

Children not in school

33 Registration

- (1) The Education Act 1996 is amended as follows. 35

- (2) After section 436A insert—

“Children not in school

436B Duty to register children not in school

- (1) A local authority in England must maintain a register of children who are eligible to be registered by the authority under this section. 5
- (2) A child is eligible to be registered by a local authority under this section if Conditions A to C are met.
- (3) Condition A is that the child is in the authority’s area.
- (4) Condition B is that the child is of compulsory school age.
- (5) Condition C is that— 10
- (a) the child is not a registered pupil at a relevant school, or
 - (b) the child is a registered pupil at a relevant school but the proprietor of the school has arranged or agreed that— 15
 - (i) the child will receive education otherwise than at that or any other relevant school, and
 - (ii) the child will be absent for some or all of the time when the child would normally be expected to attend the relevant school.
- (6) Regulations may make provision— 20
- (a) for cases where a child is to be regarded as falling or not falling within subsection (5)(b);
 - (b) for cases where a child falling within subsection (5)(b) is not to be regarded as eligible for registration.
- (7) In this section “relevant school” means— 25
- (a) a school maintained by a local authority,
 - (b) a non-maintained special school (within the meaning given by section 337A),
 - (c) an Academy school or alternative provision Academy, or
 - (d) a school not falling within paragraph (c) that is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions). 30

436C Content and maintenance of registers

- (1) A register under section 436B must contain the following information in respect of a child registered in it— 35
- (a) the child’s name, date of birth and home address,
 - (b) the name and home address of each parent of the child, and
 - (c) such details of the means by which the child is being educated as may be prescribed.

- (2) A register under section 436B must also contain such information about, or in connection with, the following matters in respect of a child registered in it as may be prescribed, to the extent that the local authority have the information or can reasonably obtain it—
- (a) the child’s protected characteristics (within the meaning of the Equality Act 2010); 5
 - (b) whether the child has any special educational needs, including whether the local authority maintain an EHC plan for the child;
 - (c) any actions that have been taken by a local authority following, or in connection with, enquiries made by a local authority under section 47 of the Children Act 1989 (local authority’s duty to investigate); 10
 - (d) whether the child is a child in need for the purposes of Part 3 of the Children Act 1989 (see section 17(10) of that Act) and, if so, any actions that a local authority have taken in relation to the child under that Part and any services that a local authority have provided to the child in the exercise of functions conferred on them by section 17 of that Act; 15
 - (e) whether the child is looked after by a local authority (within the meaning of section 22 of the Children Act 1989); 20
 - (f) the reasons why the child meets Condition C in section 436B, including any information provided by a parent of the child as to those reasons or, in a case where a parent has not provided that information, the fact that they have not done so;
 - (g) whether, under arrangements made under section 436A, the child has been identified as a child who is of compulsory school age but who is not a registered pupil at a school and is not receiving suitable education otherwise than at a school; 25
 - (h) the school or type of school (if any) that the child attends or has attended in the past; 30
 - (i) whether support is being provided in relation to the child under section 436G and, if so, the nature of the support being provided;
 - (j) any actions that have been taken by a local authority in relation to the child under sections 436I to 436P (school attendance orders); 35
 - (k) any other information about the child’s characteristics, circumstances, needs or interactions with a local authority or educational institutions that the Secretary of State thinks should be included in the register for the purposes of promoting or safeguarding the education, safety or welfare of children. 40
- (3) A register under section 436B may also contain any other information the local authority consider appropriate.
- (4) Regulations may, in relation to a register under section 436B, make provision about— 45

- (a) how a local authority must maintain the register, including provision relating to—
 - (i) how the register is to be kept up-to-date;
 - (ii) the making of changes to the register;
 - (b) the form of the register; 5
 - (c) access to and publication of the register;
 - (d) registration forms;
 - (e) publicising the register and duties of persons in relation to the register.
- (5) No information from a register under section 436B may be published, or made accessible to the public, in a form— 10
- (a) which includes the name or address of a child who is eligible to be registered under that section or of a parent of such a child, or
 - (b) from which the identity of such a child or parent can be deduced, whether from the information itself or from that information taken together with any other published information. 15

436D Provision of information to local authorities: parents

- (1) A parent of a child who becomes eligible to be registered by a local authority in England under section 436B must— 20
- (a) inform the local authority that the child is eligible for registration, and
 - (b) provide the authority with any of the information referred to in section 436C(1)(a) and (b) that the parent has. 25
- (2) A parent of a child who is registered by a local authority in England under section 436B must—
- (a) provide the authority, on request, with any of the information referred to in section 436C(1)(a) to (c) that the parent has,
 - (b) inform the authority of a change to any of the information required to be included in the register under section 436C(1)(a) to (c) of which the parent is aware, and 30
 - (c) inform the authority if the child ceases to be eligible to be registered by that authority under section 436B.
- (3) A person must comply with a duty under subsection (1) or (2) within the relevant period. 35
- (4) In subsection (3) “relevant period” means—
- (a) in the case of the duty in subsection (1)(a) or (b), the period of 15 days beginning with the date on which the child becomes eligible for registration by the local authority; 40
 - (b) in the case of the duty in subsection (2)(a), such period of not less than 15 days as the local authority specify in the request;

- (c) in the case of the duty in subsection (2)(b), the period of 15 days beginning with the date on which the parent becomes aware of the change;
 - (d) in the case of the duty in subsection (2)(c), the period of 15 days beginning with the date on which the child ceases to be eligible to be registered by the local authority under section 436B. 5
- (5) The duties in subsections (1) and (2) do not apply where the child is receiving full-time education by any one or more of the following means – 10
- (a) arrangements made by the local authority under section 19;
 - (b) arrangements made by the proprietor of a relevant school at which the child is a registered pupil;
 - (c) attendance at a relevant school.
- (6) In this section “relevant school” has the same meaning as in section 436B. 15

436E Provision of information to local authorities: education providers

- (1) This section applies where a local authority in England reasonably believe that –
- (a) a person is providing out-of-school education to a child for more than the prescribed amount of time without any parent of the child being present, and 20
 - (b) the child is, or is eligible to be, registered by the authority under section 436B.
- (2) In subsection (1)(a) – 25
- (a) “out-of-school education” means any programme or course of education, or any other kind of structured education, that is provided otherwise than as part of the education provided by a relevant school (within the meaning of section 436B);
 - (b) “prescribed amount of time” means an amount of time prescribed – 30
 - (i) by reference to a number of hours in, or a proportion of, a week or other period;
 - (ii) by reference to a proportion of the time a child spends receiving education; 35
 - (iii) in any other way.
- (3) The authority may by notice require the person –
- (a) to confirm whether or not the person is providing education to a child as specified in subsection (1), and
 - (b) if the person is doing so, to provide the authority with any of the information referred to in section 436C(1)(a) or (b) that the person has in relation to any child to whom they are providing such education. 40

-
- (4) A notice under subsection (3) is served if it is sent to or left at the place where the out-of-school education is provided (as well as in the circumstances referred to in section 572(1)).
- (5) The person on whom a notice under subsection (3) is served must comply with the requirement in the notice within the period of 15 days beginning with the day on which it is served. 5
- (6) Regulations may provide for exceptions to the duty in subsection (5).
- (7) Where a local authority in England are satisfied that a person on whom a notice under subsection (3) is served has – 10
- (a) failed to comply with their duty under subsection (5), or
 - (b) provided incorrect information in response to the notice, the authority may require the person to pay a monetary penalty to the authority in accordance with Schedule 31A.
- (8) The amount of the monetary penalty is to be the prescribed amount.
- 436F Use of information in the register** 15
- (1) A local authority in England must, if the Secretary of State so directs, provide the Secretary of State with information of a prescribed description from their register under section 436B (whether that is information relating to an individual child or aggregated information).
- (2) A local authority in England may provide information from their register under section 436B which relates to a child to a prescribed person if the authority consider it appropriate to do so for the purposes of promoting or safeguarding the education, safety or welfare of – 20
- (a) the child, or
 - (b) any other person under the age of 18. 25
- (3) Where a local authority in England become aware that a child registered in their register under section 436B will move, or has moved, to the area of another local authority in England, the local authority – 30
- (a) must provide the other local authority with the information referred to in section 436C(1)(a) to (c),
 - (b) must provide the other local authority with any information relating to the child that is prescribed under section 436C(2) that they have, and
 - (c) may provide the other local authority with any other information contained in the register under section 436C(3). 35
- 436G Support**
- (1) If a parent of a child registered by a local authority in England under section 436B so requests, the local authority must provide, or secure the provision of, support to promote the education of the child.

- (2) The support to be provided is whatever the local authority think fit having regard to the parent’s request.
- (3) The support may for example include—
- (a) advice about education of the child,
 - (b) information about sources of assistance for the education of the child, 5
 - (c) provision of facilities, services or assistance (including financial assistance), and
 - (d) access to non-educational services or benefits.
- (4) The duty in subsection (1) does not apply where— 10
- (a) the child is a registered pupil at a relevant school (within the meaning of section 436B), or
 - (b) the local authority are required to make arrangements for the education of the child under section 19 of this Act or section 42 of the Children and Families Act 2014. 15

436H Guidance

- (1) The Secretary of State may give guidance to local authorities in England in respect of their functions under sections 436B to 436G.
- (2) A local authority in England must have regard to the guidance.”
- (3) In section 569(2A) (regulations subject to affirmative procedure), for “regulations under section 550ZA(3)(f) or 550ZC(7) may” substitute “— 20
- (a) the first regulations under 436C(1)(c), (2) or (4),
 - (b) the first regulations under section 436F(1),
 - (c) regulations under section 436F(2),
 - (d) regulations under section 550ZA(3)(f), or 25
 - (e) regulations under section 550ZC(7),
- may”.
- (4) After Schedule 31 insert—

“SCHEDULE 31A

Section 436E

FAILURE TO PROVIDE INFORMATION UNDER SECTION 436E: MONETARY PENALTIES 30

Warning notice

- 1 (1) Where a local authority in England propose to require a person to pay a monetary penalty under section 436E(7), the authority must give the person a notice of what is proposed (a “warning notice”).
- (2) The warning notice must include information as to— 35
- (a) the grounds for the proposal to require payment of the monetary penalty,
 - (b) the amount of the penalty, and

- (c) the person’s right to make representations.

Representations

- 2 The person to whom the warning notice is given may make written representations to the local authority in relation to the proposed requirement to pay a monetary penalty – 5
 - (a) within the period of 14 days beginning with the day on which the notice is given, or
 - (b) if within that period the person gives written notice of their intention to make representations, within the period of 28 days beginning with that day. 10

Imposition of penalty

- 3 (1) Where a person has made representations in response to a warning notice, or the time for doing so has elapsed, the local authority must decide whether to require the person to pay the monetary penalty.
- (2) The local authority may not require the person to pay a monetary penalty if they are no longer satisfied as mentioned in section 436E(7). 15
- (3) If the local authority decide not to require the person to pay the penalty, they must inform the person of that fact.

Penalty notice

- 4 (1) A requirement to pay a monetary penalty is imposed by a notice given to the person by the local authority (a “penalty notice”).
- (2) A penalty notice must include information as to –
 - (a) the grounds for requiring payment of the monetary penalty,
 - (b) the amount of the penalty, 25
 - (c) how payment may be made,
 - (d) the period within which payment is to be made (which must be at least 28 days beginning with the day on which the notice is given),
 - (e) the consequences of late payment (see paragraph 5), and 30
 - (f) rights of appeal.
- (3) A penalty notice may be withdrawn at any time by the local authority that gave it.

Consequences of late payment

- 5 If the person to whom a penalty notice is given fails to pay the monetary penalty within the period specified in the notice, the amount of the penalty is increased by the prescribed percentage. 35

Appeals

- 6 (1) A person to whom a penalty notice is given may appeal to the First-tier Tribunal on any of the grounds mentioned in sub-paragraph (2).
- (2) The grounds are that— 5
- (a) the decision to require payment of the penalty was based on an error of fact;
- (b) the decision was wrong in law;
- (c) the decision was unreasonable.
- (3) On an appeal under this paragraph the First-tier Tribunal may— 10
- (a) quash the penalty notice,
- (b) confirm the penalty notice, or
- (c) vary the penalty notice by reducing the amount of the monetary penalty.
- (4) Where an appeal under this paragraph is made, the requirement to pay the monetary penalty is suspended pending the final determination or withdrawal of the appeal. 15

Enforcement

- 7 If a person does not pay the whole or any part of a monetary penalty which the person is required to pay under this Schedule within the time specified in the penalty notice, the penalty or part of the penalty is recoverable as if it were payable under an order of the county court.” 20

34 School attendance orders

- (1) The Education Act 1996 is amended as follows. 25
- (2) After section 436H (as inserted by section 33) insert—
- “School attendance orders: England*

436I Preliminary notice for school attendance order

- (1) A local authority in England must serve a notice under this subsection on a person in relation to a child if it appears to them that— 30
- (a) the person is a parent of the child, and
- (b) any of Conditions A to C is met.
- (2) A notice under subsection (1) is a notice requiring the person on whom it is served to satisfy the local authority within the period specified in the notice that the child to whom the notice relates is receiving suitable education. 35
- (3) Condition A is that—

- (a) the child is a child in the local authority’s area,
 - (b) the child is of compulsory school age, and
 - (c) the child is not receiving suitable education, either by regular attendance at school or otherwise.
- (4) Condition B is that— 5
- (a) the child is, or may be, eligible to be registered by the local authority under section 436B,
 - (b) the authority have asked the person for information for the purpose of ascertaining—
 - (i) whether the child is or should be registered by the authority, or 10
 - (ii) whether the person is in fact a parent of the child, and
 - (c) the person has not provided that information within the period of 15 days beginning with the day on which the request was made or has provided incorrect information. 15
- (5) Condition C is that the person is under a duty to provide information to the local authority under section 436D(1)(b) or (2)(a) in relation to the child and—
- (a) has not provided the information, or
 - (b) has provided incorrect information. 20
- (6) A notice under subsection (1)—
- (a) must be served within the period of three days beginning with the day on which it appears to the local authority as specified in subsection (1)(a) and (b), and
 - (b) may not specify a period of less than ten days. 25
- (7) In exercising their functions under this section a local authority must have regard to any guidance given by the Secretary of State.

436J School attendance orders

- (1) A local authority in England must serve an order under this section on a person if— 30
- (a) the authority have served a notice on the person under section 436I,
 - (b) the person fails to satisfy the local authority, within the period specified in the notice, that—
 - (i) the child is receiving suitable education, or 35
 - (ii) the person is not a parent of the child, and
 - (c) in the opinion of the authority it is expedient that the child should attend school.
- (2) An order under this section (a “school attendance order”) is an order requiring the person to cause the child to become a registered pupil at a school named in the order. 40

- (3) A school attendance order under this section—
- (a) must be served within the period of three days beginning with the day on which the authority determine which school is to be named in the order, and
 - (b) must be in the prescribed form. 5
- (4) A school attendance order under this section continues in force (subject to any amendment made by the local authority) for so long as the child is of compulsory school age, unless—
- (a) it is revoked by the authority, or
 - (b) a direction is made in respect of it under section 436Q(6) or 447(5). 10
- (5) Where a maintained school is named in a school attendance order under this section—
- (a) the local authority must within the period of three days referred to in subsection (3)(a) inform the governing body and the head teacher, and
 - (b) the governing body and the local authority must admit the child to the school. 15
- (6) Where an Academy school or alternative provision Academy is named in a school attendance order under this section—
- (a) the local authority must within the period of three days referred to in subsection (3)(a) inform the proprietor and the principal, and
 - (b) the proprietor must admit the child to the school. 20
- (7) Subsections (5) and (6) do not affect any power to exclude from a school a pupil who is already a registered pupil there. 25

436K School attendance order for child with EHC plan

- (1) Subsections (2) and (3) apply where a local authority are required to serve a school attendance order under section 436J in respect of a child for whom they maintain an EHC plan. 30
- (2) Where the EHC plan specifies the name of a school, that school must be named in the order.
- (3) Where the EHC plan does not specify the name of a school—
- (a) the authority must amend the plan so that it specifies the name of a school, and
 - (b) that school must then be named in the order. 35
- (4) An amendment to an EHC plan required to be made under subsection (3)(a) shall be treated as if it were an amendment made following a review under section 44 of the Children and Families Act 2014, and that section and regulations made under it apply accordingly. 40
- (5) Where—

- (a) a school attendance order is in force in respect of a child for whom the local authority maintain an EHC plan, and
- (b) the name of the school specified in the plan is changed, the local authority must amend the order accordingly.

436L School nomination notice for school attendance order 5

- (1) Before a local authority serve a school attendance order under section 436J on a person in respect of a child, other than a child for whom they maintain an EHC plan, the authority must serve a notice on the person under this section (a “school nomination notice”).
- (2) A school nomination notice is a notice in writing – 10
 - (a) informing the person of the local authority’s intention to serve the order,
 - (b) specifying the school which the authority intend to name in the order and, if they think fit, one or more other schools which they regard as suitable alternatives, and 15
 - (c) stating the effect of subsections (3) to (6).

For periods within which the school nomination notice must be served, see section 436N(5) and (6).

- (3) If the school nomination notice specifies one or more alternative schools and the person selects one of them within the period of 10 days beginning with the day on which the notice is served, the school selected by the person must be named in the order. 20
- (4) If –
 - (a) within the period mentioned in subsection (3) the person – 25
 - (i) applies for the child to be admitted to a school which is an Academy school or alternative provision Academy and notifies the local authority which served the notice of the application, or
 - (ii) applies for the child to be admitted to a school maintained by a local authority and, where that authority are not the local authority which served the notice, notifies the latter authority of the application, and 30

- (b) the child is offered a place at the school as a result of the application, 35

that school must be named in the school attendance order.

- (5) If –
 - (a) within the period mentioned in subsection (3) the person applies to the local authority by whom the notice was served for education to be provided at a school which is not a school maintained by a local authority, an Academy school or alternative provision Academy, and 40

- (b) the child is offered a place at the school under arrangements made by the authority under which the fees payable in respect of the education provided at the school are to be paid by them under section 517,
that school must be named in the school attendance order. 5
- (6) If, within the period mentioned in subsection (3)–
- (a) the person–
- (i) applies for the child to be admitted to a school which is not maintained by a local authority, an Academy school or an alternative provision Academy and in respect of which no application is made under subsection (5), and 10
- (ii) notifies the local authority by whom the notice was served of the application,
- (b) the child is offered a place at the school as a result of the application, and 15
- (c) the school is suitable to the child’s age, ability and aptitude and to any special educational needs the child may have,
that school must be named in the school attendance order.
- 436M School nomination notice: restrictions** 20
- (1) A local authority may not specify a school in a school nomination notice if the child is permanently excluded from it.
- (2) A local authority may not specify a maintained school or Academy school in a school nomination notice if the admission of the child would, because of the need to take measures to avoid failing to comply with any duty applicable to the school in relation to class sizes, prejudice the provision of efficient education or the efficient use of resources. 25
- (3) A local authority may not specify a maintained school or Academy school in a school nomination notice if, were the child concerned admitted to the school in accordance with a school attendance order resulting from the notice, the number of pupils at the school in the child’s age group would exceed the relevant number. 30
- (4) The relevant number is–
- (a) in the case of a maintained school, the number determined in accordance with section 88C or 89 of the School Standards and Framework Act 1998 as the number of pupils in the child’s age group which it is intended to admit to the school in the school year in which the child would be admitted, or 35
- (b) in the case of an Academy school, the number determined in accordance with any Academy arrangements or enactment as the number of such pupils. 40

- (5) Subsection (3) does not prevent a local authority from specifying a maintained school where they are responsible for determining the arrangements for the admission of pupils to the school.
- (6) Subsection (3) also does not prevent a local authority from specifying a maintained school or Academy school if—
 - (a) in the opinion of the authority the school is a reasonable distance from the home of the child, and
 - (b) there is no maintained school or Academy school in their area which—
 - (i) the authority could specify (apart from subsection (3)), and
 - (ii) is in the opinion of the authority a reasonable distance from the home of the child.

436N School nomination notice: procedure

- (1) Before deciding to specify a maintained school, Academy school or alternative provision Academy in a school nomination notice a local authority must consult—
 - (a) in the case of a maintained school—
 - (i) the governing body, and
 - (ii) if another local authority are responsible for determining the arrangements for the admission of pupils to the school, that authority, or
 - (b) in the case of an Academy school or alternative provision Academy, the proprietor.
- (2) Where a local authority decide to specify a maintained school, Academy school or alternative provision Academy in a school nomination notice they must, before serving the notice, serve notice in writing of their decision on—
 - (a) in the case of a maintained school—
 - (i) the governing body,
 - (ii) the head teacher, and
 - (iii) if another local authority are responsible for determining the arrangements for the admission of pupils to the school, that authority, or
 - (b) in the case of an Academy school or alternative provision Academy—
 - (i) the proprietor, and
 - (ii) the principal.
- (3) A notice under subsection (2) must be served before the end of the period of 15 days beginning with the expiry of the period referred to in section 436I(6)(a).
- (4) A person on whom a notice is served under subsection (2)(a)(i) or (iii) or (b)(i) may, within the period of 10 days beginning with the day on

which the notice is received, apply to the Secretary of State for a direction under this section and, if they do so, must inform the local authority which served the notice.

- (5) If the local authority which served a notice under subsection (2) are not informed of an application under subsection (4) within the period referred to in that subsection, they must serve the school nomination notice within the next period of 10 days. 5
- (6) Where the Secretary of State gives a direction under this section—
- (a) the school or schools to be specified in the school nomination notice are to be determined in accordance with the direction, and 10
 - (b) the school nomination notice must be served before the end of the period of three days beginning with the day after that on which the direction is given.

436O Amendment of school attendance order 15

- (1) This section applies where a school attendance order under section 436J is in force in respect of a child, other than a child for whom the local authority maintain an EHC plan.
- (2) If at any time—
- (a) the person on whom the order is served applies for the child to be admitted to a school— 20
 - (i) which is maintained by a local authority, an Academy school or an alternative provision Academy, and
 - (ii) which is different from the school named in the order,
 - (b) the child is offered a place at the school as a result of the application, and 25
 - (c) the person requests the local authority by which the order was served to amend it by substituting that school for the one currently named,
- the authority must comply with the request. 30
- (3) If at any time—
- (a) the person on whom the order is served applies to the authority for education to be provided for the child at a school—
 - (i) which is not a school maintained by a local authority, an Academy school or an alternative provision Academy, and 35
 - (ii) which is different from the school named in the order,
 - (b) the child is offered a place at the school under arrangements made by the authority under which the fees payable in respect of the education provided at the school are to be paid by them under section 517, and 40
 - (c) the person requests the authority to amend the order by substituting that school for the one currently named,

the authority must comply with the request.

- (4) If at any time –
- (a) the person on whom the order is served applies for the child to be admitted to a school –
 - (i) which is not maintained by a local authority, an Academy school or an alternative provision Academy, 5
 - (ii) which is different from the school named in the order, and
 - (iii) in respect of which no application is made under subsection (3), 10
 - (b) as a result of the application, the child is offered a place at the school, being a school which is suitable to the child’s age, ability and aptitude and to any special educational needs the child may have, and
 - (c) the person requests the authority to amend the order by substituting that school for the one currently named, 15
- the authority must comply with the request.

436P Revocation of school attendance order on request

- (1) This section applies where a school attendance order made by a local authority under section 436J is in force in respect of a child. 20
- (2) The person on whom the order is served may at any time apply to the local authority requesting that it be revoked on the grounds that –
- (a) arrangements have been made for the child to receive suitable education otherwise than at a school, or
 - (b) the person is not a parent of the child. 25
- (3) The authority must comply with a request under subsection (2)(a) or (b) unless they are of the opinion that (as the case may be) –
- (a) arrangements have not been made for the child to receive suitable education otherwise than at a school, or
 - (b) the person is a parent of the child. 30
- (4) If a person is aggrieved by a refusal of the local authority to comply with a request under subsection (2)(a) –
- (a) the person may refer the question to the Secretary of State, and
 - (b) the Secretary of State is to give such direction determining the question as the Secretary of State thinks appropriate. 35
- (5) Where the child is one for whom the local authority maintain an EHC plan –
- (a) if the name of a school or other institution is specified in the EHC plan, subsection (2)(a) does not apply;
 - (b) if the name of a school or other institution is not specified in the EHC plan, a direction under subsection (4)(b) may require the authority to make such amendments in the plan as the 40

Secretary of State considers necessary or expedient in consequence of the determination.”

- (3) In section 572 (service of notices and other documents), at the end insert—
- “(4) This section does not preclude any notice or order under sections 436I to 436P (which relate to school attendance orders) from being served by any other effective method.” 5
- (4) In Schedule 1 (pupil referral units), before paragraph 14 (but after the heading “School attendance orders”) insert—
- “13A (1) Where a pupil referral unit is named in a school attendance order made by a local authority in England under section 436J— 10
- (a) the local authority must within the period of three days referred to in section 436J(3)(a) inform the teacher in charge of the unit, and
- (b) if another local authority are responsible for determining the arrangements for the admission of pupils in the unit, that authority must admit the child to the unit, 15
- but paragraph (b) above does not affect any power to exclude from a unit a pupil who is already a registered pupil there.
- (2) Section 436L(4) does not apply in relation to a pupil referral unit.
- (3) A local authority in England— 20
- (a) must, before deciding to specify a particular pupil referral unit in a school nomination notice under section 436L where another local authority are responsible for the admission of pupils to the unit, consult that authority, and
- (b) if they decide to specify the unit in the notice, must serve notice in writing of their decision on that authority. 25
- (4) Section 436N(3) to (6) apply where notice is served on a local authority under sub-paragraph (3) above as they apply where notice is served under section 436N(2).
- (5) The parent of a child in respect of whom a school attendance order under section 436J is in force may not under section 436O request the local authority to amend the order by substituting a pupil referral unit for the school named in the order. 30
- (6) Where a child is a registered pupil at both a pupil referral unit in England and at a school other than such a unit, the references in section 444 to the school at which the child is a registered pupil are to be read as references to the unit.” 35

35 Failure to comply with school attendance order

- (1) The Education Act 1996 is amended as follows.

(2) After section 436P (as inserted by section 34) insert—

“436Q Offence of failure to comply with school attendance order

- (1) If a person on whom a school attendance order under section 436J is served fails to comply with the requirements of the order, the person is guilty of an offence. 5
- (2) Subsection (1) does not apply if the person proves—
 - (a) that they are causing the child to receive suitable education otherwise than at a school, or
 - (b) that they are not a parent of the child.
- (3) The reference in subsection (1) to failure to comply with the requirements of a school attendance order includes causing a child to cease to be registered at the school named in the school attendance order. 10
- (4) Subsection (3) does not apply in circumstances where—
 - (a) the school has, pursuant to section 436K or 436O, ceased to be the school named in the school attendance order, or 15
 - (b) the school attendance order has been revoked pursuant to section 436P.
- (5) A person who—
 - (a) fails to comply with the requirements of a school attendance order under section 436J by not causing a child to become a registered pupil at the school named in the order, and 20
 - (b) is convicted of an offence under this section in respect of the failure,may be found guilty of an offence under this section again if the failure continues. 25
- (6) If, in proceedings for an offence under this section, the person is acquitted, the court may direct that the school attendance order cease to be in force.
- (7) A direction under subsection (6) does not affect the duty of the local authority to take further action under section 436J if at any time the authority are of the opinion that, having regard to any change of circumstances, it is expedient to do so. 30
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to a term of imprisonment not exceeding 51 weeks, or to both. 35
- (9) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (8) to 51 weeks is to be read as a reference to three months.”

36 School attendance orders: consequential amendments

Schedule 3 contains consequential amendments relating to sections 34 and 35.

*Attendance by registered pupils***37 School attendance: general duties on local authorities**

5

In Chapter 2 of Part 6 of the Education Act 1996 (school attendance), after section 443 insert –

“School attendance: registered pupils, offences etc

443A School attendance: general duties on local authorities in England

- (1) A local authority in England must exercise their functions with a view to – 10
- (a) promoting regular attendance by registered pupils at schools in the local authority’s area, and
 - (b) reducing the number and duration of absences of registered pupils from schools in that area. 15
- (2) In exercising their functions, a local authority in England must have regard to any guidance issued from time to time by the Secretary of State in relation to school attendance.”

38 School attendance policies

In Chapter 2 of Part 6 of the Education Act 1996 (school attendance), after section 443A (as inserted by section 37) insert – 20

“443B School attendance policies

- (1) The proprietor of a school in England must ensure –
- (a) that policies designed to promote regular attendance by registered pupils are pursued at the school, and 25
 - (b) that those policies are set out in a written document (an “attendance policy”).
- (2) An attendance policy must in particular include details of –
- (a) the practical procedures to be followed at the school in relation to attendance, 30
 - (b) the measures in place at the school to promote regular attendance by its registered pupils,
 - (c) the responsibilities of particular members of staff in relation to attendance,
 - (d) the action to be taken by staff if a registered pupil fails to attend the school regularly, and 35

- (e) if relevant, the school’s strategy for addressing any specific concerns identified in relation to attendance.
- (3) The proprietor must ensure –
 - (a) that the attendance policy and its contents are generally made known within the school and to parents of registered pupils at the school, and 5
 - (b) that steps are taken at least once in every school year to bring the attendance policy to the attention of all those parents and pupils and all persons who work at the school (whether or not for payment). 10
- (4) In complying with the duties under this section, the proprietor must have regard to any guidance issued from time to time by the Secretary of State in relation to school attendance.”

39 Penalty notices: regulations

- (1) In section 444B of the Education Act 1996 (penalty notices: attendance), after subsection (1) insert – 15
 - “(1A) Without prejudice to the generality of subsection (1), regulations under subsection (1) may make provision in relation to England –
 - (a) as to the circumstances in which authorised officers must consider giving a penalty notice; 20
 - (b) for or in connection with co-ordination arrangements between local authorities and neighbouring local authorities (where appropriate), the police and authorised officers.”
- (2) In section 106(1) of the Education and Inspections Act 2006 (penalty notices: excluded pupils) – 25
 - (a) after paragraph (g) insert –
 - “(ga) provision as to the circumstances in which authorised officers must consider giving a penalty notice;”;
 - (b) after paragraph (j) insert –
 - “(ja) provision for or in connection with co-ordination arrangements between local authorities and neighbouring local authorities (where appropriate), the police and authorised officers;”.

40 Academies: regulations as to granting of leave of absence

- (1) Section 551 of the Education Act 1996 (regulations as to duration of school day etc) is amended as follows. 35
- (2) In subsection (1), for “to which this section applies” substitute “mentioned in subsection (2)”.
- (3) In subsection (2), omit “to which this section applies”.

- (4) After subsection (2) insert –
- “(3) Regulations may also make provision with respect to the granting of leave of absence from any schools which are Academies not already falling within subsection (2)(c).”

PART 4

5

INDEPENDENT EDUCATIONAL INSTITUTIONS

Regulation of independent educational institutions

41 Expanding the scope of regulation

- (1) Section 92 of the Education and Skills Act 2008 (independent educational institutions) is amended as follows. 10
- (2) For subsection (1) substitute –
- “(1) For the purposes of this Chapter, an institution is an independent educational institution if –
- (a) it provides full-time education for –
- (i) at least five children of compulsory school age, or 15
- (ii) at least one child of compulsory school age who is looked after by a local authority or who has special educational needs, and
- (b) it is not an excepted institution.
- (1A) For the purposes of this section, an institution provides full-time 20 education for a child if the child could be expected to receive all or a majority of their education at the institution.
- (1B) In determining that matter, the following factors are to be taken into account –
- (a) the number of hours per week for which children at the 25 institution are expected to attend;
- (b) the number of weeks in an academic year for which children are expected to attend;
- (c) the time of day at which children are expected to attend.
- (1C) Regulations may – 30
- (a) amend subsection (1B) so as to add or remove factors;
- (b) make provision about how the factors mentioned there are to be taken into account in determining whether a child could be expected to receive all or a majority of their education at an institution.” 35
- (3) Omit subsections (2) and (3).

- (4) Before subsection (4) insert—
- “(3A) For the purposes of this section, education is provided at an institution—
- (a) where the institution provides instruction or guidance on any matter, and 5
 - (b) regardless of whether or by whom the children are supervised when attending the institution.”
- (5) In subsection (4)—
- (a) after the definition of “an academic year” insert—
““excepted institution”: the following are excepted institutions— 10
 - (a) an institution that provides only early years provision;
 - (b) a school maintained by a local authority;
 - (c) a school approved under section 342 of the Education Act 1996 (approval of non-maintained special schools);
 - (d) a hospital (within the meaning of section 275 of the National Health Service Act 2006) that is not an independent school; 15
 - (e) a 16 to 19 Academy;
 - (f) an institution that is within the further education sector or the wider higher education sector; 20
 - (g) a secure college, secure training centre or young offender institution;
 - (h) an institution of a description specified in regulations;“special educational needs”: a child has special educational needs if— 25
 - (a) an EHC plan, or
 - (b) an individual development plan under section 10 of the Additional Learning Needs and Educational Tribunal (Wales) Act 2018 (anaw 2),is maintained for the child; 30
references to a child who is looked after by a local authority are to be read—
 - (a) in relation to a local authority in England, in accordance with section 22 of the Children Act 1989;
 - (b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”;
 - (b) omit the definition of “specified”.

42 Section 41: consequential and related amendments

- (1) The Education and Skills Act 2008 is amended as follows. 40
- (2) Omit section 93A (application of Chapter to alternative provision Academies that are not independent educational institutions).

- (3) In section 98(3) (information to be included in registration application), omit paragraph (a).
- (4) In section 132 (power to apply provisions of Chapter 1 of Part 4 to independent post-16 colleges) –
- (a) in subsection (2)(a)(ii), for “student” substitute “person”, and 5
 - (b) in subsection (4)(b)(i), for “a student” substitute “provided with education and training”.
- (5) In section 138 (interpretation of Chapter 1 of Part 4) –
- (a) in subsection (1), for the definition of “student” substitute –
 - ““student”, in relation to an independent educational institution, 10
 - means a person for whom education is provided at the institution, other than –
 - (a) a person who has attained the age of 19 and for whom further education is provided, or
 - (b) a person for whom part-time education suitable to the requirements of persons of any age over compulsory school age is provided;”;
 - (b) after subsection (1) insert –
 - “(1A) For the purposes of section 94(1)(a) and subsection (1) of this section, education is provided at an institution – 20
 - (a) where the institution provides instruction or guidance on any matter, and
 - (b) regardless of whether or by whom the students are supervised when attending the institution.”
- (6) In section 166 (orders and regulations), in subsection (2) (instruments subject to affirmative procedure), after paragraph (e) insert – 25
- “(ea) regulations under section 92(1C),
 - (eb) regulations under paragraph (h) of the definition of “excepted institution” in section 92(4),”.
- 43 Education and childcare behaviour orders** 30
- (1) The Education and Skills Act 2008 is amended as set out in subsections (2) and (3).
- (2) In section 96 (unregistered independent educational institutions: offence), at the end insert –
- “(5) Schedule A1 makes provision enabling a court to make an education and childcare behaviour order where a person is convicted of an offence under this section.” 35

(3) Before Schedule 1 insert –

“SCHEDULE A1

Section 96

EDUCATION AND CHILDCARE BEHAVIOUR ORDERS

Making an education and childcare behaviour order

- 1 (1) Where a person (the “defendant”) is convicted of an offence under section 96 (conducting an unregistered independent educational institution) after the coming into force of this Schedule, the prosecution may apply for an education and childcare behaviour order. 5
- (2) On an application under sub-paragraph (1), the court may make an education and childcare behaviour order if it thinks it is appropriate to do so for the purpose of protecting children from the risk of harm arising from the defendant conducting an unregistered independent educational institution or otherwise providing children with education, childcare, instruction or supervision. 10 15
- (3) An education and childcare behaviour order is an order which, for the purpose mentioned in sub-paragraph (2) –
- (a) requires the defendant to do anything specified in the order, or
- (b) prohibits the defendant from doing anything specified in the order. 20
- (4) The court may make an education and childcare behaviour order in respect of the defendant only if it is made in addition to –
- (a) a sentence imposed in respect of the offence under section 96, or 25
- (b) an order discharging the offender conditionally.
- (5) If, following an application by the prosecution for an education and childcare behaviour order, the court decides not to make such an order, it must state in open court its reasons for that decision.

Duration of education and childcare behaviour order 30

- 2 (1) An education and childcare behaviour order takes effect on the day on which it is made.
- (2) An education and childcare behaviour order must specify the period for which it has effect, which must be a fixed period of at least six months and not more than three years. 35
- (3) Where a court makes an education and childcare behaviour order in respect of a defendant who is already subject to such an order, the earlier order ceases to have effect.

Application for variation or discharge of education and childcare behaviour order

- 3 (1) The defendant may apply to the appropriate court for an order varying or discharging an education and childcare behaviour order.
- (2) On an application under this paragraph, the court may by order vary or discharge the education and childcare behaviour order. 5
- (3) A defendant may not make an application under this paragraph—
- (a) before the end of the period of three months beginning with the day on which the order was made, or
- (b) before the end of the period of three months beginning with the day on which any previous application under this paragraph was refused. 10
- (4) In this paragraph, the “appropriate court” means—
- (a) the court that made the order, or
- (b) a magistrates’ court for the area in which the defendant lives.

Offence of breaching education and childcare behaviour order 15

- 4 (1) A person who breaches an education and childcare behaviour order is guilty of an offence.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine (or to both). 20
- (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, for “51 weeks” in sub-paragraph (2), substitute “six months”.
- (4) Where a person is convicted of an offence under this paragraph, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order for conditional discharge.” 25
- (4) In section 379 of the Sentencing Act 2020, in the table in subsection (1), after the entry for the Serious Crime Act 2007 insert—
- “Education and Skills Act 2008 30
- | | | |
|-------------|-----------------------------------------|---------------------------------------------------------------------------|
| Schedule A1 | education and childcare behaviour order | offence of conducting an unregistered independent education institution”. |
|-------------|-----------------------------------------|---------------------------------------------------------------------------|

44 Application of provisions applying to schools to independent educational institutions 35

- (1) The Education and Skills Act 2008 is amended as follows.

- (2) After section 137 insert –

“137A Application of provisions applying to schools to independent educational institutions

- (1) Regulations may provide for any relevant provision to apply in relation to an independent educational institution (or an independent educational institution of a prescribed description) which is not an independent school as it applies in England in relation to an independent school, subject to such modifications as may be prescribed. 5
- (2) In subsection (1) “relevant provision” means –
- (a) provision made by an Act passed before, or later in the same session of Parliament as, the Schools Act 2022, 10
 - (b) provision made by Part 3 of the Schools Act 2022 (school attendance), and
 - (c) provision made by subordinate legislation (within the meaning of the Interpretation Act 1978) before the end of the session of Parliament in which the Schools Act 2022 is passed.” 15
- (3) In section 166 (orders and regulations), in subsection (2) –
- (a) omit the “or” at the end of paragraph (g), and
 - (b) after that paragraph insert –
- “(ga) regulations under section 137A, or”. 20

Independent educational institution standards

45 Independent educational institution standards

- (1) Section 94 of the Education and Skills Act 2008 is amended as follows.
- (2) In subsection (1)(c), after “of” insert “, and attendance by,”.
- (3) After subsection (1) insert – 25
- “(1A) A standard within subsection (1)(d) (suitability of proprietors of independent educational institutions) may be prescribed by reference –
- (a) in the case of a proprietor which is a body of persons –
- (i) to whether persons having general control and management of, or legal responsibility and accountability for, the proprietor are, in the opinion of the Secretary of State, fit and proper persons to be involved in the running of an independent educational institution; 30
 - (ii) to whether the Secretary of State is notified before a new person becomes involved in the general control and management of, or assumes legal responsibility and accountability for, the proprietor; 35
- (b) in the case of a proprietor which is an individual, to whether that individual is, in the opinion of the Secretary of State, a fit 40

and proper person to be involved in the running of an independent educational institution.”

(4) After subsection (3) insert—

“(3A) A standard may be prescribed by reference to whether or not the proprietor of an independent educational institution has regard to guidance issued, or a document published, by the Secretary of State from time to time.” 5

46 Failure to meet standards: suspension of registration

(1) Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent educational institutions in England) is amended as follows. 10

(2) After section 118 insert—

“118A Suspension of registration

(1) The Secretary of State may suspend the registration of an independent educational institution if, having taken into account relevant evidence— 15

- (a) the Secretary of State is satisfied that one or more of the independent educational institution standards is or are not being met in relation to the institution, and
- (b) the Secretary of State has reasonable cause to believe that, as a result, one or more students at the institution will or may be exposed to the risk of harm (within the meaning of section 31 of the Children Act 1989). 20

(2) In subsection (1) “relevant evidence” means—

- (a) the report of an inspection carried out by the Chief Inspector or an independent inspectorate, or 25
- (b) any other evidence in respect of the institution.

(3) Before suspending the registration of an institution, the Secretary of State must serve the proprietor of the institution with a warning notice—

- (a) stating that the Secretary of State is proposing to suspend the registration of the institution and explaining the effect of a suspension, 30
- (b) specifying the dates on which the Secretary of State proposes to start and end the suspension,
- (c) identifying the standard or standards that are not being met, which the Secretary of State believes may result in one or more students being exposed to the risk of harm, 35
- (d) setting out the grounds for the Secretary of State’s belief that one or more students will or may be exposed to the risk of harm, and 40

- (e) specifying the period during which the proprietor may make representations about the proposed suspension (the “specified period”).
- (4) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to suspend the institution’s registration. 5
- (5) Where the Secretary of State decides not to suspend the institution’s registration, the Secretary of State must serve the proprietor of the institution with a notice informing the proprietor of the decision.
- (6) Where the Secretary of State decides to suspend the institution’s registration, the Secretary of State must serve the proprietor of the institution with a notice informing the proprietor of the decision and – 10
 - (a) specifying the date on which the suspension starts,
 - (b) specifying the date on which the suspension ends, which must be no more than 12 weeks after the suspension starts, and 15
 - (c) explaining the right of appeal conferred by section 125.
- (7) Subsections (3) to (6) do not apply where the Secretary of State considers that, in order to protect one or more students at the institution, it is necessary to suspend an institution’s registration without first seeking representations. 20
- (8) In such a case, before suspending the registration of the institution, the Secretary of State must serve the proprietor with a notice – 25
 - (a) stating that the Secretary of State has decided to suspend the registration of the institution and explaining the effect of a suspension,
 - (b) identifying the standard or standards that are not being met, which the Secretary of State believes may result in one or more students being exposed to the risk of harm,
 - (c) setting out the grounds for the Secretary of State’s belief that a student will or may be exposed to the risk of harm, 30
 - (d) specifying the date on which the suspension starts,
 - (e) specifying the date on which the suspension ends, which must be no more than 12 weeks after the suspension starts, and
 - (f) explaining the right of appeal conferred by section 125.
- (9) The suspension of an institution’s registration does not affect the continuation of the registration (but see section 118C: offence of providing education at an institution when its registration is suspended). 35
- (10) Where an institution’s registration is suspended, the Secretary of State must include an indication to that effect on the register for the period of the suspension. 40

118B Period of suspension

- (1) A suspension under section 118A –
 - (a) takes effect on the date specified in the notice of suspension under section 118A(6) or (8), and
 - (b) ends on the date specified in that notice, subject to subsections (2) to (4). 5
- (2) The Secretary of State must lift a suspension of an institution’s registration if the condition mentioned in section 118A(1)(b) is no longer met.
- (3) The Secretary of State may lift a suspension of an institution’s registration if the Secretary of State considers it appropriate to do so. 10
- (4) The Secretary of State may extend a suspension of an institution’s registration if the conditions mentioned in paragraphs (a) and (b) of section 118A(1) are still met.
- (5) Before extending a suspension of an institution’s registration, the Secretary of State must serve the proprietor of the institution with a warning notice – 15
 - (a) stating that the Secretary of State is proposing to extend the suspension,
 - (b) specifying the date on which the Secretary of State proposes to end the extension, 20
 - (c) identifying the standard or standards that are not being met, which the Secretary of State believes may result in one or more students being exposed to the risk of harm (which need not be the same standards mentioned in the notice for the previous period of suspension), 25
 - (d) setting out the grounds for the Secretary of State’s belief that a student will or may be exposed to the risk of harm (which need not be the same grounds mentioned in the notice for the previous period of suspension), and 30
 - (e) specifying the period during which the proprietor may make representations about the proposed extension (the “specified period”).
- (6) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to extend the suspension. 35
- (7) Where the Secretary of State decides not to extend the suspension, the Secretary of State must serve the proprietor of the institution with a notice informing the proprietor of the decision.
- (8) Where the Secretary of State decides to extend the suspension, the Secretary of State must serve the proprietor with a notice informing the proprietor of the decision and – 40

- (a) specifying the date on which the extension ends, which must be no more than 12 weeks after the extension starts, and
 - (b) explaining the right of appeal conferred by section 125.
- (9) Subsections (5) to (8) do not apply where the Secretary of State considers that, in order to protect one or more students at the institution, it is necessary to extend the suspension of an institution’s registration without first seeking representations. 5
- (10) In such a case, before extending the suspension of an institution’s registration, the Secretary of State must serve the proprietor with a notice – 10
- (a) stating that the Secretary of State has decided to extend the suspension,
 - (b) identifying the standard or standards that are not being met, which the Secretary of State believes may result in one or more students being exposed to the risk of harm (which need not be the same standards mentioned in the notice for the previous period of suspension), 15
 - (c) setting out the grounds for the Secretary of State’s belief that a student will or may be exposed to the risk of harm (which need not be the same grounds mentioned in the notice for the previous period of suspension), 20
 - (d) specifying the date on which the extension ends, which must be no more than 12 weeks after the extension starts, and
 - (e) explaining the right of appeal conferred by section 125.
- (11) Where the Secretary of State extends the suspension of an institution’s registration, the suspension lasts until the date specified in the notice under subsection (8)(a) or (10)(d), unless it is lifted under subsection (2) or (3) or extended again under subsection (4). 25

118C Offence of conducting institution when its registration is suspended

- (1) The proprietor of an independent educational institution that provides education to one or more students while its registration is suspended is guilty of an offence. 30
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine (or to both). 35
- (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, for “51 weeks” in subsection (2), substitute “six months”.

118D Suspension of registration: requirement to stop providing boarding accommodation

- (1) Where the Secretary of State suspends the registration of a boarding institution, the Secretary of State may impose on the proprietor of the institution a requirement to stop providing boarding accommodation to its students (a “stop boarding requirement”). 5
- (2) A stop boarding requirement may relate to all of the boarders at the institution or boarders of a particular description.
- (3) Before imposing a stop boarding requirement on the proprietor of a boarding institution, the Secretary of State must give the proprietor notice in accordance with— 10
- (a) subsections (4) and (8),
 - (b) subsection (9), or
 - (c) in the case of a new stop boarding requirement imposed under section 118E, that section. 15
- (4) Where the Secretary of State serves a warning notice under section 118A(3) (notice of proposed suspension of registration) on the proprietor of a boarding institution, the notice must also—
- (a) state whether the Secretary of State is proposing to impose a stop boarding requirement, and 20
 - (b) if the Secretary of State is proposing to do so—
 - (i) explain the effect of a stop boarding requirement,
 - (ii) specify the boarders at the institution to whom the proposed requirement would relate,
 - (iii) specify the dates on which the Secretary of State proposes to start and end the requirement, and 25
 - (iv) explain that the proprietor may make representations about the proposed requirement during the period specified in the notice for representations about the proposed suspension (the “specified period”). 30
- (5) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to impose a stop boarding requirement.
- (6) Subsections (7) and (8) apply where the Secretary of State has served the proprietor of a boarding institution with a warning notice under section 118A(3) which states that the Secretary of State is proposing to impose a stop boarding requirement. 35
- (7) Where the Secretary of State decides not to impose a stop boarding requirement on the proprietor of the institution—
- (a) in a case where the Secretary of State also decides not to suspend the institution’s registration, the Secretary of State must serve the proprietor with a notice of the decision not to impose a stop boarding requirement at the same time as the Secretary of State serves the notice under section 118A(5); 40

- (b) in a case where the Secretary of State decides to suspend the institution’s registration, the notice under section 118A(6) (notice of decision to suspend registration following warning notice) must state that the Secretary of State has decided not to impose a stop boarding requirement. 5
- (8) Where the Secretary of State decides to impose a stop boarding requirement on the proprietor of the institution, the notice under section 118A(6) (notice of decision to suspend registration following warning notice) served on the proprietor must also inform the proprietor of that decision and – 10
- (a) specify the boarders at the institution to whom the requirement relates,
- (b) specify the date on which the requirement starts, which may be on the same date as the suspension starts or on a later date,
- (c) specify the date on which the requirement ends, which may be on the same date as the suspension ends or on an earlier date, and 15
- (d) explain the right of appeal conferred by section 125.
- (9) Where the Secretary of State decides to impose a stop boarding requirement on the proprietor of a boarding institution in a case where the Secretary of State has not served the proprietor with a warning notice under section 118A(3) (see section 118A(7)), the notice under section 118A(8) (notice of decision to suspend registration in urgent cases) served on the proprietor must also – 20
- (a) state that the Secretary of State has decided to impose a stop boarding requirement and explain the effect of a stop boarding requirement, 25
- (b) specify the boarders at the institution to whom the requirement relates,
- (c) specify the date on which the requirement starts, which may be on the same date as the suspension starts or on a later date, 30
- (d) specify the date on which the requirement ends, which may be on the same date as the suspension ends or on an earlier date, and
- (e) explain the right of appeal conferred by section 125. 35
- (10) Where a stop boarding requirement is imposed in relation to a boarding institution, the Secretary of State must include an indication to that effect on the register for the period of the requirement.
- (11) In this section and sections 118E and 118F – 40
- “boarding institution” means an independent educational institution that provides boarding accommodation for some or all of its students;
- references to an institution providing boarding accommodation to students include an institution arranging for accommodation to be provided to its students by another person; 45

“stop boarding requirement” has the meaning given in subsection (1).

118E Period of stop boarding requirement

- (1) A stop boarding requirement –
 - (a) takes effect –
 - (i) on the date specified in the notice of suspension under section 118A(6) or (8) (see section 118D(8) and (9)), or
 - (ii) in the case of a new stop boarding requirement imposed under this section, on the date specified in the notice of extension under section 118B(8) or (10) (see subsections (10) and (11)), and
 - (b) ends on the date specified in that notice, subject to subsections (2) to (4).
- (2) A stop boarding requirement imposed on the proprietor of a boarding institution ends if the suspension of the institution’s registration is lifted (see section 118B(2) and (3)).
- (3) The Secretary of State may end a stop boarding requirement early if the Secretary of State considers it appropriate to do so.
- (4) Where the Secretary of State extends the suspension of a boarding institution’s registration, the Secretary of State may –
 - (a) extend an existing stop boarding requirement, or
 - (b) impose a new stop boarding requirement (either where no such requirement was imposed previously, or to replace a previous requirement with one with different terms).
- (5) Before extending an existing stop boarding requirement or imposing a new one under this section, the Secretary of State must give the proprietor notice in accordance with –
 - (a) subsections (6) and (10), or
 - (b) subsection (11).
- (6) Where the Secretary of State serves a warning notice on the proprietor of a boarding institution under section 118B(5) (notice of proposed extension of suspension), the notice must also –
 - (a) state whether the Secretary of State is proposing to extend an existing stop boarding requirement or impose a new one,
 - (b) if the Secretary of State is proposing to impose a new stop boarding requirement –
 - (i) explain the effect of a stop boarding requirement,
 - (ii) specify the boarders at the institution to whom the proposed requirement would relate,
 - (iii) specify the dates on which the Secretary of State proposes to start and end the requirement, and

- (iv) explain that the proprietor may make representations about the proposed requirement during the period specified in the notice for representations about the proposed extension of the institution’s suspension (the “specified period”); 5
 - (c) if the Secretary of State is proposing to extend an existing stop boarding requirement –
 - (i) specify the date on which the Secretary of State proposes to end the extension, and
 - (ii) explain that the proprietor may make representations about the proposed extension of the stop boarding requirement during the period specified in the notice for representations about the proposed extension of the institution’s suspension (the “specified period”). 10
- (7) The Secretary of State must have regard to any representations made by the proprietor during the specified period in deciding whether to extend an existing stop boarding requirement or impose a new one. 15
- (8) Subsections (9) and (10) apply where the Secretary of State has served the proprietor of a boarding institution with a warning notice under section 118B(5) (notice of proposed extension of suspension) which states that the Secretary of State is proposing to impose or extend a stop boarding requirement. 20
- (9) Where the Secretary of State decides not to impose or extend a stop boarding requirement on the proprietor of the institution –
 - (a) in a case where the Secretary of State also decides not to extend the suspension of the institution’s registration, the Secretary of State must serve the proprietor with a notice of the decision not to impose a stop boarding requirement at the same time as the Secretary of State serves the notice under section 118B(7); 25
 - (b) in a case where the Secretary of State decides to extend the suspension of the institution’s registration, the notice under section 118B(8) (notice of decision to extend suspension following warning notice) must state that the Secretary of State has decided not to impose or extend a stop boarding requirement. 30 35
- (10) Where the Secretary of State decides to impose or extend a stop boarding requirement on the proprietor of a boarding institution, the notice under section 118B(8) (notice of decision to extend suspension following warning notice) served on the proprietor must also inform the proprietor of the decision and – 40
 - (a) in the case of a decision to impose a new stop boarding requirement –
 - (i) specify the boarders at the institution to whom the requirement relates,
 - (ii) specify the date on which the requirement starts, 45

- (iii) specify the date on which the requirement ends, which may be on the date that the suspension ends or an earlier date, and
 - (iv) explain the right of appeal conferred by section 125;
 - (b) in the case of a decision to extend a stop boarding requirement –
 - (i) specify the date on which the extension ends, which may be on the date that the suspension ends or an earlier date, and
 - (ii) explain the right of appeal conferred by section 125.
- (11) Where the Secretary of State decides to impose or extend a stop boarding requirement on the proprietor of a boarding institution in a case where the Secretary of State has not served the proprietor with a warning notice under section 118B(5) (see section 118B(9)), the notice under section 118B(10) (notice of decision to extend suspension in urgent cases) served on the proprietor must also inform the proprietor of the decision and –
- (a) in the case of a decision to impose a new stop boarding requirement –
 - (i) explain the effect of a stop boarding requirement,
 - (ii) specify the boarders at the institution to whom the requirement relates,
 - (iii) specify the date on which the requirement ends, which may be on the date that the suspension ends or an earlier date, and
 - (iv) explain the right of appeal conferred by section 125;
 - (b) in the case of a decision to extend a stop boarding requirement –
 - (i) specify the date on which the requirement ends, which may be on the date that the suspension ends or an earlier date), and
 - (ii) explain the right of appeal conferred by section 125.
- (12) Where the Secretary of State extends a stop boarding requirement under this section, the requirement lasts until the date specified in the notice under section 118B(8) or (10) (see subsections (10) and (11)), unless it ends earlier by virtue of subsection (2) or (3) or is extended again under subsection (4)(a).
- 118F Offence of providing boarding accommodation in breach of stop boarding requirement**
- (1) The proprietor of a boarding institution that provides boarding accommodation to a student in breach of a stop boarding requirement is guilty of an offence.

- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine (or to both).
- (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, for “51 weeks” in subsection (2), substitute “six months.” 5
- (3) In section 125 (appeal by proprietor against other decisions of Secretary of State) –
- (a) in subsection (1) –
- (i) omit the “or” at the end of paragraph (c), and 10
- (ii) at the end insert –
- “(e) section 118A(1) (suspension of registration),
(f) section 118B(4) (extension of suspension),
(g) section 118D(1) or 118E(4)(b) (imposition of stop
boarding requirement), or 15
(h) section 118E(4)(a) (extension of stop boarding
requirement).”;
- (b) at the end insert –
- “(8) On an appeal under subsection (1)(e) or (f), the Tribunal may –
- (a) confirm the suspension, or 20
(b) direct that the suspension is to cease to have effect.
- (9) On an appeal under subsection (1)(g) or (h), the Tribunal may –
- (a) confirm the requirement, or
(b) direct that the requirement is to cease to have effect.
- (10) Tribunal Procedure Rules may make provision for the 25
suspension by the Tribunal of a decision under any of the
following provisions, whether or not the decision has already
taken effect –
- (a) section 118A(1) (suspension of registration),
(b) section 118B(4) (extension of suspension), 30
(c) section 118D(1) or 118E(4)(b) (imposition of stop
boarding requirement), or
(d) section 118E(4)(a) (extension of stop boarding
requirement).”
- 47 Deregistration decisions on grounds of standards: appeals 35**
- (1) Section 124 of the Education and Skills Act 2008 (appeal by proprietor against decision of Secretary of State to deregister) is amended as follows.

- (2) After subsection (2) insert –
- “(2A) An appeal to which subsection (2B) applies is to be determined by the Tribunal on the basis of the principles applicable on an application for judicial review.
- (2B) This subsection applies to an appeal under subsection (1)(d) in a case where the Secretary of State’s decision to remove the institution from the register was taken after –
- (a) an inspection report (the “first report”) recorded a failure by the institution to meet any independent educational institution standard,
 - (b) after receiving the first report, the Secretary of State imposed a requirement under section 114 (action plans) identifying a failure to meet any such standard,
 - (c) a second inspection report (the “second report”) recorded a failure by the institution to meet any such standard,
 - (d) after receiving the second report, the Secretary of State imposed a further requirement under section 114 identifying a failure to meet any such standard,
 - (e) a third inspection report (“the third report”), made to the Secretary of State no later than six years after the date on which the first report was made, recorded a failure by the institution to meet any such standard, and
 - (f) after receiving the third report, the Secretary of State gave the proprietor of the institution an opportunity to make written representations as to why the institution should not be removed from the register.
- (2C) In subsection (2B) “inspection report” means a report of the Chief Inspector or an independent inspectorate under –
- (a) section 103 (inspection on application for approval of material change),
 - (b) section 108 (inspection of institutions at prescribed intervals), or
 - (c) section 109 (inspection on direction of Secretary of State).
- (2D) On an appeal under subsection (1)(a), (c) or (f), or an appeal to which subsection (2B) applies, the Tribunal may either –
- (a) confirm the decision, or
 - (b) direct that the decision is of no effect.”
- (3) In subsection (3) –
- (a) in the words before paragraph (a), for “an” substitute “any other”;
 - (b) in paragraph (c), omit the words from the beginning to “(e),”.

Material change

48 Material changes to registered details

Schedule 4 makes amendments to the provisions in Chapter 1 of Part 4 of the Education and Skills Act 2008 that relate to material changes to the registered details of independent educational institutions.

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Powers of Chief Inspector etc

49 Powers of entry and investigation etc

(1) Chapter 1 of Part 4 of the Education and Skills Act 2008 (independent educational institutions) is amended as follows.

(2) Omit section 97 (unregistered independent educational institutions: inspection).

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(3) After section 127 insert –

“Powers of entry and investigation etc

127A Powers of entry

(1) The Chief Inspector may enter any premises if there is reasonable cause to believe –

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(a) that a relevant offence is being or has been committed on the premises, or

(b) that evidence of the commission of a relevant offence may be found on the premises.

(2) But the Chief Inspector may only enter premises used as a dwelling if a justice of the peace has issued a warrant authorising the Chief Inspector to enter those premises.

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(3) A justice of the peace may issue a warrant under this section only if satisfied, on an application by the Chief Inspector, that the requirement in subsection (1) (reasonable cause for belief) is met, and that –

25

(a) the Chief Inspector has sought consent to enter and consent has been refused,

(b) consent to enter is unlikely to be given unless a warrant is produced,

(c) it is not practicable to communicate with any person entitled to grant entry, or

30

(d) seeking consent to enter may frustrate or seriously prejudice the purpose of entering.

(4) A warrant under this section may authorise the Chief Inspector to enter –

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(a) one or more sets of premises specified in the application, or

(b) any premises occupied or controlled by a person specified in the application.

- (5) Before exercising a power of entry under this section, the Chief Inspector must –
- (a) produce evidence of their identity, and
 - (b) outline the purpose for which the power is exercised, if asked to do so by a person on the premises. 5
- (6) When entering premises under a warrant, the Chief Inspector must –
- (a) provide a copy of the warrant to the occupier or to any other person appearing to be in charge of the premises, or
 - (b) if neither the occupier nor any such person is present, leave a copy of the warrant in a prominent place on the premises. 10
- (7) A power of entry under this section must be exercised at a reasonable hour unless the Chief Inspector considers that the purpose of entry may be frustrated by entry at a reasonable hour.
- (8) The following provisions of the Police and Criminal Evidence Act 1984 apply to a warrant under this section as though references there to a constable were to the Chief Inspector – 15
- (a) subsections (2) to (8) of section 15 (search warrants: safeguards);
 - (b) subsections (3), (9), and (10) to (12) of section 16 (execution of warrants).
- (9) In this section and section 127B, “relevant offence” means an offence under – 20
- (a) section 96 (conducting an unregistered independent educational institution),
 - (b) section 118 (failure to comply with relevant restriction imposed by Secretary of State), 25
 - (c) section 118C (providing education at institution when registration is suspended),
 - (d) section 118F (providing boarding accommodation in breach of stop boarding requirement),
 - (e) section 121 (failure to comply with relevant restriction imposed by justice of the peace), 30
 - (f) section 127 (failure to comply with relevant restriction imposed by Tribunal), or
 - (g) paragraph 4 of Schedule A1 (breach of education and childcare behaviour order). 35

127B Powers of investigation

- (1) On entering any premises under section 127A, the Chief Inspector may –
- (a) search the premises;
 - (b) take measurements of the premises or anything found on the premises; 40

- (c) take photographs and make audio and video recordings on the premises;
 - (d) require any person on the premises to produce any document (in whatever form it is held) that is in the person’s possession or control; 5
 - (e) require any person on the premises to produce any information which is stored in electronic form and is accessible from the premises in a form in which it can be taken away and in which it is visible and legible (or from which it can readily be produced in a visible and legible form); 10
 - (f) inspect or access any computer or other electronic device found on the premises which the Chief Inspector reasonably believes may be or contain evidence of the commission of a relevant offence;
 - (g) inspect and take copies of any document found on the premises (in whatever form it is held) which the Chief Inspector reasonably believes may be or contain evidence of the commission of a relevant offence; 15
 - (h) seize anything found on the premises which the Chief Inspector reasonably believes may be or contain evidence of the commission of a relevant offence; 20
 - (i) interview any person on the premises where there is reasonable cause to believe that the person can provide information relating to a relevant offence, and require the person to provide any such information; 25
 - (j) require any person on the premises to provide the Chief Inspector with whatever facilities and assistance within the person’s control are necessary to enable the Chief Inspector to exercise the powers conferred by this section.
- (2) Anything seized under subsection (1)(h) may be retained for so long as is necessary in all the circumstances. 30
- (3) Where the Chief Inspector exercises the power in subsection (1)(i) to interview a person –
- (a) if the person is aged under 18, they may not be interviewed alone without the consent of a parent; 35
 - (b) in any other case, they may be interviewed either alone or in the presence of one or more other persons;
 - (c) no answer which the person gives during the interview is admissible in evidence against the person, or the person’s spouse or civil partner, in any proceedings. 40
- (4) This section does not confer power to inspect, seize or take copies of anything of a kind specified in section 9(2) of the Police and Criminal Evidence Act 1984 (legally privileged material etc).
- (5) In this section “document” means anything in which information of any description is recorded. 45

127C Power of constable to assist in exercise of powers of entry

- (1) The Chief Inspector may apply to a justice of the peace for a warrant authorising a constable to assist the Chief Inspector, using reasonable force if necessary, in the exercise of a power conferred by section 127A or 127B on premises mentioned in subsection (2). 5
- (2) The premises are –
- (a) one or more sets of premises specified in the application, or
 - (b) any premises occupied or controlled by a person specified in the application.
- (3) The justice may issue a warrant only if satisfied that the requirement in section 127A(1) (reasonable cause for belief) is met, and that – 10
- (a) the Chief Inspector has attempted to exercise a power conferred by section 127A or 127B but has been prevented from doing so,
 - (b) the Chief Inspector reasonably expects to be prevented from exercising any such power if an attempt to do so is made, or 15
 - (c) the purpose of exercising any such power may be frustrated unless the Chief Inspector, on arriving at the premises, can exercise the power immediately.
- (4) A warrant under this section must be issued to and executed by a constable. 20
- (5) Section 15 of the Police and Criminal Evidence Act 1984 (search warrants: safeguards) applies in relation to a warrant under this section as though references in subsections (2) and (4) to a constable were to the Chief Inspector. 25

127D Offences: obstruction etc

- (1) A person commits an offence if they intentionally obstruct another person in the exercise of any power under section 127A or 127B.
- (2) A person commits an offence if they intentionally fail to produce any document required under section 127B(1)(d). 30
- (3) A person commits an offence if they intentionally fail to produce any information required under paragraph (e) of section 127B(1) in the form required under that paragraph.
- (4) A person commits an offence if they –
- (a) refuse to be interviewed under paragraph (i) of section 127B(1), or 35
 - (b) intentionally fail to provide any information required during the course of an interview under that paragraph.
- (5) A person commits an offence if they intentionally fail to comply with a requirement reasonably imposed under section 127B(1)(j) (power to require assistance). 40

- (6) In proceedings for an offence under any of subsections (2) to (5), it is a defence to show that the person had a reasonable excuse—
- (a) in the case of an offence under subsection (2), for failing to produce the document;
 - (b) in the case of an offence under subsection (3), for failing to produce the information in the form required; 5
 - (c) in the case of an offence under subsection (4)(a), for refusing to be interviewed;
 - (d) in the case of an offence under subsection (4)(b), for failing to provide the information; 10
 - (e) in the case of an offence under subsection (5), for failing to comply with the requirement.
- (7) A person is taken to have shown a fact mentioned in subsection (6) if—
- (a) sufficient evidence is adduced to raise an issue with respect to it, and 15
 - (b) the contrary is not proved beyond reasonable doubt.
- (8) A person who commits an offence under this section is liable on summary conviction to a fine.”
- (4) In section 134 (proceedings for offences)— 20
- (a) the existing text becomes subsection (1);
 - (b) after that subsection insert—
- “(2) Despite anything in section 127(1) of the Magistrates’ Courts Act 1980 (limitation of time), an information or a written charge relating to an offence under this Chapter may be tried by a magistrates’ court if it is laid or issued at any time within twelve months from the time when the offence was committed.” 25

50 Independent inspectorates: reports and information sharing

- (1) In section 107 of the Education and Skills Act 2008 Act (quality assurance of independent inspectorates), in subsection (1), for “at intervals of no more than a year” substitute “on request”. 30
- (2) After that section insert—
- “107A Information sharing between the Chief Inspector and independent inspectorates**
- (1) The Chief Inspector may disclose information to an independent inspectorate for the purpose of enabling or facilitating the inspection by the inspectorate of registered independent educational institutions. 35
 - (2) Nothing in subsection (1) authorises a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account). 40

- (3) In subsection (2), “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).”

PART 5

MISCELLANEOUS AND FINAL PROVISIONS

5

Teacher misconduct

51 Teacher misconduct

- (1) The Education Act 2002 is amended as follows.
- (2) In section 141A (teachers to whom misconduct regime applies), in subsection (1) –
- 10
- (a) in the words before paragraph (a), after “is” insert “or has (at any time) been”;
- (b) after paragraph (ba) insert –
- “(bb) an independent educational institution in England that is not a school,
- (bc) an institution in England within the further education sector,
- (bd) a special post-16 institution in England,
- (be) an independent training provider,
- (bf) an online education provider (see section 141AA),”.
- 15
- (3) In that section, in subsection (2), after the definition of “children’s home” insert –
- ““independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008;
- “independent training provider” has the same meaning as in sections 1 to 4 of the Skills and Post-16 Education Act 2022 (see section 4 of that Act);
- “special post-16 institution” has the same meaning as in Part 3 of the Children and Families Act 2014 (see section 83 of that Act);”.
- 20
- (4) After section 141A insert –
- 30
- “141AA Meaning of “online education provider”**
- (1) An online education provider is an institution that meets the following conditions.
- (2) The first condition is that it is –
- (a) a company registered under the Companies Act 2006 which has its registered office for the purposes of that Act in England,
- or
- 35

- (b) a charity registered in accordance with section 30 of the Charities Act 2011 which has its address in England for the purposes of registration by the Charity Commission.
- (3) The second condition is that it provides education to at least one student who lives in England and who – 5
- (a) is of compulsory school age,
- (b) is over compulsory school age but is under the age of 19, or
- (c) is aged 19 or over and has an EHC plan that specifies that the student should be in full-time education.
- (4) The third condition is that at least one of the students mentioned in subsection (3) receives all or the majority of their education from the institution. 10
- (5) The fourth condition is that it is set up to deliver all or the majority of the education that it provides online.
- (6) The Secretary of State may by regulations amend this section so as to add a new condition or remove or change a condition for the time being specified.” 15
- (5) In section 141B (investigation of disciplinary cases by the Secretary of State) –
- (a) in subsection (1) –
- (i) in the words before paragraph (a), for “an allegation is referred” substitute “it appears”; 20
- (ii) in paragraph (a), for “may be” substitute “may (at any time) have been”;
- (b) after subsection (3) insert –
- “(3A) For the purposes of subsection (1)(a) or (b) it is irrelevant whether the conduct occurred, or the offence was committed, at a time when the person was employed or engaged to carry out teaching work or at some other time.” 25
- (6) In section 141D (supply of information following dismissal, resignation etc), in subsection (4), in the definition of “relevant employer” – 30
- (a) in paragraph (c), for “or 16 to 19 Academy” substitute “, a 16 to 19 Academy, an independent educational institution, or a special post-16 institution”;
- (b) after paragraph (d) insert –
- “(da) a person who employs or engages a person to teach at an institution within the further education sector, an independent training provider or an online education provider;” 35
- (c) in paragraph (e), after “employs” insert “or engages”.
- (7) In that section, in subsection (4) – 40

- (a) after the definition of “children’s home” insert—
- ““independent educational institution” has the same meaning as in Chapter 1 of Part 4 of the Education and Skills Act 2008;
- “independent training provider” has the same meaning as in sections 1 to 4 of the Skills and Post-16 Education Act 2022 (see section 4 of that Act);”;
- (b) after the definition of “services” insert—
- ““special post-16 institution” has the same meaning as in Part 3 of the Children and Families Act 2014 (see section 83 of that Act);”.
- (8) In section 210 (orders and regulations), in subsection (3)— 10
- (a) in the words before paragraph (a), after “order” insert “or regulations”;
- (b) omit the “or” at the end of paragraph (e);
- (c) after paragraph (f) insert “or
- (g) section 141AA(6),”.

Final provisions

15

52 Transitional, saving and consequential provision

- (1) The Secretary of State may by regulations made by statutory instrument make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (2) The Secretary of State may by regulations made by statutory instrument make provision that is consequential on this Act. 20
- (3) The provision that may be made by regulations under subsection (2) includes provision amending, repealing or revoking provision made by or under—
- (a) an Act passed before this Act, or
- (b) an Act passed later in the same session of Parliament as this Act. 25
- (4) A statutory instrument containing regulations under subsection (2) that amend or repeal provision made by an Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Otherwise a statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament. 30
- (6) Regulations under this section may make different provision for different purposes.

53 Extent

35

This Act extends to England and Wales.

54 Commencement

- (1) Sections 52 and 53, this section, and section 55 come into force on the day on which this Act is passed.
- (2) The following sections come into force at the end of the period of two months beginning with the day on which this Act is passed – 5
 - (a) section 45 (independent educational institution standards);
 - (b) section 50 (independent inspectorates: reports and information sharing).
- (3) Sections 1 and 2 come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (4) The other provisions of this Act come into force – 10
 - (a) for the purposes of making regulations, on the day on which this Act is passed;
 - (b) for remaining purposes, on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (5) Regulations under this section may make different provision for different purposes. 15

55 Short title

- (1) This Act may be cited as the Schools Act 2022.
- (2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996. 20

SCHEDULES

SCHEDULE 1

Section 13

SECTIONS 11 AND 12: CONSEQUENTIAL AMENDMENTS TO THE ACADEMIES ACT 2010

- 1 The Academies Act 2010 is amended as follows.
- 2 (1) Section 4 (Academy orders) is amended as follows. 5
- (2) In subsection (1)(a), after "3" insert ", 3A or 3B".
- (3) In subsection (4)(c), for "that has a foundation" substitute ", all of the following that exist in relation to the school".
- (4) In subsection (5)–
- (a) in the words before paragraph (a), after "3" insert ", 3A or 3B"; 10
- (b) in paragraph (c), for "that has a foundation" substitute ", all of the following that exist in relation to the school".
- (5) Omit subsections (8) to (10).
- 3 In section 5 (consultation about conversion: schools not eligible for intervention), in subsection (1), for ", the school's governing body" substitute 15
"as a result of an application under section 3, 3A or 3B, the applicant".
- 4 In section 5A (consultation about identity of Academy sponsor in certain cases), omit subsections (3) to (5).
- 5 In section 5B (duty to facilitate conversion), for subsection (1) substitute–
- “(1) Where– 20
- (a) an application under section 3A or 3B has been made for an Academy order in respect of a school, or
- (b) an Academy order under section 4(A1) or (1)(b) has effect in respect of a school,
- the governing body of the school and the local authority must take 25
all reasonable steps to facilitate the conversion of the school into an Academy.”
- 6 In section 5C (power to give directions to do with conversion), for subsection (1) substitute–
- “(1) Where– 30
- (a) an application under section 3A or 3B has been made for an Academy order in respect of a school, or
- (b) an Academy order under section 4(A1) or (1)(b) has effect in respect of a school,
- the Secretary of State may direct the governing body of the school 35
or the local authority to take specified steps for the purpose of facilitating the conversion of the school into an Academy.”

- 7 In section 7 (transfer of school surpluses), in subsection (1)(b), after "3" insert ", 3A or 3B".
- 8 In section 17 (interpretation), after subsection (2) insert—
- “(2A) In this Act, "the appropriate religious body", in relation to a school, means—
- 5
- (a) in the case of a Church of England or a Roman Catholic school, the appropriate diocesan authority;
- (b) in any other case, such body or person representing the specified religion or religious denomination as is prescribed under section 88F(3)(e) of SSFA 1998.
- 10
- (2B) In the case of a school in relation to which there is more than one religion or religious denomination specified, references to "the appropriate religious body" are to be read as references to both or all of the bodies concerned.
- (2C) In subsections (2A) and (2B), "specified" means specified in the order under section 69(3) of SSFA 1998 relating to the school.
- 15
- (2D) Expressions used in subsection (2A) and SSFA 1998 have the same meaning as in that Act.”

SCHEDULE 2

Section 29

CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

20

Education Act 1996

- 1 (1) Section 494 of the Education Act 1996 (recoupment: excluded pupils) is amended as follows.
- (2) In subsection (1)—
- (a) after “maintained by” (in the first place it occurs) insert “, or from any Academy located in the area of,”;
- (b) after “provided with education by” insert “or in the area of”;
- (c) for “or otherwise than at school” substitute “, at an Academy located in that authority’s area, or by that authority otherwise than at school”.
- 25
- 30
- (3) In subsection (3)—
- (a) after “maintained by” (in the first place it occurs) insert “, or from any Academy located in the area of,”;
- (b) in paragraph (b)—
- (i) after “education by” insert “or in the area of”;
- (ii) for “or otherwise than at school” substitute “, at an Academy located in that authority’s area, or by that authority otherwise than at school”.
- 35

(4) After that subsection insert—

“(3A) For the purposes of this section references to an Academy do not include a 16 to 19 Academy.”

School Standards and Framework Act 1998

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 2 | The School Standards and Framework Act 1998 (funding of maintained schools) is amended as follows. | 5 |
| 3 | In section 45 (maintained schools to have budget shares)— | |
| | (a) omit subsection (1); | |
| | (b) omit subsection (2); | |
| | (c) after subsection (4) insert— | 10 |
| | “(5) For the purposes of this Part, the following are to be treated as education functions of a local authority in England— | |
| | (a) the duty imposed by section 7(1) of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge); | 15 |
| | (b) a duty imposed under section 2 of the Childcare Act 2016 (duties in connection with Secretary of State’s duty to secure 30 hours free childcare for working parents).”; | |
| | (d) for the heading substitute “Interpretation”. | 20 |
| 4 | After section 45 insert— | |
| | “45ZA Maintained schools in Wales to have budget shares | |
| | (1) For the purposes of the financing of schools maintained by local authorities in Wales, every such school shall have, for each funding period, a budget share which is allocated to it by the authority which maintains it. | 25 |
| | (2) Sections 45A to 47 have effect for determining the amount of a school’s budget share for a funding period.” | |
| 5 | (1) Section 45A (determination of specified budgets of local authority) is amended as follows. | 30 |
| | (2) In subsection (1), after “Part,” insert “in relation to Wales,”. | |
| | (3) In subsection (2), after “Part,” insert “in relation to Wales,”. | |
| | (4) In subsection (3), after “Part,” insert “in relation to Wales,”. | |
| | (5) Omit subsections (4B) and (4C). | |
| | (6) In the heading, after “local authority” insert “in Wales”. | 35 |
| 6 | Omit section 45AA (power to require local authorities in England to determine schools budget). | |
| 7 | (1) Section 47 (determination of school’s budget share) is amended as follows. | |

- (2) Before subsection (1) insert—
- “(A1) This section applies in relation to a school maintained by a local authority in Wales.”
- (3) In subsection (1) for “a maintained” substitute “the”.
- (4) In the heading, at the end insert “: Wales”. 5
- 8 Omit section 47ZA (free of charge early years provision outside a maintained school: budgetary framework: England).
- 9 (1) Section 47A (schools forums) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) The purpose of a schools forum established by a local authority in England is— 10
- (a) to advise the authority on such matters relating to the financing of maintained schools and Academies as may be prescribed by regulations under this subsection, and
- (b) to exercise any other function that may be imposed on the schools forum by or under this Chapter or under Part 2 of the Schools Act 2022.” 15
- (3) In subsection (3), after “forum” (in the first place it occurs) insert “established by a local authority in Wales”.
- (4) In subsection (3A), after “forum” insert “established by a local authority in Wales”. 20
- 10 (1) Section 48 (local authorities’ financial schemes) is amended as follows.
- (2) In subsection (2), for paragraphs (a) and (b) substitute—
- “(aa) in the case of a scheme maintained by a local authority in England— 25
- (i) the carrying forward from one funding period to another of surpluses and deficits arising in relation to schools’ adjusted core budgets;
- (ii) amounts which may be charged against schools’ adjusted core budgets; 30
- (ab) in the case of a scheme maintained by a local authority in Wales—
- (i) the carrying forward from one funding period to another of surpluses and deficits arising in relation to schools’ budget shares; 35
- (ii) amounts which may be charged against schools’ budget shares;”.
- (3) After subsection (5) insert—
- “(6) For the purposes of this Part, “adjusted core budget” for a maintained school, for a funding period, means the core budget, within the meaning of section 27 of the Schools Act 2022 (deductions 40

- for pooled education expenditure), for that school for that period, after any deduction under that section.”
- 11 (1) Section 49 (maintained schools to have delegated budgets) is amended as follows.
- (2) In subsection (4)– 5
- (a) in paragraph (a) after “spend” insert “adjusted core budget or, as the case may be,”;
- (b) in paragraph (b) after “out of” insert “adjusted core budget or, as the case may be,”;
- (c) in the words after paragraph (d), for “non-schools education budget or schools budget” substitute “relevant education funding”. 10
- (3) In subsection (7), for paragraph (a) (but not the “and” after it) substitute –
- “(a) references to a school having a delegated budget are references to the governing body of the school being entitled to manage– 15
- (i) in the case of a school maintained by a local authority in England, its adjusted core budget, and
- (ii) in the case of a school maintained by a local authority in Wales, its budget share;”.
- (4) After that subsection insert – 20
- “(8) In this section “relevant education funding” means –
- (a) in relation to a local authority in England, the amount appropriated by the authority for meeting all education expenditure for a given relevant period by the authority of a class or description prescribed for the purposes of this section; 25
- (b) in relation to a local authority in Wales, the authority’s non-schools education budget or schools budget.
- (9) For the purposes of paragraph (a) of the definition of “relevant education funding” in subsection (8), the amount referred to includes the amount of any grant which is appropriated, for meeting the expenditure mentioned in that paragraph, in accordance with a condition which – 30
- (a) is imposed under section 16 of the Education Act 2002 (terms on which assistance under section 14 of this Act is given) or any other enactment, and 35
- (b) requires that the grant be applied as part of the authority’s relevant education funding for the relevant period in question.”
- 12 (1) Section 50 (effect of financial delegation) is amended as follows. 40
- (2) In subsection (1)–

- (a) in paragraph (a), for “a sum equal to the school’s budget share for the period” substitute “–
- (i) in the case of a school in England, a sum equal to the school’s adjusted core budget for the period, and 5
 - (ii) in the case of a school in Wales, a sum equal to the school’s budget share for the period;”;
- (b) in paragraph (b), for “that portion of” to the end substitute “–
- (i) in the case of a school in England, that portion of the school’s adjusted core budget for the period which has not been spent, and 10
 - (ii) in the case of a school in Wales, that portion of the school’s budget share for the period which has not been spent.”
- 13 In section 71 (exceptions and special arrangements; provision for special schools), in subsection (6), for the words from “from the school’s budget share” to the end substitute “– 15
- (a) in the case of a school in England, from the school’s adjusted core budget or otherwise by the local authority, and
 - (b) in the case of a school in Wales, from the school’s budget share or otherwise by the local authority.” 20
- 14 In section 107 (restriction on publication of material etc relating to ballots), in subsection (5)(a), for “expenditure out of the school’s budget share” substitute “–
- (i) if the school is in England, expenditure out of the school’s adjusted core budget (within the meaning of section 48(6)); 25
 - (ii) if the school is in Wales, expenditure out of the school’s budget share;”.
- 15 In section 143 (index), at the appropriate place, insert– 30
-
- “adjusted core budget (in Part 2) section 48(6)”.
-
- 16 (1) Schedule 15 (suspension of financial delegation) is amended as follows.
- (2) In paragraph 1(7), for “the school’s budget share” substitute “–
- (a) in the case of a school in England, the school’s adjusted core budget, and 35
 - (b) in the case of a school in Wales, the school’s budget share.”
- (3) In paragraph 4(1), for paragraph (b) substitute–
- “(b) the authority may permit the governing body to take such decisions as to the spending of sums to be met from–

- (i) in the case of a school in England, its adjusted core budget, and
 - (ii) in the case of a school in Wales, its budget share, as the authority consider appropriate.”
- 17 In Schedule 19 (required provision for religious education: England), in paragraph 2(3)(b) for “budget share” substitute “adjusted core budget”. 5

Education Act 2002

- 18 The Education Act 2002 is amended as follows.
- 19 In section 37 (payments in respect of dismissal etc) –
- (a) in subsection (4), for the words from “from the school’s budget share” to the end substitute “–
 - (a) in the case of a school in England, from the school’s adjusted core budget for one or more funding periods, and
 - (b) in the case of a school in Wales, from the school’s budget share for one or more funding periods, 15

except in so far as the authority agree with the governing body in writing (whether before or after the retirement occurs) that they shall not be so met.”;
 - (b) in subsection (5), for the words from “from the school’s budget share” to the end substitute “– 20
 - (a) in the case of a school in England, from the school’s adjusted core budget for any funding period, and
 - (b) in the case of a school in Wales, from the school’s budget share for any funding period, 25

except in so far as the authority have good reason for deducting those costs, or any part of those costs, from that budget or share.”;
 - (c) in subsection (7A) for “budget share” substitute “adjusted core budget”; 30
 - (d) in subsection (7B) for “budget share” substitute “adjusted core budget”.
- 20 In section 39 (interpretation of Chapter 1) –
- (a) in subsection (1), at the appropriate place, insert – 35

““adjusted core budget”, for a maintained school, for a funding period, means the core budget, within the meaning of section 27 of the Schools Act 2022 (deductions for pooled education expenditure), for that school for that period, after any deduction under that section;”;
 - (b) in subsection (2)(a) for “the school’s budget share,” substitute “– 40
 - (i) in the case of a school in England, the school’s adjusted core budget, and

- (ii) in the case of a school in Wales, the school’s budget share,”.
- 21 In section 51A (exclusion of pupils: England) –
- (a) in subsection (6) for “budget share” substitute “adjusted core budget”; 5
 - (b) in subsection (7)(b) for “budget shares” substitute “adjusted core budgets”;
 - (c) in subsection (10), omit the entry for “budget share” and “funding period” and, at the appropriate places, insert –
 - ““adjusted core budget” for a maintained school, for a funding period, means the core budget, within the meaning of section 27 of the Schools Act 2022 (deductions for pooled education expenditure), for that school for that period, after any deduction under that section;” 10
 - ““funding period” has the same meaning as in Part 2 of the School Standards and Framework Act 1998;” 15
- 22 In section 135C (induction periods: supplementary) –
- (a) in subsection (2), in the words after paragraph (b), for “budget share” substitute “adjusted core budget”;
 - (b) in subsection (3) – 20
 - (i) before paragraph (a) insert –
 - “(za) “adjusted core budget” for a maintained school, for a funding period, means the core budget, within the meaning of section 27 of the Schools Act 2022 (deductions for pooled education expenditure), for that school for that period, after any deduction under that section;”;
 - (ii) in paragraph (a) for “references to a school’s budget share and” substitute “reference”; 30
 - (iii) in that paragraph for “have” substitute “has”;
 - (iv) in paragraph (b) for “budget share” substitute “adjusted core budget”.

SCHEDULE 3

Section 36

SCHOOL ATTENDANCE ORDERS: CONSEQUENTIAL AMENDMENTS

35

Children Act 1989

- 1 (1) The Children Act 1989 is amended as follows.
- (2) In section 36 (education supervision orders), in subsection (5)(a), after “section” insert “436J or”.

- (3) In section 91 (effect and duration of care orders etc), in subsection (5), after “section” insert “436J or”.
- (4) In Schedule 3 (supervision orders), in paragraph 13(2)(a)(i) and (b)(i), after “section” insert “436J or”.

Education Act 1996

5

- 2 (1) The Education Act 1996 is amended as follows.
- (2) In the italic heading before section 437, at the end insert “: Wales”.
- (3) In section 437 (school attendance orders) –
- (a) in subsection (1), after “local authority” insert “in Wales”;
 - (b) in subsection (3), omit “referred to in this Act as”; 10
 - (c) in subsection (4), (5) and (6) after “school attendance order” insert “under this section”;
 - (d) omit subsection (8);
 - (e) in the heading, at the end insert “: Wales”.
- (4) In section 438 (choice of school: child without EHC plan) – 15
- (a) in subsection (1) –
 - (i) omit “a child for whom the local authority maintain an EHC plan (in the case of a local authority in England) or”;
 - (ii) omit “(in the case of a local authority in Wales)”;
 - (b) in subsection (6)(c) (as substituted by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)) – 20
 - (i) omit sub-paragraph (i);
 - (ii) in sub-paragraph (ii), omit “(in the case of a local authority in Wales)”.
- (5) In section 440 (amendment of order) – 25
- (a) in subsection (1) –
 - (i) after “order” insert “under section 437”;
 - (ii) omit “a child for whom they maintain an EHC plan (in the case of a local authority in England) or”;
 - (iii) omit “in the case of a local authority in Wales”; 30
 - (b) in subsection (4)(b) (as substituted by the Additional Learning Needs and Education Tribunal (Wales) Act 2018) –
 - (i) omit sub-paragraph (i);
 - (ii) in sub-paragraph (ii), omit “(in the case of a local authority in Wales)”. 35
- (6) Omit section 441 (choice of school: child with EHC plan).
- (7) In section 442 (revocation of order on request of parent) –
- (a) in subsection (1), after “order” insert “under section 437”;
 - (b) omit subsection (5);
 - (c) in subsection (6), omit “, in the case of a local authority in Wales,”. 40
- (8) Omit the italic heading before section 443.

SCHEDULE 4

Section 48

INDEPENDENT EDUCATIONAL INSTITUTIONS: MATERIAL CHANGES TO REGISTERED DETAILS

Introductory

- 1 Chapter 1 of Part 4 of the Education and Skills Act 2008 (regulation and inspection of independent educational provision in England) is amended as follows. 5

Applications for approval of material change and for initial registration: power to prescribe types of special educational need

- 2 In section 98 (applications for registration), after subsection (3) insert—
 “(3A) Regulations may make provision about what constitutes a type of special educational need for the purposes of subsection (2)(g).” 10

Amendments to definition of material change

- 3 (1) Section 101 (definition of “material change”) is amended as follows.
 (2) For subsections (2) and (3) substitute—
 “(2) “A material change” means any of the following— 15
 (a) a change of proprietor;
 (b) a change of address;
 (c) a change to the age range of students;
 (d) a change to the maximum number of students;
 (e) a change to whether the institution is for male or female students or both; 20
 (f) a change to whether the institution provides accommodation for students;
 (g) a change to whether the institution is a special institution;
 (h) in the case of a special institution, a change to the type or types of special educational needs (as prescribed under section 98(3A)) for which it makes special educational provision.” 25

Applications for approval of material change: power to prescribe information etc

- 4 In section 102 (requirement to apply for approval for material change), at the end insert— 30
 “(3) Regulations may specify—
 (a) the information that must be contained in an application for approval under this section, and
 (b) the manner in which an application must be made.” 35

Amendments allowing for inspection by independent inspectorate on applications for approval of material change

- 5 (1) In section 103 (inspection and report where applications made for approval) after subsection (2) insert –
- “(2A) Where an application for approval of a material change is made under section 102, the Secretary of State may arrange for an independent inspectorate to –
- (a) inspect the institution, and
- (b) make a report to the Secretary of State on the matters that the Secretary of State must consider in determining the application (see section 104(1A) and (1B)).
- (2B) The Secretary of State may arrange for an independent inspectorate to inspect an institution under subsection (2A) only where the independent inspectorate has been approved under section 106 in relation to that institution.”
- (2) In section 104 (determination of applications for approval), in subsection (2)(a), after “Chief Inspector” insert “or an independent inspectorate”.

Amendments relating to approvals of applications for material change

- 6 (1) Section 104 (determination of applications for approval) is amended as set out in sub-paragraphs (2) to (5).
- (2) For subsection (1) substitute –
- “(1) This section applies where the proprietor of a registered independent educational institution makes an application under section 102 for approval of a material change.
- (1A) Where, at the time the Secretary of State decides the application, the Secretary of State considers that the independent educational institution standards are being met in relation to the institution, the Secretary of State must approve the change if satisfied that the standards are likely to continue to be met if the change is made.
- (1B) Where, at the time the Secretary of State decides the application, the Secretary of State considers that the independent educational institution standards are not being met in relation to the institution, the Secretary of State –
- (a) must approve the change if satisfied that the standards are likely to be met immediately if the change is made;
- (b) may approve the change if satisfied –
- (i) that the standards are likely to be met within a reasonable time of the change being made, and
- (ii) that, during the period before the standards are met, the change is likely to be beneficial overall to the education, welfare or safety of students who attend, or who might attend, the institution.”

-
- (3) In subsection (2) –
- (a) in the words before paragraph (a), for “subsection (1)” substitute “this section”;
 - (b) in paragraph (b), for “relating to the independent educational institution standards” substitute “that is relevant to the application.” 5
- (4) In subsection (3), for “subsection (1)” substitute “this section”.
- (5) In subsection (4), for “subsection (1) to refuse” substitute “this section not”.
- (6) In section 103 (inspection and report where applications made for approval) –
- (a) in subsection (2)(b), for the words from “the extent” to the end, substitute “the matters that the Secretary of State must consider in determining the application (see section 104(1A) and (1B)).”; 10
 - (b) omit subsection (3).
- (7) In section 105 (powers where institution makes unapproved material change), in subsection (1)(c)(ii) for “has been refused” substitute “the Secretary of State has decided not to approve it”. 15
- (8) In section 125 (appeal by proprietor against other decisions of Secretary of State), in subsection (1)(b), for “104(1) (refusal)” substitute “104 (decision not”.
- Amendments allowing for the imposition of relevant restrictions* 20
- 7 (1) Section 105 (power to deregister institution that makes unapproved material change) is amended as set out in sub-paragraphs (2) to (6).
- (2) In subsection (1) –
- (a) for the words before paragraph (a) substitute “This section applies where –”; 25
 - (b) in paragraph (a), for “the” substitute “an independent educational”.
- (3) After subsection (1) insert –
- “(1A) The Secretary of State may –
- (a) impose a relevant restriction on the proprietor of the institution (see section 117), or 30
 - (b) remove the institution from the register.”
- (4) In subsection (2), omit “to remove it from the register”.
- (5) In subsection (3)(a), after “124” insert “or 125”.
- (6) In the heading, for “Power to deregister” substitute “Powers in relation to”
- (7) In section 117 (“relevant restriction”), in subsection (2)(a), after “section” insert “105(1A)(a) or”. 35
- (8) In section 118 (relevant restrictions imposed by Secretary of State: supplementary) –
- (a) in subsection (1), before “116(1)(a)” insert “105(1A)(a) or”; 40
 - (b) in subsection (2), omit “not exceeding level 5 on the standard scale”.

- (9) In section 125 (appeal by proprietor against other decisions of Secretary of State), in subsection (1)(c), after “section” insert “105(1A)(a) or”.

Schools Bill [HL]

[AS AMENDED ON REPORT]

A

B I L L

TO

Make provision for the regulation of Academies; about school and local education funding; about the attendance of children at school; about the regulation of independent educational institutions; about teacher misconduct; and for connected purposes.

Baroness Barran

Ordered to be Printed, 18th July 2022.

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Prosperous Overview and Scrutiny Committee - Thursday 29 September 2022

High Needs Capital Allocation Funding 2022 - 24

Recommendation(s)

Approval is given for the utilisation of the funding within Staffordshire Educational settings to :

- a. Increase access to mainstream placements for children and young people with high needs (who might otherwise require more specialist provision) with the development of resource bases
- b. Increase the local availability of high needs places to help reduce the requirement for out of area placements/placements at independent special schools.
- c. Approve the Interim Director for Children and Families be given delegated authority to allocate the funding to the individual capital projects at educational settings.

Local Member Interest:

N/A

Report of Cabinet Member- Cllr Jonathan Price

Summary

What is the Overview and Scrutiny Committee being asked to do and why?

1. Staffordshire County Council (SCC) has been awarded a total of £13,287,793 High Needs Provision Capital Allocations (HNPCA) funding covering financial years 2022-23 and 2023-24. The funding is to support local authorities to deliver new places and improve existing provision, within education settings, for children and young people with special educational needs and disabilities (SEND),
2. Approval is being sought to allocate the High Needs Provision Capital Allocations (HNPCA) funding to develop and increase educational provision in Staffordshire for children with SEND.
3. The funding will be used to improve access for children with SEND to mainstream placements and specialist provision in the county. This will

increase the number of children with SEND able to access their local mainstream setting within their community and reduce the numbers of children and young people with SEND accessing independent placements and educational placements out of county.

4. This proposal and the HNPCA funding will support Staffordshire’s SEND strategy and the achievement of the Accelerated Progress Plan developed in response to the Local Area SEND revisit inspection in January 2022. As part of the work on the Accelerated Progress Plan and Dedicated Schools Grant deficit management plan a County wide Review of Specialist Provision is being undertaken, led by the Head of SEND. This Review will co-design and co-produce, with partners, a model of graduated specialist provision that ensures equality of access to education which meets the individual needs of our children and young people in their local community.
5. The HNPCA funding will be fundamental in ensuring the required specialist provision is in place across the county, supporting the achievement of the Local Area’s Accelerated Progress Plan and the Dedicated Schools Grant deficit management plan.

Report

Background

6. In October 2021, the government announced it will invest £2.6bn between 2022 and 2025 to support local authorities to deliver new places and improve existing provision for children and young people with SEND, particularly those with more complex needs, and for those pupils who require alternative provision.
7. As part of this funding commitment, in March 2022 it announced two further years of High Needs Provision Capital Allocations (HNPCA), covering financial years (FY) 2022-23 and 2023-24, amounting to over £1.4bn of new investment in High Needs provision. The total HNPCA funding for Staffordshire is as follows:

	Year	
	2022-3	2023-4
£	£6,188,561	£7,099,232

8. The aim of the funding is to meet the capital costs associated with providing new educational places and improving existing provision for:
 - a. Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other children and young people with SEND who do not have an EHCP;

- b. Pupils who require alternative provision (including children in AP settings without an EHCP).
- 9. The funding is intended to address the need for places in academic years 2023/24 and 2024/25 but it is not time bound.
- 10. This paper outlines the core strategy/principles only for how this funding will be prioritised and detailed programmes of works will be developed accordingly.

Link to Strategic Plan

- 11. Staffordshire County Council is proposing to use this capital investment to support the Vision and Priorities outlined in the Staffordshire Special Educational Needs and Disabilities (SEND) Strategy 2021-2026

The SEND Strategy Vision is:

“All children and young people with SEND are given the opportunity to achieve everything that they can. They engage with the right support at the right time from their parents/carers, the community and the professionals that work with them to make this happen.”

- 12. Key areas of focus within the strategy are:
 - a. children and young people are given the opportunity to be educated in their local mainstream education setting whenever it can meet their needs
 - b. wherever possible children will access education placements that are close to home to help develop friendships in their local community and promote independent travel.
- 13. Staffordshire County Council is therefore proposing to use the HNPCA funding on projects which will increase:
 - a. access to mainstream placements for children and young people with high needs (who might otherwise require more specialist provision) with the development of resource bases at mainstream settings
 - b. the local availability of high needs places to help reduce the requirement for out of area placements/placements at independent special schools.

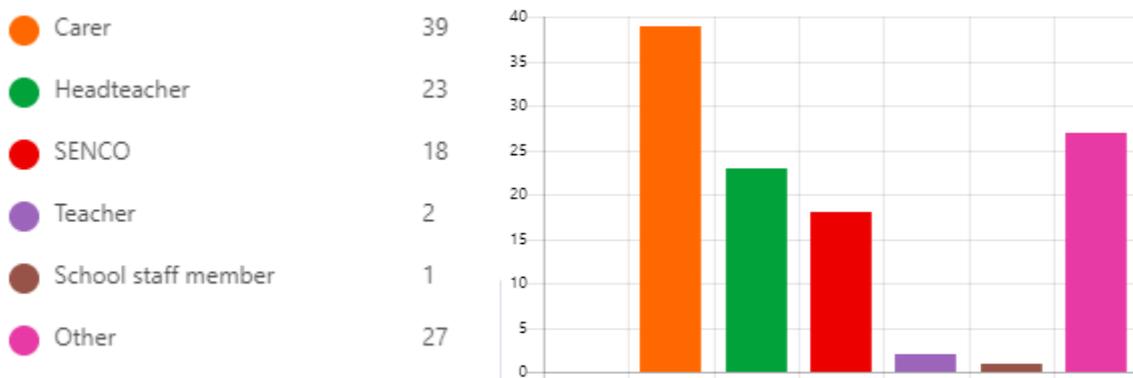
The Staffordshire Picture

- 14. Staffordshire currently maintains Education, Health, and Care Plans (EHCP) for 6,650 children and young people. The proportion of children with an EHCP continues to increase year-on-year which reflects the national and regional trend.

In Staffordshire schools, the proportion of children and young people with an EHCP have increased over the past five years from 3.3% in 2017/18 to 4.3% in 2021/22. A higher proportion of children in Staffordshire schools historically have had an EHCP than the regional and national average. In 2021/22, 4.3% of school aged children in Staffordshire had an EHCP compared to 3.8% in West Midlands and 4.0% nationally. More school aged children in Staffordshire attend specialist provision at 52%, compared to 38% nationally. 8.3% of children and young people with an EHCP in education attend an independent or non-maintained special school compared to 5.4% nationally.

Consultation

15. Consultation was undertaken during June and July 2022 to gain the views of children, parents/carers and wider stakeholders on the proposals for this funding and the approach which could be taken.
16. The consultation was circulated to Schools, School Governors, Parent/carer forum, SEND and Inclusion Partnership Board, SEND information Advice and Support Service (SENDIASS) who circulated to parent support groups, SCC Officers and it was accessible on the SEND Local Offer
17. 99 responses were received from the following groups with the majority of responses received from schools, followed by Parents/Carers as shown below:



Of the 99 responses

- 86 agreed with the proposal
- 13 did not agree.

Further detail of the consultation responses can be found in Appendix 4.

Link to Other Overview and Scrutiny Activity

18. High Needs Capital Funding for 2021-22 was considered and approved by Cabinet in September 2021

Community Impact

19. A community Impact assessment has completed and is included in Appendix 3.

List of Background Documents/Appendices:

S31 Grant Determination Letter for High Needs Provision Capital Allocations (HNPCA) (31/5995)

High_Needs_Provision_Capital_Allocations_- Guidance.pdf

Community Impact Assessment

Consultation Summary

Contact Details

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To: S151 officers
CC: PPP contacts

Date: 29th March 2022

Dear Colleague,

Re: S31 Grant Determination Letter for High Needs Provision Capital Allocations (HNPCA) (31/5995)

This Determination is made between:

- 1. The Secretary of State for Education and**
- 2. Local authorities listed in Annex A**

This letter relates to your local authority's capital allocation for financial year 2022-23 to support the creation of new High Needs places or the improvement of existing provision (for pupils with Special Educational Needs and Disabilities (SEND) or requiring Alternative Provision (AP)). These allocations are published on GOV.UK. Funding will be paid in one instalment in July 2022.

This letter sets out the conditions of grant attached to these capital allocations. Conditions will apply from the date of this letter. A grant determination letter covering HNPCA funding for 2023-24 will be issued in due course.

A separate guidance document is published on GOV.UK. This document should be read in conjunction with this Grant Determination letter. It sets out in more detail the intended

purpose of the grant; the types of capital works the funding is intended to be spent on; recommendations for planning and consultation; and suggested timelines.

In addition, we are asking local authorities to complete a short grant assurance data return by **1st October 2022**, providing high level details on any projects expected to be funded with support of HNCPA. The template for this return is available at the same web address as the guidance document. LAs should return their completed templates to: capital.allocations@education.gov.uk.

Local authorities are required to verify this funding has been spent on capital projects through the section 151 officer's return. We also ask that you provide data on spend through the discretionary Capital Spend Survey returns.

The funding is intended for places needed for academic year 2023/24; however local authorities have the flexibility to carry funding over into subsequent financial years and the funding is un-ringfenced in order that local authorities can make the best decisions for their local area.

If you have any queries, please contact DfE via this email address: capital.allocations@education.gov.uk.

Please ensure this letter is copied to your Chief Finance Officer for information.

Yours faithfully,

Paul Baker

A handwritten signature in black ink, appearing to read 'Paul Baker', with a long horizontal flourish extending to the right.

Deputy Director, Central Capital Unit

CAPITAL grant determination (non-ringfenced)

HIGH NEEDS PROVISION CAPITAL ALLOCATIONS (HNPCA) GRANT DETERMINATION (2022): No 31/5995

The Minister of State for Education (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the High Needs Provision Capital Allocations (HNPCA) grant (2021) No. 31/5995.

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

Determination

3) The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Minister of State determines that the grant will be paid subject to the conditions in Annex B.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Education



Tony Foot, Strategic Finance Director

29th March 2022

ANNEX A

High Needs Provision Capital Allocations (HNPCA) for 2022-23 can be found published at: <https://www.gov.uk/government/publications/high-needs-provision-capital-allocations>. If any adjustments are made to any local authority's allocation, this will be communicated to them directly.

ANNEX B

GENERAL CONDITIONS OF GRANT

1. Grant paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.
2. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to Capital Funding Team within Capital Group of the Department for Education a declaration, as part of the outturn statement to be received no later than the date communicated by the team, in the following terms:

"To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the High Needs Provision Capital Allocations (HNPCA) Grant Determination No. 31/5995 have been complied with".
3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may-
 - a. reduce, suspend or withhold grant; or
 - b. by notification in writing to the authority, require the repayment of the whole or any part of the grant.
4. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.

CONDITIONS RELATING TO EFFICIENCY OF SPEND

5. A local authority should seek to ensure funding paid out under this grant is spent efficiently. To which end, it should thoroughly evaluate all procurement options for projects – including the DfE construction frameworks and output specification – to demonstrate value for money. A local authority should encourage academy trusts and other responsible bodies to do the same, should they procure a construction project directly.
6. A local authority may be required to provide such information as reasonably requested by the Secretary of State, relating to expenditure on new places and the procurement options appraisal conducted.



Department
for Education

High Needs Provision Capital Allocations Guidance

March 2022

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Summary

The Education Act 1996 sets out a statutory duty on local authorities (LAs) to secure sufficient school places, which they must do with regard to securing special educational provision for children and young people with special educational needs and disabilities (SEND) as well as those requiring alternative provision (AP). The Children and Families Act 2014 also places important statutory responsibilities on LAs for supporting children and young people with SEND, including keeping the sufficiency of educational provision for them under review. The government is committed to supporting LAs to fulfil these duties and in October 2021 announced that it will invest £2.6bn between 2022 and 2025 to support LAs to deliver new places and improve existing provision for children and young people with SEND, particularly those with more complex needs, and for those pupils who require alternative provision. Collectively we refer to provision for these individuals as 'High Needs' provision.

This funding represents a transformational investment in new High Needs provision and we expect it to help deliver tens of thousands of new places, supporting learning in both mainstream and special provision. It will also be used to improve the suitability and accessibility of existing buildings and go towards new special and AP free schools to help drive up standards in special education.

As part of this funding commitment, in March 2022 we announced two further years of High Needs Provision Capital Allocations (HNPCA), covering financial years (FY) 2022-23 and 2023-24, amounting to over £1.4bn of new investment in High Needs provision. It is to this HNPCA grant funding that this guidance relates.

HNPCA funding is allocated to LAs proportionally, based on the estimated share of future growth in the children and young people in each LA who may require High Needs provision as a percentage of the national total. A small change has been made from the methodology used for the 2021-22 allocations, in that a proportion of the available funding (25%) is now distributed to LAs in accordance with their forecast High Needs population size. Further detail on the methodology used to calculate these allocations, and the rationale for this change, is available in our separate methodology note which can be accessed on [GOV.UK](https://www.gov.uk).

We are providing this funding primarily to assist LAs in delivering new places needed for September 2023 and September 2024 respectively. However, the funding is unringfenced (subject to certain conditions, as set out in the published Grant Determination document) and it is ultimately for LAs to determine how to best use the funding to meet local priorities. We have therefore produced this guidance to support local authorities as they consider how to best utilise their HNPCA funding. This guidance sets out:

- The intended purpose of this funding;
- Issues that LAs should consider to ensure that they achieve best outcomes;
- Details of the assurance arrangements attached to this funding.

Who is this publication for?

This guidance is for:

- Local authorities;
- Leaders, staff and governing bodies in all maintained schools, academies (including free schools), or other institutions who may benefit from this funding.

Expiry or review date

This guidance is specific to the High Needs Provision Capital Allocations (HNPCA) for financial years 2022-23 and 2023-24. We have yet to announce details of funding for any years beyond 2023-24 and this guidance should not be taken as an indication of any future funding, methodology, or approach to High Needs capital funding the DfE may take in future.

Intended purpose of this funding

High Needs Provision Capital Allocations (HNPCA) are being provided as an un-ringfenced grant under section 31 of the Local Government Act 2003, subject to conditions detailed in the associated Grant Determination Letter on [GOV.UK](https://www.gov.uk)¹.

Whilst it is ultimately up to LAs to determine how to best prioritise this funding to address local priorities, we want to work alongside LAs to reform the current system and achieve our shared endeavour to tackle cost inflation and secure a financially sustainable high needs system. Whilst the SEND Review proposals will help to achieve these changes longer term, we expect LAs to make use of the increased capital investment being made available to improve the suitability and sufficiency of high needs provision in their areas over the next three years. Funding beyond 2025 is contingent on the outcomes of future Spending Reviews and additional capital funding beyond this period cannot be guaranteed; it is therefore critical that prudent decisions are taken now to ensure the sustainability of the system for the longer-term.

We recognise that the creation of additional places in state settings, whether in mainstream or special provision, will be an important factor in helping the system reduce overall cost pressures, including those associated with out-of-area placements and recent increases in the use of more expensive independent provision. To that end, we are providing this funding with the aim that it should primarily be used to meet the capital costs associated with providing new places and improving existing provision, for:

- Children and young people with complex needs, who have Education, Health and Care plans (EHCPs), and where appropriate other children and young people with SEND who do not have an EHCP;

¹ <https://www.gov.uk/government/publications/high-needs-provision-capital-allocations>

- Pupils who require alternative provision (including children in AP settings without an EHCP).

Whilst the funding is predominantly intended for school aged children, LAs can spend it across the 0-25 age range, including in special post-16 institutions or other further education (FE) settings. The funding is intended to address the need for places in academic years 2023/24 and 2024/25, but it is not time-bound.

We recognise that ensuring the sufficiency of High Needs provision can also require LAs to adapt, re-model or improve existing provision to make it appropriate or suitable for a different or wider set of children and young people's needs. Accordingly, HNPCA in 2022-24 includes an element specifically intended to support LAs to invest in suitability and/or accessibility projects² where this may be appropriate. The balance between investment in new places versus remodelling or improvement of existing places will differ from LA to LA, dependent on local circumstances. Therefore, we are not setting out a central recommendation on how LAs should apportion their funding between these objectives. It will be for LAs to determine how to best prioritise their available funding to address their local priorities. As with all decisions concerning the local offer of services and provision available to support children and young people with SEN, it should be made through consultation with parents and young people; schools and colleges; and relevant health and social care partners.

Suggested types of work

We strongly encourage LAs to spend this funding in ways that better match the number of places needed and available for children and young people who require High Needs provision and/or adapt and improve facilities to expand their use or make available to a wider range of needs. In doing so, LAs should consider prioritising projects that will help them to manage pressures on their high needs budgets; and should ensure they are considering any resulting savings when developing their local [Dedicated Schools Grant \(DSG\) management plan](#)³.

In particular, LAs should consider prioritising projects that increase available placements for children and young people with EHCPs in mainstream settings (i.e. new SEN units or resourced provisions) or promote effective upstream support from specialist teams and settings within the mainstream environment, where this can be made suitable for children and young people with SEND.

Examples of the types of projects we would encourage LAs to consider therefore include, but are not limited to:

² Suitability/accessibility work does not refer to routine maintenance or refurbishment required primarily because of building condition. LAs and other responsible bodies should continue to use their allocated condition funding for these purposes, i.e. School Condition Allocations (SCA), Devolved Formula Capital (DFC) and for some academies the Condition Improvement Fund (CIF).

³ <https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-deficit-management-plan>

- projects that enable and/or increase access to mainstream placements for children and young people who might otherwise have required more specialist provision;
- projects that increase the local availability of High Needs places where this can help reduce out of area placements and associated transport or residential costs, and/or reduce reliance on poor quality, inappropriate or more expensive provision where local provision can be provided at less ongoing cost;
- projects that adapt, re-model or improve existing High Needs places to make them suitable for a wider range of needs.

This could be achieved through:

- Expansion of existing High Needs provision, including expanding existing provision to a different or additional site.
- Reconfiguring existing provision to make available space for additional places or specialist facilities.
- Creation of new High Needs provision, whether via specialist units or resourced provision in mainstream schools or via the creation of new settings.
- Re-purposing existing buildings or facilities so that they better meet the needs of children and young people with complex needs.
- Investment in accessibility to improve access to existing provision for a wider range of children and young people.
- Investing in provision located in another local authority where this supports good outcomes for children and young people for which the LA remains responsible.
- Any other capital transactions that result in new (additional) places or improvements to facilities.

Examples of appropriate projects might include, but are not limited to:

- Adding a special unit or resourced provision to a good or outstanding mainstream school.
- Expanding good or outstanding specialist provision so that children and young people can be educated closer to home and develop independence within their local community.
- Supporting or contributing to the cost of creating a whole new special school (via the 'free school presumption' process⁴).
- Setting up a new learning kitchen or workshop to teach children and young people the skills they need to be independent in adulthood and skills that can support them in employment.

⁴ See section 6A of the Education and Inspections Act 2006, and published guidance at <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>

The funding can be used to provide new places or improve existing provision in a range of provision types, where this benefits children and young people with High Needs aged between 0 and 25. This includes, but is not limited to:

- **Mainstream school or college including:**
 - Mainstream school or academy (including free schools, faith schools and grammar schools)
 - Further education college
 - Sixth form college
 - University Technical College (UTC)

- **Special unit or resourced provision including:**
 - Special unit / resourced provision at mainstream school or academy (including free schools, faith schools and grammar schools);
 - Special unit / resourced provision at sixth form college;
 - Special provision provided by a further education college.

- **Special school or academy including:**
 - Special school (whether maintained or academy, including special free schools);
 - Non-maintained special school (NMSS);
 - Special post-16 institution.

- **Alternative provision including:**
 - Pupil referral unit;
 - Alternative provision academy;
 - Hospital school.

- **Nursery or early years provider including:**
 - Nursery school (LA maintained);
 - Early years provision within a school or academy;

- **Other provision:**
 - Any other education provision for children and young people with SEND who are aged between 0 and 25 or who require alternative provision which is not otherwise covered here. LAs should provide further details when they return their grant assurance data return.

It is entirely legitimate for LAs to spend their capital funding on provision that lies outside the LAs' boundaries, if the LA believes that the capital investment will improve the quality and range of provision available for children and young people for which they are responsible. In areas where children and young people travel regularly across LA borders, we encourage LAs to work with neighbouring authorities to consider solutions that may benefit the broader region.

When expanding existing provision, LAs should ensure they have appropriate regard to our statutory guidance on [making significant changes to maintained schools](#), or if working with an Academy Trust to our equivalent guidance on [making significant changes to an open academy](#). We expect LAs to be creating new (additional) places at good or outstanding schools and colleges wherever possible, and to notify the department where this is not possible.

This grant funding is not intended for:

- Higher education including universities and other higher education provision.
- Any provision for those aged 25 and over.
- Individual mobility equipment such as wheelchairs. However, LAs might choose to spend this funding on capital installations such as ceiling hoists for lifting non-ambulant children into, for example, a hydrotherapy pool.
- Capital works to maintain and improve the condition of the school estate, which should continue to be covered by Devolved Formula Capital funding (DFC), the Condition Improvement Fund (CIF) or School Condition Allocations (SCA).

The funding is provided for capital purposes only and cannot be used for revenue expenditure of any kind, such as training or staff costs.

Strategic Planning and Procurement

As set out above, HNPCA allocations are not directly intended to address other capital needs, such as maintenance/condition work, mainstream provision (covered by Basic Need allocations) or new nursery/post-16 provision. However, in planning capital projects, we expect that LAs will think strategically and consider economies of scale or efficiencies that may be achieved, in particular through working across boundaries for commissioning of low incidence High Needs provision. For example, combining condition works and expansion schemes, including as part of decisions taken in concert with other responsible bodies around the use of the Condition Improvement Fund (CIF), School Condition Allocations (SCA), and the School Rebuilding Programme (where the department will be happy to discuss the potential for synergies with those LAs involved).

Local authorities should also consider how they can secure wider social, economic and environmental benefits when commissioning public services/projects. Before they start the procurement process, LAs should think about whether the works and services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders. In addition to local social value priorities, LAs should consider the themes and policy outcomes in the Social Value Model. Further guidance is available at [GOV.UK](#)⁵.

⁵ <https://www.gov.uk/government/publications/social-value-act-information-and-resources/social-value-act-information-and-resources>

Developer contributions are also an important way of helping to meet demand for new school places when housing developments are contributing to increasing pupil numbers. The Local Planning Authority (LPA) secures developer contributions through section 106 agreements or the Community Infrastructure Levy (CIL) and decides what local infrastructure these contributions should support. We would encourage LPAs to negotiate significant contributions for new school places (including specialist provision) and work closely with colleagues planning school places in their area, including county councils when the LA responsible for education is not the LPA. LPAs can approach the Department for Education for support on assessing local school infrastructure needs, calculating costs of school provision and negotiations with developers. Guidance for LAs on securing developer contributions for education is published at [GOV.UK](https://www.gov.uk)⁶.

There are also specific conditions of grant attached to HNPCA requiring LAs to ensure any funding paid out under this grant is spent efficiently. The department expects LAs to conduct a robust evaluation of procurement options for any education capital projects and, in doing so, to consider the use of both DfE's Construction Framework and its Modern Methods of Construction (MMC) Framework where these are likely to deliver overall savings and advantages (for more information on these see [GOV.UK](https://www.gov.uk)⁷ and [MMC1](https://www.gov.uk)⁸). LAs should encourage academy trusts and other responsible bodies to do the same, should they be procuring a construction project directly.

LAs should also consider how to invest both revenue and capital funding strategically to maximise the benefit of both in their local context. The Children and Families Act 2014 also requires LAs to keep their strategic plans for special educational provision under review, so LAs should therefore consider how to best invest their HNPCA to improve their local offer. All LAs should also consider completing a [DSG management plan template](https://www.gov.uk)⁹ to aid their strategic planning.

The DfE is committed to supporting the Government's targets on climate change, including achieving net zero carbon emissions by 2050 target, as set out in the Climate Change Act 2008. To help LAs achieve the sustainability and design standards required to achieve net zero, HNPCA funding for 2022-24 includes an uplift to support LAs with the additional costs associated with net zero construction.

We strongly encourage LAs, to refer to the DfE's updated [School Output Specification 2021](https://www.gov.uk)¹⁰ when developing their local capital plans. This is a set of documents and tools that form the requirements for the design and construction of school building projects that are procured through the department's construction frameworks, and Annex 2J sets out the quality standards and performance

⁶ <https://www.gov.uk/government/publications/delivering-schools-to-support-housing-growth>

⁷ <https://www.gov.uk/government/publications/school-buildings-construction-framework-2021>

⁸ <https://www.gov.uk/government/publications/offsite-construction-framework-modern-methods-of-construction>

⁹ <https://www.gov.uk/government/publications/dedicated-schools-grant-dsg-deficit-management-plan>

¹⁰ <https://www.gov.uk/government/publications/output-specification-generic-design-brief-and-technical-annexes>

requirements relating to sustainability for school buildings and grounds. Even if LAs are not delivering their project through the DfE's Construction or MMC framework, these documents help set out best practice for delivering schools to higher sustainability standards, including considerations relating to buildings that are net zero carbon in operation and with additional climate resilience measures. Regardless of LAs' chosen delivery route, when planning for the use of HNPCA funding allocations, LAs should ensure they are considering environmental sustainability, carbon reduction and energy efficiency, to develop solutions for projects that are in line with wider Government targets and objectives.

Local Consultation

In line with their statutory responsibilities to keep their local offer of services and provision under review, we expect LAs to consult in an appropriate and proportionate manner with local parents, carers, young people, and providers when developing their local capital strategy for HNPCA. Effective engagement with parents and carers is crucial in building and implementing a strategy that develops support for local changes. This will help LAs ensure that services will meet the needs of children and families. The SEND Review emphasises the need for LAs to work together with local health and care partners to jointly plan and commission the local offer as appropriate. LAs should also consider how they can collaborate with other LAs to form partnerships to work effectively across local borders and should consider any other emerging recommendations made in the SEND Review.

When providing detail of their capital spending plans through their Grant Assurance Data returns (detailed below), LAs should also set out the details of any relevant consultation or engagement with local stakeholders they have undertaken in developing their capital proposals.

Payment and Assurance Arrangements

Funding for FY 2022-23 will be paid to LAs in one instalment in July 2022. You can expect funding for FY 2023-24 to be paid in July 2023. LAs will be required to verify this funding has been spent on capital projects through the section 151 officer's return for the relevant year.

As with 2021-22 HNPCA funding, we are also asking LAs to complete and return a short grant assurance data return at an appropriate interval, to provide details on the projects they intend to fund using HNPCA. LAs should therefore complete the published template on [GOV.UK](https://www.gov.uk), setting out their intentions for the funding. As we are announcing two years of funding simultaneously, LAs should endeavour to include in their returns any projects receiving funding from both 2022-23 and 2023-24 HNPCA funding. In addition, if projects benefitting from 2021-22 HNPCA funding have yet to be completed by the time of the data return, LAs should also include these projects.

LAs should return their completed templates to the department by **1st October 2022** by emailing it to: capital.allocations@education.gov.uk.

We will ask LAs to subsequently revisit and update their grant assurance data return over Summer 2023, to ensure it reflects any updated delivery plans, before providing an updated version of their return to the same Capital Allocations mailbox, no later than **1st October 2023**. LAs are not required to publish these returns on their websites, but we would strongly encourage LAs to consider doing so to aid local transparency.

We recognise that not all HNPCA funding may be committed by the 1st October 2022, and therefore the template includes space for funding that is not currently committed to a project. We would however encourage all LAs to complete the data return template to the best of their ability as this provides valuable data to the department as to the needs and the priorities of the sector in respect of High Needs capital funding, which will help inform future policy development. If certain information might be considered locally or commercially sensitive (i.e. detailed costings for projects still in procurement or naming specific institutions where this might pre-empt local consultation), LAs should consider whether they can instead provide indicative figures or generic information (e.g. a plan to create a new SEN unit in an unidentified local secondary, pending the conclusion of local consultation etc.). If LAs have any queries or concerns about the information requested, they can contact us at capital.allocations@education.gov.uk for further information or guidance.

In due course, we will also ask LAs to provide details on their final expenditure of 2022-23 and 2023-24 HNPCA through the Capital Spend Survey (CSS).

The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return the declaration specified in the grant determination letter to the Capital Funding Team within the Capital Group of the Department for Education, by the date requested (dates will be confirmed in due course).

Timeline

July 2022	LA will receive payment of their FY 2022-23 HNPCA grant
By 1st October 2022	LAs should complete the assurance data return template and return this to the following address: capital.allocations@education.gov.uk
July 2023	LAs can expect to receive payment of their FY 2023-24 HNPCA grant.
By 1st October 2023	LAs should update and return their assurance data return template and return this to the following address: capital.allocations@education.gov.uk .

If you have any queries relating to this guidance, or any other aspect of High Needs Provision Capital Allocations, please contact:

capital.allocations@education.gov.uk



Department
for Education

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Community Impact Assessment

High Needs Capital Allocation Funding 2022-24

Author: Debbie Nash

Date Monday, 26 September 2022

➤ Equality Assessment

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘due regard’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘relevant protected characteristic’ and people who don’t.

In this section you should consider whether your proposal will impact upon any of the following protected characteristics. Your assessment should also consider where different protected characteristics (e.g. age and gender, or gender and ethnicity) could interact with each other, and any impact this may have for potential inequalities. This will help ensure changes/new practices highlight all opportunities to be inclusive by design (i.e., considering benefits and/or risks and any necessary mitigation).

Protected Characteristics	Benefits	Risks	Mitigations / Recommendations
Page 206 Age - older and younger people 5-25yrs	Increase in the number of school places in Staffordshire schools and improve existing provision for children and young people with SEND and for those pupils who require alternative provision	n/a	Additional school places and appropriate provision provided across Staffordshire schools to meet the needs of children with SEND/children receiving alternative provision.
Disability - people who are living with different conditions and disabilities, such as: mental illnesses, long term conditions, Autism, and other neurodiverse conditions, learning disabilities, sensory impairment, and physical disabilities.	Increase in the number of school places in Staffordshire schools and improve existing provision for children and young people with SEND	<ul style="list-style-type: none"> - Legislation limitations on developments - Budget restraints and impact of increasing costs - Completion of work 	<ul style="list-style-type: none"> - All new facilities designed in accordance with current Building regulations and other relevant legislation. - Developments planned in line with available budget - Project planning completed

Protected Characteristics	Benefits	Risks	Mitigations / Recommendations
<p>Page 207</p>		<p>to timescales</p> <ul style="list-style-type: none"> - Developments provided in areas of need 	<p>with timescales</p> <ul style="list-style-type: none"> - Countywide Review of Specialist Provision to identify areas of need for development - Thorough Risk Assessments undertaken - Timing of projects to ensure most work can take place in school holidays
<p>Gender reassignment - those people in the process of transitioning from one sex to another</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p>Marriage & Civil Partnership - people who are married or in a civil partnership should not be treated differently at work</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p>Pregnancy & Maternity - women who are pregnant or who have recently had a baby, including breast feeding mothers</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>
<p>Race - people defined by their race, colour, and nationality (including citizenship) ethnic or national origins</p>	<p>Increase in the number of school places in Staffordshire schools and improve existing provision for children and young people with SEND and for those</p>	<p>n/a</p>	<p>Additional school places and appropriate provision provided across Staffordshire schools to meet the needs of children with SEND/children receiving alternative provision.</p>

Protected Characteristics	Benefits	Risks	Mitigations / Recommendations
	pupils who require alternative provision		
<p>Religion or Belief - people with any religious or philosophical belief, including a lack of belief. A belief should affect a person's life choices or the way they live for it to be considered</p>	<p>Increase in the number of school places in Staffordshire schools and improve existing provision for children and young people with SEND and for those pupils who require alternative provision</p>	<p>n/a</p>	<p>Additional school places and appropriate provision provided across Staffordshire schools to meet the needs of children with SEND/children receiving alternative provision.</p>
<p>Sex - men or women</p>	<p>Increase in the number of school places in Staffordshire schools and improve existing provision for children and young people with SEND and for those pupils who require alternative provision</p>	<p>n/a</p>	<p>Additional school places and appropriate provision provided across Staffordshire schools to meet the needs of children with SEND/children receiving alternative provision.</p>
<p>Sexual orientation - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p>	<p>Increase in the number of school places in Staffordshire schools and improve existing</p>	<p>n/a</p>	<p>Additional school places and appropriate provision provided across Staffordshire schools to meet the needs of children with SEND/children receiving alternative</p>

Protected Characteristics	Benefits	Risks	Mitigations / Recommendations
	provision for children and young people with SEND and for those pupils who require alternative provision		provision.

➤ Health and Care Assessment

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A key priority within our Strategic Plan is to ‘Encourage good health and well-being, resilience and independence’. This section should therefore be used to identify the impact of the proposal on delivery of this priority.

Key considerations:

- Determine how the proposal will impact on resident’s health and wellbeing (mental and physical), and whether the proposal will impact on the demands for, or access to health and care services for those eligible for care and support under the Care Act 2014.
- Also consider whether your proposal promotes healthy lifestyles, personal responsibility, and independence (including independent living) with support from family, friends and/or the community.
- Please contact the [Public Health Team](#) for further advice and guidance if the proposal potentially has a more significant impact on public health, or if you require further input into how to make that judgement.

Key considerations	Benefits	Risks	Mitigations / Recommendations
Healthy Lifestyles	Children able to access educational provision closer to home and able to walk/cycle to school. This will increase the	n/a	

Key considerations	Benefits	Risks	Mitigations / Recommendations
	<p>opportunities to develop networks with peers in and out of school and promote their independence which will support their mental wellbeing and sense of belonging.</p>		n/a
<p>Independence</p> <p>Page 210</p>	<p>Children able to access educational provision closer to home and able to walk/cycle encouraging healthy lifestyles</p> <p>Children able to access educational provision which has specifically adapted to meet their SEND and personal needs enabling them to increase their skills and independence as they transition into adulthood.</p>	n/a	<p>n/a</p> <p>n/a</p>

➤ Communities Assessment

Use this section to identify the impact of the proposal on communities.

Key considerations:

- Determine whether your proposal will provide opportunities to strengthen community capacity to create safer and stronger communities and provide opportunities for volunteering.
- Consider the different localities and communities your proposal may impact, identifying any communities that could be more adversely impacted than others, for example, rural communities.
- Engage with [Strategic Delivery Managers](#) (SDMs) – they have a great deal of knowledge about their relevant localities and will be key to providing insight and expertise.

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Key consideration	Benefits	Risks	Mitigations / Recommendations
Local Community	Children and young people can access educational provision closer to home within their local area, providing more opportunity to develop local friendships and maintaining ties with their local community.	n/a	n/a
Community Consultation	The proposals on the principles of the funding	n/a	The local community will be able to

Key consideration	Benefits	Risks	Mitigations / Recommendations
	<p>were open to public consultation during June & July 2022 and the information was circulated to parents, carers and stakeholders.</p> <p>This will ensure that the public were fully informed of the intentions and will be informed of local developments and updates on the Local Offer.</p>		<p>see the proposals and make comments.</p>

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Economic Assessment

A key priority within our Strategic Plan is to '**Support Staffordshire's economy to grow, generating more and better paid jobs**'. This section should therefore be used to identify the impact of the proposal on delivery of this priority.

Key considerations:

- Determine whether the proposal will impact economic growth and whether it will promote Staffordshire as a 'go to' location for new businesses to invest and start up and existing businesses to grow.
- Consider whether the proposal will impact upon resident's income and access to good quality jobs.
- Also consider how the proposal will allow residents to improve, diversify and adapt their skills and qualifications.

Key consideration	Benefits	Risks	Mitigations / Recommendations
Preparation for adulthood	Children will receive an	n/a	

Key consideration	Benefits	Risks	Mitigations / Recommendations
	education to meet their needs enabling them to gain the skills they need to prepare them for the future		n/a
Investment in the development of schools providing economic growth	Investment in the development of Staffordshire schools	n/a	n/a
Access to jobs/ Good quality jobs	Every child deserves a good education. By increasing places at local schools more children would have the opportunity to access the right foundation of learning and skills to enable them to access good jobs in the future	n/a	n/a
Additional employment	Additional staff may be required where school		Individual schools staffing budgets

Key consideration	Benefits	Risks	Mitigations / Recommendations
	places have increased, providing more jobs in those schools.	n/a	will cover these costs.

➤ Climate Change Assessment

A key priority within our Strategic Plan is to ‘Tackle climate change, enhance our environment, and make Staffordshire more sustainable’. This section should therefore be used to identify the impact of the proposal on delivery of this priority.

Key considerations:

Our mission is to ‘Make Staffordshire Sustainable’, and we have made a commitment to achieve net zero emissions by 2050 across every aspect of our service provision and estate. Our [Climate Change StaffSpace page](#) sets out our plans to achieve this which will help you to consider the impact of your proposal on Climate Change and how it helps us to achieve our vision of “net zero”.

- If the project has some negative aspects with this strategic goal in mind, then you should demonstrate how this is to be mitigated.
- It would also be useful if there could be a carbon impact (tonnes of CO₂e), attributed to the completion of the entire project.
- Any carbon saving that can be attributed to the proposal, should also be explained and quantified.
- It is essential that you complete the [Climate Change Learning Hub module](#) before completing this assessment.
- If there are no climate change implications arising as a result of the project, you can provide background to show this has been considered.
- Please contact the Sustainability and Climate Change Team at sustainability@staffordshire.gov.uk for further advice and guidance.

Key considerations	Benefits	Risks	Mitigations / Recommendations
Modular buildings will be heated by provision of self-contained heating system. The areas provided will also benefit from good levels of natural daylight, natural ventilation and be fitted with LED (low energy) lighting.	DfE BB103 compliant classroom spaces are proposed . Buildings will be insulated to reduce heat loss as far as possible. Alongside insulation, modern control systems for energy management will also be installed	n/a	With high insulation values and low energy use infrastructure installed, new spaces will have a minimal effect on the school's energy consumption and will not compromise adaption of the school's energy use infrastructure in the future to meet a zero-carbon agenda. To make a small extension zero carbon is uneconomic and the benefits would be negligible when compared to holistic whole school future improvement planning subject to funding availability.

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➤ Environment Assessment

Use this section to identify the impact of the proposal on the physical environment. How does the proposal support the utilisation and maintenance of Staffordshire's built and natural environments, thereby improving health and wellbeing and strengthening community assets?

Key considerations:

- You should consider whether your proposal will affect: the built environment; the rural environment including agriculture; air, water and land quality; waste and recycling; and ability to travel/access to transport, particularly sustainable methods.

Key considerations	Benefits	Risks	Mitigations / Recommendations
Site requirements for additional teaching spaces	All projects required to accommodate additional pupils will comply with DfE Building Bulletin 103 and S77 School Standards and Framework Act 1998 and Academies Act 2010.	n/a	
School Transport	More provision will be available for school places in Staffordshire	In some special school developments there may be an increase of pupils in the wider catchment area travelling by bus to the school site	This will be resolved ahead of planning application and included within the proposed scheme if deemed a strict requirement by highways.

Section 3: Submitting your CIA

Prior to submitting your Community Impact Assessment (CIA), please ensure that the below actions have been completed, to reassure yourself / SLT / Cabinet that the CIA process has been undertaken appropriately.

- The project supports the Council's [Strategic Plan](#) and [Medium Term Financial Strategy](#)
- The aims, objectives and outcomes of the project have been clearly identified and it is clear what the decision is or what decision is being requested
- For decisions going to Cabinet, the CIA findings are reflected in the Cabinet Report and potential impacts are clearly identified and mitigated for (where possible)
- The appropriate evidence has been used to inform the CIA and decision – engagement / consultation, data, research, local knowledge
- The appropriate people have been involved to provide knowledge and expertise to inform the CIA / decision
- The CIA evidence how the Council has considered its statutory duties under the Equality Act 2010 and how it has considered the impacts of any change on people with protected characteristics

Next Steps:

- When you are satisfied you have completed the above actions, the CIA needs to be approved as appropriate – depending on the size of your project, this could be your manager, project lead or SLT
- If your CIA is going to Cabinet, it should be submitted as part of the Cabinet papers
- You should also submit your CIA to amanda.dawson-blower@staffordshire.gov.uk

High Needs Provision Capital Allocation Funding 2022 - 24

Consultation Feedback

1. Summary of Report

Staffordshire County Council has been allocated £13,287,793 High Needs Provision Capital Allocations (HNPCA) funding for the period of 2022-24.

SCC have consulted on proposals to use the funding to:

- Increase access to mainstream placements for children and young people with high needs (who might otherwise require more specialist provision) with the development of resource bases
- Increase the local availability of high needs places to help reduce the requirement for out of area placements/placements at independent special schools.

99 responses were received to the consultation with 86% of respondents supporting the proposals.

Recommendation

To support the proposals to use the High Needs Provision Capital Allocations (HNPCA) funding to:

- Increase access to mainstream placements for children and young people with high needs (who might otherwise require more specialist provision) with the development of resource bases
- Increase the local availability of high needs places to help reduce the requirement for out of area placements/placements at independent special schools.

2. Background

Staffordshire County Council has been allocated £13,287,793 High Needs Provision Capital Allocations (HNPCA) funding from the government for 2022-24. The aim of the funding is to deliver new places and improve existing provision in education settings for children and young people with SEND, particularly those with more complex needs, and with an Education, Health and Care plan (EHCP), although the funding can also be used to support SEND pupils without an EHCP

and pupils that require Alternative Provision (including children in Alternative Provision settings without an EHCP).

3. Proposals for the funding

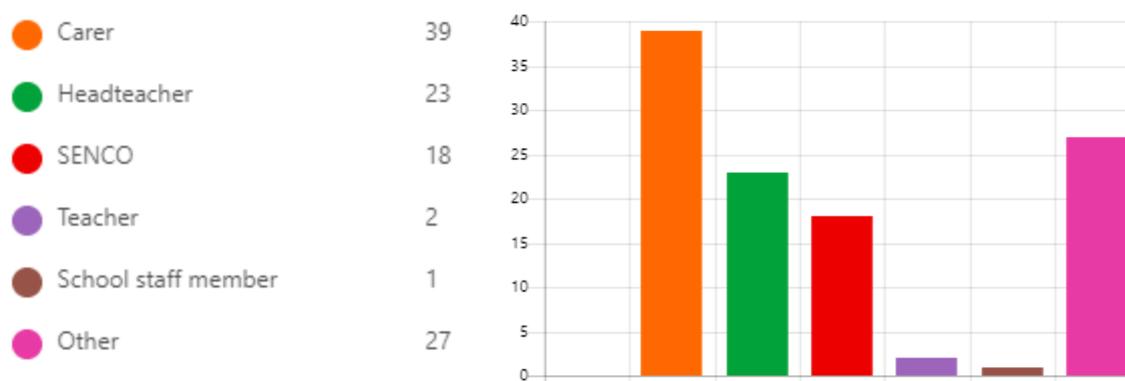
A consultation was completed on proposals to use the HNPCA to support school age pupils with SEND, either with an EHCP or SEN Support to:

- Increase access to mainstream placements for children and young people with high needs (who might otherwise require more specialist provision) with the development of resource bases
- Increase the local availability of high needs places to help reduce the requirement for out of area placements/placements at independent special schools.

4. Consultation

The consultation took place between 1st June to 31st July 2022.

99 responses were received, with the majority being from school staff although a high proportion (39%) were received from parents or carers.



86 responses (86%) were in support of the proposals as outlined above. Further analysis of the responses are outlined in Appendix 1.

The main feedback from those who agreed with the proposals (86%) stated:

- ii Having more provision and specialist resources in mainstream schools enabled more children to be included.
- iii More support and advice was needed for parents if their child attended mainstream schools

The main feedback from those who disagreed with the proposals (13%) stated

- ii More needed to be invested into specialist teaching staff and not buildings
- iii More funding should be invested in providing more places at special schools and not mainstream

Appendix 1

Further analysis of the narrative comments submitted by respondents is outlined below. Comments may have been included in more than one theme.

The main themes from the 86 (86%) of respondents who did agree with the proposals are outlined below.

Agree with proposals overall	28
Agree with more provision and specialist resources in mainstream schools to allow more children to be included.	22
More support and advise for parents in mainstream schools	6
Suggest the proposal should include increasing staff knowledge, training and skills in mainstream schools	5
Agree resource bases in mainstream school are effective ways of meeting the needs of Pupils with SEND	4
Suggest more support is needed for children in nursery/early years	4
Responses related to the timescales for EHCP approvals	4
Responses related to the difficulties in obtaining support to evidence needs in relation to the EHCP process	4
Focus required for school leavers where mainstream further education is not suitable or need provision closer to home.	3
Primary schools with strong SEND practice could support effective provision with resource bases	1

The main themes from the 13 (13%) of respondents who did not agree with the proposals are outlined below:

More needs to be invested into specialist teaching staff and not buildings	4
Believe funding should be invested in providing more places at special schools and not mainstream	4
Want to understand more about what the proposals mean	3
Want to understand more about what type of AP provision will be provided.	1

Believe funding should be invested in independent schools which support specific SEND needs. ie SEMH	1
Consider more support is required in the home for those children unable to access school	1
Believe processes for AP should be more streamlined and shorter	1
Consider more should be invested into separate spaces within schools	1
Specialist facility needed specifically for children with Speech language and communication difficulty in the county	1
More investment in respite, out of school provision	1

Prosperous Overview and Scrutiny Committee – 29 September 2022

Petition – Management of HGV's on Cemetery Road, Silverdale, Newcastle-under-Lyme

Recommendation(s)

I recommend that the Committee:

- a. Thank the petition organiser (Mr. S, Burgess) for raising Staffordshire residents' concerns regarding Heavy Goods Vehicles (HGVs) on Cemetery Road, Silverdale, Newcastle-under-Lyme.
- b. Hear evidence from the various witnesses/interested parties involved having regard to the County Council's Constitution and Guidance for Consideration of Petitions by Scrutiny issued by the Director of Corporate Services.
- c. Consider what action (if any) is necessary to take their concerns forward having regard to the 2022/23 Work Programme priorities and general scrutiny best practice.

Local Member Interest:

County Councillor Simon Tagg – Newcastle Westlands and Thistlebury

Report of Director of Corporate Services

Summary

What is the Overview and Scrutiny Committee being asked to do and why? / Background

1. The Committee are asked to consider a petition relating to the management of Heavy Goods Vehicles on Cemetery Road, Silverdale, Newcastle-under-Lyme, hear evidence of witnesses in line with the requirements of the County Council's Constitution and Guidance for Consideration of Petitions by Scrutiny and consider what further action is required to help resolve their concerns (where possible).

Report

Background

2. At their meeting on 21 July 2022 the County Council received a petition from County Councillor Simon Tagg (the 'Local' Member) comprising 2,765 signatures entitled, "Management of HGV on Cemetery Road, Silverdale", in which residents requested the Authority to:-

- "1. Make Cemetery Road around Walley's Quarry a no parking area, indicated by double red lines painted on the road between Keele Road and Silverdale Road;
2. Make the Silverdale Cemetery Layby across from Walley's Quarry closed to lorry parking, with this made clear through signage;
3. Make clear what Agency is responsible for addressing daily complaints about this hazard and who is responsible for enforcing road traffic and safety measures".

The petition was acknowledged by email on 18 August 2022 and a copy of its front page, which includes a more detailed explanation of their concerns, is attached at Appendix 1 to the report.

3. According to the County Council's Constitution, where a petition contains at least 2,500 signatures (but less than 5,000 signatures), the appropriate senior officer will give evidence at a public meeting of the relevant Overview and Scrutiny Committee, with a view to them asking questions and making a report on their findings, including any necessary recommendations for action. An extract of the Constitution is attached at Appendix 2 to the report.

4. In addition, the Director of Corporate Services has issued guidance for the consideration of petitions by Scrutiny (attached at Appendix 3 to the report) which advises that Petition organisers should also be given the opportunity to highlight their concerns, verbally, at the same meeting. Mr. Burgess has been contacted by officers and has agreed to give evidence to the Committee at their meeting on 29 September 2022.

5. Therefore, the Committee are asked to hear the evidence of witnesses in line with the requirements of the Constitution and Guidance for Consideration of Petitions by Scrutiny and consider what further action is necessary to help resolve their concerns (where possible). Options which the Committee might wish to consider include:- (i) specific recommendations to County Council, Cabinet and/or individual Cabinet Member(s); (ii) specific recommendations to the relevant senior officer for matters which are delegated; (iii) undertake more in-depth scrutiny by holding an Inquiry Day or convening a Working Group to review the issues raised or; (iv) take no further action having first satisfied themselves that either:- (i) steps are already being taken to resolve residents' concerns or;

(ii) the items already included in the Work Programme should take a higher priority.

6. Whilst Petitions on a wide range of subjects are regularly received by the County Council, not all meet the threshold for consideration by Scrutiny. The previous (relevant) petitions which met the required criteria were reported to Prosperous Staffordshire Select Committee at their meeting on 1 March 2019 and regarded the withdrawal of School Crossing Patrols by the Authority. However, prior to their consideration, the County Council announced they would no longer be withdrawing this service and therefore, the Committee decided at that time that no further action was required.

7. An updated Work Programme is included for consideration at Item No. xx on Agenda. In addition, a request has recently been received from the Cabinet Member for Highways and Transport for the Committee to undertake a scrutiny review of the County Council's Civil Parking Enforcement (CPE) arrangements under the Traffic Management Act 2004 (further details to be supplied). Whilst the Director for Economy Infrastructure and Skills has confirmed that these two issues (ie CPE and HGVs on Cemetery Road) are not related, the Committee might wish to factor-in this request when deciding how scrutiny of residents' concerns regarding HGVs are best taken forward.

Link to Strategic Plan

8. The remits of the Council's Overview and Scrutiny Committees link to the strategic priorities set out in the County Council's Strategic Plan 2022-26.

9. The relevant Strategic Priority Outcomes in respect of the Petition are, "...that the people of Staffordshire will:-

- have access to more good jobs and share the benefit of economic growth *[and;]*
- live in thriving and sustainable communities".

10. The Committee's Work Programme should link to community and/or strategic priorities if they are to deliver noticeable outcomes for both residents and the organisation.

Link to Other Overview and Scrutiny Activity

11. None.

List of Background Documents/Appendices:

Appendix 1 – HGV’s on Cemetery Road, Silverdale Petition Front Sheet;
Appendix 2 - Extract of the County Council’s Constitution regarding consideration of Petitions by Scrutiny;
Appendix 3 – Guidance for Consideration of Petitions by Scrutiny issued by the Director of Corporate Services on 1 September 2022.

Contact Details

Director:	John Tradewell, Director of Corporate Services
Report Author:	Jonathan Lindop
Job Title:	Scrutiny Support Officer
Telephone No.:	Telephone No. 01785 276147
E-Mail Address:	jonathanlindop@staffordshire.gov.uk

Petition To Staffordshire County Council: Management of HGVs on Cemetery Road, Silverdale

Requested Action:

- 1) make Cemetery Road around Walleys Quarry a no parking area, indicated by double red lines painted on the road between Keele Road and Silverdale Road**
- 2) make the Silverdale Cemetery layby across from Walleys Quarry closed to lorry parking, with this made clear through signage**
- 3) make clear what agency is responsible for addressing daily complaints about this hazard and who is responsible for enforcing road traffic and safety measures.**

HGVs parked on Cemetery Road in Silverdale, Newcastle-under-Lyme, create dangerous obstructions and make the road unsafe to travel on. Cemetery Road is a main road in the area and is busy, particularly in the mornings and evenings. Queues of lorries, sometimes up to a dozen or more, on Cemetery Road between Keele Road and Silverdale Road (approximately 0.3 miles) turn that stretch into a one lane road and reduce or eliminate visibility around curves and at junctions, and it makes the road dangerous for all road users (cars, cyclists, pedestrians, motorbikes, work vehicles, lorries, etc). This is a daily occurrence, starting around 6:30am and lasting through the entire morning. The lorries are queuing to enter Walleys Quarry Landfill site.

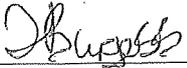
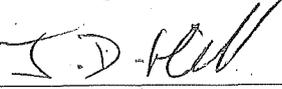
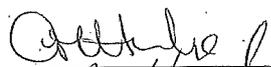
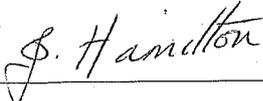
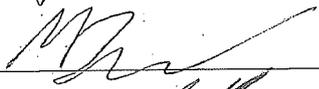
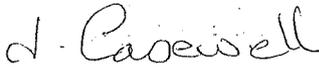
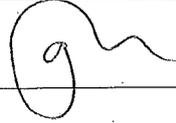
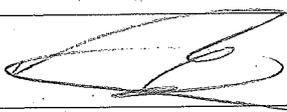
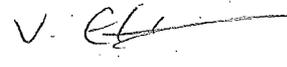
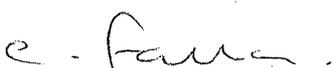
Lorries are meant to wait at designated areas but they do not. Walleys Quarry has proposed that the gates of the landfill open earlier as a way to address the problem. The community does not feel that this is an appropriate solution – the capacity for stationary lorries in Walleys Quarry is small (8) and could not accommodate all lorries that park on Silverdale Road at most given times. Further, as the worst of the queues tend to form mid-morning, opening the gates earlier would not solve anything. We have tried reporting this to the police, to the county council, to the highways agency, to the borough council, to our local MP, to the landfill owner, and even through complaints pertaining to non-compliance with planning permission. Every agency tells us that the responsibility lies somewhere else. In the meantime we wait to hear news about a tragic accident caused by lorries on Cemetery Road.

In light of the hazards of this situation, the community is asking that Staffordshire County Council to act with urgency

Petition Organiser: Simon Burgess (StopTheStinkFFOC)

Staffordshire County Council petitions require signatories to provide their address with their signature.

2022
222
240
+

Printed Name	Signature
JULIA BURGESS	
JACOB BURGESS	
JONATHAN HILL	
SCOTT BITHEN	
Charlotte byrne	
CLARE HURGE	
Alan Hamilton	
Posie Hamilton	
Matthew Dmard	
W LOVELL	
M LOVELL	
J. CASEWELL	
Gil Miller	
	
Josh Cooper	
V. ELLIOTT	
CAROLE FALLON	
KARIN PROSSER	
STUART ALLAN	
PETER BAILLIE	

Section 4 - Citizens and the County Council

1. Citizens' rights

- 1.1 Citizens have a number of rights under this Constitution. These rights set out the ways in which Citizens can participate in the County Council's decision-making arrangements.
- 1.2 A Summary of Citizens rights is given below and they are covered in more detail in the relevant parts of Section 11 (Procedural Standing Orders) and Section 12 (Access to Information Procedure Rules).

2. Voting and referenda

- 2.1 Residents on the electoral roll for the County area have the right to vote in any election or referendum organised by the County Council. They may also sign a petition to request a referendum for an elected mayor form of Constitution. If the number of signatures on the petition reaches the prescribed number (currently 5% of the Electoral Roll), the County Council will hold a referendum.
- 2.2 Staffordshire residents also have a right to submit or sign petitions to the County Council including electronic petitions which can be submitted via [About petitions - Staffordshire County Council](#). Petitions submitted to the County Council will be dealt with under the petition scheme appended to this section.
- 2.3 Further details on how petitions are dealt with can also be found in Section 11 (Procedural Standing Orders).

3. Information

- 3.1 Full details of Citizens' rights of access to information are given in Section 12 (Access to Information Procedure Rules).
- 3.2 In Summary, Citizens have the right to:
 - attend meetings of the County Council, its Committees and Panels, and Cabinet except where it is likely that confidential or exempt information will be disclosed during the meeting. Where this is the case, the meeting will be held in private and any reports containing confidential or exempt information will not be published;
 - find out what key decisions will be taken by the Cabinet, and when, from the Council's Forward Plan of Key Decisions, which can be



found on the County Council's website: [Browse plans – Cabinet - Staffordshire County Council](#);

- see reports and background papers, and any records of decisions made by the Council and the Cabinet;
- inspect the Council's accounts and make their views known to the external auditor; and
- record, report or film formal meetings (including by the use of electronic methods such as Twitter, Blogs and Facebook).

4. Complaints

4.1 Citizens have the right to complain to the Council under its complaints scheme which can be found on the Council's website at [Comments, compliments and complaints - Staffordshire County Council](#).

4.2 If Citizens are not satisfied by the response from the Council after using the Council's own complaints scheme they can then complain to the Local Government and Social Care Ombudsman, details of how to complain to the Ombudsman are given as part of Council's complaints scheme.

4.3 Citizens can also complain about the conduct of elected members of the County Council to the County Council's Monitoring Officer who will investigate and determine if a breach of the elected members' Code of Conduct has occurred. Further details about the Members' Code of Conduct can be found in Section 3 (Members of the County Council).

5. Overview and Scrutiny

5.1 Citizens have the right to participate in the Council's Overview and Scrutiny arrangements by suggesting topics for the Overview and Scrutiny Committees to review. More details can be found at [Get involved - Staffordshire County Council](#).

5.2 Citizens also have the right to attend meetings of the Council's Overview and Scrutiny Committees and members of the public may be invited to participate in scrutiny activity at appropriate points.

6. Citizens' responsibilities

6.1 Citizens must not be violent, abusive or threatening to elected members or officers and must not wilfully harm things owned by the County Council, elected members or officers.



7. Petitions

7.1 Staffordshire County Council wants to hear from people who live, work and study in the area about the things that matter to them. We welcome petitions which are one way for people to let us know their concerns. We will acknowledge all petitions sent or presented to the council within 10 working days of receipt. This acknowledgement will set out what we plan to do in response to the petition. We will treat something as a petition if it says it is a petition, or if it seems to us that it is meant to be one.

7.2 You can send paper petitions to:

Mike Bradbury
Democracy Manager
Staffordshire County Council
Staffordshire Place 2
Stafford
ST16 2DH

7.3 Or create, sign and submit a petition online by following this link [About petitions - Staffordshire County Council](#).

7.4 Or contact Mike Bradbury, Democracy Manager on 01785 276133 to make arrangements to hand a petition in.

7.5 Petitions can also be presented to a meeting of the Full Council by elected members of the Council. These meetings take place at least six times a year, dates and times can be found here: [Committee details - County Council - Staffordshire County Council](#). If you would like your councillor to present it on your behalf, please contact Mike Bradbury, Democracy Manager, on 01785 276133 at least 10 working days before the meeting and an officer will talk you through the process.

What are the guidelines for submitting a petition?

7.6 Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition - it should state what action the petitioners wish the council to take (or stop taking)
- the name and address and signature of any person supporting the petition.



- 7.7 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain what we will do in response to the petition. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- 7.8 Please tell us if the petition has been sent to anyone else as well as the County Council.
- 7.9 Petitions which we consider to be vexatious, abusive or otherwise inappropriate are not acceptable.

What will the council do when it receives my petition?

- 7.10 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will explain what we plan to do in response to the petition and if and when they can expect to hear from us again. The acknowledgement will also be published on our website. The contact details of the petition organiser will not be published.
- 7.11 If we can do what your petition asks for, the acknowledgement may confirm our response that we will do this and the petition will be closed.
- 7.12 If the subject raised by the petition needs more investigation, we will tell you the steps we plan to take to do this, how you may be involved and when you can expect a final response.
- 7.13 If the petition has enough signatures to trigger a council debate (5,000 signatures), or a senior officer giving evidence (2,500 signatures), then the acknowledgment will confirm this and tell you when and where the meeting will take place and how you may be involved.
- 7.14 If the petition applies to a planning application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply. Further information on all these procedures and how you can express your views is available on the council's website.
- 7.15 In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply.



7.16 If a petition does not follow the guidelines, the council may decide not to do anything further with it. In this case, we will write to you to explain the reasons.

7.17 So that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, together with the acknowledgement and notification of the response, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

How will the council respond to petitions?

7.18 Our response to a petition will depend on what a petition asks for and how many people have signed it, but the steps we take in response may include one or more of the following:

- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by one of the council's Overview and Scrutiny Committee*
- calling a referendum

leading to writing to the petition organiser:

- setting out our views about the request in the petition
- explaining that we will take the action requested in the petition
- explaining why we will not take the action requested in the petition
- explaining what action we will take, if any, in response to the subject raised by the petition
- giving advice about how the subject raised by the petition might be pursued.

**Overview and scrutiny committees are committees of elected members who are responsible for scrutinising the work of the council and some partners – in other words, the overview and scrutiny committee has the power to hold the council's decision makers and some partners to account. You can find out more about our decision making and scrutiny arrangements by following this link: [Scrutiny overview - Staffordshire County Council](#)*



- 7.19 The council will consider all the specific actions it could take on the subject raised by a petition. If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason, then we will explain this to you. You can find more information on the services for which the council is responsible on our website.
- 7.20 If your petition is about something that a different council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council but could involve other steps. In any event, we will always notify you of the action we have taken.

Full council debates

- 7.21 If a petition contains more than 5,000 signatures it will be debated by the full council (unless it is a petition asking for a senior council officer to give evidence at a public meeting). This means that the subject raised in the petition will be discussed at a meeting which all elected members can attend. The council will usually consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. We will let you know about the specific arrangements for the debate and how you may be involved. The council may decide the response to the petition at this meeting or suggest what other steps should be taken. Where the council executive has to make the final decision on the response to the petition, the council may make recommendations to inform this decision.
- 7.22 The petition organiser will be notified of the council's resolutions. This notification will also be published on our website.

Officer evidence

- 7.23 Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.



- 7.24 If your petition contains at least 2,500 signatures, the relevant senior officer will give evidence at a public meeting of the relevant overview and scrutiny committee. A list of the senior staff that can be called to give evidence can be found at Appendix 1. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but we will let you know the specific arrangements for the meeting and how you may be involved. The overview and scrutiny committee will make a report on its findings which may include recommendations for action.
- 7.25 The petition organiser will be sent a copy of the overview and scrutiny committee’s report. The report will also be published on our website.

E-petitions

- 7.26 The council welcomes e-petitions which are created and submitted through our website: [About petitions - Staffordshire County Council](#). E-petitions must follow the same guidelines as paper petitions.
- 7.27 The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
- 7.28 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the [‘rejected petitions’ section of the website](#).
- 7.29 When an e-petition has closed for signature, it will automatically be submitted in the same way as a paper petition, you will receive an acknowledgement within 10 working days.
- 7.30 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information.



The acknowledgment and response will also be published on this website. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How do I 'sign' an e-petition?

- 7.31 You can see all the e-petitions currently available for signature on the council's website.
- 7.32 When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information, you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition.
- 7.33 People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

- 7.34 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request a review of the steps that the council has taken in response to your petition. This will be undertaken by the Council's Corporate Overview and Scrutiny Committee, unless it has previously been involved in considering the petition in which case it will nominate another of the council's Overview and Scrutiny Committees to undertake the review. It is helpful to everyone if the petition organiser gives a short explanation of the reasons why the steps the council has taken are not considered to be adequate.
- 7.35 The committee will usually consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine that we have not dealt with your petition adequately, it may use any of its powers to deal with the matter.
- 7.36 These powers include making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.



7.37 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

Appendix 1 - List of the senior staff that can be called to give evidence

Chief Executive

Deputy Chief Executive and Director for Corporate Services

Director for Children and Families

Director for Economy, Infrastructure and Skills

Director of Health and Care



Guidance for Consideration of Petitions by Staffordshire County Council Overview and Scrutiny Committees

Action	Timings
<ul style="list-style-type: none"> • Petition title to be read out by the Chairman. 	<i>1 minute</i>
<ul style="list-style-type: none"> • Petition Organiser to be invited to speak to the petition and issues raised therein. 	<i>5 minutes (see below)</i>
<ul style="list-style-type: none"> • Chairman to ask the Petition Organiser for confirmation that they have had sufficient opportunity to present the petition. 	
<ul style="list-style-type: none"> • Chairman to invite the 'Local' Member to speak. 	<i>5 minutes (see below)</i>
<ul style="list-style-type: none"> • Members to ask questions/seek clarification of the issues raised with Petition Organiser, as necessary. 	<i>As required</i>
<ul style="list-style-type: none"> • Chairman to invite the relevant Chief Officer (and Cabinet Member, where required) to respond to the issues raised. 	<i>5 minutes (see below)</i>
<ul style="list-style-type: none"> • Overview and Scrutiny Committee to deliberate the issues raised and decide the most appropriate course of action eg:- <ul style="list-style-type: none"> (i) No further action required; (ii) convene a working group or other mechanism to investigate the issues raised in more detail; (iii) Refer the matter directly to Cabinet with recommendations for consideration; (iv) For delegated matters, request the relevant Chief Officer to take any necessary action, as appropriate. 	<i>As required</i>
<ul style="list-style-type: none"> • Formerly report the findings of the Committee and any necessary 	

recommendations for action to next available meeting as required by the Constitution.

NB: Each speaker will have a maximum time limit of 5 minutes. The Chairman may at their absolute discretion, and in exceptional circumstances, extend this time limit.

The representative of Member and Democratic services will adopt the role of timekeeper, notifying the speaker after 4 ½ minutes of the time elapsed.

At the end of the 5 minutes, the speaker will be instructed by the Chairman to cease and no further oral representations by that speaker will be allowed.

The Chairman may direct questions from the Overview and Scrutiny Committee members to individual speakers during this process

JT/JRL/010922

WORK PROGRAMME

Prosperous Overview and Scrutiny Committee – 2022/2023

This document sets out the work programme for Prosperous Overview and Scrutiny Committee for 2022/2023.

Prosperous Overview and Scrutiny Committee are responsible for scrutiny of highways infrastructure and connectivity, flood and water management, education, learning and skills. As such, the statutory education co-optees will sit on this committee. The Work Programme is linked to the Vision, Outcomes and Priorities detailed in the Council's Strategic Plan 2022-26.

We review our Work Programme at every meeting. Sometimes we change it - if something important comes up during the year that we think we should investigate as a priority. Our work results in recommendations for the County Council and other organisations about how what they do can be improved, for the benefit of the people and communities of Staffordshire.

Councillor Tina Clements

Chairman of Prosperous Overview and Scrutiny Committee

If you would like to know more about our Work Programme or how to raise issues for potential inclusion on a Work Programme, then please contact Jonathan Lindop, Scrutiny and Support Officer (jonathan.lindop@staffordshire.gov.uk).

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
Thursday 26 May 2022 at 10.00 am Page 244	Work Programme Planning		
	Rural Economic Strategy Cabinet Member: Philip White Lead Officers: Darryl Evers/Anthony Hodge	Requested by email (Cabinet Member 17 March 2022).	(a) That the report be received and noted. (b) That the County Council's draft Rural Economic Strategy 2022/2030 be supported. (c) That the Cabinet Member have regard to their comments (see minutes of meeting) in the final version (and its Implementation Plan) expected to be published in late Summer/early Autumn 2022. (d) That further update reports on the progress made in implementation of the Strategy be brought to the Committee on a quarterly basis.
Wednesday 15 June 2022 at 2.00 pm (additional meeting)	Highways Transformation – Update Cabinet Member: David Williams Lead Officers: Darryl Evers/James Bailey	Requested by Cabinet Member at 14 April 2022 Committee Meeting.	
	SEND Green Paper – Staffordshire's response	Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting.	

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
	Cabinet Member: Jonathan Price Lead Officers: Helen Riley/Tim Moss		
Thursday 7 July 2022 at 10.00 am Page 245	Highways Transformation Programme – Three Strands Progress Cabinet Member: David Williams Lead Officers: Darryl Eyers/James Bailey	Requested at 13 January 2022 Committee Meeting.	
	Town Centre Regeneration Programmes (Working with District and Borough Partners – Update Cabinet Member: Phillip White Lead Officers: Darryl Eyers/Anthony Hodge	Requested at 29 November 2021 Triangulation Meeting. Postponed until late summer at the request of Cabinet Member (via email from Anthony Hodge 1 February 2022). Further identified at 26 May 2022 Committee Meeting. Postponed at the request of Cabinet Member (email from Anthony Hodge, 10 June 2022) at 15 June 2022 Committee meeting.	
	HS2 Connectivity with existing 'classic' Network Cabinet Member: David Williams Lead Officers: Darryl Eyers/Clive Thompson	Raised at 13 January 2022 Committee meeting; offer of engagement with Avanti West Coast received 28 February 2022 (email from Jason Pacey, HS2); provisionally accepted by Chairman 4 March 2022.	

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
	Flood Risk Management Strategy 2021/27 Outcome Measures – Progress Cabinet Member: Simon Tagg Lead Officers: Darryl Eyers/Jamie Cooper	Requested at 29 November 2021 Committee meeting.	
Thursday 29 September 2022 at 10.00 am Page 246	North Staffordshire Local Air Quality Plan Cabinet Member: David Williams Lead Officers: Darryl Eyers/Clive Thomson	Requested by email 4 February 2022 (Joanne Keay on behalf of Cabinet Member). Postponed at the request of Cabinet Member (email from Darryl Eyers via Joanne Keay 12 July 2022) until Autumn 2022.	
	Schools White Paper Cabinet Member: Jonathan Price Lead Officers: Tim Moss	Identified at 26 May 2022 Committee meeting.	
	Countryside Review – Update Cabinet Member: Victoria Wilson Lead Officers: Helen Riley/Sarah Bentley	Requested at 24 February 2022 Committee Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19 October 2022 Committee meeting at 15 June 2022 Committee meeting.	
	Staffordshire History Centre – Update Cabinet Member: Victoria Wilson Lead Officers: Catherine Mann	Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19	

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
		October 2022 Committee meeting at 15 June 2022 Committee meeting.	
Page 247	Libraries & Arts – Update (Burton-on-Trent, Cannock and Tamworth) Cabinet Member: Victoria Wilson Lead Officers: Catherine Mann	Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19 October 2022 Committee meeting at 15 June 2022 Committee meeting.	
	Highways Transformation Progress and Performance Quarterly Update. Cabinet Member: David Williams Lead Officers: Darryl Eyers/James Bailey	Identified at 26 May 2022 Committee meeting. Update for Q2 postponed until later in Q3 at request of Director (James Bailey 18 August 2022).	
	Economic Recovery Renewal and Transformation/Economic and Rural Strategies Six-Monthly Progress Update (incorporating former APMG Report – Future Economy and Enterprise – Update) Cabinet Member: Philip White Leads Officer: Anthony Hodge	Requested at 15 July 2020 Triangulation meeting (amended at 23 July 2021 and 13 January 2022 Committee meetings). Further update incorporated into County Economic Strategy report to 23 March 2022 Committee meeting. Postponed at the request of Cabinet Member on 20 June 2022 to 19 October 2022 Committee Meeting.	

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
	<p>SEND High Needs Capital Funding 2022-24 Cabinet Member: Jonathan Price Lead Officers: Neelam Bhardwaja/Debbie Nash</p>	<p>Requested by email 19 July 2022 (Debbie Nash on behalf of Cabinet Member). Agreed by Chairman 21 July 2022</p>	
<p>Wednesday 19 October 2022 at 2.00 pm</p>	<p>Countryside Review Update including Chasewater Vision Cabinet Member: Victoria Wilson Lead Officers: Darryl Eyers/Sarah Bentley</p>	<p>Requested at 24 February 2022 Committee Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19 October 2022 Committee meeting at 15 June 2022 Committee meeting.</p>	
<p>Page 248</p>	<p>Staffordshire History Centre – Update Cabinet Member: Victoria Wilson Lead Officers: Darryl Eyers/Catherine Mann</p>	<p>Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19 October 2022 Committee meeting at 15 June 2022 Committee meeting. Postponed until December 2022 meeting at request of Cabinet Member on 8 September 2022.</p>	
	<p>Libraries & Arts – Update (Burton-on-Trent, Cannock and Tamworth) Cabinet Member: Victoria Wilson Lead Officers: Darryl Eyers/Catherine Mann</p>	<p>Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19 October 2022 Committee meeting at 15 June 2022 Committee meeting.</p>	

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
	<p>Chasewater Vision Cabinet Member: Victoria Wilson Lead Officers: Darryl Eyers/Catherine Mann</p>	<p>Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting. Programmed at 15 June 2022 Committee meeting. To be included in Countryside Vision – Update (see above)</p>	
Page 249	<p>Economic Recovery Renewal and Transformation/Economic and Rural Strategies Six-Monthly Progress Update (incorporating: (i) former APMG Report – Future Economy and Enterprise – Update and; (ii) National Numeracy Programme Cabinet Member: Philip White Leads Officer: Darryl Eyers/Anthony Hodge</p>	<p>Requested at 15 July 2020 Triangulation meeting (amended at 23 July 2021 and 13 January 2022 Committee meetings). Further update incorporated into County Economic Strategy report to 23 March 2022 Committee meeting. Postponed at the request of Cabinet Member on 20 June 2022 to 19 October 2022 Committee Meeting.</p>	
	<p>Civil Parking Enforcement – Proposed Scrutiny Review Cabinet Member: David Williams Lead Officers: Darryl Eyers/James Bailey</p>	<p>Requested by Cabinet Member on 10 August 2022.</p>	
Thursday 10 November 2022 at 10.00 am	Household Waste Recycling Centres – New Service Performance against Key	April 2022 update requested at 16 September 2021 Committee meeting. Postponed at request of Cabinet	

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
	<p>Performance Indicators. Report to also include details of five-year investment plan and significant policy changes, at request of Cabinet Member on 7 September 2022. Cabinet Member: Simon Tagg Lead Officers: Darryl Evers/Clive Thomson</p>	<p>Member until reconfigured service operational (email from Clive Thomson/Carole Smith 8 March 2022).</p>	
Page 250	<p>Digital Infrastructure - Update Cabinet Member: Simon Tagg Lead Officers: Darryl Evers</p>	<p>Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting.</p>	
<p>Thursday 22 Friday 16 December 2022 at 10.00 am (Re-scheduled at request of Chairman)</p>	<p>Staffordshire History Centre – Update Cabinet Member: Victoria Wilson Lead Officers: Darryl Evers/Catherine Mann</p>	<p>Proposed by Cabinet Member at 12 May 2022 Triangulation Meeting. Programmed for early Autumn at 26 May 2022 Committee meeting. Reprogrammed for additional 19 October 2022 Committee meeting at 15 June 2022 Committee meeting. Postponed from 19 October 2022 Committee meeting at request of Cabinet Member on 8 September 2022.</p>	
<p>Friday 3 February 2022 at 10.00 am</p>			

Work Programme 2022/2023

Date of Meeting	Item	Details (Background)	Action / Outcome
Thursday 27 April 2023 at 10.00 am			

Any provisional matter requiring Committee confirmation/approval are shown in green

Items for Consideration – Work Programme 2022/2023

Suggested Item	Details (Background)	Proposed Date of Meeting
Delivering Housing in Staffordshire Cabinet Member: Mark Deaville Lead Officers: Anthony Hodge/ Mark Parkinson/Matthew Shufflebotham	Programmed for consideration at November 2020 Committee Meeting but Agenda full. However, nothing further to report at present.	To be advised.
Give Labs Cabinet Member: Julia Jessel/Jonathan Price/David Williams Lead Officers: Clive Thomson/Louise Clayton/Nick Dawson	Carried forward from 2020/21 and 2021/22 Work Programmes.	To be advised
Safer Roads Partnership Update Cabinet Member: David Williams Lead Officers: Darryl Evers	Requested at 16 September 2021 Committee meeting.	To be advised
Bus Transport for Young People Cabinet Member: David Williams Lead Officers: Darryl Evers/Clive Thomson	Requested at 29 November 2021 Triangulation Meeting. Further identified at 26 May 2022 Committee meeting.	To be advised
OFSTED 2022 Inspection No. 2 Progress Plan – Education for All Pupils including Specialist Provision. Cabinet Member: Jonathan Price Lead Officers: Helen Riley/Tim Moss	Identified at 26 May 2022 Committee Meeting.	To be advised.
Local Transport Plan Refresh. Cabinet Member: David Williams	Identified at 26 May 2022 Committee Meeting.	To be advised.

Items for Consideration – Work Programme 2022/2023		
Suggested Item	Details (Background)	Proposed Date of Meeting
Lead Officer: Darryl Evers/Clive Thomson		
Digital Infrastructure Plan Progress Update. Cabinet Member: Simon Tagg Lead Officers: Darryl Evers/Anthony Baines	Identified at 26 May 2022 Committee Meeting.	To be advised.
Tourism and Visitor Economy: Cabinet Member: Phillip White Lead Officers: Darryl Evers	Identified at 26 May 2022 Committee meeting.	To be advised.
School Age Education – Development Post Pandemic	Identified at 15 June 2022 Committee meeting	To be advised.
Free Planting Net Zero by Nature	Requested at 18 August 2022 Triangulation Meeting.	To be advised.

Any provisional matter requiring Committee confirmation/approval are shown in green

Standing Items 2022/2023		
Item	Details (Background)	Action / Outcome
HS2 Six-monthly Update – Impact on Staffordshire Cabinet Member: Philip White Lead Officer: Sarah Mallen	Requested at 26 February 2021 Committee meeting (amended at 23 July 2021 Committee Meeting). Next update due January 2023.	
Economic Recovery Renewal and Transformation Six-Monthly Progress Update (incorporating former APMG Report – Future Economy and Enterprise – Update) Cabinet Member: Philip White Leads Officer: Anthony Hodge	Requested at 15 July 2020 Triangulation meeting (amended at 23 July 2021 and 13 January 2022 Committee meetings). Further update incorporated into County Economic Strategy report to 23 March 2022 Committee meeting. Next update	

Standing Items 2022/2023

Item	Details (Background)	Action / Outcome
	due at September 2022 Committee meeting.	
Highways Transformation Progress and Performance Quarterly Update.	Identified at 26 May 2022 Committee meeting. Next Update due September 2022	

Any provisional matter requiring Committee confirmation/approval are shown in green

Briefing Notes / Updates / Visits 2022/2023

Date	Item	Details (Background)	Action / Outcome

Working Groups / Inquiry Days 2022/2023

Date	Item	Details (Background)	Action / Outcome
Ongoing	Sexual Harassment in Staffordshire Schools	Participation requested by Safeguarding Overview and Scrutiny Committee. Rev Michael Metcalf (Prosperous Scrutiny representative).	Final draft report considered at 14 April 2022 Committee meeting. Sign-off to be notified and monitoring arrangements to be agreed.
Cancelled	'Bus Back Better' – Enhanced Partnership for Staffordshire Cabinet Member: David Williams Lead Officers: Darryl Evers/Clive Thomson	Requested by email 5 January 2022 (Louise Clayton on behalf of Cabinet Member). Postponed until March 2022 meeting following delay in announcing Bus Service Improvement Plan (BSIP) settlement by Central Government.	

Working Groups / Inquiry Days 2022/2023

Date	Item	Details (Background)	Action / Outcome
		Further delay in announcing Settlement received (email from Louise Clayton 8 March 2022). Notified of unsuccessful BSIP Bid by email 12 April 2022 (Louise Clayton on behalf of Cabinet Member). Cabinet Member evaluating consequences for Staffordshire.	
	Civil Parking Enforcement	Requested by Cabinet Member on 10 August 2022.	

Any provisional matter requiring Committee confirmation/approval are shown in green

Membership – County Councillors 2022-2023	Calendar of Committee Meetings - 2022-2023 (All meetings to be held at County Buildings, Stafford unless otherwise stated)
Tina Clements (Chairman) Ross Ward (Vice-Chairman – Scrutiny) Peter Kruskonjic (Vice-Chairman – Overview) Philippa Hadden Philip Hudson Syed Hussain Graham Hutton Ian Lawson David Smith Bernard Williams Mike Deakin (Co-optee) Rev. Preb. Michael Metcalf (Co-optee) Jessica Shulman (Co-optee)	Thursday 26 May 2022 at 10.00 am
	Wednesday 15 June 2022 at 2.00 pm (additional meeting)
	Thursday 7 July 2022 at 10.00 am
	Thursday 29 September 2022 at 10.00 am
	Thursday 10 November 2022 at 10.00 am
	Friday 16 December 2022 at 10.00 am
	Friday 3 February 2022 at 10.00 am
	Thursday 27 April 2023 at 10.00 am