

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Education Portfolio Holder 12 June 2012

EDUCATION POLICY AND LEGISLATIVE CHANGES: UPDATE

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1. Summary

1.1 This is the twelfth report produced since July 2010 to ensure Members are kept up to date on the Government's policy and legislative changes for education and wider children's services.

2. THE BRIEFING

2.1 The Special Educational Needs and Disability Green Paper: The Next Steps

- (i) During the Queen's Speech on 9 May 2012, the Government announced its intention to prepare and implement a Children and Families Bill. The proposed Bill will implement several key areas of the Government's reforms for education and wider children's services, including the next steps the implementation of the Special Educational Needs (SEN) and Disability Green Paper.
- (ii) This was followed by a further announcement by the Government on 15 May 2012 which provided further details of the next steps. The main elements of the announcement were:
- replacing SEN statements and separate Learning Difficulty Assessments (for older children) with a single, simpler birth to 25 assessment process and Education, Health and Care Plan from 2014, and parents of children with the plans would have the right to a personal budget for their support;
 - providing statutory protections comparable to those currently associated with a statement of SEN to up to 25 in further education, to help young people into employment and independent living;
 - local authorities and health services will be required to link up services for disabled children and young people;
 - requiring local authorities to publish a local offer showing the support available to disabled children and young people and those with SEN, and their families;
 - introducing mediation for disputes and trialling giving children the right to appeal if they are unhappy with their support;

- children would have a new legal right to seek a place at state academies and Free Schools – currently it is limited to maintained mainstream and special schools. Local authorities will have to name the parent’s preferred school so long it was suitable for the child.
- (iii) The Bill will put legislation in place for those reforms and the final legislation will draw on evidence from 20 local pathfinders (including the joint Bromley and Bexley pathfinder) set up in September 2011. The interim evaluation reports are due in summer and late autumn 2012, with a final report in 2013.
- (iv) The Bill is expected to be introduced early in 2013 and carry over into the third session of this Parliament for Royal Assent.

2.2 **Reducing Primary School Absence**

- (i) Following the independent review on improving school attendance by the Government’s Expert Adviser on Behaviour, the Government have announced on 16 April 2012 that it intends to:
- make data on attendance in reception classes available along with local and national averages
 - publish national statistics on attendance for the whole year not just up until half term in the summer, as is currently the case – with the exception to this being for Year 11
 - asking Ofsted to set specific, timed targets for improving attendance in schools where it is low
 - encouraging all primary schools to analyse their data on attendance so that they can quickly pick up on children who are developing a pattern of absence including in nursery and reception
 - whilst there should be no outright ban on term-time holidays and with head teachers having the discretion, the Government should toughen up the rules
 - amending the Pupil Registration Regulations to make clear that schools should only give permission where there are exceptional circumstances
 - increase the penalty fines available to head teachers for school absence from £60 (a £10 increase) on parents whom they consider are allowing their child to miss too much school without a valid reason, and if the parents fail to pay within 28 days, it will double to £120 (a £20 increase), to be paid within 42 days
 - review the current method of collecting the penalty fines for school absence from parents

2.3 **Revised Early Years Foundation Stage Framework**

- (i) The revised Early Years Foundation Stage (EYFS) for children aged 0-5-year-olds was published by the Government on 27 March 2012.
- (ii) The new EYFS, which will take effect from 1 September 2012, focuses on getting children ready for education and increasing the attainment of all children, particularly those from deprived backgrounds.

- (iii) The revised curriculum reduces the number of early learning goals from 69 to 17, gives more focus to the main areas of learning that are most essential for children's healthy development and simplifies assessment at age five. It also provides earlier intervention for children who need extra help with a progress check at age two. The Government has also reduced paperwork for professionals to allow them to exercise their judgement, for example by removing the requirement for written risk assessments for all activities.

2.4 **Managing Disruptive Behaviour: Review of Alternative Provision and Pupil Referral Units**

- (i) The Government's Expert Adviser on Behaviour published an independent review into alternative provision and Pupil Referral Units (PRUs) on 8 March 2012.
- (ii) The review was commissioned by the Secretary of State for Education in the following the summer riots last year as two thirds of the children involved in the riots and brought before the courts had Special Educational Needs and on average missed almost one day of school a week. They were also more likely to live in the 10% lowest income areas, to be receiving free school meals and to have been excluded from school at least once.
- (iii) The review made the following recommendations, which were all agreed by the Secretary of State:
- Outstanding PRUs should be encouraged to convert to Academy status, and where PRUs are failing, they are taken over by successful PRUs, successful alternative providers, or by academy sponsors.
 - Ensuring that all children in alternative provision continue to receive appropriate and challenging English and Maths teaching.
 - Schools rather than local authorities should become responsible for commissioning alternative provision and PRU services. This is currently being trialled in a pilot by the Department for Education with some schools in relation to excluded pupils.
 - Schools should share all relevant information about the pupil they are sending to alternative provision with providers, agree the nature of the intervention and set targets for the pupil. Progress should be regularly monitored and plans put in place for the next stage in the child's life.
 - The Department for Education should commission a 'payment by results' trial for alternative provision to encourage a greater diversity of. A trial would aim to start in 2012/13 and the Department will be setting out further details in the coming months.
 - Schools should look at using money they currently spend on alternative provision to build up their capacity for managing pupils' behaviour. By intervening earlier and using more focussed placements in alternative provision, schools can better cater for children's needs.
 - Ofsted should challenge schools on their use of alternative provision. The new school inspection framework provides a useful opportunity for close and consistent attention on how well schools meet the needs of children through alternative provision. To reinforce this, Ofsted should consider a more structured approach to monitoring alternative provision through its survey programme.
 - Ofsted should improve its intelligence gathering on poor practice – they should make sure that information on poor practice by commissioning schools and alternative provision providers is shared effectively within Ofsted and informs decisions about inspections.