

## London Borough of Bromley

### PART 1 - PUBLIC

#### Briefing for Education Portfolio Holder 11 September 2012

## EDUCATION POLICY AND LEGISLATIVE CHANGES: UPDATE

Contact Officer: Michael Watts, Senior Partnerships and Planning Officer  
Tel: 020 8461 7608 E-mail: [michael.watts@bromley.gov.uk](mailto:michael.watts@bromley.gov.uk)

Chief Officer: Tessa Moore, Assistant Director (Education)

### 1. INTRODUCTION

1.1 This is the thirteenth report produced since July 2010 providing Members with a regular update on the Government's policy and legislative changes for education and wider children's services.

### 2. THE BRIEFING

#### 2.1 Nutbrown Review of Early Education and Childcare Qualifications

- (i) On 19 June 2012 the Government published the final report from an independent Review of Early Education and Childcare Qualifications by the Professor Cathy Nutbrown.
- (ii) The report, *Foundations for Quality*, sets out a number of recommendations to improve the skills and knowledge of those who work with young children. It also recommends the following:
  - Improving qualifications to make them more rigorous and demanding, with a stronger focus on child development.
  - A focus on improving the delivery of qualifications so that tutors have the support to improve their skills and maintain the current experience of the sector.
  - Asking the early years sector to lead on mentoring new staff, to support them as they enter work and make sure students learn from good practice.
  - Build on progress to encourage graduate leadership in the sector, through Early Years Professional Status, as part of the move towards more teachers in the early years.
  - That the Government should not impose a licensing system for the sector at this stage.

- (iii) The Government is currently considering the recommendations and will publish a response later in 2012.
- (iv) Further information is available from [www.education.gov.uk/nutbrownreview](http://www.education.gov.uk/nutbrownreview).

## 2.2 **Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare**

- (i) In June 2012 the Government published Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare.
- (ii) The Statutory Guidance sets out the duties on Local Authorities under Sections 6, 7 and 11 of the Childcare Act 2006 and is effective from 1 September 2012.
- (iii) It seeks to assist local authorities, providers and parents by making it clear:
  - what outcomes different measures are seeking to achieve;
  - what is a legal duty required by legislation; and
  - what local authorities should as a matter of course do to fulfil their statutory responsibilities and ensure effective delivery.
- (iv) The Statutory Guidance sets out an expectation that local authorities must work with providers to plan and manage local provision to meet the needs of families and children in their area.
- (v) Local authorities must have regard to the Statutory Guidance when seeking to discharge their duties under Sections 6, 7 and 11 of the Childcare Act 2006 and should not depart from it unless they have good reason to do so. The phrase 'must have regard', when used in this context, does not mean that the sections of Statutory Guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.
- (vi) Further information is available from [www.education.gov.uk/aboutdfe/statutory](http://www.education.gov.uk/aboutdfe/statutory).

## 2.3 **Revised Safeguarding Statutory Guidance: Consultation**

- (i) On 12 June 2012 the Government launched a consultation on revisions to three guidance documents as part of the Safeguarding Statutory Guidance. This consultation seeks views on three statutory guidance documents:
  - *Working Together to Safeguard Children*: draft guidance on what is expected of organisations, individually and jointly, to safeguard and promote the welfare of children.
  - *Managing Cases: the Framework for the Assessment of Children in Need and their Families*: draft guidance on undertaking assessments of children in need.
  - *Statutory Guidance on Learning and Improvement*: proposed new arrangements for Serious Case Reviews (SCRs), reviews of child deaths and other learning processes led by Local Safeguarding Children Boards (LSCBs).

- (ii) It is proposed that the three guidance documents will replace over 700 pages of guidance currently issued through:
  - Working Together to Safeguard Children (2010);
  - The Framework for the Assessment of Children in Need and their Families (2000);
  - Assessing Children in Need and their Families: Practice Guidance (2000); and
  - Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (2007).
- (iii) The consultation on the three guidance documents closed on 4 September 2012.
- (iv) Further information is available from [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations).

#### 2.4 **Statutory Guidance and Regulations on Exclusion**

- (i) In June 2012 the Government published Statutory Guidance on Exclusions under *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*. The new arrangements for school exclusion come into force on 1 September 2012 and will apply to any pupil excluded on or after 1 September from a maintained school, academy school (including a Free School), alternative provision academy, or pupil referral unit in England.
- (ii) Under the new arrangements, the process for challenging a school's decision to permanently exclude a pupil will change. The current system of independent appeal panels will be replaced by independent review panels. Where requested by a parent, an SEN expert will need to be appointed by the local authority or academy trust to advise the independent review panel.
- (iii) The independent review panel will be able to uphold the decision to permanently exclude a pupil; recommend that the governing body reconsider its decision; or direct the governing body to reconsider its decision. A direction to reconsider will be limited to circumstances where a panel decides that the school has acted illegally, irrationally or where there are significant flaws in procedure.
- (iv) Where a governing body decides not to offer to reinstate a pupil following a direction from a panel to reconsider its decision, the panel will be expected to require an adjustment to a schools budget or payment of £4,000 towards the cost of alternative provision.
- (v) Further information is available from [www.education.gov.uk/aboutdfe/statutory](http://www.education.gov.uk/aboutdfe/statutory).

#### 2.5 **Revised Statutory Guidance for Local Authorities on Services for Young People**

- (i) In July 2012 the Government published revised Statutory Guidance for Local Authorities on Services for Young People under Section 507B of the Education Act 2006.
- (ii) The Government has retained the duty on Local Authorities to secure sufficient educational and recreational leisure-time activities for the improvement of the wellbeing of 13-19 year olds. This duty also requires Local Authorities to take into account young people's views and to publicise information about the local offer.
- (iii) Local authorities should use the guidance as they draw up their plans for youth provision.

- (iv) Further information is available from [www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00211926/507b-revised-guidance](http://www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00211926/507b-revised-guidance).

## 2.6 **Statutory Guidance on Alternative Provision**

- (i) In July 2012 the Government published new statutory guidance on alternative provision.
- (ii) The guidance covers important changes to regulations on Pupil Referral Units (PRUs) as of September 2012. This includes a requirement that local authorities seek to open an alternative provision academy or Free School before opting to open a new PRU, and new powers for the Secretary of State to establish Interim Executive Boards for PRUs in special measures or which require significant improvement.
- (iii) Other important issues covered are changes to the constitution of management committees, off-site directions to alternative provision and the planning and commissioning of alternative provision. The new guidance replaces all other alternative provision guidance apart from *The education of children and young people with medical needs* (2001).
- (iv) The statutory guidance will come into force on 1 January 2013 but includes guidance on regulations that come into force in September 2012.
- (v) Further information is available from [www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00212845/new-ap-guidance-3-08-12](http://www.education.gov.uk/childrenandyoungpeople/strategy/laupdates/a00212845/new-ap-guidance-3-08-12).