

## London Borough of Bromley

### PART 1 - PUBLIC

#### Briefing for Education Portfolio Holder 19 March 2013

## EDUCATION POLICY AND LEGISLATIVE CHANGES: UPDATE

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### 1. INTRODUCTION

1.1 This is latest report to provide Members with an update on the Government's policy and legislative changes for education.

### 2. THE BRIEFING

#### 2.1 Children and Families Bill

- (i) On 4 February 2013 the Secretary of State for England introduced the first draft of the Children and Families Bill into the House of Commons. The Bill takes forward the Coalition Government's commitments to improve services for vulnerable children and support strong families.
- (ii) Provision within the Bill include:
- (a) The Bill will extend the system for children and young people with special educational needs (SEN) from birth to 25, giving children, young people and their parents greater control and choice in decisions and ensuring needs are properly met. It takes forward the reform programme set out in *Support and aspiration: A new approach to special educational needs and disability: Progress and next steps* including by:
- replacing old statements with a new birth- to-25 education, health and care plan
  - offering families personal budgets
  - improving cooperation between all the services that support children and their families, particularly requiring local authorities and health authorities to work together
- (b) The Bill will implement enabling measures to support wider reforms to substantially increase the supply of high quality, affordable and available childcare and include introducing childminder agencies to help more childminders into the market and support schools to offer wrap-around care.

- (c) The Bill will require every local authority to have a virtual school head to champion the education of children in the authority's care, as if they all attended the same school.
  - (d) The Bill supports the reforms set out in *An Action Plan for Adoption: Tackling Delay* including by promoting fostering for adoption and improving support for adoptive families.
  - (e) The Bill will implement commitments the Government made in response to the Family Justice Review including by introducing a time limit of 26 weeks when courts are considering whether a child should be taken into care and making sure more families have the opportunity to try mediation before applying to court.
  - (f) The Bill will take forward the recommendations in John Dunford's Review of the Office of the Children's Commissioner (England) including giving the Commissioner a statutory remit to promote and protect children's rights.
  - (g) The Bill will implement the commitments in the Government's response (November 2012) to the modern workplaces consultation.
- (iii) Further information about the Children and Families Bill can be found at [www.education.gov.uk/childrenandfamiliesbill](http://www.education.gov.uk/childrenandfamiliesbill). The progress of the Children and Families Bill through the Houses of Parliament can be monitored at <http://services.parliament.uk/bills/2012-13/childrenandfamilies.html>.

## 2.2 **Proposals to introduce a new framework for the inspection of local authority services for supporting improvement in schools and other providers**

- (i) On 5 March 2013 Ofsted published a consultation document on proposals to introduce a new framework for the inspection of local authority services for supporting improvement in schools and other providers.
- (ii) The new inspection framework seeks to ensure the quality of services provided by local authorities to schools and other providers, including schools causing concern, so that all children and young people have access to a good quality education irrespective of where they live or their personal circumstances.
- (iii) The closing date for the consultation is 19 March 2013.
- (iv) Further information on the consultation can be found at [www.ofsted.gov.uk/resources/good-education-for-all-inspection-of-local-authority-services](http://www.ofsted.gov.uk/resources/good-education-for-all-inspection-of-local-authority-services).

## 2.3 **Early education and childcare staff deployment**

- (i) On 29 January 2013 the Minister for Education and Childcare, Elizabeth Tuss, made a significant speech setting out proposed changes to childcare as part of the Government's new vision for early years education.
- (ii) A key part of the announcement is a consultation of proposals to amend the staff/child ratios. The consultation on the proposals can be found at [www.education.gov.uk/aboutdfe/departmentalinformation/consultations/a00220966/early-educ-childcare-staff-deploy](http://www.education.gov.uk/aboutdfe/departmentalinformation/consultations/a00220966/early-educ-childcare-staff-deploy).
- (iii) The closing date for the consultation is 25 March 2013.

- (iv) The Government's new vision, *More great childcare - Raising quality and giving parents more choice*, can be found at [www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00002-2013](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00002-2013).
- (v) The final report from Professor Cathy Nutbrown's review of the qualifications regime for the early education and childcare workforce, *Foundations for Quality*, can be found at [www.education.gov.uk/publications/standard/EarlyYearseducationandchildcare/Page1/DFE-00068-2012](http://www.education.gov.uk/publications/standard/EarlyYearseducationandchildcare/Page1/DFE-00068-2012) or [www.education.gov.uk/nutbrownreview](http://www.education.gov.uk/nutbrownreview).
- (vi) The Minister for Education and Childcare's speech can be found at [www.education.gov.uk/inthenews/speeches/a00220991/trusschildcareratio](http://www.education.gov.uk/inthenews/speeches/a00220991/trusschildcareratio).

#### 2.4 **Planning changes for Free School applications**

- (i) On 25 January 2013 the Government confirmed that it intends to use the Growth and Infrastructure Bill (expected to receive Royal Assent in June) to change the planning regulations for Free Schools.
- (ii) The changes are designed to make it easier for new Free School applicants to convert empty and under-used buildings and move more quickly into their preferred site. The new measures will allow Free Schools to open in almost any building for a year without needing planning permission, as a way of removing concerns that schools cannot open in time.
- (iii) At the moment, parents, teachers and charities who want to open a Free School have to go through the planning application process to get local authority permission to move into buildings earmarked for use but that are not already schools, which can cause uncertainty for both the Free School and parents.
- (iv) The new permitted development rights will also give Free Schools extra time to win the permanent planning permission required to remain in their buildings after that first year. In addition, new Free Schools will also be able to open permanently in a wider range of buildings – such as offices and hotels – with the introduction of an easier, more streamlined approval process. Local planning authorities will have to carry out only a limited assessment that will consider noise and traffic issues.
- (v) The changes are part of wider reforms due to come into effect in June after the Growth and Infrastructure Bill is passed, and will benefit those who are successful in applying to open a Free School during this year's application round. These Free Schools will have a better chance of moving into their permanent sites well before they are due to open.
- (vi) The press release can be found at [www.education.gov.uk/inthenews/inthenews/a00220598/planning-changes](http://www.education.gov.uk/inthenews/inthenews/a00220598/planning-changes) or [www.gov.uk/government/news/planning-changes-to-help-open-free-schools-gates-faster](http://www.gov.uk/government/news/planning-changes-to-help-open-free-schools-gates-faster).
- (vii) Further information on Free Schools can be found at [www.education.gov.uk/schools/leadership/typesofschools/freeschools](http://www.education.gov.uk/schools/leadership/typesofschools/freeschools).
- (viii) Further information on the Growth and Infrastructure Bill can be found at <http://services.parliament.uk/bills/2012-13/growthandinfrastructure.html>.

## 2.5 **Introduction of the proposed Traineeships programme**

- (i) On 10 January 2013 the Government published a discussion paper regarding the proposed national Traineeship programme.
- (ii) Traineeships are a proposed programme to help young people aged 16 to 24 to develop the skills they need to secure Apprenticeships and other sustainable employment. For those aged 16 to 19, Traineeships would fit within broader study programmes for young people.

### **Proposals**

- (iii) The new Traineeships programme, which could be in place by September 2013, would provide young people aged 16 to 24 with a tailor-made package of support that will give them the confidence, skills and experience to compete in the labour market with more experienced adults. A Traineeship could be seen as a crucial stepping stone to an Apprenticeship – a job with training to industry standards – or other jobs, for those young people who currently lack the necessary skills.
- (iv) Employers, education and training providers, and young people have been invited to comment on the Government’s proposals to help develop the new programme. The discussion paper sets out the Government’s vision for Traineeships, which would include:
  - Focused work preparation training – e.g. CV writing, interview preparation, job searching, inter-personal skills.
  - High-quality work experience – giving young people real-life work placement to enhance their skills and confidence.
  - English and maths – for young people who have not achieved a GCSE grade C or equivalent or better.
- (v) The initiative is part of the Government’s wider aim to ensure the future workforce possesses the skills that employers want in their apprentices and employees.
- (vi) The Government wants the programme to be open to a wide range of young people including those not in education, employment or training (NEET), those interested in a course with an education or training provider or those looking for a job.
- (vii) The length of a Traineeship would reflect the specific needs of participants, but they are expected to last around six months.
- (viii) Further information is available from [www.education.gov.uk/traineeships](http://www.education.gov.uk/traineeships).
- (ix) The discussion paper can be found at <http://media.education.gov.uk/assets/files/pdf/t/traineeships%20discussion%20paper%20-%20january%202013.pdf>.

## 2.6 **Educating children with special health needs**

- (i) On 4 January 2013 the Government published Statutory Guidance for Local Authorities on ensuring a good education for children who cannot attend school because of health needs.
- (ii) Local authorities must have regard to it when carrying out their duty to arrange suitable full-time education (or part-time when appropriate for the child’s needs) for children who are

unable to attend a mainstream or special school because of their health. This duty applies to all children and young people who would normally attend mainstream schools, including Academies, Free Schools, independent schools and special schools, or where a child is not on the roll of a school. It applies equally whether a child cannot attend school at all or can only attend intermittently.

(iii) The Statutory Guidance sets out that:

(a) Local authorities **must** arrange suitable full-time education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness, would otherwise not receive suitable education.

(b) Local authorities **should**:

- Provide such education as soon as it is clear that the child will be away from school for 15 days or more, whether consecutive or cumulative. They should liaise with appropriate medical professionals to ensure minimal delay in arranging appropriate provision for the child. Ensure that the education children receive is of good quality, as defined in the statutory guidance Alternative Provision (2013), allows them to take appropriate qualifications, prevents them from slipping behind their peers in school and allows them to reintegrate successfully back into school as soon as possible.
- Address the needs of individual children in arranging provision. 'Hard and fast' rules are inappropriate: they may limit the offer of education to children with a given condition and prevent their access to the right level of educational support which they are well enough to receive. Strict rules that limit the offer of education a child receives may also breach statutory requirements.

(c) Local authorities **should not**:

- Have processes or policies in place which prevent a child from getting the right type of provision and a good education.
- Withhold or reduce the provision, or type of provision, for a child because of how much it will cost (meeting the child's needs and providing a good education must be the determining factors).
- Have policies based upon the percentage of time a child is able to attend school rather than whether the child is receiving a suitable education during that attendance.
- Have lists of health conditions which dictate whether or not they will arrange education for children or inflexible policies which result in children going without suitable full-time education (or as much education as their health condition allows them to participate in).

(iv) This guidance replaces the previous guidance, *Access to Education for Children and Young People with Medical Needs (2001)*.

(v) Further information can be found at [www.education.gov.uk/aboutdfe/statutory/g00219676/special-health-needs-education](http://www.education.gov.uk/aboutdfe/statutory/g00219676/special-health-needs-education).