

Resource and Legislative Implications



The majority of the proposals in this White Paper are about getting better value from existing programmes, both in terms of capital and revenue spending. However, there are additional costs for some elements of the proposals and we will make specific resources available to fund them, so as not to create unfunded new burdens for local authorities and schools, or put any pressure on Council Tax. We will consider with key stakeholders, including local government, the costs and the best methodology and route for distributing funds as policies are developed further. We will keep the resource implications under review.

We will introduce legislation to achieve the aims set out in this White Paper. Many of our proposals have been described earlier and a summary of proposed legislative changes is set out below.

A school system shaped by parents

- We will legislate for a statutory procedure for schools to become 'Trust schools' and we will provide in legislation for some minimum requirements in relation to the establishment and status of their 'Trusts'.
- We will amend existing regulations to allow the 'Trust' to appoint the majority of school governors.
- We will legislate to extend the existing Power to Innovate provisions and enable the 'Trust' to apply for freedoms on behalf of all their schools.

- We will legislate to place a new duty on local authorities to respond to representations from parents (and prospective parents) who are not satisfied with the provision of schools in their area.
- We will take powers to allow maintained schools and further education colleges to collaborate formally (in the same way that maintained schools can currently collaborate with each other).
- In relation to schools causing concern:
 - we will place a new duty on local authorities (in relation to maintained schools) and on the proprietors of independent schools to consider the full range of their powers immediately on receipt of notice of an adverse Ofsted report and to consider how to involve parents in the school improvement process (for example, appointing a parent champion);
 - we will legislate to provide local authorities with new powers to require a failing school to take advice from an external partner and to require a failing school to take steps to collaborate or federate with a strong school;
 - we will make some minor amendments relating to the Secretary of State's role in maintained schools' delegated budgets, giving more powers to local decision-makers; and
 - we will amend the legislation governing formal warning notices to enable local authorities to tackle school failure and underperformance more quickly and effectively.
- We will legislate to remove the outdated Code of Practice on local authority and maintained school relations in line with the New Relationship with Schools.

Choice and access for all

- We will legislate to require local authorities to provide free transport for disadvantaged pupils (i.e. those eligible for free school meals or whose parents are in receipt of the maximum level of Working Tax Credit, and children in local authority care) to attend any of three suitable secondary schools closest to their home, where these schools are more than two (and less than six) miles away.
- We will also legislate to extend the powers of the Learning and Skills Council to provide home to school and college transport for students between the ages of 16 and 19.
- In relation to admissions we will legislate to:
 - allow for banding in schools' admission arrangements
 - prevent new and expanded schools from amending their admission arrangements for three years from the date on which they open

- prevent admission authorities, which have had an objection against their admission arrangements upheld by the Schools Adjudicator or Secretary of State, from amending that aspect of their admission arrangement for three years.

Personalised learning

- We will legislate to prescribe curriculum entitlements for learners aged 14-19 (including the delivery of the commitment made in the 14-19 White Paper to entitle learners to double science).

Services that support children and families

- We will legislate to permit nutritional standards to be applied to all food and drink supplied on school premises, and to change the duty to charge into a power to charge.

Parents driving improvement

- We will amend existing regulations to require all maintained schools to give parents thrice yearly information on the progress of their child.
- We will amend the Terms of Reference Regulations 2000 to put a new duty on the governing bodies of maintained schools to have regard to the views of parents in their conduct of the school.
- We will legislate to require the governing bodies of Trust schools, at which the majority of governors are those appointed by the Trust, to establish parents' councils to ensure that parental influence in the running of the school is secured.

School discipline

- We will legislate, after consultation, to introduce a right for teachers to discipline pupils.
- We will legislate to extend the scope of parenting orders and parenting contracts in particular, so that governing bodies can use them to make parents take responsibility for their children's behaviour at school.
- We will legislate to require parents to take responsibility for excluded pupils in their first five days of exclusion, whether fixed term or permanent, and we will introduce requirements for governing bodies and ultimately local authorities to provide for supervision and alternative provision in longer exclusions. We will introduce fixed penalty notices for parents where excluded pupils are found in a public place during school hours without reasonable excuse.

A new role for local authorities

- We will legislate to place new duties on local authorities to promote choice, diversity and fair access to schools, when carrying out their existing duties relating to the provision of schools in their areas and the sufficiency of such provision.
- We will legislate to place a new duty on local authorities to identify children missing from education.
- We will legislate to place decisions relating to school organisation matters with local authorities (abolishing school organisation committees). We will also remove the right for local authorities to publish their own proposals for the establishment of new community schools. Local authorities will decide competitions but if they have themselves made proposals for a new self-governing (Foundation) school, the Schools Adjudicator will decide the competition.
- We will legislate to provide for a mediation duty on local authorities and governing bodies of 'Trust' and voluntary schools, with recourse to the Schools Adjudicator instead of requiring the consent of the Secretary of State for land transfers (consent relating to playing fields will remain with the Secretary of State).
- We will take a power to update all of the references in legislation to 'local education authorities' and "children services authorities", making it clear that they are all the same (integrated) local authority.

Wales

- The policy objectives set out in this White Paper are those for England. The Bill will cover England and Wales, but most of the provisions will apply only in England.
- The Welsh Assembly Government has welcomed the opportunity to participate in the proposed legislation for more robust standards in school food. With regard to other legislative changes proposed, the Welsh Assembly Government is considering which changes might apply to Wales and whether to take the opportunity described in the White Paper "*Better Governance for Wales*" to seek framework powers in relation to some topics dealt with in this Bill. This would give the National Assembly more permissive powers to determine how these proposals might be implemented in Wales at a later stage.



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