

*These notes refer to the Education Act 2011 (c.21)  
which received Royal Assent on 15 November 2011*

# EDUCATION ACT 2011

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## EXPLANATORY NOTES

### OVERVIEW OF THE STRUCTURE OF THE ACT

#### **Part 5: Educational institutions: other provisions**

20. This Part repeals certain duties on the governing bodies of maintained schools in England and repeals the duty on local authorities to appoint a school improvement partner for each maintained school.
21. It also makes changes to the duties of local authorities in relation to school admissions. In addition, the schools adjudicator will no longer be able to make modifications to a school's admissions arrangements in response to a complaint or a referral. Any body or person will be able to object to the adjudicator about a school's admission arrangements.
22. This Part introduces a cap on the amount local authorities and the governing bodies of maintained schools in England are allowed to charge for the provision of school meals, milk etc.
23. This Part also makes changes to the arrangements for the establishment of new schools by introducing a presumption that when local authorities set up new schools they will be Academies (including free schools).
24. This Part makes changes to the composition of school governing bodies and, with the related section in Part 6, makes it possible for one or more, but not all, of the schools in a federation to become an Academy without first having to go through the statutory process to leave the federation.
25. This Part provides for changes to the inspections framework for schools, and for the exemption of certain categories of school and further education institution from routine inspection by Her Majesty's Inspectorate, the Office for Standards in Education, Children's Services and Skills. Where a school or further education institution asks Ofsted to carry out an inspection in circumstances where such an inspection is not required, and Ofsted agrees to do so, this Part allows the Chief Inspector to charge the school or college for the cost of carrying out that inspection. It also makes changes to the inspection of boarding provision.
26. This Part makes provision for the Secretary of State to direct a local authority to issue a warning notice to a school on grounds of performance or safety concerns, and extends the Secretary of State's power to close schools to all schools eligible for intervention, rather than (as at present) only those deemed by Ofsted to be in need of special measures.
27. This Part repeals the power for parents to make complaints about schools to the Local Commissioner.
28. This Part also contains measures on school finance, and makes changes to what costs can be included in charges made by nursery schools (and schools with nursery classes) for early years provision that is not funded by the local authority. It enables the Secretary of State to issue directed revisions to local authority schemes for financing schools and requires the Secretary of State to consult local authorities and others before a direction

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is given. It also allows the governing bodies of maintained schools to fund the costs of premature retirement and dismissal of community staff from their budget shares, and allows pupil referral units to be funded by local authorities by way of a budget share, in the same way as maintained schools.

29. This Part repeals and amends a range of duties placed on further education corporations, including the ability of corporations to amend their own instrument and articles of governance, to dissolve themselves and transfer their property, rights and liabilities upon dissolution. This Part also contains provisions that provide voluntary sixth form colleges with the same protection afforded through previous legislation or directions.
30. This Part also repeals the change of the name of pupil referral units to short stay schools. It amends provisions concerning the financing of pupil referral units.