
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st August and 1st September 2012 certain provisions of the Education Act 2011 as listed in Articles 2 and 3 respectively.

The provisions listed in Article 2 are section 45 which repeals the provisions in the Apprenticeships, Skills, Children and Learning Act 2009 (“ASCLA 2009”) that give the Local Commissioner for England the power to consider complaints from parents and pupils about maintained schools; and section 73(2) which amends section 88 of ASCLA 2009 to the extent that entitlements to fee remission on the first full vocational qualification at level 2 are restricted to those aged over 19 and under 24.

Article 3 brings into force section 1 partially: section 1(2) is commenced for the purposes of making regulations, while section 1(3), which makes provision for the supply of information, and 1(4), which repeals section 100 of the Childcare Act 2006, are commenced fully. Article 3 also brings into force section 4 and Schedule 1 which changes the law regarding the exclusion of pupils from maintained schools, Academies and PRUs; to the extent that it is not already in force, section 28 which is concerned with education and training support services in England; section 29 which relates to provision of careers guidance in schools in England; section 38 which amends the law relating to the constitution of governing bodies of maintained schools; section 39 which relates to the dissolution of a governing body on the discontinuance of a federated school; section 50 which amends the law relating to the financing of pupil referral units, but not in respect of funding periods before 1st April 2013; section 69 and Schedule 18 which amend the law relating to the apprenticeship offer; and section 70 which amends the duty on the Chief Executive of Skills Funding in relation to securing the provision of apprenticeship training.

Article 4 makes transitional provision in relation to appeals against exclusions made before 1st September 2012; Article 5 provides that the changes made by section 38 only apply to the governing bodies of maintained schools that are constituted under an instrument of government made or varied on or after 1st September 2012; and Article 6 makes transitional provision in relation to section 45 so that the Local Commissioner will still have responsibility for considering those complaints made to him before that section comes into force.