
On 2 December 2011 the Department for Education published a memorandum to this Committee on its post-legislative assessment of the Education and Inspection Act 2006, Childcare Act 2006 and Children and Adoption Act 2006 (CM 8204). The Committee has considered the memorandum and decided to ask the Department the following questions relating to the assessments.

Childcare Act 2006

General points

1. What estimate has been made of the number of Sure Start Centres that have been closed since 2006? The ten year strategy included a commitment to have 3500 available by 2010. Was this commitment met?

The previous Government set a target to have 3,500 Sure Start Children’s Centres by 31 March 2010. In April 2010, there were 3,631 children’s centres.

Over time, local authorities have reassessed some sites to ensure they meet local needs.

On 31 May 2012 the national database showed a total of 3,358 children’s centres recorded by local authorities in England.

The vast majority of the reduction is accounted for by organisational changes such as mergers of children’s centres to make efficiency savings. We are only aware of 11 outright closures.

We can expect some further reorganisations as local authorities continue to review their provision. They must, however, consult on any significant changes to their children’s centre services, and ensure there are a sufficient number of children’s centres to meet local need.

A technical change to DirectGov means that the public can now see a list of all the children's centres in England, including the total number of centres.

2. The Department recently announced plans to consult on strengthening the requirements on local authorities to account for the delivery of their childcare sufficiency duty under Section 6. Why was this necessary? And what is the progress of this consultation?

To meet their duty to secure sufficient childcare for working parents, local authorities must assess their childcare market on a regular and on-going basis. Local authorities told the Department that completing the existing highly prescriptive assessment every three years was costly and time consuming and did not necessarily help parents or childcare providers. The
Department agrees that a more frequent, simpler report would be a more effective and meaningful way of enabling parents to hold their local authority to account for their sufficiency duty.

The Department consulted from 11 November 2011 to 3 February 2012 on proposals that local authorities should report annually to elected council members and parents on their section 6 duty. The majority of respondents (80%) supported the proposal for an annual update of the local childcare market.

Therefore, the Department intends to bring measures before Parliament to repeal the requirement on local authorities to assess the sufficiency of childcare in their area (section 11 of the Childcare Act 2006) and the associated regulations at the earliest opportunity. On 30 May 2012 the Department issued revised statutory guidance under section 6 of the Childcare Act 2006, to come into force in September 2012, which states that local authorities should report annually to elected council members on how they are meeting their duty to secure sufficient childcare and to make this report available and accessible to parents.

3. Since enactment, the Department has published much evidence based around the Early Years Foundation Stage Profile (EYFSP). The most recent figures show that in 2010, an additional 30,000 children achieved a good level of development. What are the figures for 2011?

In 2011, 59% of children achieved a good level of development, representing 18,000 more children than in 2010.

The 2011 results also showed that gaps have narrowed:

- The ‘disadvantage gap’ between children achieving a good level of development in the 30% most disadvantaged areas and all other children has fallen to 12 percentage points (from 14 percentage points in 2010);
- The ‘attainment gap’ between the median score of all children and the mean of the lowest achieving 20% has also narrowed to 31.4% (from 32.7% in 2010).

Between 2009 (the first year of results using the current EYFS Profile) and 2011:

- The number of children achieving a good level of development has risen by 7 percentage points;
- The disadvantage gap has narrowed by 3 percentage points;
- The achievement gap has narrowed by 2.5 percentage points.

Part 1: general functions of local authorities

4. The relevant departments (Department for Children, Schools and Families; the Department of Health and the Department for Work and Pensions) issued
a comprehensive guide called ‘raising standards – improving outcomes’. It set out the duties for local authorities in the first part of this Act. When will it be updated to take account of the parts of the Act that are now out of date?

Raising Standards – Improving Outcomes set out the previous Government’s vision for the early years as well as providing guidance to local authorities. In July 2011 DfE and DH jointly published ‘Families in the Foundation Years’, setting out the Coalition Government’s vision for our offer to parents from pregnancy to age 5.

Other parts of the Raising Standards guidance are either no longer necessary (for example the Government no longer sets statutory targets for local authorities), or are being replaced by more up to date guidance (for example the Government has issued revised statutory guidance on free early education for three and four year olds and childcare sufficiency, to come into force from 1 September 2012). We have reviewed the future for the Raising Standards guidance with the Department of Health and the Department for Work and Pensions, who co-produced this publication with us. As jointly agreed with them, it has now been removed from our website and archived.

5. Under Sections 5a to 5g, statutory guidance was issued in March 2010 (and again in February 2011) setting out how local authorities were to fulfil their duties. The Department started to revise this guidance and consult in autumn 2011. What is the progress of this consultation? Why was it updated so quickly? What needed to be amended in the previous guidance and why?

The Department re-published the Sure Start Children’s Centres Statutory Guidance in February 2011 with a revised Ministerial foreword and under the name of the Department for Education. The wording of both March 2010 and February 2011 versions from the introduction onwards is the same.

The more recent decision to review the Sure Start Children’s Centres Statutory Guidance was made in response to the Government’s general commitment to streamline guidance, to ensure it is concise, focused and clear about what is required.

The Department launched a consultation on a revised draft of the statutory guidance on 5 March 2012. The revised guidance provides greater clarity on the children’s centre sufficiency duty. It also reflects the Government’s commitment to reform children’s centres. In particular, it is clear about the core purpose of children’s centres, setting out the outcomes they should seek to achieve and about their key role in supporting families in greatest need.

The consultation closed on 1 June 2012 and we are currently analysing the responses.

6. Section 6 tackled concerns over creating sufficient childcare for working parents. The basis of the provision was a study of parental perceptions carried out in 2009. Are there any plans to complete another?

   - [The Government also announced plans to bring forward proposals that local authorities should report annually on their]
**section 6 sufficiency duty.** The Government is to consult on the details of this proposal as part of a consultation in autumn 2011 on arrangements to streamline departmental guidance to local authorities. What was the reasoning behind this?

The Department has carried out an annual Childcare and Early Years survey of parents since 2004. The latest available survey report is for the 2009 survey (available on the Department’s website: https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-RR054). The 2010 report will be published on 28 June 2012.

The response to question 2, above, sets out that we have revised statutory guidance on the childcare sufficiency duty.

7. **Section 7** is concerned with the provision of free early years childcare provision. Initial evidence suggests that participation levels have improved, though they remain lower among disadvantaged families. What assessment has been made of reasons why? What measures will be used to monitor and evaluate the provisions of the Education Act 2011 designed to address this. The Act aimed to construct a network of Childcare Regional Network Co-ordinators. What is status of this network considering it was based around the now abolished Government Office in the Regions?

The Department’s annual Childcare and Early Years survey of parents suggests that the main groups least likely to access free early education provision are low-income families and families from black or minority ethnic backgrounds. Decisions about accessing formal childcare are based on a complex interplay of individual circumstances, views and preferences. Parental preferences for looking after their child(ren) themselves feature strongly as a reason for not using formal childcare. In addition, parents report that the quality and accessibility of early education and childcare play a role in decision making, as well as the information that is available to them about provision in their area.

The Education Act 2011 made provision for the free early education entitlement to be extended to eligible two-year-olds. Eligibility will be defined in regulations. The Government has announced that it intends to extend free early education to around 40% of two-year-olds by 2014, with the primary focus for eligibility being economic disadvantage. This will mean that many more children who do not currently access provision at age two will be able to do so. An evaluation of the two-year-old pilot suggests that access at age two will also increase take-up by disadvantaged groups at age three. The success of the two-year-old entitlement in achieving these aims will be monitored annually through the Early Years Census and Annual Schools Census (which record the numbers of two-, three- and four-year-olds in provision) and through the Department’s Parents’ and Providers’ Surveys.

The former Government Offices appointed nine Childcare Regional Network (CRN) Co-ordinators. This was in response to a May 2008 report – Reviewing Childcare Sufficiency Assessments – which concluded that the completion of the assessments was challenging and recommended that the Department...
take action to: compile a list of data sources to help them best map current and future childcare demand; identify and publish good practice; and, organise workshops to enable local authorities to discuss the challenges and solutions of assessing childcare. Following the closure of the Government Offices, such networks have no formal status although we understand that some have continued. The response to question 2, above, sets out that we have revised statutory guidance on the childcare sufficiency duty. The revision means that future assessments can be simpler.

8. The Department has asserted how local authority Sure Start Children’s Centres exercise an influence well beyond the centre itself. In order to monitor this the Department has awarded grants to national voluntary and community organisations to help providers improve their offer for children, support the expansion of provision etc. What form of monitoring and evaluation is being used to analyse the effect of these grants? Is there a single purpose to these grants? What criteria are used in awarding them?

Two Voluntary and Community Sector (VCS) grants focus specifically on Sure Start Children’s Centres.

- The Department is funding the Pen Green Children and Families and Research Centre to set up a national network of Early Years Teaching Centres through outstanding Sure Start Children’s Centres and Nursery Schools. The centres aim to raise standards and improve children’s outcomes for all foundation years providers within the centres’ reach areas, through continuing professional development and leadership support. Learning from these ten centres will be shared widely. Fifteen Early Years Teaching Centres have been selected and skilled practitioners from these centres will be supported to train leaders and staff from surrounding early years settings using their own centres and practice as exemplars. The national network will also enable facilitation of best practice, skills and understanding being shared across the sector to develop more effective services to improve outcomes for children and their families, particularly for those most in need.

- The Department is funding the national charity, 4Children, to work with selected local authorities to identify and overcome potential barriers to voluntary and community sector organisations. Their findings and good practice will be shared and discussed with the voluntary sector, local authorities and children’s centre leader networks.

The Department is monitoring the progress of these projects via quarterly meetings against agreed delivery plans and key performance indicators (KPIs). The grants will be evaluated against their KPIs.

There is also an Early Years and Childcare Strategic Partnership grant, which is led by 4Children in conjunction with other organisations. Some other VCS grants also include some work with children’s centres, for example:

- The Pre-school Learning Alliance is promoting participation in early learning by disadvantaged families and children with disabilities and focuses on developing the role of children’s centres in extending and
integrating provision to support disadvantaged families; and increasing take up of free entitlement by disadvantaged children;

- The National Education Trust is promoting participation in early learning by disadvantaged families and children with disabilities. This includes establishing hubs across the country to provide peer support for local early years settings.

- Two organisations - Early Education and the National Children’s Bureau - have separate grants focusing on developing and promoting peer-to-peer support among local authorities and early years providers to increase the quality of early years provision.

- The School Food Trust is developing peer-to-peer support among local authorities and early years providers to ensure that approaches regarding children’s meals and related skills significantly impact on health and well-being within settings.

Monitoring and evaluation arrangements for these grants are the same as for the two grants which focus specifically on children’s centres.

These grants form part of an overall programme of grants awarded by the Department for 2011-13, following a competitive process in response to a bidding prospectus published in November 2010. The prospectus set out that Government sought to directly fund, at national level, voluntary and community organisations which work with children, young people, parents and families, with a particular emphasis on early intervention and tackling the needs of the most disadvantaged groups. Grants were allocated for services under specific grant themes: Early Years and Childcare; Families and Relationship Support; Child Protection and Safeguarding; Young People; Children in Care; and, Special Educational Needs and Disability. Grants total around £60m in each of the two years.

9. **Section 15 details the powers of the Secretary of State to secure proper performance. How are new arrangements to improve local accountability progressing, based on the payments for results trials which only began in 2011?**

Children’s centre payment by results trials began in September 2011 and will end in March 2013. 27 local authorities are participating in the trials, which are testing payment by results nationally (between government and local authorities) and locally (between local authorities and children’s centres).

In April 2012 the performance of trial areas was base-lined against a set of national measures based on the core purpose of children’s centres. The core purpose is to improve outcomes for young children and their families, with a particular focus on the most disadvantaged families, in order to reduce inequalities in child development, school readiness, health and life chances.
The Department has appointed a contractor to run a process evaluation which will consider the impact of the trials, including whether they affect behaviour in a way which will improve outcomes for local children and families.

The move to payment by results is set in the wider context of local transparency. It is vital that local leaders make information available to the public so that local people can hold councils to account, not just on children’s centres but on all services for children, young people and families.

10. What changes have been required to the disqualification regime as a result of the amendments currently being made to the Vetting and Barring Scheme?

The amendments to the Vetting and Barring Scheme (VBS) do not have any direct affect on the disqualification regulations. However, the Department is conducting an internal review of the disqualification regulations and will take any changes made to the VBS into account.

11. Under Sections 60 and 61, Ofsted currently has a power to inspect those only registered on the GCR. The Department reports that 10% were inspected last year. Are there any plans to increase this percentage? What is the reasoning behind this inspection level?

Sections 60 and 61 relate to the inspection arrangements for provision for children under aged 5-8 (later years childcare providers). The General Childcare Register is a light-touch register. The fees are set at a level intended to cover the full costs of registration and inspection. The inspection level was set at 10% per year in order to provide an incentive for providers to comply with requirements and the sample includes inspection in response to complaints. There are no plans to increase the percentage of inspection since this would increase the cost of the Register to providers.

12. There has been some concern that regulatory arrangements for older children and for voluntarily registered providers (such as nannies) could potentially mislead parents because they might believe that all registered provision has to meet the same requirements. This Committee has recommended that the Government improves the voluntary part of the General Childcare Register (GCR); what has been done to achieve this?

The Government has carried out an internal review of the General Childcare Register and concluded that there is scope for changing the arrangements which currently apply to General Childcare Register. There will be a full public consultation before any changes are made.

13. The Department has suggested that despite the general success of the policy there remains more to do in terms of narrowing the gap between the lowest achieving young children and their peers, and in increasing the take up of the free entitlement by the most disadvantaged. What is being done to tackle this?
Evidence shows that more five-year-olds are achieving well, but there is still a 14 per cent achievement gap between those in the most disadvantaged areas and the rest, and gaps start to appear as early as 22 months. The Effective Pre-School Education Study (2004) found that there were social and cognitive benefits for children who received good quality pre-school provision between the ages of two and two-and-a-half years compared with children who started at age three and over. However, fewer children from deprived backgrounds have the opportunity to experience early education – 43 per cent of two-year-olds in families earning under £16,200 were reported to be receiving some formal childcare in 2009, compared with 73 per cent of children in the richest families.

To enable more disadvantaged children to access early education provision from age two, the Government plans to introduce an entitlement to free early education for around 40% of two-year-olds from September 2014, with free places targeted at economically disadvantaged families. In setting funding levels for free early education for three- and four-year-olds; from April 2011 all local authorities must use an Early Years Single Funding Formula which includes a deprivation supplement.

Two further significant measures will support improvement for young children, including the most disadvantaged. Firstly, the revised EYFS to be introduced from September 2012 will be sharper and clearer. It will lead to reduced paperwork so that childcare professionals can focus more of their time on working with children. The Department will produce a guide for parents to help them to better engage with early years settings so that they can support their children’s learning at home.

Secondly, a well qualified workforce is key to improving children’s outcomes. Good quality qualifications help the early years workforce to develop the skills, knowledge and personal qualities that the evidence tells us help to improve outcomes for young children. Professor Cathy Nutbrown has independently reviewed early education and childcare qualifications to see how they can respond better to the new challenges facing the workforce. She reported on 19 June 2012 and the Department is considering her recommendations.
Children and Adoption Act 2006

General points

1. The power of courts to direct parents towards contact activities has resulted in the growth of a range of provisions that is helping to support parents in retaining safe meaningful relationships with their children. The Department has stated the Act has been less successful in its intention to create a wider range of workable enforcement powers to punish parents who breach contact orders. This issue will need to be addressed in the light of the recommendations for the Family Justice Review published on 3 November 2011. What lessons have been taken from the Family Justice Review on this point?

Response

The Ministry of Justice leads enforcement policy in respect of court orders. The Ministry of Justice is working with Her Majesty’s Courts and Tribunal Service and the judiciary to implement new procedures to bring cases back to court quickly where an order is breached, and before the same judge who made the order, where possible. Enforcement options were not included in the Family Justice Review panel’s consultation exercise although the issue of enforcement was a prominent theme in many of the responses. A full, national consultation on proposals to extend and strengthen the effectiveness of enforcement provisions was launched on 13 June. It is intended that provisions on enforcement will be included in a DfE Bill in early 2013, as part of a range of measures flowing from the recent Family Justice Review.

2. This Act aimed to consolidate various aspects of a complex statutory process designed to balance a child’s need for stability within the parental home and safety. Have there been any general unforeseen consequences of this Act based around the need to promote contact and enforce contact orders (for example, the number of children taken into care)?

Response

The Children and Adoption Act 2006 introduced two new provisions in the Children Act 1989 to allow the courts to enforce a child contact order: firstly, where a contact order is breached without a reasonable excuse, the court may make an enforcement order, ordering the person in breach to undertake unpaid work. Secondly, where financial loss is incurred as a result of a contact order being breached (e.g. the cost of a holiday) the court may order financial compensation to be paid.
The Government is not aware of any ‘unforeseen consequences’ as a result of promoting child contact or enforcing contact orders (the powers do not include provisions to take children into care).

3. Part 1: The Separated Parent Information Programme (PIP) is the first nationally available parent education programme for litigating parents in England. According to the Department’s recent evaluation, it appears that there are organisational obstacles to the take up of the programme nationally. Decisions about whether to refer to PIP or not seem to be based on local custom and practice. What efforts have been put into remedying this situation? Is any work planned to improve the efficacy of the programme overall; or to undertake the many recommendations that the evaluation put forward?

Response

Development work on PIP is currently underway to improve the delivery and efficacy of the programmes. Professor Liz Trinder, who carried out the evaluation of PIP in 2011, is leading this work and it reflects the recommendations she made in her final evaluation report.

Improvements to the programme include:

- Clearer information for parents about the purpose and aims of the programme;
- Changes to the programme materials to better focus on behaviour change and include practical steps parents can take to improve communications, and;
- An additional session, similar to mediation, which both parents attend together following completion of the PIP. This additional session will be recommended for the most complex cases.

These amendments are currently being piloted in the Kent and Surrey areas. Professor Trinder is also carrying out an evaluation of the pilots and is due to report her interim findings in November.

Smaller changes have been made to the programme materials to focus on conflict management skills, and information provided to parents about the programme has been improved. These were rolled-out in May this year.

Cafcass is using updated PIP referral processes that are simpler and quicker to complete. This is showing positive results so far. Cafcass is also in regular dialogue with service providers about the degree to which referral processes continue to be an issue – and evidence suggests that issues are diminishing. Professor Trinder is also looking at referral processes as part of her additional work on PIP. In addition, Cafcass is taking steps to improve the way it collates
data on referral rates for PIP. This will enable them to monitor referral rates at individual court level and undertake targeted work in those areas which have a low referral rate.

PIP is part of a wider package of dispute resolution services aimed at steering families away from the courts and supporting them to resolve their disputes through other routes that are quicker and offer better value for money; providing more positive outcomes for children.

4. The Domestic Violence Perpetrator Programme (DVPP) helps parents to become more aware about the impact of their behaviour and resolve conflict with their ex-partners without resorting to violence or abuse. Within this, is the Department planning to:

- Monitor and evaluate existing provision? [This does not appear to have been an option despite the fact that Home Affairs Committee suggested this as far back as 2007-08 (Select Committee on Home Affairs Sixth Report, para: 310)]

Response

All providers must meet Respect accreditation or National Offender Management Service (NOMS) standards, if the provider is a probation service, before being awarded a grant to deliver DVPP. Cases are referred and monitored by Cafcass case managers and there are already inspection and audit processes in place. Providers supply monthly management information to Cafcass through these processes. Providers, and their service delivery, are evaluated as part of the re-tendering process each year. Cafcass will also be replicating the quality processes for DVPP that it is now putting in place for PIP delivery, for example:
  - monitoring the levels and speed of take-up;
  - proportion of unsuitable referrals;
  - the quality and timeliness of reporting;
  - compliance with accreditation, and;
  - Compliance with Cafcass operational audits of practice, and inspection.

- Publicise the referral process? [despite the fact that the department suggests that the courts and service users have only just started to recognise the value of the service?]

Response

Robust local protocols and the developing of practice between courts, Cafcass and Service Providers are now in place. Cafcass is expecting take-up of provision to increase during the next few months. To support this, a new referral protocol, service user information and reporting processes are in place. Local
Cafcass officers are completing protocols and providing information to partners, including the courts.

- Increase provision overall for the country if the monitoring has proved that the policy is a success?

Response

Cafcass has worked closely with NOMS to secure delivery with probation services across England. The purpose of this is to ensure wider coverage of provision while drawing on the service’s experience of dealing with violent offenders. Many probation services already have programmes (such as IDAP) in place for working with perpetrators of domestic violence. Provision has increased over the last year - there are currently 37 providers delivering DVPP and a further 7 are working towards Respect accreditation. There are eleven more providers awaiting accreditation by Respect which will be completed soon.

- Provide a formal accreditation process [There does exist a de-facto regulatory practitioner organization called Respect. Has this organization’s expertise been harnessed at all? ]

Response

Before delivery of DVPP can commence, providers must first complete and pass the Respect Safeguarding and Risk Assessment Standard and demonstrate that they are working towards achieving full Respect accreditation within one year of starting delivery.

Probation services are subject to NOMS standards and must demonstrate to Cafcass how the service maps across to the equivalent Respect accreditation before delivery can begin.

5. The Mediation Information and Assessment Meetings (MIAMs) provide an opportunity for parents to find out about mediation and other forms of dispute resolution. The Department has stated that though MIAMs are overseen by the Legal Services Commission, there are no figures compiled by the Department or the LSC on the number of attendees and no evaluation of the impact has ever been undertaken. Will this be monitored/evaluated? If not, why?

Response

The LSC publishes official statistics - including the number of mediations started alongside its annual report. However, details of MIAMs undertaken are considered too detailed for this purpose. It is likely that data on MIAMs will be fed
into the Family Justice Board, once that has been established; but the Government has no plans at present to publish this information.

6. Part 2 makes provision about inter-country provision from a country outside the British Isles where there are concerns about practices in that country in connection with the adoption of children. The decision to suspend was said to be based upon the best available information obtained from consultations with individuals and organisations with knowledge and expertise in the area. What criteria are used to inform any decision taken?

Response

This provision allows the Secretary of State to impose a suspension of adoptions from a particular country where there are concerns that practices taking place in that country in relation to the adoption of children mean that it would be contrary to public policy to further the bringing of children into the UK from that country either for the purposes of adoption or following an adoption in that country which took place within the previous 12 months.

There are no other set criteria to inform this decision as the circumstances differ in each case but an important consideration is whether those practices are contrary to the principles of the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption and the United Nations Convention on the Rights of the Child.

The Secretary of State must publish his reasons for making the declaration in relation to each restricted country and must publish a list of restricted countries, the 'restricted list', which must be kept up to date. The current restricted list can be downloaded from the intercountry adoption section of the DfE website at http://www.education.gov.uk/childrenandyoungpeople/families/adoption/intercountryadoption/a0059758/restrictions.

7. The recent Family Justice Review stands as a major piece of post legislative scrutiny of this Act. How many of its recommendations have been implemented?

- What was the reasoning behind not implementing some of them?
- Which issues will be left to a separate inquiry by the Ministry of Justice? What is the role of the Department in this?

Response

The Family Justice Review panel published its final report in November 2011. The report contained 134 recommendations, of which the Government accepted
the vast majority in full when it published its response on 6 February. Key recommendations included putting children at the heart of the processes so that their needs are the paramount concern; setting a six month time limit for care cases; increasing the use of out of court resolution for separating parents; and changing culture within the family justice system as a whole.

The Government’s response to the Family Justice Review includes an annex which sets out the detailed rationale for which recommendations are being accepted and how the work will be implemented. This can be found at https://www.education.gov.uk/publications/standard/publicationDetail/Page 1/CM-8273

One area where the Government chose to diverge in its approach has been on shared parenting. The review Panel rejected any legislative provision in support of shared parenting. However, in its response to the Family Justice Review, the Government committed to making a legislative statement emphasising the importance of children having an ongoing relationship with both their parents after family separation (where that is safe and in the child’s best interests). Draft clauses are currently the subject of a public consultation which was launched on 13 June and will end on 5 September. The Government will make a final decision about how to frame this legislative change following the consultation; the change will then be taken forward at the earliest opportunity through a DfE Bill.

The Government’s plans will encourage parents to resolve disputes outside of the courts, and address the existing perception among some that the family courts are biased in favour of one parent.

DfE and MoJ will report regularly on progress through their respective Departmental Business Plans.
Education and Inspection Act 2006

General

1. The aim of the Act was to provide a new role, duties and powers for local education authorities. To what extent has this aim been achieved in an overall climate of increased duties for local education authorities and reduced budgets?

2. What have been the unforeseen consequences of this?

Response:

The Education Act 2006 introduced a range of duties on local authorities. Inevitably there has been variability in how local authorities have fulfilled their new roles.

Since the introduction of the 2006 Act, the current Government has set out its own vision for local authorities in relation to education. The Schools White Paper, The Importance of Teaching, published in November 2010, described a clear role for local authorities as champions for educational excellence in an increasingly autonomous and diverse school system.

That context of greater school autonomy, a reduced financial settlement, and the Government's determination to remove bureaucratic burdens on both local authorities and schools, means that it is right that the local authority role in education should continue to evolve.

Local authorities continue to perform an important role in education, and the Department for Education (DfE) continues to work with them to ensure they are able to fulfil that role effectively. DfE is funding, with the Local Government Association, research to explore how local authorities are approaching three key elements of their role: ensuring a sufficient supply of school places; tackling underperformance in schools and ensuring high standards; and supporting vulnerable children. An interim report was published in February 2012 and the final report is expected at the end of June 2012.

Summary of costs and funding

The Regulatory Impact Assessment published at the time of the Act makes a number of estimates of expenditure:
3. £600,000 per annum from 2007-8 for new parental demands for schools to be investigated by local authorities. What has been the actual level of expenditure?

Response:

The DfE does not hold or collect information on the specific levels of expenditure by local authorities in meeting their duties to ensure sufficient school places are available. To do so would place an unnecessary burden on local authorities.

4. £30,000 to £60,000 per school allocated for each authority to find children who were missing out on education (a total cost of approximately £6m) from 2007-08.

   a. Has this measure been implemented and if so with what success?
   b. What measures have been taken to fulfil the duty to identify children not receiving education?

Response:

This new duty was placed on all local authorities in England in 2007. It required them to put in place arrangements to identify (as far as possible) those children of compulsory school age living in their area who are missing education. It was recognised at the time that the duty would place an additional financial burden on local authorities, so funding was allocated to each local authority to enable them to identify children missing education and to return them to full-time education. Funding of £3.5m was provided in 2007-08 as part of the Children's Services grant (from 2008-09 this was transferred into local authorities’ general formula funding). While it is for individual local authorities to decide how to implement their duty, in 2009 the Department published statutory guidance, to which authorities must have regard¹. This included having a named officer in post and ensuring that there are effective processes for information sharing across authorities.

All local authorities in England do now have a named officer responsible for tracing children missing education.

In August 2010 Ofsted published a report which looked at the effectiveness of action taken by local authorities in relation to identifying children missing education\(^2\). It highlighted some good practice but also some concerns around the reasons for children missing education. The report also raised concerns about the effectiveness of co-operation between local authorities and schools (schools have a duty to inform local authorities when a pupil is absent for ten or more continuous days or when they delete a pupil from their register), and the quality of information and data gathering (where local authorities are responsible for establishing their own systems). Local authorities will be aware of this report, and the Department would expect them to have taken action where appropriate.

5. 40 schools were estimated to require ‘extra radical action’ and were provided with an extra £15m to cover the cost of these interventions. How many received such action? What are the reasons behind any divergence from the estimate? How much has been spent?

Response:

The Department for Education and Skills provided every local authority with a share of £30m over 2 years (2006-07 and 2007-08) to support their work with schools causing concern and their implementation of the new powers contained in the Act. The £30m was distributed to local authorities through the Standards Fund. The funding was not ring-fenced and it was left to local authorities to decide on which schools and interventions they would spend the money.

6. £5m for 2006-7 and £15m for 2007-8 was allocated to a flexible funding pot in order to facilitate the specialised administration needed to introduce the Specialised Diploma course for 14-19-year-olds and the science entitlement for KS4 students. Was this money spent? What assessment has been made of its impact?

\(^2\) The report – *Children missing from education – The actions taken to prevent children from missing education or becoming “lost to the system”* – can be found at: http://www.ofsted.gov.uk/resources/children-missing-education
Response:

The way that Diploma costs are grouped makes it difficult to answer the specific question asked, but we can confirm that the following sums were spent on the development and delivery of Diplomas:

Diploma spending in 2006-7 was £9.4m

Diploma spending in 2007-8 was £46.5m

This expenditure covers:

Developmental: Spending on the development of Diploma qualifications by Diploma Development Partnerships and the Qualifications and Curriculum Development Agency (QCDA). This also includes expenditure on the Diploma Aggregation Service (DAS), the Unique Learner Number (ULN) Service and the Diploma Awarding Task Force, that provided direct support to schools and colleges.

Preparation: Funding provided each year to Diploma consortia preparing to deliver a Diploma line for the first time in that year, building their capacity to deliver Diplomas and Functional Skills.

Direct and indirect: Funding provided to support progress checks, visits between Diploma consortia and the Gateway process that approved consortia to deliver new Diploma subjects. The Diploma Formula Grant supports the additional costs of delivering Diplomas at KS4 which are not met by mainstream funding.

Workforce development: Funding provided to prepare the workforce for the delivery of Diplomas and Functional Skills.

Capital: Funding to leading consortia, rural consortia and exemplar centres to meet development and delivery costs.

Transport: Funding the Transport and Access Coordinator posts in each of the 40 most rural areas to enable pupils to travel to other schools or colleges to receive specialist teaching for their chosen Diploma line.

No specific assessment has been made of the impact of the funding available from 2006-08 to support the introduction of
specialised Diplomas. However, research commissioned by the DfE found that while the Diploma gave young people a broad insight into different aspects of an industry sector, it was also considered by many staff to be too big and too complex.

In 2011, the current Government decided that it should not provide support for the Diploma that is not available for other qualifications. Explicitly, it could not continue to provide financial support to the Government-run Diploma Aggregation Service (the web-based information management system used to generate the overall Diploma grade), which will close after Diploma awarding in summer 2013.

In parallel, Ofqual confirmed arrangements for changes to the regulatory requirements so that individual awarding organisations could offer the Diploma independently from Government. Following that announcement, awarding organisations announced their intentions not to offer the Diploma to new students from September 2012.

7. £4m per annum from 2007-08 for five years was allocated to meet the new duty of travel and transport. How much has been spent?

Response:

The Department allocated £4m per annum to local authorities as a non ring-fenced formula grant through the Area Based Grant mechanism from 2007-8 (it is currently paid through the Local Services Support Grant). The purpose of the grant was to meet the expenditure pressure on local authorities resulting from the general duty under section 76 of the 2006 Act to assess the travel and transport needs of all pupils and promote sustainable means of travel to school.

Part 1: Education functions of local authorities

8. Section 6 introduces a new duty to ensure ‘positive leisure time activities’ for young people. Since the removal of the requirement for a Local Education Authority Children’s Plan, has there been a consistent regulatory approach to ensure that this duty has been met? What steps have been taken to find out how the views of young people have been taken into account?
Response:

This duty requires local authorities to secure, so far as is reasonably practicable, access to sufficient activities and services to improve the wellbeing and support the personal and social development of young people. Local authorities must ascertain the views of young people and take these into account in their decisions, and consider whether other providers are best placed to deliver before presuming to do so themselves. They must also have regard to statutory guidance.

In line with its commitment to reduce bureaucratic burdens on local authorities the Government has consulted on much shorter guidance on this duty, focused on the key principles set out in Positive for Youth3. The consultation ran from March to May 2012, and final revised guidance will be published shortly. A key aim is to make clear that this duty relates to the wide range of activities and services that can play an important role in the lives of young people – not simply constructive leisure activities.

The Government does not routinely monitor local authority performance in relation to either this particular duty, or more generally, in relation to services for young people, given its desire to see a decisive shift in accountability for service improvement away from central Government towards self-driven improvement by local authorities. In parallel to the consultation on the draft revised guidance, the Children’s Improvement Board, supported by the DfE, is developing arrangements for responding to any concerns about the quality of any areas of local authorities’ services for children, young people and families. The intention is that central Government will intervene to secure improvement only where there is evidence of critical or enduring failure to deliver statutory functions adequately or at all, or where there is evidence that local authorities have been unable to improve on their own.

As noted above, local authorities are required to ascertain and take into account young people’s views in making decisions about local services. As set out in Positive for Youth, the Government believes it is important that young people’s views are heard on issues that affect their lives. This is in line with Article 12 of the United Nations Convention on the Rights of the Child. It is the responsibility of local authorities to determine how they implement this duty, and the Government does not monitor how they do this. The draft revised statutory guidance on this duty confirms the Government’s expectation set out in Positive for Youth that local authorities should maintain structured

3 Positive for Youth, HM Government, Dec 2011
arrangements for supporting and enabling representative groups of young people to have their say in decisions and on the quality of local provision. The Government has provided £850k to the British Youth Council over the period to March 2013 to promote youth voice, including through advice to local authorities on how best to involve young people.

Part 2: Education functions of local authorities

9. How has the target to promote high educational standards, fulfilment of school potential and parental choice been balanced with community cohesion? Is there any evidence that segregation has been occurring within certain schools?

Response

The Act introduced a new requirement on school governing bodies to promote community cohesion. The Government’s view is that this is entirely compatible with the promotion of high educational standards and parental choice. The Government’s school reform programmes continue to emphasise the importance of this issue. The applications guidance for new Free Schools, for example, requires that applicants demonstrate that schools will be inclusive.

It is for schools themselves to decide how to fulfil their duty to promote community cohesion. While, following the Education Act 2011, Ofsted is no longer required to report specifically on schools’ contribution to community cohesion, the new inspection framework includes a stronger focus on teaching and a continuing focus on provision for pupils’ spiritual, moral, social and cultural development.

Schools that are successful in raising the attainment of all their pupils share broadly similar approaches to the creation of a genuinely inclusive school community whatever the nature of their intake.

10. Why there have been so “few proposals” (according to the Department’s own assessment) from parents and others to establish new schools? Out of the 50 competitions decided as at 24 June 2011, how many were new schools created by parents?

Response:

Two parent/community groups won competitions to establish a
new school, with a further two parent/community groups establishing new schools outside the competition arrangements.

The complex statutory requirements under the 2006 Act for proposing new schools might well have deterred parent/community groups from proposing new schools.

The Government’s new Free Schools policy now makes it much easier and faster for parents and local/community groups to propose new schools. 24 new Free Schools opened in the first year of the programme (September 2011) because of local demand from parents for a new or different type of education to benefit local children and their families. The schools will meet parents’ desire for good, state-funded schools that have strong discipline and – in many cases – smaller class sizes.

Part 3: Further provisions about maintained schools

11. The Department’s own assessment states that there “is evidence that local authorities are responding to their duty to increase opportunity for parental choice, with 97.2% of parents receiving an offer of a place at one of their preferred schools in 2011 (up from 95.6% in 2008)”. How has the duty to increase parental choice been balanced with the duty to maintain and increase community cohesion? What lessons have been learnt from the recent review in this area?

Response:

The response to question 11 is incorporated in the response to question 9.

12. The Department has published the School Admissions Code which:
   a. Extends the role of admissions forums
   b. Requires local authorities to provide information and advice in choosing a school
   c. Prohibits interviewing as part of the process

In the light of these different priorities, how has the Department ensured that the most vulnerable young people, like Looked After Children, are not left behind?
Response:

Although the current Government has taken steps to simplify admissions arrangements, and remove unnecessary prescription from the most recent Admissions Code⁴, protecting the interests of looked after and vulnerable groups has remained a priority.

The new provisions in the School Admissions Code continue to give the highest priority for school places to looked after children. This has now been extended to those looked after children who leave local authority care through adoption, special guardianship or a residence order. This priority will remain with the qualifying 'previously looked after child' for the rest of their compulsory school life. This means that a child who is adopted at the age of one will continue to have priority for primary and secondary school places. In addition to twins or multiple birth children, we have added previously looked after children to the list of excepted categories for the purposes of the Infant Class size regulations. This new provision acknowledges that in many cases previously looked after children continue to be vulnerable and require greater assistance even after adoption.

The Government has also sought to allow greater priority to be given to a wider group of vulnerable children. The School Admissions Code allows Free Schools and those Academies where the funding agreement permits it, to give priority in their Admission arrangements to children in receipt of the Pupil Premium.

Part 4: Schools causing concern

13. Part 4 of the Act gives local authorities and the Secretary of State powers to tackle failing and underperforming schools more quickly and effectively. The Assessment suggests that local authorities are not using these measures as frequently as expected and the right procedures are not being used. What assessment has been made of the reasons why these measures have been used less than expected?

Response:

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⁴ The School Admissions Code can be found at: - http://www.education.gov.uk/schools/adminandfinance/schoolasmissions/a00195/current-codes-and-regulations
Initial analysis and data provided by Ofsted showed that some local authorities were using the intervention powers more frequently than others. Between April 2007 and 16 March 2012, 78 local authorities issued 175 warning notices. During consultation to refresh the Schools Causing Concern guidance in summer 2011, lack of knowledge and understanding of the intervention powers and lack of awareness of them were cited as two reasons for some local authorities not using these measures.

14. Has there been any recent instances of the procedure being used incorrectly? What have been the major failings and what is being done to remedy it?

Response:

Between April 2007 and March 2012, two of the 175 warning notices issued by local authorities were found to be incorrect and withdrawn. DfE is not provided with the information on why these notices were not correctly issued. During the same period Ofsted received 26 appeals from schools against the warning notice. Of these, only three have been upheld.

To minimise further issues with warning notices and to improve local authority engagement with the Schools Causing Concern process, the Department has issued revised local authority guidance on Schools Causing Concern, following consultation with local authorities. In response to local authority feedback the guidance has been simplified and reduced from 70 pages to 12 to increase usability and understanding.

Part 5: Curriculum and entitlement

15. The Department’s own review pointed out how the Act’s new statutory entitlement has not had the impact originally expected. The number of pupils taking GCSE science and GCSE additional science has fallen by around 100,000 in recent years. What work has the Department done to find out the reasons for this?

Response:

The statutory entitlement for all pupils to study at least two science GCSEs was introduced in September 2007. It specifically includes an entitlement to study either GCSE Science and GCSE

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5 Schools causing concern – guidance for local authorities can be found at: http://www.education.gov.uk/schools/leadership/schoolperformance/g00192418/scc
Additional Science or GCSEs in all three separate sciences of physics, chemistry and biology (GCSE Triple Science). The aim of the entitlement is to ensure as many students as possible follow a course of study that will enable them to consider studying all three science subjects at A level.

The Government shares the Committee's concerns that the statutory entitlement for all pupils to study at least two sciences has not had the intended impact since its introduction in 2007. While the fall in the number of students entered for GCSE Science and GCSE Additional Science (from 354,500 in 2007/08 to 251,000 in 2010/11) can be offset to some extent by an increase in the number of students entered for GCSE triple science over the same period (from 64,300 in 2007/08 to 129,800 in 2010/11) the rest of the deficit can be accounted for by an increase in the number of pupils being entered for vocational science qualifications. Entries for these qualifications, such as those offered by BTEC and OCR, increased from 20,079 in 2007/08 to 85,000 in 2010/11.

As the Government’s response to Professor Alison Wolf’s review of vocational qualifications makes clear, the Government accepts the review’s conclusion that the current equivalence system in secondary performance tables encouraged schools to offer qualifications which attract heavy weighting in the tables but which do not necessarily support pupils to progress into further study or employment. An earlier study by Ofsted, looking at the guidance pupils were receiving about Key Stage 4 science options, also highlighted that opportunities for students following vocational courses in Key Stage 4 to then pursue level 3 science courses post-16 were limited. It also found that only a minority of schools surveyed were aware of the statutory entitlement.

The Government is committed to taking forward policies that will encourage more pupils to study high quality science options in line with the statutory entitlement. It introduced the English Baccalaureate (EBacc) as a performance indicator in 2010, including those science qualifications that will support progression to the three science A levels. Given the science component of the EBacc, together with the Department’s intention to make subject level data available for GCSEs and equivalent qualifications, the GCSE science indicator has now been removed from the School Performance Tables.

Further reforms of the Performance Tables will be introduced in response to recommendations in Professor Wolf’s review. From
2014 the only non GCSE qualifications which will be recognised in the key indicators in the performance tables will be those that have been judged to be high quality and rigorous and will give the majority of students the chance to pursue a wide range of educational and employment opportunities. Furthermore, each qualification will only count as equivalent to no more than one GCSE.

The number of students studying science at A level has increased in recent years despite the decrease in numbers taking GCSE science and additional science. This is something the Government is committed to improving further. It is allocating up to £135m over the period 2011-15 in support of initiatives to improve participation, standards and achievement in STEM curriculum subjects. This includes improving the quality of science teaching and providing support to schools to enable more of them to offer their pupils the opportunity to study GCSE triple science.

Part 6: School travel and school food

School Travel

16. The Department has stated that it “has enabled pupils from low income families to state a preference for a wider choice of school and this has had the effect of increasing the number of children entitled to free home to school transport.” What evidence is there to support this statement?

Response:

All local authorities (LAs) were asked to respond to a ‘take up’ survey on the first anniversary of the introduction of the primary age extended rights (October 2008). Of those that reported figures, 61,423 pupils were entitled to free home to school transport and 1,140 took up the offer. 30 local authorities failed to respond, of which 24 were London Boroughs who already offered free transport to under 16s and therefore were not given a funding allocation.

All local authorities were asked to respond to a similar the survey on the first anniversary of the introduction of the secondary age extended rights (October 2009). Of those that reported figures,
71,174 pupils were entitled to free home to school transport and 13,847 pupils had taken up the offer. 41 authorities failed to respond, of which 21 were London Boroughs.

It has been assumed that by 2013-14 take up will reach a maximum of 30%, of those entitled. This is because the free travel entitlement does not of itself guarantee a school place nor does it assume that the parent will want the child to take up a place if one is available. As of October 2009 take up by pupils reported by local authorities as known to be entitled was 19%.

3,499 pupils, entitled to extended rights to free travel, were reported as having taken up the offer on grounds of religion or belief covering 87 local authorities.

17. This part of the Act requires the Secretary of State to prepare and publish an evaluation of schemes. Such an evaluation must be undertaken and published before 1 January 2012. What is the state of progress on this?

Response:

In November 2007 local authorities were invited to submit bids to apply to become School Travel Scheme pathfinders. It was intended that up to 20 pathfinder schemes would be approved in England, to start in September 2009 and run initially until July 2012. At the time, it was hoped that a significant number of authorities would submit bids, but only 23 single bids and one collaborative bid were received. None were fully compliant with the prospectus criteria and Ministers concluded that they would not proceed any further with the pathfinder process.

With no schemes in operation, evaluation could not happen and a Written Ministerial Statement was laid in the House explaining the lack of evaluation and the proposal, by means of an order under section 80(2) of the 2006 Act, to provide for the cessation of the school travel scheme provisions in section 508E and Schedule 35C of the Education Act 1996. The order will specify 1 August 2012 or a date shortly after on which of the provisions are to cease. 1 August 2012 is the earliest date cessation can be effected under section 80(3) of the 2006 Act.
18. Given that the Campaign for Better Transport, a registered research charity has posited:

Research by the Association of Colleges has shown that 72% of students take a bus to college, the average home to college journey is 9 miles, and 94% of colleges believe that the abolition of EMA will affect student's ability to travel to and from college. The factors that impact on the ability for young people to travel to post 16 education include:

- The available public transport network
- The cost of fares
- The local authority policy on support for post 16 education transport
- Local authority youth bus pass schemes
- The Education Maintenance Allowance

In the light of this and the need for greater communication, cooperation and joined up thinking between departments and service providers ensuring a consistent service, is there any evidence of an active interest in more being done to pool budgets and resources at a national and local level to help minimise costs for maximum outcomes? What will the guidance published later this year say to square the circle?

Response:

Local authorities have a duty to publish a transport policy statement each year that sets out the travel arrangements they consider necessary to support young people of sixth form age to attend post-16 education.

Local authorities fund their responsibilities through the grant they receive from national government and through generated income, such as council tax. There is no national budget for transport arrangements for young people aged 16-18.

The local authority has a duty to consult with a broad range of people and organisations to develop a collaborative, cross border approach to transport solutions. These include: other local authorities; other departments in the local authority (for example social services who may also procure or own transport); schools and further education institutions; Passenger Transport Executives and Integrated Transport Authorities; young people and their parents and other appropriate organisations such as community groups and voluntary organisations.

Support is also available through the £180m 16-19 Bursary Fund, which was introduced in September 2011. The Fund enables schools and colleges to support students with transport costs
where those costs have been identified as a barrier to that student’s participation.

Any future guidance will be set in the context of the Government’s wish to reduce the bureaucratic burden on local authorities allowing them to determine and respond to local need in ways that make operational and financial sense.

Local authorities are best placed to determine the transport arrangements needed in their area. They know the location of the schools, the colleges and independent providers, the transport infrastructure available and the young people who need their support.

School Food

19. The School Food Trust and a thematic report carried out by Ofsted in 2009 indicated that “good progress” has been made in providing nutrient-based standards for secondary schools. What, if any, follow up work has there been since then?

Response:

The school food-based and nutrient-based standards came fully into effect in September 2009.

In April 2012 the School Food Trust published a survey report looking at school food provision in secondary schools. This included an assessment of schools’ compliance with these standards. The field work for this survey was carried out between October 2010 and April 2011 in a nationally representative sample of 80 secondary schools in England. It compared the results with a previous national survey of provision and consumption in English secondary schools carried out using the same methodology in 2004. The survey showed that good progress had been made towards meeting the standards. Whilst it is clear that food and drink not permitted by the standards have not disappeared completely from schools, their availability has been significantly reduced as part of the transition towards healthier provision.

A School Food Trust research paper published in the 2011 British Nutrition Foundation Nutrition Bulletin, 36, reported clear evidence of improvements in provision, choice and consumption of food in schools following the introduction of legislation and a national programme of work to change catering practices and the
attitudes of pupils, parents and others to healthier food provision in schools.

Part 7: Discipline, behaviour and exclusions (sections 88 to 111)

20. How many parenting contracts have been issued each year since their introduction?

Response:

The 2006 Act extended the use of parenting contracts to cover circumstances where a pupil was misbehaving but had not been excluded from school. The DfE collects and publishes annual data from local authorities on their use of parenting contracts for poor behaviour and exclusion. (It does not collect data which separates out the use of parenting contracts for poor behaviour alone.)

The following table sets out the number of parenting contracts issued to parents in each year according to local authority returns.

<table>
<thead>
<tr>
<th>Academic year</th>
<th>Number of parenting contracts issued to parents</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/08</td>
<td>2726</td>
</tr>
<tr>
<td>2008/09</td>
<td>3572</td>
</tr>
<tr>
<td>2009/10</td>
<td>2169</td>
</tr>
<tr>
<td>2010/11</td>
<td>1474</td>
</tr>
</tbody>
</table>

21. How many penalty notices have been issued and of these, how many have been enforced?

Response:

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6 The full data can be found on the Department’s website at http://www.education.gov.uk/schools/pupilsupport/behaviour/parents/a0010302/parental-responsibility-data
The 2006 Act introduced a new provision for penalty notices to be issued where an excluded child is found present in a public place during school hours in the first five days of any exclusion. The DfE collects and publishes annual data from local authorities on their use of these penalty notices. The majority of penalties issued were paid by parents but those that do not pay can be prosecuted for the offence. Between 2007/08 and 2009/2010 there were eleven prosecutions undertaken by local authorities.

The following table sets out the number of penalty notices issued to parents in each year according to local authority returns.

<table>
<thead>
<tr>
<th>Academic year</th>
<th>Number of penalty notices issued to parents in response to an excluded child’s presence in a public place during the first five days of an exclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/08</td>
<td>45</td>
</tr>
<tr>
<td>2008/09</td>
<td>43</td>
</tr>
<tr>
<td>2009/10</td>
<td>41</td>
</tr>
<tr>
<td>2010/11</td>
<td>33</td>
</tr>
</tbody>
</table>

22. It was estimated that the costs of these new provisions would be £16m per year (£10m to cover schools’ costs and £6m for the local authorities). What was the actual cost per year?

Response:

The extra cost of meeting the duty to arrange provision of suitable full-time education for excluded pupils placed on schools and LAs by sections 100 and 101 of the Act respectively cannot be identified from data held by the DfE. We can however say that there has been a significant fall (of around 40%) in the number of permanent exclusions, and little change in the number of fixed-period exclusions of over 5 days. The assumptions of pupil

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7 The full data can be found on the Department’s website at http://www.education.gov.uk/schools/pupilsupport/behaviour/parents/a0010302/parental-responsibility-data
numbers on which the above costs were based, would, therefore, have been approximately correct in relation to the costs to schools arranging education following fixed-term exclusions, but an overestimate in relation to the costs to local authorities in arranging education for permanently excluded pupils.

Part 8: (sections 88 to 111)

23. What progress has been made in the consultation between Children’s Rights Director in Ofsted and of the Office of the Children’s Commissioner over their respective functions?

Response:

Following an independent review of the Children's Commissioner by John Dunford in 2010, the Government accepted his recommendations to create a new office of the Children's Commissioner, with a new role to promote and protect the rights of children, as defined by the United Nations Convention on the Rights of the Child (UNCRC). The new office will incorporate the functions of both the existing office of the Children's Commissioner and the Children's Rights Director (CRD), currently located in Ofsted.

DfE published draft legislative proposals for consultation in July 2011. Following consideration of the responses, the Minister for Children and Families published a Written Ministerial Statement on 16 December 2011, setting out more detail on how the Government intends to move forward. Legislation will be introduced at the earliest opportunity.

The updated legislative proposals include powers that will allow the new Children’s Commissioner to continue to deliver the support that is currently provided by the CRD, to those children and young people who fall under his remit. This will include a new power to provide 'advice and assistance' that is limited only to children under the CRD's remit, so that the services currently provided to this group of children and young people are not diluted under the new arrangements.

24. The Ofsted inspection regime has generally been seen as a success but there are areas of concern:
a. There is some anecdotal evidence that the ‘twinning schools’ policy does make people look beyond their boundaries. Is there any ambition to keep this policy in another form?

Response:

The Government is committed to creating a sustainable and self-improving schools system that does not require bureaucratic and unnecessary central prescription and intervention. It is fundamental to this approach that schools that do need support should be able to find that from their peers. The benefits of school to school collaboration are well documented and supported by extensive evidence. The Government has taken a number of steps to facilitate school to school support, including through the designation of high-performing schools as Teaching Schools to work in broad alliances to lead improvements across the system; increasing the number of National and Local Leaders of Education (NLEs and SLEs); and introducing a new designation for Specialist Leaders of Education (SLEs).

Many academies work together in various ‘chain’ governance models and these are equally playing an important part in driving forward school improvement. The term ‘chain’ ranges from informal to more binding collaborative arrangements between academies. This is not the same as ‘twinning’, where only two schools collaborate as there is no limit to the number of schools that can collaborate in an academy chain. The DfE is currently looking at ways to develop this approach; in particular working on encouraging primary schools to be part of academy chains.

b. Ofsted no longer has a right to inspect for community cohesion: has this been placed within wider school inspection coverage or quietly sidelined?

Response:

It is not the case that Ofsted no longer has the right to inspect community cohesion. The Education Act 2011 amended section 5 of the Education Act 2005 (which had been amended by section 154 of the 2006 Act) so that Ofsted is no longer required to report specifically on schools’ contribution to community cohesion. Schools remain under a duty to promote this and Ofsted can and does consider aspects of this as part of assessing how schools are promoting the spiritual, moral, social and cultural development of pupils.

Part 7: Discipline, behaviour and exclusions (sections 88 to 111)
25. There has been some evidence that the reform of discipline has had some unintended consequences in isolating certain young people. The press has suggested that young people have been sidelined if not excluded by headteachers ‘gaming’ the system. Has the Department collected any evidence of this?
Response:

The DfE is not aware of any evidence that reforms of school discipline have led to schools ‘gaming’ the system. Some recent reports on exclusion have suggested that a small minority of schools may not follow the correct exclusion procedure in all cases. However, there is nothing to indicate that this practice is prevalent or has increased.

The Education Act 2011 recently introduced a number of reforms aimed at ensuring schools have the powers they need to promote good discipline. The Government is also trialling a new system of exclusion that places greater incentives on schools to support pupils who are at risk of exclusion.

Part 9: Misc. statutes

26. In relation to section 161, the Secretary of State is required to publish an annual report on the orders made by him in that academic year under the “Power to Innovate”. How many have been published? What assessment has been made of the effectiveness of these reports?

Response:

Eight annual reports have been published for each academic year since 2002/03. The fifth annual report (2006/07) contained a more detailed analysis of the impact of the Power to Innovate to mark five years since the legislation came into force (1 October 2002).

The Department has not assessed the effectiveness of the reports. Where Power to Innovate projects show a positive impact, Ministers will consider whether it might be desirable, from a policy perspective, to seek a change in the relevant education law.