
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 15th January 2012 and 1st February 2012 certain provisions of the Education Act 2011 as listed in Articles 2 and 3 respectively.

Article 2 brings into force on 15th January 2012 section 5, which repeals the requirement to give notice of detention to parents of a pupil at a school in England; section 51, which repeals the provision in the Apprenticeships, Skills, Children and Learning Act 2009 (which has not been brought into force), that changed the name of pupil referral units; and paragraph 15 of Schedule 8, which substitutes a new section 96 in the Education Act 2002 (procedure for making certain orders and regulations) and paragraph 26 of that Schedule in so far as it makes amendments in consequence of the amendment made by paragraph 15.

Article 3 brings a number of provisions into force on 1st February 2012 including the following provisions. Section 18 abolishes the School Support Staff Negotiating Body; section 19 makes changes to the legislation on the effect on staffing of maintained schools as a result of the suspension of a school's delegated budget; and section 20 enables the Secretary of State to secure the participation of certain schools in England in international education surveys. Section 22 provides for Ofqual's new qualifications standards objective. Section 28(5) removes the prohibition in section 76A of the Education and Skills Act 2008 on the disclosure of certain information in connection with education and training support services; section 32 repeals the duty on the governing body of certain schools to prepare and publish school profiles; section 34 and Schedule 10, and section 35 make changes to duties in relation to school admissions and school meals respectively. Section 36 makes changes to the law relating to who may object to admission arrangements; section 37 makes changes to the law relating to the establishment of new schools (save for pupil referral units and maintained nursery schools). Sections 40(4) and 42(8) allow the Chief Inspector to charge for certain inspections. Section 43 makes provision regarding the inspection of boarding accommodation, and section 46 makes changes relating to financial schemes which local authorities are required to prepare and maintain under section 48 of the Schools Standards and Framework Act 1998.

Article 3 also brings into force the provisions in Part 6, which is concerned with Academies, which are not brought into force by the Act itself, except for sections 54 (consequential amendments: 16 to 19 Academies and alternative provision Academies), and 57 (Academy conversions: federated schools). Section 53, which allows for three different types of Academy, is only partially commenced.

Section 74 is concerned with the commencement of the provisions relating to the duty to participate in education or training.

This Order also makes transitional and savings provisions in respect of proposals for the establishment of new schools and the effect of Schedule 14.