

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

EDUCATION ACT 2005

EXPLANATORY NOTES

SUMMARY AND OVERVIEW

9. This Act is divided into five Parts.
10. **Part 1** (including Schedules 1 to 9) repeals the School Inspections Act 1996 and re-enacts many of the Act's provisions, with some significant changes. It reforms school inspections in England in line with the introduction of a new system of more regular, lighter touch inspections, and it gives the National Assembly for Wales the power to introduce similar reforms in the future. It revises the current categorisation for schools causing concern, introducing a new designation of requiring significant improvement, and removes the duty on schools in England to provide an action plan. It aligns the inspection of early years provision with school inspections, and also includes a number of Wales-only provisions: for the inspection of careers services in Wales; for the Assembly to establish an advisory board; and for the Assembly to provide advice on the appointment of the Chief Inspector for Wales.
11. **Part 2** (including Schedules 10 to 12) extends the circumstances in which a local education authority must invite proposals for a new or replacement secondary school. This Part applies to England and Wales.
12. **Part 3** (including Schedules 13 to 15) broadens the objectives of the Teacher Training Agency so that it may carry out activities in relation to the whole school workforce, not just in relation to teaching. The provisions in this Part also rationalise the functions of the Agency that are currently provided under various pieces of primary and secondary legislation, and ensure that the Agency will have appropriate powers to take on new roles in the provision of training and development for the school workforce.
13. **Part 4** (including Schedules 16 to 18) contains a number of miscellaneous provisions relating to maintained schools, information sharing, and attendance for excluded pupils at alternative educational provision.
14. In relation to maintained schools, Part 4 provides for schools to adjust their accounting period from financial year to academic year; for the introduction of a guaranteed 3-year budget for schools; for the delegation of powers from the Secretary of State to school forums enabling them to agree proposals from local education authorities in England for variations in central expenditure limits as part of the local setting of school budgets; and allows for similar provisions for Wales to be enacted by order of the National Assembly for Wales should it wish to do so at a later date.
15. **Part 4** also provides for local education authorities to set annual targets for pupil performance; for the removal of the requirement on schools to produce an annual governors' report and to hold an annual parents meeting, and the introduction of the school profile in England only; for limited courses of higher education to be provided and funded in maintained schools; for admission arrangements to make special provision for children who are looked after by local authorities; and for safeguards to apply to the disposal of publicly-funded, foundation school land.

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16. In relation to information, Part 4 provides for data to be shared between the Department for Education and Skills and Inland Revenue and the Department for Work and Pensions for the purpose of verifying information provided in applications for education maintenance allowances, as a means of reducing fraud; for data to be shared between the Department for Education and Skills and Inland Revenue and the Department for Work and Pensions for the purpose of improving the administration of free school lunches, etc; and for the collection of data on individual teachers and support staff to be held on a school workforce database for statistical, research and other purposes.
17. In relation to attendance at alternative educational provision, Part 4 brings the power of governing bodies to direct excluded children to attend alternative provision in line with those for other children, and extends the fixed penalty notice system to the parents of such children.
18. [Part 5](#) (including Schedule 19) contains general incidental and supplemental provisions including those relating to the functions of the National Assembly for Wales, subordinate legislation, general interpretation, repeals, commencement and extent.