

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

# EDUCATION ACT 2011

---

## EXPLANATORY NOTES

### SUMMARY AND BACKGROUND

3. The Education Act is founded on the principles and proposals in the Department for Education November 2010 White Paper, *The Importance of Teaching* (CM-7980). The Act includes measures to increase the authority of teachers to discipline pupils and ensure good behaviour, with a general power to search pupils for items banned under the school's rules, the ability to issue same-day detentions and pre-charge anonymity when faced with an allegation by a pupil of a criminal offence.
4. The Act removes duties on schools and local authorities to give them greater freedom to decide how to fulfil their functions. The Academies programme will be extended, with Academies for 16 to 19 year olds and alternative provision Academies.
5. The Act will change school accountability, with more focused Ofsted inspections and wider powers to intervene in under-performing schools. Ofqual, the independent qualifications regulator, will be required to secure that the standards of English qualifications are comparable with qualifications awarded outside the UK. The Act will abolish five arm's length bodies, with many of their functions ending and those which are to continue being discharged by the Secretary of State, who will be directly accountable to Parliament for them.
6. The Act also makes provision to give effect to proposals to increase college freedoms, giving them greater control over their own governance and dissolution arrangements, and make changes to the skills entitlements that were set out in the strategy documents, *Skills for Sustainable Growth* (UNR: 10/1274) and *Further Education – New Horizon* (UNR: 10/1272) published by the Department for Business, Innovation and Skills in November 2010.
7. The Act will enable the Government to introduce an entitlement to free early years provision for disadvantaged two year olds and take forward two elements of the Government's response to the Browne Review on higher education funding: enabling a real rate of interest to be charged on higher education student loans and allowing fees for part-time undergraduate courses to be capped.
8. The Act will make changes to the enforcement powers of Ofqual and of Welsh Ministers as the regulator of qualifications in Wales.
9. The Act will also make provision regarding direct payments for people with special educational needs or subject to learning difficulty assessment.
10. Further relevant background to the Act is contained in the "Overview of the Structure of the Act" section which details the contents of each Part of the Act.