



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Education Bill

Date: February 14th 2011

By: Leighton Andrews, Minister for Children, Education and Lifelong Learning

In my statement of the 27th of January I explained that the Assembly Government has taken the opportunities presented by the Education Bill to seek framework powers in relation to the regulation and training of teachers and the wider education workforce in Wales and the funding of pre-16 Education or Training. I would now in addition to that statement like to expand on the other Welsh provisions included within this Education Bill.

Elements of the framework powers in relation to the regulation and training of teachers and the wider education workforce in Wales are partly in response to the proposed abolition of the Training and Development Agency for Schools (TDA) within this Bill, to enable the Assembly to legislate in respect of the promotion of careers in the school and wider education workforce. However, there is a potential gap in the availability of powers in this area, between the abolition of the TDA and the implementation of any Assembly Measure under the framework powers.

To pre-empt such an eventuality the Bill provides for a specific power for Welsh Ministers to promote careers in the school workforce in Wales. It would allow the Welsh Ministers to exercise that power jointly with the Secretary of State or any other person with functions relating to careers in the school workforce; or for the power to be exercised on the Welsh Ministers' behalf by any other person. If enacted, this provision would ensure that powers in this area would continue to be available to the Welsh Ministers without a gap in availability.

Higher Education Provisions

Provisions are included in the Bill in respect of student fees for part-time courses and student loan repayments.

The Bill will amend the interpretation of Part 3 of the Higher Education Act 2004 which relates to student fees and fair access to higher education to ensure it applies equally to both full and part-time courses. The Bill amends the Higher Education Act 2004 so as to include part-time courses within the definition of courses for the purpose of the limit on tuition fees. The Bill will enable the Welsh Ministers to apply a cap to the tuition fees of part-time students starting their course on or after 1 September 2012

The Bill amends section 22 of the Teaching and Higher Education Act 1998, which enables the Welsh Ministers to make student support Regulations. Currently, the interest rates set for student loans must be no higher than the rates required to maintain the value of the loan in real terms of the amount specified for low interest rate loans, whichever is the lower. For students who start their courses on or after 1 September 2012, Welsh Ministers will have a wider power to set interest rates which do not exceed those commercially available.

Permitted Charges

Clarification will be provided within the Bill in relation to amendment to 'Determination of Permitted Charges'. Under section 455 of the Education Act 1996 schools are allowed to make a charge for certain non education activities or 'optional extras'.

Section 455 allows schools to charge services such as boarding of a pupil on a residential trip. The proposed amendments would provide clarity around which costs are attributable to the provision of the buildings and accommodation used in connection with providing these "optional extras".

School Exclusion

The Bill will make provision for those pupils excluded from schools in England to be provided with an opportunity to have that decision reviewed by a review panel. There will however no longer be the option of parents or pupils in England being able to make an application to an Independent Appeal Panel (IAP) constituted under section 52 of the Education Act 2002. This provision will only apply to England, therefore the Bill will amend section 52 of the Education Act 2002 so that it is only applicable to Wales.

As a consequence schedule 1 to this Bill will provide amendments to schedule 17 of the Equality Act 2010 (disabled pupils: enforcement). These amendments will ensure that clarification around rights to appeal is provided to match the criteria set out in the Disability Discrimination Act. This has the

effect of allowing appeal by 'person or person's parent' rather than the current 'person's parent'.

Reinstatement of section 409 Apprenticeships Skills Children and Learning Act 2009.

Clause 44 will reinstate section 409 of, and paragraph 6(3) and (4) of Schedule 1 to the Education Act 1996 for Wales. During the passage of the ASCL Act 2009 provisions were included repealing section 409 and paragraph 6(3) and (4) of Schedule 1 to the EA 1996. This repeal was inadvertently applied to Wales instead of just England.

Section 409 of the Education Act 1996 relates to powers to provide that a local authority should make arrangement to consider complaints in relation to such matters as the National Curriculum, collective worship, religious education and curriculum generally. As of yet the repeal of these provisions have not yet been brought into force so no practical change has actually taken place and this amendment will retain the status quo.

Boarding School Inspection

The Bill will provide legislative changes to the current wording of sections 87-87D of the Children Act 1989 via an Education Bill. The primary intention is that of clarifying for the purposes of sections 87-87D; a school or college provides accommodation for a child if it provides the accommodation on its own premises or arranges for it to be provided elsewhere. To address a potential loop hole where schools arrange alternative accommodation for pupils which may not be covered by the current legislation and as such are not subject to inspection there will be a number of amendments to clarify this situation.

The proposals although technical in nature do provide a positive clarification in this area.

Young Persons Learning Agency (YPLA)

Clause 62, will repeal Sections 60 to 80 of and Schedule 3 of the Apprenticeships, Skills, Children and Learning Act 2009 ("the ASCLA") 2009 providing the Secretary of State power to abolish the Young Persons Learning Agency (YPLA). The YPLA was launched in April 2010 with the mission of championing education and training for young people in England. They do this by providing financial support to young learners, by funding academies for all their provision and by supporting local authorities to commission suitable education and training opportunities for all 16-19 year olds. The YPLA do not provide any services in Wales. However consent of Welsh Ministers is required before proceeding with these provisions.

Anonymity of Teachers.

The Department for Education propose to include provisions within this Bill that will provide anonymity to teachers facing accusations of criminal behaviour against pupils made by those pupils or parents of pupils at school. These provisions will prevent the reporting of any such allegations and such restrictions will only cease to apply when criminal proceedings are commenced in court.

Teachers in Wales will have the same protection from reporting as those in England given the criminal justice nature of these provisions.

The Bill and accompanying explanatory notes can be accessed at:

<http://services.parliament.uk/bills/2010-11/education.html>