

TELLING TALES OUT OF SCHOOL

Chris Lowe and friends

Number 30

Plain as a Pikestaff

Marcus Brampton was feeling particularly cantankerous one weekend as he sat catching up on the educational press he had put aside for home immersion. He came across a note in one learned journal pointing him to the government website for the latest government briefing.

He read there that the Department for Education was advising the world that all the necessary amendments set out in the Education Act 2011 have been checked and noted. Schedule 13 to the Act, he read, informs everyone that as far as academies were concerned various amendments have been made to other Acts and commencement dates set for these changes. The Education Act 2011, readers were informed, is up-to-date as of April 2020.

Schedule 13 of the Education Act 2011 sets out the detail as follows:

1E+WAA 2010 is amended as follows.

Commencement Information

1Sch. 13 para. 1 in force at 1.4.2012 by S.I. 2012/924, art. 2

2E+WIn section 4(3) (Academy orders: when maintained school is “converted into” Academy) for “a school” substitute “ an educational institution ”.

Commencement Information

2Sch. 13 para. 2 in force at 1.4.2012 by S.I. 2012/924, art. 2

3(1)Section 6 (effect of Academy order) is amended as follows.E+W

(2)In subsection (2), for “a school” substitute “ an educational institution ”.

(3)In subsection (3) —

(a)after “selective school” insert “ and is to be converted into an Academy school ”;

(b)for “section 1(6)(c)” substitute “ section 1A(1)(c) ”;

(c)for “a school” substitute “ an educational institution ”.

(4)In subsection (5)—

(a)at the beginning insert “ If the Academy is an Academy school, ”;

(b)for “the Academy” substitute “ it ”.

(5)In subsection (7), after “the school” insert “ (a) ” and at the end insert “, and

“(b)is to be converted into an Academy school.”

Commencement Information

I3Sch. 13 para. 3 in force at 1.4.2012 by S.I. 2012/924, art. 2

4E+WIn section 10A (charges at boarding Academies) (inserted by section 61), in subsection (1)(a), for “an Academy” substitute “ an Academy school or an alternative provision Academy ”.

Commencement Information

I4Sch. 13 para. 4 in force at 1.4.2012 by S.I. 2012/924, art. 2

5(1)Schedule 1 (Academies: land) (substituted by Schedule 14) is amended as follows.E+W

(2)In paragraph 10 (power of Secretary of State to make direction where Academy order made)—

(a)in sub-paragraph (1)(b), for “Academy” substitute “ Academy school ”;

(b)in sub-paragraph (3)(c), for “Academy” substitute “ Academy school ”.

(3)In paragraph 13 (transfer of land and other property on dissolution of governing body), in sub-paragraph (3)(b), for “Academy” substitute “ Academy school ”.

Commencement Information

I5Sch. 13 para. 5 in force at 1.4.2012 by S.I. 2012/924, art. 2

Other ActsE+W

6(1)The Children Act 1989 is amended as follows.E+W

(2)In section 62 (voluntary organisations providing accommodation: duties of local authorities), in subsection (10), after “1992,” insert “ a 16 to 19 Academy ”.

(3)In section 80 (inspection of children’s homes etc by persons authorised by Secretary of State)—

(a)in subsection (5), after paragraph (dc) insert—

“(dd)proprietor of a 16 to 19 Academy;”;

(b)in subsection (13), in the definition of “college”, after “1992” insert “ or a 16 to 19 Academy ”;

(c)in subsection (13), at the end insert—

““proprietor” has the same meaning as in the Education Act 1996.”

(4)In section 87 (welfare of children in boarding schools and colleges)—

(a)in subsection (10), in the definition of “college”, after “1992 Act” insert “ or a 16 to 19 Academy ”;

(b)in subsection (11), after paragraph (c) insert—

“(d)in relation to a 16 to 19 Academy, the proprietor of the Academy.”

Commencement Information

I6Sch. 13 para. 6 in force at 1.4.2012 by S.I. 2012/924, art. 2

7E+WIn Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), after paragraph 10 insert—

“10AA 16 to 19 Academy.”

Commencement Information

I7Sch. 13 para. 7 in force at 1.4.2012 by S.I. 2012/924, art. 2

8(1)FHEA 1992 is amended as follows.E+W

(2)In section 85A (nuisance or disturbance on educational premises)—

(a) in subsection (2), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
(c) any 16 to 19 Academy.”;

(b) in subsection (4), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
(c) in relation to premises of a 16 to 19 Academy, the proprietor.”;

(c) in subsection (6), omit the “and” after paragraph (a) and after paragraph (b) insert “, and
(c) in relation to an offence committed on premises of a 16 to 19 Academy, a person whom the proprietor has
authorised to bring such proceedings.”

(3) In section 85AA (power of members of staff to search students for prohibited items: England)—

(a) in subsection (1), after “England” insert “, or a 16 to 19 Academy, ”;

(b) in subsection (6), in the definition of “member of staff”, after “further education sector” insert “ or a 16 to 19
Academy ”.

(4) In section 85AB (power of search under section 85AA: supplementary), in subsection (3), after “England”
insert “, or a principal of a 16 to 19 Academy, ”.

(5) In section 85C (power of members of staff to use force)—

(a) in subsection (1), after “further education sector” insert “ or is a 16 to 19 Academy ”;

(b) in subsection (5), after “further education sector” insert “ or a 16 to 19 Academy ”.

Commencement Information

18Sch. 13 para. 8 in force at 1.4.2012 by S.I. 2012/924, art. 2

9(1) EA 1996 is amended as follows. E+W

(2) In section 4 (schools: general)—

(a) in subsection (1), for “subsection (1A)” substitute “ subsections (1A) to (1C) ”;

(b) after subsection (1A) insert—

“(1B) A 16 to 19 Academy is not a school.

(1C) An alternative provision Academy is a school.”

(3) In section 11 (Secretary of State's duty in the case of primary, secondary and further education)—

(a) in subsection (1)(a), omit the “or” after sub-paragraph (i) and after sub-paragraph (ii) insert “or

(iii) in 16 to 19 Academies, ”;

(b) in subsection (1)(b), for “or institutions within the further education sector” substitute “, institutions within the
further education sector or 16 to 19 Academies ”;

(c) in subsection (2), for “and institutions within the further education sector” substitute “, institutions within the
further education sector and 16 to 19 Academies ”.

(4) In section 329A (review or assessment of educational needs at request of responsible body), in subsection
(12), after paragraph (d) insert—

“(da) an alternative provision Academy that is not an independent school, ”.

(5) In section 332B (special educational provision: resolution of disputes), in subsection (8)(c), for “or an
Academy” substitute “, an Academy school or an alternative provision Academy ”.

(6) In section 337 (special schools), in paragraph (b), for “Academy” substitute “ Academy school ”.

(7) In section 444 (offence: failure to secure regular attendance at school of registered pupil), in subsection
(7A)(a), for sub-paragraph (iii) substitute—

“(iii) an Academy school,

(iiia)an alternative provision Academy,”.

(8)In section 444ZA (application of section 444 to alternative education provision), in subsection (8)—

(a)in paragraph (a), for sub-paragraph (iii) substitute—

“(iii)an Academy school,

(iiia)an alternative provision Academy,”;

(b)in paragraph (b), after “(iii),” insert “ (iiia), ”.

(9)In section 444B (penalty notices: supplemental), in subsection (4), in the definition of “relevant school”, for paragraph (c) substitute—

“(c)an Academy school,

(ca)an alternative provision Academy,”.

(10)In section 508A (local authorities in England: duty to promote sustainable modes of travel)—

(a)in subsection (5)(b), after “further education sector” insert “ , or 16 to 19 Academies, ”;

(b)in subsection (6)(b), after “further education sector” insert “ , or 16 to 19 Academies, ”.

(11)In section 508C (local authorities in England: travel arrangements etc for children other than eligible children), in subsection (6)(b), after “further education sector” insert “ , or 16 to 19 Academy, ”.

(12)In section 508G (local authorities in England: transport policy statements for young adults subject to learning difficulty assessment), in subsection (1), after paragraph (b) insert—

“(ba)proprietors of 16 to 19 Academies in the authority's area.”.

(13)In section 509AA (local authorities in England: provision of transport etc for persons of sixth form age)—

(a)in subsection (2), omit the “or” at the end of paragraph (c) and after that paragraph insert—

“(ca)at any 16 to 19 Academy, or”;

(b)in subsection (2)(d), for “or (c)” substitute “ , (c) or (ca) ”.

(14)In section 510 (provision of clothing), in subsection (4)(b), after “further education sector” insert “ or a 16 to 19 Academy ”.

(15)In section 537 (power of Secretary of State to require information from governing bodies etc), in subsection (1)(b), after “every” insert “ (i) ” and at the end insert “or

“(ii)alternative provision Academy which is not an independent school,”.

(16)In section 557 (adoption of statutory trusts), in subsection (10), in the definition of “relevant school”, for “Academy,” substitute “ Academy school, alternative provision Academy, ”.

(17)In section 579(1) (general interpretation)—

(a)in the definition of “Academy”, for “a school” substitute “ an educational institution ”;

(b)after the definition of “Academy order” insert—

““Academy school”, “16 to 19 Academy” and “alternative provision Academy” have the meanings given by sections 1A, 1B and 1C respectively of that Act;”;

(c)in the definition of “proprietor”—

(i)after “a school” insert “ or a 16 to 19 Academy ”;

(ii)after “the school” insert “ or Academy ”.

(18)In section 580 (index), at the appropriate places insert the following entries—

“Academy school” Section 579(1)”

“alternative provision Academy” Section 579(1)”

“16 to 19 Academy” Section 579(1)”

(19)In paragraph 15(2) of Schedule 1 (management committees of pupil referral units), after paragraph (g) insert—

“(ga)about the effect of closure of a pupil referral unit on members of the management committee for the unit or members of any sub-committee.”.

(20)In paragraph 15(2) of Schedule 35B (travel arrangements for eligible children: meaning of “qualifying school”), in paragraph (f), for “or an Academy” substitute “ , an Academy school or an alternative provision Academy ”.

Commencement Information

I9Sch. 13 para. 9 in force at 1.4.2012 by S.I. 2012/924, art. 2

10(1)SSFA 1998 is amended as follows.E+W

(2)In section 77 (control of disposals or changes in use of school playing fields) (as amended by Schedule 14)—

(a)in subsection (2B)(c)(ii), for “of Academy” substitute “ of Academy school ”;

(b)in subsection (3), for “Academy” (in both places) substitute “ Academy school ”;

(c)in subsection (4B), for “Academy” substitute “ Academy school ”.

(3)In section 88 (admission authorities and admission arrangements), in subsection (1)(c) (inserted by section 64), for “Academy” (in both places) substitute “ Academy school ”.

(4)In section 88H (reference of objections to adjudicator) (as amended by section 64)—

(a)in subsection (1A), for “an Academy” (in both places) substitute “ an Academy school ”;

(b)in subsection (6)(b), for “Academy” substitute “ Academy school ”.

(5)In section 88I (other functions of adjudicator relating to admission arrangements), in subsection (1)(b) (inserted by section 64), for “Academy” substitute “ Academy school ”.

(6)In section 88K (sections 88H and 88I: supplementary) (as amended by section 64)—

(a)in subsection (4)(a), for “Academy” substitute “ Academy school ”;

(b)in subsection (5)(b), for “an Academy” substitute “ an Academy school ”.

(7)In section 88P (reports by local authorities), in subsection (3)(b), for “Academy” substitute “ Academy school ”.

(8)In section 88Q (reports under section 88P: provision of information), in subsection (2)(d)(i), for “Academy” substitute “ Academy school ”.

F1(9).

Textual Amendments

F1Sch. 13 para. 10(9) omitted (1.1.2016) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), Sch. 16 para. 2(2)(d); S.I. 2015/2074, art. 2

Commencement Information

I10Sch. 13 para. 10 in force at 1.4.2012 by S.I. 2012/924, art. 2

11E+WIn section 24 of the Anti-social Behaviour Act 2003 (sections 19 to 22A and 24: interpretation)—

(a)in the definition of “governing body”, for “Academy” substitute “ Academy school, alternative provision Academy ”;

(b)in the definition of “relevant school”, for paragraph (e) substitute—

“(e)an Academy school,

(ea)an alternative provision Academy,”.

Commencement Information

I11Sch. 13 para. 11 in force at 1.4.2012 by S.I. 2012/924, art. 2

12E+WIn section 14 of the International Development Act 2002 (functions of the Commonwealth Scholarship Commission etc), in subsection (1)(b)(i), after “higher education sector” insert “ , at 16 to 19 Academies ”.

Commencement Information

I12Sch. 13 para. 12 in force at 1.4.2012 by S.I. 2012/924, art. 2

13(1)EA 2002 is amended as follows.E+W

(2)In section 135A (requirement to serve induction period: teachers in England) (inserted by section 9)—

(a)in subsection (1)(d), after “prescribed description” insert “ or a 16 to 19 Academy ”;

(b)in subsection (2)(k), for “or to institutions within the further education sector” substitute “ institutions within the further education sector or 16 to 19 Academies ”;

(c)in subsection (5), after “further education sector” insert “ or a 16 to 19 Academy ”.

(3)In section 141A (teacher misconduct: teachers to whom sections 141B to 141E apply) (inserted by section 8), in subsection (1), after paragraph (b) insert—

“(ba)a 16 to 19 Academy,”.

(4)In section 141D (supply of information following dismissal, resignation etc) (inserted by section 8), in subsection (4), in paragraph (c) of the definition of “relevant employer”, after “school” insert “ or 16 to 19 Academy ”.

(5)In section 203 (further education institutions: hazardous material, etc)—

(a)after subsection (1) insert—

“(1A)The Secretary of State may by regulations require the proprietor of a 16 to 19 Academy to prevent the use in the Academy of specified equipment or specified materials without the approval of the Secretary of State.”;

(b)in subsection (5), at the end insert “ and “proprietor” has the same meaning as in the Education Act 1996 ”.

Commencement Information

I13Sch. 13 para. 13 in force at 1.4.2012 by S.I. 2012/924, art. 2

14E+WIn section 71 of the Income Tax (Trading and Other Income) Act 2005 (educational establishments for the purposes of section 70), in subsection (1), omit the “or” after paragraph (c) and after paragraph (d) insert “ , or

(e)a 16 to 19 Academy.”

Commencement Information

I14Sch. 13 para. 14 in force at 1.4.2012 by S.I. 2012/924, art. 2

15(1)EA 2005 is amended as follows.E+W

(2)In section 5 (duty to inspect certain schools at prescribed intervals), in subsection (2), for paragraph (d) substitute—

“(d)Academy schools,

(da)alternative provision Academies,”.

(3) In section 113 (information about the school workforce: introductory), in subsection (2)(c), after “institution” insert “ or a 16 to 19 Academy ”.

Commencement Information

I15Sch. 13 para. 15 in force at 1.4.2012 by S.I. 2012/924, art. 2

16(1) EIA 2006 is amended as follows. E+W

(2) In section 7 (invitation for proposals for establishment of new schools), in subsection (2)(b), for “Academy” substitute “ Academy school ”.

(3) In section 100 (duty of governing body or proprietor where pupil excluded for fixed period), in subsection (5), in the definition of “governing body”, for “Academy,” substitute “ Academy school, an alternative provision Academy, ”.

(4) In section 104 (notice to parent relating to excluded pupil), in subsection (8), in paragraph (c) of the definition of “the appropriate authority”, for “Academy,” substitute “ Academy school, an alternative provision Academy, ”.

(5) In section 111 (meaning of “maintained school” and “relevant school” in Chapter 2 of Part 7), in the definition of “relevant school”, for paragraph (b) substitute—

“(b) an Academy school,

(ba) an alternative provision Academy,”.

(6) In section 123 (inspections: education and training to which Chapter applies), in subsection (1) after paragraph (b) insert—

“(ba) education provided in 16 to 19 Academies;”.

(7) In section 125 (inspection of further education institutions), in subsection (1) (amended by section 42), after “sector” insert “ , and all 16 to 19 Academies, ”.

(8) In Schedule 2 (consideration, approval and implementation of proposals for establishment or discontinuance of schools in England), in paragraph 3A(a) (inserted by Schedule 11), for “an Academy” substitute “ an Academy school ”.

Commencement Information

I16Sch. 13 para. 16 in force at 1.4.2012 by S.I. 2012/924, art. 2

17(1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows. E+W

(2) In section 21 (controlled activity relating to children), in subsection (4), after “Education Act 2002” insert “ or a 16 to 19 Academy ”.

(3) In section 59 (meaning of “vulnerable adults”), in subsection (3), after paragraph (d) insert—

“(e) a 16 to 19 Academy which provides accommodation for children.”

Commencement Information

I17Sch. 13 para. 17(1)(3) in force at 1.4.2012 by S.I. 2012/924, art. 2

18E+W In section 71 of the Corporation Tax Act 2009 (educational establishments for the purposes of section 70), in subsection (1), omit the “or” after paragraph (c) and after paragraph (d) insert “, or

(e) a 16 to 19 Academy.”

Commencement Information

I18Sch. 13 para. 18 in force at 1.4.2012 by S.I. 2012/924, art. 2

19E+W In section 23 of ASCLA 2009 (duty to prepare and submit draft specification of apprenticeship standards: England), in subsection (2)(b), omit the “and” after sub-paragraph (ii), and after that sub-paragraph insert—

“(iia) 16 to 19 Academies, and”.

Commencement Information

119Sch. 13 para. 19 in force at 1.4.2012 by S.I. 2012/924, art. 2

20(1)The Equality Act 2010 is amended as follows.E+W

(2)In section 91 (students: admission and treatment, etc)—

(a)in subsection (10), after paragraph (c) insert—

“(d)a 16 to 19 Academy.”;

(b)in subsection (12), after paragraph (a) insert—

“(aa)in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);”.

(3)In Schedule 10 (accessibility for disabled pupils), in paragraph 5(3), for paragraph (b) substitute—

“(b)Academy schools;

(c)alternative provision Academies.”

(4)In Schedule 17 (disabled pupils: enforcement), in paragraph 13(5)(b), for “Academy” substitute “ Academy school or an alternative provision Academy ”.

Commencement Information

120Sch. 13 para. 20 in force at 1.4.2012 by S.I. 2012/924, art. 2

‘This is excellent news!’

Marcus turned to his wife for her reaction.

‘I am sure it is, dear,’ said Muriel, lifting her head momentarily from her knitting, not detecting an iota of irony.

‘It is sure to be welcomed by principals, by bursars.... by trustees even..... And it will lift the hearts of all those teachers and support staff anxious to keep abreast of academy legislation. They will rejoice in this affirmation of the Act’s continuing certainty. It’s a triumph of precision!’

‘If you say so, dear.’ Muriel carried on knitting.

‘But why, oh why, has the Department for Education felt it necessary to include an ‘Explanatory Note’ to Schedule 13? I ask you..... an Explanation.....really! All the explanation does is repeat what is already in the Act at section 274:

[‘Schedule 13](#) makes amendments to other legislation consequential on the fact that there are now ‘three different types of Academies. Many of these changes reflect the fact that Academies are no longer necessarily schools and amend references to “school” to “educational institution”. Others specify the type of Academy to which the provision applies.’

He gripped his journal tightly and regaled his wife.

‘What are we to make of this unwarranted insult to the national intelligence, eh? Are we ignoramuses? Can we not read plain English?..... Why is it necessary to take up valuable

civil servant and lawyer time to explain that which is clear to all who thrive on their understanding of the Queen's speech?

'They're trying their best, dear,' said his wife meekly. 'Don't take on so.'

Marcus was not to be thwarted.

'Our legislators' minds should be concentrated on the precision and neatness of 'Consequential Amendments'. In these times of austerity, Brexit and pandemic there is no time for explanations... notes... and such frippery.... I shall write a letter.....to somebody...'

His wife sighed. 'You can write a letter to Somebody, dear, but as usual it will be Nobody who will write back.'
