



Schools bill summary

On 12 May 2022, the government introduced its new Schools Bill. If the bill is passed by parliament as expected, it will bring significant changes to the sector.

The provisions set out are consistent with the government’s policy direction and principles announced in the [White paper](#). They are **not law yet**; the bill’s progress through parliament will likely take several months. NGA’s views on the future of the trust system are explored in our [MATs moving forward](#) report.

Key elements of the bill include:

Academy trusts

The bill reflects the government’s aim of all schools being part of a multi academy trust (MAT) – or in the process of joining one – by 2030. It focuses on the regulatory framework around MATs, setting out new expected standards and strengthening powers to intervene in “failing” MATs. The government has [provided justification](#) for the proposed increased intervention powers. Specific provisions include:

- **A new legal underpinning for enforceable academy trust standards**, replacing the inconsistencies caused by different funding agreements and articles. The government have published a [factsheet](#) which covers the new provision.
- **Setting standards in relation to governance structures and procedures**. This may include new powers to set expectations for the composition of trust boards and their responsibilities as well as the responsibilities of members. The Department for Education (DfE) has stated that this will mostly replicate existing rules.
- **A new power for local authorities (LAs) to apply for an academy order** so that one or more of their schools must join a MAT. This means the power to request an academy order no longer rests solely with the governing body. While the governing body must be consulted by the LA (further detail on consultation is likely in forthcoming guidance), the board ultimately has a legal duty to facilitate conversion after the academy order is received. The DfE has published a [factsheet](#) setting out their objectives.
- **A clearer set of protections for grammar and faith schools** to ensure they can maintain their status on joining a trust. This moves the protection for a faith school’s religious status, and a grammar school’s selective status, from contract (the funding agreement) to law.
- **New provisions governing the transfer of land by local authorities**, [intended](#) to make the academisation process smoother.

- **A new system of central intervention in trusts and academies judged to be failing.** The starting point for this is the existing “notice to improve” mechanism. Notices are issued by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State where trusts are considered to have breached any of their legal and contractual duties (including in meeting the newly defined academy standards) or are displaying “significant weaknesses” in the trust board’s governance procedures or management of the trust. If a trust is judged to have failed to comply with a notice to improve, various sanctions are possible, some of which are new.

New failure to comply sanctions

- The Secretary of State (usually the ESFA) can require the trust to appoint a specific individual as a trustee, or to source a new trustee with a stipulated skillset.
- Termination of the trust’s funding agreement, allowing all or some of the trust’s schools to be rebrokered (moved to a different trust).
- A new power to impose interim trustees to govern a trust, with similarities to an interim executive board in maintained schools. Key elements of this power include:
 - Once an interim trustee notice is received from the Secretary of State, all previous trustees are immediately removed from office.
 - All interim trustees are appointed by the Secretary of State (or body acting on their behalf, such as the ESFA). There must be a minimum of three interim trustees.
 - Interim trustees can be remunerated, as decided by the Secretary of State.
 - The length of an interim trustee period is determined by the Secretary of State but cannot exceed two years. It will be followed by either the reintroduction of a normally constituted trust board, which has been approved by the Secretary of State, or the termination of the trust’s funding agreement.

Funding

The bill acts as a restatement of the government’s commitment to implement the National Funding Formula (NFF) – first announced in 2016 – in full. It facilitates new regulations which will gradually reduce the scope of LAs to alter funding, as has previously been announced, so that schools are funded directly in line with the NFF. Further consultation is expected in the near future on transition to a direct NFF. An [explanation of the bill’s implications](#) is available.

Attendance

The bill reflects the government’s commitment to improve attendance in schools, with a new obligation for schools and trusts to have an attendance policy in place. This reflects [newly published guidance](#), which comes into force from September. NGA has recently presented a [webinar](#) on the governing boards’ role in monitoring and improving attendance.

Safeguarding

The bill also takes steps to better protect young people, especially those in illegal schools, or those not in school at all. New provisions include:

- New powers for Ofsted to act against illegal schools, and new powers for inspectors when investigating them.
- Clarified rules on when settings need to register as schools, forcing more settings to do so, and so fall under the regulatory framework around schools.
- An expanded remit of the Teaching Regulation Agency, to make it easier to ban unsuitable teachers from the profession.
- A new requirement for LAs to maintain a register of children not in school, alongside a duty on LAs to provide support to home-educating families. This reflects the increase in home education and the number of children whose educational provision is not certain following the COVID-19 pandemic.

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