

The Education and Adoption Bill 2015

The Education and Adoption Bill, which will force all schools deemed to be “failing” to be turned into academies, completed its passage through Parliament last night. It will become law “as soon as possible” once it receives royal assent, the Department for Education has said.

But what is a “failing” school, and what could the new law mean for you?

- **If a maintained school is rated “inadequate” by Ofsted, it will become an academy**

This is the bill’s headline measure, and the government has been very clear about it. A DfE statement said in June: “In the future every single school rated ‘inadequate’ by Ofsted will be turned into an academy.” Ministers say this could apply to 1,000 schools.

For schools judged “inadequate” by Ofsted, the new law will require the education secretary to make an academy order. When this happens, the local authority and governing body will have to take “all reasonable steps” to allow the academy conversion to take place.

- **When this happens, parents will be told about what’s happening – but not consulted...**

This was the subject of a last-minute debate in Parliament this week. Ministers inserted an amendment into the bill that said academy sponsors would have to “communicate” with parents about planned changes. But a bid by Labour to strengthen this measure, by requiring sponsors to hold a formal consultation with parents, was defeated. Schools minister Nick Gibb said the Labour measure would have “allowed vested interests to prevent sponsors taking decisive action”.

- **If your school is a “coasting” maintained school, it might become an academy**

The bill gives the education secretary a “discretionary” power to make an academy order for “coasting” schools. In these cases, regional schools commissioners will assess whether the coasting school has a “credible plan to improve”. If they decide that it does, their job is to help it improve, but if not, the school will become an academy. Coasting schools will fall into a new “eligible for intervention” category, which will allow the education secretary to impose changes such as requiring the school to collaborate with other schools or bringing in a new interim executive board.

- **If it’s already an academy, it isn’t exempt from the changes**

The same measures for “failing” and “coasting” schools will apply to academies. Schools in these categories could be forcibly transferred to new sponsors. The measure “will create a more consistent framework for tackling underperformance across all types of schools”, schools minister Lord Nash told Parliament in December. But unlike maintained schools or local authorities, academy trusts will have the power to challenge the government if it orders that one of their schools is removed from their control.