EXPLANATORY MEMORANDUM TO

THE EDUCATION ACT 2011 (CONSEQUENTIAL AMENDMENTS TO SUBORDINATE LEGISLATION) ORDER 2012

2012 No. 765

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order makes amendments to secondary legislation which are consequential on provisions in the Education Act 2011 ("the 2011 Act") that provide for the abolition of the following bodies:

- the General Teaching Council for England (GTCE);
- the Training and Development Agency for Schools (TDA); and
- the Qualifications and Curriculum Development Agency (QCDA).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 The 2011 Act received Royal Assent in November. Section 7 of that Act provides for the abolition of the GTCE; section 14 provides for the abolition of the TDA; and section 25 provides for the abolition of the QCDA. These provisions will be commenced on 1 April 2012.

4.2 This Order makes changes to secondary legislation containing references to the GTCE, TDA and QCDA that are the consequence of these three bodies being abolished.

5. Territorial Extent and Application

Amendments and revocations made by the Order have the same extent as the provisions to which they relate.

6. European Convention on Human Rights

As the Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2011 Act provides for the abolition of the TDA and GTCE with a view to bringing their key functions back within the Department for Education where they will be carried out by a new executive agency, the Teaching Agency. The 2011 Act ensures that the Secretary of State will have the powers to exercise the functions that the TDA and GTCE currently carry out, respectively the accreditation of teacher training providers and the regulation of the teaching profession.

7.2 The 2011 Act provides also for the abolition of QCDA with a view to stopping some functions and discharging others differently. Most of the QCDA's functions are to stop as they are unnecessary or duplicate functions of the Department for Education. The largest function to be retained relates to National Curriculum assessment, where the work sits with the Standards and Testing Agency, an executive agency of the Department for Education. Activity that supports the administration of exams will also be transferred to the Teaching Agency from April 2012.

7.3 The aim of the overall reform to these Non-Departmental Public Bodies is to improve the transparency, accountability and efficiency of the education system, to cut out duplication of activity and to discontinue activities which are simply no longer needed. The changes will ensure that Government is more accountable for the way in which it takes forward the key functions currently delivered by these Non-Departmental Public Bodies, such as improving the recruitment, selection and training of teachers and support for the National Curriculum. The reform will also lead to a streamlining of services and a more cost-effective delivery of the key priorities in the longer term.

8. Consultation outcome

Given the consequential nature of this Order, no public consultation has taken place on the detail of the amendments.

9. Guidance

The amendments contained in this Order are consequential, so no guidance is needed.

10. Impact

This Order will have no impact on business, charities or voluntary bodies; nor on the public sector. An Impact Assessment has therefore not been prepared.

11. Regulating small business

This Order will have no impact on small business.

12. Monitoring & review

12.1 This Order relates to the abolition of three bodies. Once the provisions in the Order come into force they will be spent and so there is nothing to monitor or review.

13. Contact

Chris Eridani Ball at the Department for Education (tel: 020 7340 7780 or email: christopher.eridani-ball@education.gsi.gov.uk) can answer any queries regarding this Order.